

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN
AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO:

08-19-B

SUPERSEDES 00-28

IN RE: PROCESS SERVERS - Procedures for Appointment of Certified Process Servers and Grievances

WHEREAS, Secs. 48.25-48.31, Florida Statutes, authorizes the Chief Judge of each Circuit to qualify, appoint and remove certified process servers in the respective Circuits, it is therefore

ORDERED AND ADJUDGED that pursuant to the authority vested in me as Chief Judge of the Eighteenth Judicial Circuit of Florida, there shall be established an approved list of certified process servers, for Brevard County, who may be chosen by counsel without the necessity of a motion and order in each individual case, pursuant to the following requirements:

I. QUALIFICATION 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. Within the 5 years preceding application has not been convicted of any felony.
- e. Within the 5 years preceding application, has not been convicted of a misdemeanor involving moral turpitude or dishonesty or a violation of the laws relating to controlled substances;
- f. Applicant must complete with a passing grade an orientation program in service of process conducted by a designated representative of the Sheriff's Office and file with the Clerk of Court a certificate of successful completion of that program. Orientation will be good for one year after date of testing. If applicant does not activate the process server certification within that period of time, they must resubmit to orientation. If a certified process server does not renew within one year of their

last expiration date, the applicant must submit to an orientation program and begin the process from the beginning.

- g. File with the Clerk of Court proof that the applicant has obtained a bond in the amount of \$5,000 with said bond to remain in effect as long as the certified process server is authorized to act. A certified process server, and if applicable, the employing agency, must notify the Clerk of Court if the bond lapses for any reason during the period of appointment.
- h. Take and file with the Clerk of Court an oath of office that he/she will honestly, diligently, and faithfully fulfill 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 Clerk of Court. Such application shall be in affidavit form, filed with the Clerk of Court and shall include the following information:

- a. The applicant's name, date of birth, and social security number.
- b. The applicant's residence and business addresses and telephone numbers.
- c. The names, addresses, and telephone numbers of the applicant's immediate supervisor and employer, if applicable.
- d. The documents required by Paragraphs I (a) through (h) above.
- e. The applicant must certify that the original has been delivered to the Clerk of Court.
- f. Each application shall include non-refundable processing fees made payable to the Clerk of Court and Sheriff's Department (required to do the applicant's background check), Said fees shall be forwarded to the appropriate Clerk and Sheriff if the application facially meets the requirements set forth herein. If the application does not facially meet said requirements, the fees shall be returned to the applicant with the deficiencies pointed out.

III. BACKGROUND CHECK OF CERTIFIED PROCESS SERVER

Upon receiving application, the Sheriff's Office shall conduct a background investigation of the applicant. The investigation will include, but is not limited to, a check of criminal records and fingerprints. The Sheriff will advise the Clerk of Court of the results of the background investigation. The investigating role by the Sheriff's Office does not imply or create any right of control by the Sheriff over the certified process server. Neither the Sheriff, Clerk of Court, nor the Chief Judge or his/her designee, by virtue of this Order, shall bear any civil liability for a certified process server's action.

IV. APPOINTMENT

- a. Upon the filing of the application and all supporting documents in proper form the Clerk of Court will submit an order to the Chief Judge or his/her designee who will either deny the application or grant same by Order. The Clerk of Court will add the successful applicant's name to the list of certified process servers. The Clerk of Court shall maintain a current list of the certified process servers.

- b. The Clerk of Court shall issue an identification card to each certified process server bearing his/her identification number, printed name, signature, photograph, seal of the Circuit Court and an expiration date.
- c. Proof of a \$5,000 bond shall be filed with the Clerk of Court.

V. DUTIES

Each certified process server shall comply with all of the duties and responsibilities of certified process servers set forth in Sec.48.25 through 48.31 Florida Statutes and this Order, as the same now exists, and as it may hereafter be amended or modified.

VI. PERIOD OF APPOINTMENT

Any appointment granted under this Order, shall be valid until the expiration of the Order of Appointment, not to exceed a period of one year.

VII. RENEWAL

a. Persons appointed under this order may apply for renewal of appointment prior to, or upon, expiration of the Order of Appointment. Said request for renewal shall contain all information required by Paragraph II a-f, above, shall be sent to the Clerk of Court and shall contain non-refundable processing fees payable to the Clerk, and the Sheriff. The Sheriff shall conduct such background information of the applicant as Sheriff deems necessary to determine the applicant's continued fitness and promptly report to the Clerk of Court a written evaluation by the Sheriff. Upon compliance, as determined by the Chief Judge, through the Clerk of Court, the certified process server shall continue in good standing until the expiration of the Order renewing appointment, have his/her identification card with new expiration date renewed by the Clerk of Court, and the name of the certified process server shall be continued on the list maintained by the Clerk of Court and the Court Administration office. Failure to renew properly shall cause the name of the certified process server automatically to be 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 RECORDS

- a. The Clerk of Court and the Court Administration office shall maintain for public inspection a current list of all persons authorized to act as a certified process server in Brevard County pursuant to the Order of Appointment or renewal signed by the Chief Judge or his/her designee.
- b. The Clerk of Court 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

Section 48.31(1), Florida Statutes, provides that "a certified process server may be removed from the list of certified process servers for any

malfeasance, misfeasance, neglect of duty, or incompetence, as provided by court rule," and;

Section 48.29(4), Florida Statutes, provides that the chief judge of the circuit may, from time to time by administrative order, prescribe additional rules and requirements regarding the eligibility of a person to become a certified process server, and;

A certified process server may be removed from the list of process servers, and the process server's certification revoked, for any malfeasance, misfeasance, and neglect of duty or incompetence. Upon any complaint made, 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 any certified process server by ordinary U.S. Mail to the process server's address set forth in the application, requiring that the process server appear before the chief judge at a time set and place to show cause why the process server should not be removed from said list. The chief judge shall conduct a hearing at which the 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 of duty or incompetence, the chief judge or circuit court judge designated by the chief judge may order the process server to be removed from the list and revoke the prior certification.

DONE AND ORDERED this 30TH day of JUNE, 2008.

CLAYTON D. SIMMONS
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CHIEF JUDGE

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