

**ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 18-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 18-07**

**IN RE: ESTABLISHMENT OF
PROCEDURES FOR MUNICIPAL
LAW ENFORCEMENT OFFICERS TO
SERVE RISK PROTECTION ORDERS.**

WHEREAS, in order to ensure expeditious service of risk protection Orders, the Florida Legislature, pursuant to Section 790.401(5)(a), Florida Statutes, has empowered the Chief Judge of each circuit, in consultation with the appropriate sheriff, to authorize other law enforcement agencies to effect personal service of these orders on a respondent residing or otherwise located within the agency's jurisdiction; and

WHEREAS, the Director of the Miami-Dade Police Department, in collaboration with the municipal law enforcement agencies, has drafted uniform procedures for the service of such orders within Miami-Dade County, Florida;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, the following procedures are hereby authorized for municipal law enforcement officers to serve risk protection orders:

1. After consultation with the Miami-Dade Police Department, the undersigned, as Chief Judge, authorizes the municipal law enforcement agencies to effect service as required pursuant to Section 790.401(5)(a), Florida Statutes.
2. Any municipal law enforcement agency which chooses not to effect service pursuant to section 790.401, Florida Statutes, shall notify the Miami-Dade Police Department in writing.
3. Any municipal law enforcement agency that requires guidance or assistance to effect service pursuant to section 790.401, Florida Statutes, shall contact the Miami-Dade Police Department.

4. All law enforcement officers who will be effectuating service must meet the requirements of Chapter 943.10.
5. The Miami-Dade Police Department shall effect service under Section 790.401, Florida Statutes, until the respective municipal agency officers are sufficiently trained and prepared to effect service.
6. The law enforcement agency that petitioned the court for the risk protection order is the agency responsible for effecting service of the temporary ex parte risk protection order, unless the municipality has chosen not to effect service pursuant to section 790.401, Florida Statutes, as per paragraph 2 above.
7. If the respondent lives outside of the jurisdictional boundaries of the petitioning law enforcement agency, said agency will seek the assistance of the municipal law enforcement agency in which the respondent resides or the assistance of the Miami-Dade Police Department to effectuate service under Section 790.401, Florida Statutes.
8. If a municipal law enforcement agency or the Miami-Dade Police Department is assisting in effectuating service of the temporary ex parte risk protection order due to a jurisdictional issue, its role is only that of service of process. The municipal agency or Miami-Dade Police Department assisting with service is not responsible for impounding firearm(s), ammunition or a concealed weapons permit surrendered by the respondent at the time of service. The law enforcement agency that petitioned the court for the temporary ex parte risk protection order is the agency responsible for impounding the respondent's property pursuant to the risk protection order, and complying with all other requirements under the law.
9. If the municipal law enforcement agency fails or is unable, for any reason, to serve the respondent, the Miami-Dade Police Department is not alleviated of their responsibility under Section 790.401(5)(a), Florida Statutes, to effectuate timely service on the respondent.
10. Any municipal law enforcement agency which chooses 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 Miami-Dade Police Department, and shall provide this e-mail address, phone number and name of a contact to the Miami-Dade County Clerk of Court via e-mail at COCRPO@MIAMIDADE.GOV.

11. The Clerk of the Courts of Miami-Dade County shall furnish the Miami-Dade Police Department or the municipal law enforcement agencies, as applicable, with appropriate copies of all orders and related documents issued for petitions filed pursuant to Section 790.401, Florida Statutes, so that the Miami-Dade Police Department or the municipal law enforcement agency may effectuate service.
12. As permitted by Section 790.401, Florida Statutes, the law enforcement agency may request that the Clerk of Court transmit a facsimile copy of a temporary ex parte risk protection order or a final risk protection order that has been certified by the Clerk of the Court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving the facsimile copy, the law enforcement agency must verify receipt with the sender before attempting to serve it upon the respondent.
13. Any law enforcement agency effecting service pursuant to Section 790.401, Florida Statutes, shall use service and verification procedures consistent with those of the Miami-Dade Police Department. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.
14. Any municipal law enforcement agency effecting service must submit proof of service to the Miami-Dade Police Department and the Clerk of Courts within 24 hours of serving the risk protection order.
15. Pursuant to Section 790.401, Florida Statutes the law enforcement agency that petitioner the court for the risk protection order shall ensure that the law enforcement officer serving a temporary ex parte risk protection order or a final risk protection order shall request that the respondent immediately surrender all firearms and ammunition owned by the respondent and any license to carry a concealed weapon or firearm issued under Section 790.06, Florida Statutes held by the respondent and the officer shall take possession of all items meeting that criteria. At the time of surrender, the law enforcement officer taking possession of any items meeting that criteria and held by the respondent shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered, and any license surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer from the petitioning agency must file the original receipt with the court and the law enforcement agency must retain a copy of the receipt. This should be filed at <https://www.myflcouraccess.com/>.

16. If personal service by a law enforcement officer is not required because the respondent was present at the risk protection order hearing, the respondent must surrender all items meeting the criteria set forth above, in a safe manner to the petitioning law enforcement agency immediately after the hearing at which the respondent was present.

17. The Miami-Dade Police Department shall be responsible for entering the order pursuant to Section 790.401(10), Florida Statutes into the required databases, including the Florida Crime Information Center and the National Crime Information Center.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 29th day of October, 2018.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**