

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER,
MARTIN, OKEECHOBEE, AND
ST. LUCIE COUNTIES, FLORIDA

ADMINISTRATIVE ORDER 97 - 16

IN RE: APPOINTMENT OF CERTIFIED PROCESS SERVERS

Effective as of this date, this Administrative Order supersedes the Amended Administrative Order 93-11.

WHEREAS, Secs. 48.27-48.31, Fla. Stat. (1995) authorize the Chief Judge of each Circuit to qualify, appoint, and remove certified process servers in the respective Circuits, and it is therefore

ORDERED and ADJUDGED that pursuant to the authority vested in me as Chief Judge of the Nineteenth Judicial Circuit of Florida, there shall be established an approved list of certified process servers for service of process within the Nineteenth Judicial Circuit, pursuant to Section 48.27, Florida Statutes (1995), who may be chosen by counsel, pursuant to the following requirements:

I.
QUALIFICATIONS OF CERTIFIED PROCESS SERVERS
TO BE INCLUDED ON THE APPROVED LIST

The prospective certified process server must meet and comply with the following requirements:

- a. Be at least 18 years of age;
- b. Have no mental or legal disability;

- c. Be a permanent resident of the State of Florida;
- d. Never have been convicted , had adjudication of guilt withheld, or been placed on Pre-Trial Intervention for any felony, nor within the 5 years preceding application have been convicted of a misdemeanor involving moral turpitude or dishonesty. The applicant will submit to a background investigation, which shall include the right to obtain and review criminal records of the applicant.
- e. File with the Court Administrator's Office proof of successful completion of an approved Process Server's Education Class offered through Indian River Community College. The applicant will be required to successfully complete the class and pass a required test. Documentation of the successful completion of this class shall be placed in the applicant's file and will be good for a period of five (5) years from the date of certification unless the applicant's certification is terminated pursuant to Article IX. At the end of the five (5) year period, the applicant will be required to re-take the Education Class in order to renew their certification.
- f. Execute a bond in the amount of \$50,000.00 per person and \$100,000.00 per incident with a surety company authorized to do business in this State for the benefit of any person or persons wrongfully injured by any malfeasance, misfeasance, neglect of duty, or incompetence in connection with his or her duties as a process server, with said policy to remain in effect as long as the certified process server is authorized to act.
- g. The applicant must file with the Court Administrator's Office an oath of office that he/she will honestly, diligently, and faithfully exercise the duties of a certified process server.

II.
APPLICATION FOR APPOINTMENT

Any individual seeking appointment as a certified process server under this order shall make his/her request for such appointment to the Chief Judge of the Nineteenth Judicial Circuit. The applicant must file an application with the Court Administrator which shall include the following information and documents:

- a. The applicant's name, date of birth, social security number, and other identifying information;
- b. The applicant's address and telephone number; and
- c. Information regarding the existence of any mental or legal disabilities, felony convictions or adjudications of guilt withheld or pre-trial intervention agreements,

misdemeanor convictions, and pending criminal charges.

d. Three letters of recommendation attesting to the applicant's sound moral character.

e. A signed copy of the 19th Circuit Court Statement of Policy Regarding Conduct of Certified Process Servers;

f. Each application shall include an \$86.00 non-refundable process fee payable to the St. Lucie County Clerk of Court, and a \$15.00 money order payable to F.D.L.E. (The Florida Department of Law Enforcement) for the applicant's background check. Said fees shall be forwarded to the Clerk and F.D.L.E. by the Court Administrator if the application appears to meet the requirements set forth herein. If the application does not appear to meet said requirements, the fees shall be returned to the applicant with deficiencies pointed out.

g. Release of information

III.

BACKGROUND CHECK OF CERTIFIED PROCESS SERVERS

Upon receiving an application, the Court Administration Office will request a criminal records check of the applicant from the Florida Department of Law Enforcement. The investigation will include, but is not limited to, a check of the records and may include fingerprints. F.D.L.E. will advise the Court Administrator of the results of the background investigation. The investigatory role by F.D.L.E. does not imply or create any right of control by F.D.L.E. over the certified process server. Neither F.D.L.E., the Chief Judge, nor the Court Administrator, by virtue of this Order, shall bear any civil liability for a certified process server's action.

IV.

APPOINTMENT

Upon the filing of the application and all supporting documents in proper form and submittal of same by the Court Administrator to the Chief Judge, the Chief Judge will either deny the application, or will grant same and add the successful applicant's name to the list of certified process servers. The Court Administrator and the respective Clerks of Court for Indian River, Martin, Okeechobee, and St. Lucie Counties shall maintain a current list of the certified process servers of the Nineteenth Judicial Circuit.

