

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Administrative Order 2018-23-Civ

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

(a) 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.

(b) 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.”

(c) 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.

(d) 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 Sheriff, to authorize local law enforcement agencies within Broward County to effect service as required under section 790.401, Florida Statutes.

(e) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

(1) The Broward 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 Broward County. Any law enforcement agency enumerated below may continue to have the Broward 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 Sheriff, the undersigned, as Chief Judge, authorizes the following local law enforcement agencies to effect service as required under section 790.401, Florida Statutes:

Coral Springs PD	Lighthouse Point PD
Coconut Creek PD	Margate PD
Davie Police PD	Miramar PD
Fort Lauderdale PD	Pembroke Pines PD
Hallandale Beach PD	Plantation PD
Hillsboro Beach PD	Sunrise PD
Hollywood PD	Wilton Manors PD
Lauderhill PD	

(3) Any local law enforcement agency enumerated above which **chooses not** to effect service under section 790.401, Florida Statutes, shall notify the 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 Broward County from working harmoniously with the Broward Sheriff’s Office 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 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) Any local law enforcement agency electing to effect service pursuant to section 790.401, Florida Statutes, shall maintain an e-mail address for communication with the Court, Clerk of the Courts, and the Sheriff, and provide such e-mail address to the Court at RPO@17th.flcourts.org.

(7) The Clerk of the Circuit Court in Broward County shall furnish the Broward 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 the Broward Sheriff’s Office or the local law enforcement agency to effectuate service.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, Broward County, this 2nd day of April, 2018.

/s Jack Tuter
Jack Tuter, Chief Judge