

**IN THE TWELFTH JUDICIAL CIRCUIT COURT FOR
SARASOTA, MANATEE, AND DESOTO COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER 2009- 17.2
(Amends Administrative Order 2009-01.2)

**In re: APPOINTMENT OF CERTIFIED
PROCESS SERVERS**

WHEREAS, Administrative Order 2009-01.2, entered earlier this year, amended Administrative Order 96-14.2, and governs the appointment of process servers in this circuit; and

WHEREAS this court finds it necessary to update and amend various aspects of the procedural requirements of the process server application process delineated in Administrative Order 2009-01.2; and

WHEREAS, Judges, pursuant to Florida Rule of Civil Procedure 1.070(b), have the power to appoint any competent person not interested in the action to serve original process; and

WHEREAS, Sections 48.021 and 48.25-48.31, Florida Statutes (2008) authorize 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 Twelfth Judicial Circuit of Florida, an approved list of certified process servers for the Twelfth Judicial Circuit is hereby established. These certified process servers may be chosen by counsel without the necessity of a motion and order in each individual case, and pursuant to the following requirements:

SECTION I - Qualifications

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

1. Be at least 18 years of age;
2. Have no mental or legal disability;
3. Be a permanent resident of the State of Florida;
4. Not have a pending criminal case against the applicant; never have been convicted of a felony, nor within the 5 years preceding the application have been convicted of a

- misdemeanor involving moral turpitude or dishonesty. "Convicted" means adjudicated by a court;
5. Provide to the Court Administrator proof of completion a service of process examination. Applicant shall provide one of the following:
 - a. Proof of completion of an orientation program in service of process conducted by a designated representative of the Sarasota County Sheriff's Office; or
 - b. Proof of completion of a self-study course in service of process conducted by a designated representative of the Sarasota County Sheriff's Office.
 6. Execute a bond in the amount of \$5,000 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 in connection with his/her duties as a process server, with said policy to remain in effect as long as the certified process server is authorized to act. There cannot be a lapse in the bond at any time during the one-year certification. Applications not including a bond that is valid through the end of the requested certification period will be denied; and
 7. The applicant must take and file with Court Administration an oath of office that he/she will honestly, diligently, and faithfully exercise the duties of a certified process server. The oath is administered upon final acceptance and approval of the process server's application.

SECTION II - Application for Appointment

Any individual seeking appointment as a certified process server under this Administrative Order shall make his/her request for such appointment to the Chief Judge of the Twelfth Judicial Circuit. The applicant must file with Court Administration an application which shall include, but is not limited to the following information: applicant's name, date of birth, social security number, address and telephone number, and information regarding the existence of any mental or legal disabilities, felony convictions, misdemeanor convictions, and pending criminal charges.

The process server applicant must file the following documents with Court Administration along with his/her completed application:

- a. Proof of completion of a service of process examination administered by the Sarasota County Sheriff's Department, as defined in Section I, subsection 5 above; and
- b. Three letters of recommendation attesting to the applicant's sound moral character. At least one of the letters must be from a member of The Florida Bar; and

- c. A signed copy of the Twelfth Judicial Circuit “Statement of Policy and Certificate of Good Conduct of Certified Process Servers” and “Acknowledgment and Verification”; and
- d. A \$5,000 bond; and
- e. A non-refundable processing fee payable by check in the amount of \$181.00, to “Sarasota Board of County Commissioners o/b/o Court Administration.”

In order to conduct a criminal history investigation, each applicant must be fingerprinted by a law enforcement agency (there may be a cost involved) and send the completed fingerprint card along with a check¹ payable to “FDLE”, the Florida Department of Law Enforcement. Results from the criminal history investigation shall be sent directly to Court Administration.

If the application facially meets the requirements set forth herein, the processing fee will be forwarded to the Board of County Commissioners by Court Administration. If the application does not facially meet the requirements above, the processing fee will be returned to the applicant with the application deficiencies noted.

SECTION III - Criminal History Investigation / Background Check

Upon receiving a completed fingerprint card and payment for the cost of a criminal history investigation from the applicant, the Florida Department of Law Enforcement will conduct a criminal history investigation of the applicant. FDLE shall then forward the criminal history report on the applicant to Court Administration. If the application and criminal history report meets the requirements of Section 48.29, Florida Statutes (2008), the applicant is eligible to be a certified process server in the Twelfth Judicial Circuit. If the criminal history report indicates that the applicant is not eligible to be a certified process server, the processing fee will not be reimbursed to the applicant.

¹ The cost of the criminal history investigation by the Florida Department of Law Enforcement will be reflected in the Certified Process Server Application.

Neither the Chief Judge, the Court Administrator, nor any employee of Court Administration shall bear any civil liability for a certified process server's action or for the termination or suspension of the privilege granted by this Administrative Order.

SECTION IV - Appointment

Upon the filing of the application and all supporting documents in proper form to Court Administration, the Chief Judge will either grant or deny the application. If granted, the Chief Judge will add the successful applicant's name to the list of certified process servers. Court Administration and the respective Clerks of Court for DeSoto, Manatee, and Sarasota Counties shall maintain a current list of the certified process servers of the Twelfth Judicial Circuit.

Court Administration shall issue an identification card to each certified process server bearing his/her identification number, printed name, signature, photograph, seal of the Twelfth Judicial Circuit Court and an expiration date.

SECTION V – Duties

Each certified process server shall comply with all of the duties and responsibilities of certified process servers set forth in Sections 48.25 to 48.31, Florida Statutes (2008), and this Administrative Order, as they now exist, and may hereafter be amended or modified. Each process server shall also comply with the “Statement of Policy and Certificate of Good Conduct of Certified Process Servers” and “Acknowledgement and Verification” on file with Court Administration.

