

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS & POLK COUNTIES**

AMENDED ADMINISTRATIVE ORDER NO. 2-3.0

WITNESS SUBPOENA SERVICE ON LAW ENFORCEMENT OFFICERS IN CRIMINAL MATTERS

There is a continuing large volume of witness subpoenas for law enforcements officers in criminal matters pending in the Courts in this circuit. Personal service of all these subpoenas by deputy sheriffs is a waste of manpower and public funds. On the other hand, any system of service which does not provide a record of service and accountability for the subpoenas inevitably leads to failure of the officers to appear, continuance of trials and confusion in the courts. Rule 1.070(b), Fla. R. Civ. P. authorizes service of a subpoena by any competent person who is not a party to the action. Proof of service by a person other than a deputy shall be by affidavit of the person making service.

In order to avoid the waste of manpower by sheriff service, but retain accountability, it is, therefore

ORDERED AND ADJUDGED:

1. Witness subpoenas requiring the appearance of police officers of the respective municipalities in Hardee, Highlands and Polk Counties, Florida, and for Florida Highway Patrolmen in criminal proceedings in the courts of this circuit will be served by being delivered in person by an officer or employee of the respective municipal police department, or Florida Highway Patrol Station. A representative from both the Lakeland Police Department and the Florida Highway Patrol, referred to as the Liaison Officer, will pick up the subpoenas directed to officers from the State Attorney's Office, serve them on the officers and return them on a daily basis to the State Attorney's Office. Officers who work for other area agencies will be served by the Judicial Process Section of the Polk County Sheriff's Office, either by individual service on the officer or by representative capacity pursuant to 48.031(4)(a), Fla. Stat. The officer or employee making delivery of the subpoena will complete the return on the appropriate copy of the subpoena, indicating the date and time of service. The signature of the officer or employee upon the return shall be considered as being executed upon that person's oath and will have the effect of an affidavit without attesting signature of a Notary Public or other officer. The copy of the subpoena with the executed return shall be sent to the office of the State Attorney.
2. As an alternative to the said return by the serving officer or employee, the State Attorney, upon forms to be furnished by him, may authorize the law enforcement officer subpoenaed as a witness to execute an acceptance of service which shall be returned to the office of the State Attorney instead of the return copy of the subpoena. Such acceptance may, if so provided by the State Attorney, specify that the witness will agree to appear on the trial date if so notified by telephone.
3. Ordinarily, the above method of service by a fellow officer or employee will be followed. However, it is an alternative to the usual method of service by a deputy sheriff or special process server as provided in Chapter 48, Florida Statutes, which may be followed in particular cases.
4. Administrative Order No. 30.2 renumbered as Administrative Order No. 2-3.0 is hereby revoked and superseded by this Order.

DONE AND ORDERED on this 27th day of April, 1993.

RANDALL G. MCDONALD

Chief Judge

