


**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

**DIVISION OF LAW ENFORCEMENT
GENERAL ORDERS**

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TITLE	CIVIL PROCESS	EFFECTIVE DATE	July 21, 2008	
CHAPTER	GENERAL ORDER 19	PAGES	2	
APPROVED			RESCINDS/AMENDS	N/A

**1
POLICY**

- A** Sworn members of the Division of Law Enforcement may aid and assist other law enforcement agencies in the service and execution of legal process; however, the only civil process authorized for service by Division members is the service of domestic violence injunctions, and Division-generated subpoenas and seizure warrants. Sworn employees may also be required to serve administrative notices that are directly related to Florida Fish and Wildlife Conservation Commission business in accordance with state law.
- B** Nothing in this General Order should be construed to allow FWC officers to serve any civil process in an off-duty capacity or serve process outside of Commission-generated business without approval from the Division Director.

**2
RESPONSIBILITIES**

- A** FWC Division of Law Enforcement members may be responsible for assisting other agencies authorized to execute civil process within the jurisdiction of the Commission when requested. Although this Division's primary function is the enforcement of fish, wildlife, boating and natural resource laws and regulations, members may be requested to assist in certain civil process such as domestic violence protection orders. Members shall assist in the immediate protection of persons receiving such protection orders. However, most FWC officer's training and experience is not geared toward such law enforcement action. Therefore, FWC officers shall make a reasonable effort to turn such issues over to local law enforcement as soon as is possible.

A Assisting Local Law Enforcement Agencies

- (1) Sworn members may assist those other law enforcement agencies authorized to execute civil process when requested. When a sworn member assists in the execution of, or an attempted execution of a civil process, including the service of domestic violence injunctions, the member will prepare an Incident Summary Report (FWC/DLE-045) to document their activities.
- (2) Sworn members also may be required to serve administrative notices involving Commission business including forfeiture proceedings, personnel actions, and other enforcement actions. When a sworn member serves an administrative notice on the Commission's behalf, the member will prepare an Incident Summary Report (FWC/DLE-045) to document their activities.
- (3) In the Incident Summary Report, the member shall document the following:
 - (a) The date and time the process was served or attempted;
 - (b) Name of the officer and department serving the process;
 - (c) Reason for non-service, if applicable;
 - (d) Method of service;
 - (e) Location of service or attempted service; and
 - (f) To whom the process was served or on whom executed.

B Service of Domestic Violence Injunctions

- (1) FWC officers may be required to serve an Injunction for Protection Against Domestic Violence pursuant to Chapter 741.30, Florida Statutes when so requested and dictated by law:
 - (a) When an FWC officer is faced with a situation that requires the service of a domestic violence injunction, the officer will contact the local Sheriff's Office and ascertain if that jurisdiction has the ability to serve the injunction. If the situation dictates that it is most feasible to have the injunction served by the Division of Law Enforcement, the FWC officer will serve the injunction in consultation with the Sheriff's Office personnel.
 - (b) Officers will not use force to execute the Domestic Violence Injunction, unless warranted and justified by statute, and in accordance with General Order 05, *Use of Force, Response to Resistance, Transporting Prisoners*.
- (2) All members who serve an Injunction for Protection Against Domestic Violence, will prepare a Return-of-Service form attached thereto, to include:
 - (a) The date and time the process was served or attempted;
 - (b) Name of the officer and department serving the process;
 - (c) Reason for non-service, if applicable;
 - (d) Method of service;
 - (e) Location of service or attempted service; and
 - (f) To whom the process was served or on whom executed.
- (3) The completed Return-of-Service shall be forwarded to the Sheriff's Office with jurisdiction over the residence of the petitioner. This must be accomplished within 24 hours after service.
- (4) A failure to state the foregoing facts listed in 3 B (2) (a) through (f) on the return may invalidate the service, but the return is amendable to state the truth at any time, on application to the court from which the process issued. On amendment, service is as effective as if the return

had originally stated the omitted facts. A failure to state all the facts in the return shall subject the officer so failing, to a fine not exceeding \$10, in the court's discretion.

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FORMS

FWC/DLE-045

Incident Summary Report