

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 2010-001

CERTIFIED PROCESS SERVERS

Whereas, Florida Statutes sections 48.25 through 48.31 provides for certified process servers; and

Whereas, it is necessary to set forth an administrative means to approve individuals who are eligible to be designated as certified process servers to serve any and all process allowed by law¹ on persons found within the Third Judicial Circuit; and

Whereas, the Administrative Office of the Courts shall maintain a list of those individuals, approved by the Chief Judge, who have satisfied the statutory and administrative requirements to merit designation as a certified process server; and

Whereas, section 48.27 (1), Florida Statutes, permits the appointment and removal of certified process servers by either adding or deleting the individual's name from the current list of certified process servers; it is therefore

ORDERED:

AUTHORITY

1. Certified process servers approved and designated according to this order shall be empowered to serve process on persons found within the Third Judicial Circuit.
2. Designation as a certified process server is valid for one (1) year. Designation may be renewed annually on the anniversary of the designation upon clearing a criminal record search, payment of an appropriate renewal fee, and compliance with the renewal time requirement.

¹ See Florida Statute § 48.27 for a list of process that may be served by a certified process server.

REQUIREMENTS

3. Applicants for the designation of certified process server shall²:
 - a. Pay an application fee to the Administrative Office of the Courts.
The Administrative Office of the Courts has discretion to set the fee, which must be reasonable as it relates to the expense of processing a certified process server application.
 - b. Submit an initial notarized application swearing to the following:
 - i. The applicant is at least 18 years of age;
 - ii. The applicant has no mental or legal disability; and
 - iii. The applicant is a permanent resident of the State of Florida
 - d. Contemporaneous with the filing of the initial application, the applicant shall execute and have notarized a "Certificate of Good Conduct" whereby the applicant will swear that there is no pending criminal case against the applicant and there is no record of any felony conviction, nor a record of a conviction of a misdemeanor involving moral turpitude or dishonesty, with respect to the applicant within the past 5 years.

² See Florida Statute § 48.29

- d. Submit to a background check by the Florida Department of Law Enforcement (FDLE), with a certified copy of the report mailed directly to the Administrative Office of the Courts.

Office of the Court Administrator
Third Judicial Circuit
Attn: Process Server Applications
105 North Ohio Avenue
Live Oak, Florida 32064

- e. Upon receipt of the application, Certificate of Good Conduct and a certified copy of the applicant's background check, the applicant shall pass a written examination administered by the Administrative Office of the Courts. The examination shall be administered at the discretion of the Court Administrator, but no less than once per month if there are pending applicants. A passing grade of at least seventy-five percent (75%) must be obtained,

i. Preparation for the examination is self-study. Material on the examination includes, but is not limited to the following:

- a. Florida rules for legal service of process;
- b. Rules of Civil Procedure;
- c. Rules of Summary Procedure; and
- d. Chapters 48, 83, 607, and 713 of the Florida Statutes as they pertain to service of process.

Study material may be found in any Law Library or Public Library. A copy of the examination may be given to any applicant prior to their taking the exam for study purposes.

- f. The applicant shall also execute a bond in the amount of \$5,000 with a duration of one year from the date applicant becomes a Certified Process Server. The bond must be with a surety company authorized to do business in this state for the benefit of any person wrongfully injured by any malfeasance, misfeasance, neglect of duty, or incompetence of the applicant, in connection with his or her duties as a process server. Such bond shall be renewable annually.
- g. Upon successful completion of the application, Certificate of Good Conduct and examination, and receipt of a certified copy of the applicant's background check and the required bond, the applicant shall execute and have notarized the "Oath of a Process Server."
 - i. In executing the "Oath of a Process Server," the applicant shall swear that:
 - a. (S)he is qualified to be a certified process server under the laws of the State of Florida; and
 - b. (S)he will honestly, diligently, and faithfully exercise the duties of a certified process server

CERTIFICATION

4. Upon receipt and successful completion of all of the items in the “Requirements” section of this Order, the Chief Judge shall order that the applicant be added to the Third Judicial Circuit Registry of Process Servers (“Registry”).

5. Once ordered to be recorded in the Registry, the Administrative Office of the Courts shall issue the process server an identification number which shall also be recorded in the Registry.

6. The Administrative Office of the Courts shall issue an identification badge to the process server. The identification badge shall include: the server’s name, identification number, signature, photograph, seal of the Circuit Court and an expiration date.

7. The certification and identification badge of the process server shall expire one year from the date of issue and shall be renewed annually upon proof of bond and proof of good standing. Recertification may be done by the Administrative Office of the Courts without further order of the court.

8. Upon being recorded in the Registry and receipt of the identification badge, the applicant shall be a “Certified Process Server” and is legally entitled to serve process within the Third Judicial Circuit.

THIRD JUDICIAL CIRCUIT REGISTRY OF PROCESS SERVERS

9. The Administrative Office of the Courts and the Third Judicial Circuit Clerks of Court shall maintain a current approved list of certified process servers who meet the requirements and are certified pursuant to the procedures described in this order.

The Chief Judge may amend the list to add or delete the names of individuals. The list shall be known as the Third Judicial Circuit Registry of Process Servers.

10. The Clerks of Court shall make the Registry available to all individuals who file civil actions.

REMOVAL OF CERTIFIED PROCESS SERVERS FROM REGISTRY

11. The Chief Judge shall have the authority, by written order, to remove any and all individuals from the Registry.

12. The Chief Judge, at his or her discretion, may form an ad hoc committee to investigate any claims of process server malfeasance. The committee shall issue a report to the Chief Judge listing the committee's findings of facts and giving its' recommendation as to what action, if any, should be taken by the Chief Judge.

13. Once removed from the Registry, the former process server shall no longer serve process within the Third Judicial Circuit. The former process server shall return his/her identification badge to the Administrative Office of the Courts.

14. If removed from the Registry, the former process server must wait at least three (3) calendar years before applying for recertification within the Third Judicial Circuit. The former process server must complete all of the requirements of an individual who is applying to be a certified process server for the first time.

GENERAL PROVISIONS

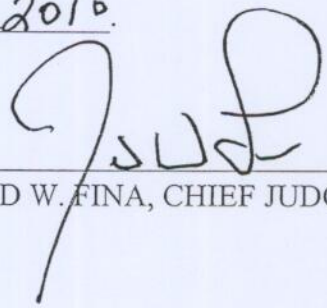
15. Certified process servers shall carry the official certified process server identification card of the Third Judicial Circuit while serving process and shall display it

prominently whenever serving process within the Third Judicial Circuit..

16. Pursuant to Florida Rules of Civil Procedure 1.070 (b), a certified process server shall not serve any civil action in which the process server has any interest.

17. This Administrative Order is effective immediately and supersedes all other Administrative Orders relating to Certified Process Servers in the Third Judicial Circuit.

ORDERED on March 31, 2010.



DAVID W. FINA, CHIEF JUDGE

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