

ADMINISTRATIVE ORDER
NO. 2018-22

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR OSCEOLA COUNTY, FLORIDA

**ADMINISTRATIVE ORDER AUTHORIZING LOCAL LAW
ENFORCEMENT AGENCIES TO EFFECT SERVICE PURSUANT TO
SECTION 790.401, FLORIDA STATUTES**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within this circuit;” and

WHEREAS, on March 9, 2018, Governor Rick Scott signed into law Senate Bill 7026, also known as the Marjory Stoneman Douglas High School Public Safety Act, which, among other things, created section 790.401, Florida Statutes, and amended certain provisions of Florida’s Baker Act; and

WHEREAS, section 790.401(5)(a), Florida Statutes, mandates service of risk protection orders and related documents take precedence over the service of other documents, unless the other documents are of a similar emergency nature, and permits the Chief Judge, in consultation with the Osceola County Sheriff, to authorize local law enforcement agencies within Osceola County to effect service as required under section 790.401, Florida Statutes;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective immediately** unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

1) The Osceola County Sheriff's Office shall remain the primary agency responsible for serving temporary ex-parte and final risk protection orders for individuals who reside in or can be found in Osceola County. Any law enforcement agency enumerated below may continue to have the Osceola County Sheriff's Office effect service under section 790.401, Florida Statutes, until their officers are sufficiently trained and prepared to effect service.

2) After consultation with the Osceola County Sheriff, the undersigned, as Chief Judge, authorizes the following local law enforcement agencies to effect service as required under section 790.401, Florida Statutes:

Kissimmee PD

St. Cloud PD

3) Any local law enforcement agency enumerated above which **chooses not** to effect service under section 790.401, Florida Statutes, shall notify the Osceola County Sheriff in writing. The law enforcement agencies listed above are only permitted to effect service on pleadings, orders, or notices as prescribed in section 790.401, Florida Statutes.

4) When the Respondent resides, or can be found, within the jurisdictional boundary of the law enforcement agency that filed the Petition, and that agency has agreed to effect service - absent an agreement with another law enforcement agency to effect service that agency is responsible to effect service. If the Respondent resides outside the jurisdictional boundary of the petitioning agency, the petitioning agency shall be responsible for arranging service with a law enforcement agency where the Respondent resides or can be found. Nothing in this Administrative Order prevents local law enforcement agencies in Osceola County from working harmoniously to effect service, or from adopting an inter-local agreement as to service under section 790.401, Florida Statutes.

5) A local law enforcement agency effecting service pursuant to section 790.401, Florida Statutes, shall use the service and verification procedures consistent with those of the Osceola County Sheriff. The Sheriff may provide educational training to local law enforcement agencies on its service and verification procedures and on statutory requirements for service of process under Florida law. Any law enforcement agency effecting service under section 790.401, Florida Statutes, must do so in accord with Florida law and the mandate of section 790.401(5)(a), Florida Statutes that ***“[s]ervice under this section takes precedence over the service of other documents unless the other documents are of a similar emergency nature.”***

6) After a Judge has granted a petition pursuant to section 790.401, Florida Statutes, the petitioning agency must file the documents **in person** at the Osceola County Clerk of Court’s Office. The E-Warrant platform shall not be used to file any documents related to risk protection orders with the Clerk of Court.

7) The Clerk of the Circuit Court in Osceola County shall furnish the Osceola County Sheriff's Office or local law enforcement agencies, as applicable, with appropriate copies of all such orders and related documents issued for petitions filed pursuant to section 790.401, Florida Statutes, in order for or the local law enforcement agency to effectuate service.

DONE AND ORDERED at Orlando, Florida, this 19th day of October, 2018.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>