

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

Administrative Order No. 2003-61

*(Administrative Orders 99-75; 92-9; 91-72; 91-71; and 91-70 are hereby rescinded)*

**IN RE: DOMESTIC VIOLENCE LAWS - FIRST CIRCUIT**

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**ORDER**

WHEREAS, Chapter 741, Florida Statutes, mandates certain procedures relating to domestic violence, and

WHEREAS, Section 26.20, Florida Statutes, mandates that a judge shall be available on Saturdays, Sundays, holidays and after hours on weekdays to hear motions for a temporary injunctions ex parte in domestic violence cases.

WHEREAS, there are times when the respective offices of the Clerks of Court for the First Circuit are unavailable to provide assistance for the filings of a formal petition for domestic violence injunction and an emergency exists which requires consideration, it is hereby

ORDERED AND ADJUDGED that:

1. Domestic Violence Complaints.
  - A. Each Law enforcement officer responding to a domestic violence complaint may make an arrest if there is probable cause to believe that a domestic violence crime has been committed, regardless of the wishes of the complainant.
  - B. A written report of the investigation shall be made, whether or not there is an arrest. If an arrest is not appropriate, the complainant shall be advised of his or her right to seek an Injunction for Protection Against Domestic Violence through the Clerk of Court of the Family Law Division.
  - C. Should the complainant elect to seek an emergency injunction, then the law enforcement officer at the scene shall contact the Duty Judge by telephone and report the results of his investigation, including the sworn statement of the complainant.
  - D. The Duty Judge shall determine whether an injunction shall be issued and, in those cases in which an injunction is verbally issued, the law

enforcement officer at the scene shall notify the Respondent in writing of the verbal order and proceed to enforce the terms of the injunction.

- E. The attached Emergency Temporary Injunction for Protection (Verbal Order) shall be utilized by the law enforcement agencies in reporting of domestic violence complaints and for service of notice of verbal injunctions. The emergency injunctions shall be in effect for 72 hours unless the Duty Judge specifies a lesser or greater period of time.

2. Arrest and First Appearance.

Pursuant to Section 741.2901(3), Florida Statutes, any individual arrested without warrant for a crime of domestic violence as defined in Section 741.28, Florida Statutes, or for a violation of an Injunction for Protection Against Domestic Violence as defined in Section 741.31, Florida Statutes, shall remain incarcerated until first appearance, at which time the judge shall determine appropriate bail provisions.

4th DONE AND ORDERED, in Chambers at Pensacola, Escambia County, Florida, this the 4th day of December, 2003.

  
\_\_\_\_\_  
KIM A. SKIEVASKI  
Chief Judge

Conformed copies to:  
All Judges, First Judicial Circuit  
The Honorable Curtis Golden, State Attorney  
All Clerks, First Judicial Circuit  
All Sheriffs, First Judicial Circuit  
All Police Departments, First Judicial Circuit  
Sue Hand, Favor House  
Wayne Peacock, Court Administrator

**EMERGENCY TEMPORARY INJUNCTION FOR PROTECTION  
(VERBAL ORDER)**

\_\_\_\_\_  
**Petitioner**

vs.

\_\_\_\_\_  
**Respondent**

THE COURT having been contacted by Law Enforcement on the request for an Emergency Temporary Injunction for Protection against Domestic Violence based on the sworn statement of the Petitioner, Judge \_\_\_\_\_ hereby issues a Verbal Order advising you of the following:

\_\_\_\_\_ **1. Respondent** \_\_\_\_\_, is hereby enjoined and restrained from committing, or causing any other person to commit, any acts of domestic violence against the Petitioner. Domestic violence includes: assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnaping, false imprisonment, or any other criminal offense resulting in physical injury or death to Petitioner or any of Petitioner's family or household members who are residing in the same single dwelling unit with Petitioner. Respondent shall not commit any other violation of the injunction through an intentional unlawful threat, word or act to do violence to the Petitioner.

\_\_\_\_\_ **2. Custody of Children:** Temporary sole custody of the minor child(ren) is/are awarded to the Petitioner.

\_\_\_\_\_ **3. Possession of Home:** Petitioner shall have exclusive possession of the dwelling of the parties located at \_\_\_\_\_.  
Respondent shall vacate said premises immediately.

\_\_\_\_\_ **4. No Contact:** The Respondent shall have no contact with Petitioner. Respondent shall not directly or indirectly contact Petitioner in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. Further, Respondent shall not contact or have any third party contact anyone connected with Petitioner's employment or school to inquire about Petitioner or to send any messages to Petitioner. **Respondent shall not go to, in, or within 500 feet of Petitioner's current residence or any**

residence to which Petitioner may move; Petitioner's current or any subsequent place of employment or place where Petitioner attends school or any other places where Petitioner or Petitioner's minor child(ren) go often. Respondent may not knowingly come within 100 feet of Petitioner's automobile at any time.

\_\_\_\_ 5. **Firearms:**

( ) Respondent shall not use or possess a firearm or ammunition.

( ) Respondent shall surrender any firearms and ammunition in the Respondent's possession to the \_\_\_\_\_ County Sheriff's Office until further order of the court.

( ) Other directives relating to firearms and ammunition: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Firearms shall be returned to the respondent upon expiration of this order unless a temporary or permanent injunction has been entered, or the Sheriff's Office is holding said weapons for reason other than the Domestic Violence Injunction.**

\_\_\_\_ 6. This injunction shall remain in effect for a period of 72 hours or \_\_\_\_\_ hours at which time it shall automatically expire. The Petitioner is advised that he or she has the right to file a Petition for Protection Against Domestic Violence with the Clerk of Court of the Family Law Division on the next business day.

\_\_\_\_ 7. The Respondent is advised that Law Enforcement Officers having jurisdiction herein have been directed to enforce the terms of this Verbal Order, and should any such officer have probable cause to believe that the Respondent has knowingly violated or refused to comply with this Injunction, he/she will be taken into custody and brought before the Court expeditiously.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Law Enforcement Officer

\_\_\_\_\_  
Time

\_\_\_\_\_  
Badge Number

I HEREBY CERTIFY that a copy of the foregoing was served to the above-named Respondent this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

\_\_\_\_\_  
Law Enforcement Officer