Certified process servers shall only serve the legal documents and papers included in the civil action for which he/she has been retained to serve process. No additional papers,

advertisements or brochures are authorized to be included in the service or process unless prior approval for same has been granted by the Chief Judge.

SECTION 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 year, subject to annual renewal as hereinafter provided.

SECTION VII – Renewals for Process Servers

Persons appointed under this Order may apply for a one-year renewal of appointment prior to, or upon, expiration of the one-year period set forth in Section VI. The request for renewal shall include:

- a. A renewal application; and
- b. A \$5,000 bond; and
- c. A signed copy of the Twelfth Judicial Circuit “Statement of Policy and Certificate of Good Conduct of Certified Process Servers” and “Acknowledgement and Verification”; and
- d. A non-refundable processing fee payable by check in the amount of \$86.00, to “Sarasota Board of County Commissioners o/b/o Court Administration.”

In order to conduct a criminal history investigation, each applicant must be fingerprinted by a law enforcement agency (there may be a cost involved) and send the completed fingerprint card, along with a check² payable to “FDLE”, the Florida Department of Law Enforcement. Results of the criminal history investigation shall be sent directly to Court Administration.

If the application for renewal facially meets the requirements set forth herein, the processing fee shall be forwarded to the Board of County Commissioners by Court Administration. If the application for renewal does not facially meet the requirements above, the processing fee shall be returned to the applicant with deficiencies pointed out. However, if the

² The cost of the criminal history investigation by the Florida Department of Law Enforcement will be reflected in the Certified Process Server Application for Renewal.

criminal history report indicates that the renewal applicant is not eligible to be a certified process server, the processing fee will not be reimbursed to the applicant.

Upon compliance as determined by the Chief Judge, the certified process server shall continue in good standing for the renewal period of one year, have his/her identification card with new expiration date renewed by Court Administration, and the name of the certified process server shall remain on the list maintained by the Clerks of the Circuit Court and Court Administration.

Failure to renew properly and timely shall cause the process server's name to be removed from the list and such person shall lose all standing as a certified process server until such time as standing is re-established.

Neither Court Administration nor the Chief Judge is responsible for reminding any certified process server that his/her certification is expiring and that it is time to apply for renewal. If a certified process server fails to renew within 30 days of the expiration date of his/her appointment, he/she will be required to file a new application and pay new applicant fees.

SECTION VIII - Maintenance of Approved List and Related Matters

Court Administration and the Clerks of the Circuit Court for DeSoto, Manatee, and Sarasota Counties shall maintain for public inspection a current list of all persons authorized to act as certified process servers in the Twelfth Judicial Circuit pursuant to the order of appointment or renewal signed by the Chief Judge.

Court Administration is responsible for keeping the list current with the addition or deletion of names as necessary and for immediately informing the Clerks of Court of the changes to be made to their lists.

Court Administration shall maintain a file containing copies of all approved applications and orders appointing individuals to the approved list of certified process servers; all orders denying appointment of process server applicants; and all orders removing individuals from the approved list of certified process servers.

SECTION IX - Termination of Process Server Certification

Persons appointed pursuant to this Administrative Order serve at the pleasure of the Chief Judge. Their certification may be revoked, terminated or suspended with or without cause at any time by the Chief Judge. Termination or suspension of the privilege to act as a certified process server shall be without recourse or legal or equitable remedy against any judge, member of the judicial staff or employee of Court Administration.

Additionally, a certified process server may be removed from the list of duly authorized certified process servers for malfeasance, misfeasance, neglect of duty or incompetence. No person shall act as a certified process server in the Twelfth Judicial Circuit if such person's name has not been included on the approved list of certified process servers or has been removed from such a list.

At the discretion of the Chief Judge, the following procedure may be followed upon receipt of an allegation of improper conduct by a certified process server:

- a. The complainant, or any other interested person, may file a letter with the Chief Judge of the Twelfth Judicial Circuit describing the factual basis of their complaint.
- b. Upon receipt of such letter, the Chief Judge may issue an Order to Show Cause requiring the process server to reply to the complaint, explaining why he/she should not be removed from the approved list.
- c. Based on the facts stated in the complaint, the Chief Judge may take such action as the court deems appropriate, including the issuance of an order removing the certified process server from the approved list, and may, if the letter alleges

criminal activity on the part of the process server, refer the matter to the law enforcement agency with jurisdiction over the offense. Certified process servers and their employers are advised that the filing of a false affidavit of service is a criminal act punishable by fine and/or imprisonment as provided by state law.

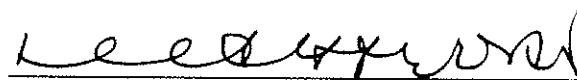
SECTION X - Grandfather Clause

A process server duly appointed and acting within the Twelfth Judicial Circuit as of the effective date of this Administrative Order is hereby certified and in good standing under the provisions of this order. However, all certified process servers shall comply with the renewal requirements of this order.

SECTION XI - Effective Date and Termination of Existing Administrative Order

This Administrative Order amends and supersedes Administrative Order 2009-01.2 entered on January 22, 2009, and shall become effective on the date it is signed.

DONE AND ORDERED at Sarasota, Sarasota County, Florida this 1st day of September, 2009.



**LEE E. HAWORTH, CHIEF JUDGE
TWELFTH JUDICIAL CIRCUIT
STATE OF FLORIDA**

Distribution:

Original to: Clerk of Court, Sarasota County

Copies to: Trial Court Administrator, Twelfth Judicial Circuit
Clerk of Court, Manatee County
Clerk of Court, DeSoto County
Sarasota County Sheriff's Office