

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
IN AND FOR THE STATE OF FLORIDA

ADMINISTRATIVE ORDER NO. 2009-006

IN RE: STANDARDS AND REQUIREMENTS
GOVERNING CERTIFIED PROCESS
SERVERS WITHIN THE
THIRD JUDICIAL CIRCUIT

WHEREAS, Rule 2.050 of the Rules of Judicial Administration places responsibility in the Chief Judge for the development of an administrative plan for the efficient and proper administration of all courts within the Circuit; and

WHEREAS, the Florida Certified Process Server Act, Florida Statutes §48.25 through 48.31, expressly vests in the Chief Judge the authority to establish an approved list of process servers who have met the requirements for certification under the Florida Certified Process Server Act and the requirements set forth by the Third Judicial Circuit of Florida;

NOW and **THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Third Judicial Circuit of Florida, I hereby establish standards and requirements for Certified Process Servers to be eligible to be included on the approved list for the Third Judicial Circuit. The Administrative Office of the Courts of the Third Judicial Circuit of Florida (hereinafter "AOC") shall maintain the said List of Approved Certified Process Servers. Individuals seeking certification as process servers within the Third Judicial Circuit must comply with the following conditions:

CERTIFICATION OF PROCESS SERVERS

1. Individuals seeking certification must submit an application with a reasonable processing fee, as set forth in the current Information Sheet for Applicants issued by the Administrative Office of the Courts, and must fulfill the following requirements:
 - (a) The Applicant shall be a permanent resident of the State of Florida, shall be at least eighteen (18) years of age; and must have no mental or legal disability.
 - (b) The Applicant shall submit to a background investigation which shall include a review of the applicant's criminal record, if any exists.

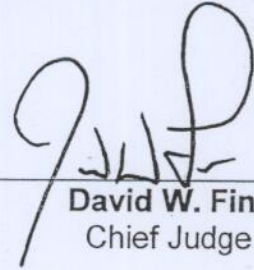
- (c) The Applicant shall obtain and file with the application a certificate of good conduct which specifies all of the following:
1. There is no pending criminal case against the applicant.
 2. There is no record of any felony conviction.
 3. There is no record of a conviction of a misdemeanor involving moral turpitude or dishonesty within the past five (5) years. **(See Index 1 for a list of specific offenses which relate to acts of "moral turpitude or dishonesty")**
- (d) Persons who have completed an application and satisfied the requirements set forth in paragraphs 1(a)-(c) shall submit to a written examination, testing the applicant's knowledge of the laws and rules regarding the service of process. The examination shall be administered by the Administrative Office of the Courts once per month on the second Tuesday of each month. A passing examination score is hereby fixed at 80 percent (80%). The content and location of the examination shall be approved by the Chief Judge.
- (e) The Applicant shall execute a performance bond with a surety company authorized within Columbia County in the amount of Five Thousand Dollars (\$5,000) as provided in §48.29(2)(g), Fla. Sta. Such bond shall be renewed on an annual basis, unless the bond is for a period greater than one (1) year. A certified process server shall at all times have a valid bond in the amount of \$5,000 or an amount as required by Florida law.
- (f) Applicants who successfully complete the written examination shall take an oath that he or she will honestly, diligently, and faithfully exercise the duties of a certified process server.
- (g) The Certified Process Server Examination is strictly confidential and according to Florida Statute 119.07(3)(a) is exempt from public records. However, anyone taking the examination has the right to review his or her own completed examination. Those interested in reviewing their examination must make a request to the AOC and shall be allowed a total of fifteen (15) minutes to review the examination.
- (h) An Applicant who completes the requirements set forth in Chapter 48 and set forth in this Administrative Order shall be eligible to be placed on the approved list of process servers to serve initial non-enforceable civil process as **may be authorized in §48.27, Fla. Stat.**

2. An approved list of certified process servers for the Third Judicial Circuit shall be established by the Chief Judge each year. The identification card issued to each certified process server shall be renewed annually, upon proof of good standing and current bond. At the time of renewal, a reasonable renewal fee set by the Chief Judge shall be due from each process server.
3. Certified process servers approved by the Third Judicial Circuit shall comply with all rules and statutes pertaining to service of process and will be expected to keep up to date with any new provisions within said rules and statutes.
4. In the event any certified process server is the subject of any sanction or penalty with respect to his or her certification to serve process in another circuit, the process server must comply with the following:
 - (a) Promptly report the sanction or penalty to the AOC in writing.
 - (b) Respond to any inquires by the AOC concerning the report.
 - (c) Report in writing that the penalty or sanction has been complied with.
5. In the event of any suspension or revocation of a certified process server's authority to serve process in another circuit, the AOC shall notify the Chief Judge, who may refer the matter to the Certified Civil Process Servers Grievance Committee for review and a report.
6. Any certified process server currently in good standing with current bond on the date of execution of this Administrative Order shall be deemed certified and approved, or until removed from the list as provided in paragraph 7.
7. A certified process server from the approved List of Certified Process Servers eligible to serve process within the Third Judicial Circuit may be removed from the List of Certified Process Servers for good cause upon a recommendation of the Grievance Committee and approval from the Chief Judge. Good cause shall include, but shall not be limited to malfeasance, misfeasance, and neglect of duty or incompetence in connection with the duties of a certified process server. Furthermore, any certified process server who fails to renew his or her certification and bond on an annual basis will be removed from the approved List of Certified Process Servers after thirty day written notice from the Administrative Office of the Courts.
8. Nothing herein shall limit the power of the Chief Judge to take whatever action the Chief Judge deems appropriate with respect to a sanctioned, suspended or revoked process server without the necessity of referral to the Grievance Committee.

9. This Administrative Order is effective immediately and supersedes all prior Administrative Orders entered relating to Certified Process Servers in the Third Judicial Circuit. The provisions of this rule shall apply to all applicants filing applications and all renewals sought on or after the entry date of this order.

21st day of July, 2009.

~~DONE~~ and ORDERED in Chambers at Live Oak, Florida this



David W. Fina
Chief Judge