The Court Administrator's Office through the St. Lucie County Clerk of Court shall issue an identification card to each certified process server bearing his/her identification number,

printed name, signature, photograph, and an expiration date.

V.
DUTIES

Each certified process server shall comply with all of the duties and responsibilities of certified process servers set forth in Sec. 48.29 and 48.31 Fla. Stat. (1995), and this Order, as the same now exists, and as it may hereafter be amended or modified. Each process server shall also comply with the Statement of Policy Regarding Conduct of Certified Process Servers.

VI.
PERIOD OF APPOINTMENT

Any authority granting the application for a certified process server under this Order shall be valid for a period of one (1) year, subject to annual renewal as hereinafter provided. If at any time, the certified process server is arrested and has pending criminal charges, he/she shall immediately notify the Court Administrator of this fact, shall surrender their identification card, and shall temporarily cease serving process pending the disposition of the new offense. Once the charge has been disposed of, the process server shall provide to the Court Administrator a certified copy of the court record showing the disposition of the case and the process server's certification may be terminated or reinstated as set forth in Article IX. Additionally, to insure that records are up to date, the certified process server shall notify the Court Administrator's Office of any change in address or telephone number.

VII.
RENEWAL

Persons appointed under this Order may apply for a one (1) year renewal of appointment prior to, or upon, expiration of the one (1) year period set forth in Article VI above. Said request or renewal shall contain all information and fees as required for the original application. The Court Administrator shall request F.D.L.E. complete a background check to determine the applicant's continued fitness. Upon compliance with this renewal application procedure and the filing of all supporting documents in proper form, the Chief Judge will either deny the renewal or grant same. Failure to renew properly shall cause the name of the certified process server to be automatically removed from the list and such person shall lose all standing as a certified process server to and until such time as standing is re-established.

VIII.
MAINTENANCE OF APPROVED LIST AND RELATED MATTERS

The Court Administrator and the respective Clerks of the Court for Indian River, Martin, Okeechobee, and St. Lucie Counties shall maintain for public inspection a current list of all persons authorized to act as certified process servers in the Nineteenth Judicial Circuit pursuant to the Order of Appointment signed by the Chief Judge.

The Court Administrator shall be responsible for keeping the List current by addition or deletion of names as necessary and for immediately informing the Clerks of the changes to be made to their lists.

The Court Administrator shall maintain for public inspection a file containing copies of all approved applications, a file containing all orders appointing individuals to the approved list of certified process servers, a file containing all Orders denying appointment, and a file containing all orders removing individuals from the approved list of certified process servers.

IX.
REMOVAL FROM LIST OF CERTIFIED PROCESS SERVERS

A certified process server may be removed from the list of duly authorized certified process servers for any malfeasance, misfeasance, neglect of duty or incompetence. No person shall act as certified process server in the Nineteenth Judicial Circuit if such person's name has not been included on the approved list of certified process servers or is removed from such a list. Certified process servers may have their certification revoked as follows:

a. Any person aggrieved by a wrongful act or omission of duty by a certified process server in any connection with his/her service or any other interested person, may file a letter of complaint with the Chief Judge of the Nineteenth Judicial Circuit describing such wrongful act or omission, or the basis of the complaint.

b. Upon receipt of such letter of complaint or on the Chief Judge's own motion, an Order to Show Cause setting forth the grounds for the suggested removal may be directed to the certified process server. The Order will be sent by ordinary U.S. Mail to the process server's address set forth in their application, requiring that they appear before the Chief Judge at a set time and place to show cause why they should not be removed from said list. Notice shall also be given to the complainant. The Chief Judge shall conduct the hearing at which time a certified process server may appear and offer evidence. The hearing shall be summary in nature, and the formal rules of evidence shall not apply. If, from the evidence, the Chief Judge finds the process server guilty of malfeasance, misfeasance, neglect of duty or incompetence, they may order the process server removed from the list and revoke the prior certification. If the letter alleges criminal activity on the part of the process server the Chief Judge may also refer the matter to the State Attorney's Office for prosecution.

X.
GRANDFATHER CLAUSE

A process server duly appointed and acting within the Nineteenth Judicial Circuit as of the effective date of this Administrative Order shall hereby remain certified and in good standing under the provisions of this Order until such time as they must reapply for certification. The educational requirements (Process Server's Education Class) of this Order shall become effective for all process servers making an initial application or seeking a renewal of their certification on or after April 30, 1998. •

This Order shall become effective on the date it is signed by the Chief Judge.

ORDERED at Vero Beach, Indian River County, Florida, this 25 day of
August, 1997.



PAUL B. KANAREK
CHIEF JUDGE
NINETEENTH JUDICIAL CIRCUIT