

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 09-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 09-12
(Rescinding AO No. 98-28)**

**IN RE: REESTABLISHMENT OF THE
STANDARDS AND REQUIREMENTS
GOVERNING CERTIFIED PROCESS
SERVERS WITHIN THE ELEVENTH
JUDICIAL CIRCUIT**

WHEREAS, Rule 2.215 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 ("Process Server Act"), 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 Process Server Act and the requirements set forth by the Eleventh Judicial Circuit of Florida; and

WHEREAS, pursuant to Administrative Order No. 98-28 ("AO 98-28"), certain standards and requirements as prescribed under the Process Server Act were established for the designation of certified process servers to be eligible to be included on an approved list for the Eleventh Judicial Circuit of Florida to serve initial non-enforceable civil process as may be authorized in §48.27, Fla. Stat ; and

WHEREAS, since the enactment of AO 98-28, it has been determined that this Circuit's criterion for the certified process server applicant receiving a passing grade on the written examination of seventy five (75) is lower than other circuits' passing criteria and should be increased to a passing grade of eighty (80); and

WHEREAS, other minor provisions and the formatting of AO 98-28 also needed to be amended; and

WHEREAS, accordingly, this Administrative Order serves to amend and reestablish the standards and requirements governing certified process servers within the Eleventh Judicial Circuit;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215 of the Rules of Judicial

Administration, the following standards and requirements governing certified process servers within the Eleventh Judicial Circuit are hereby reestablished:

A. STANDARDS AND REQUIREMENTS:

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 ("AOC"), 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.
 - (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. A passing examination grade is hereby fixed at eighty percent (80%) out of a possible score of one hundred percent (100%). The content, frequency and location of the examination shall be approved by the Chief Judge or designee.
 - (e) An applicant shall execute a performance bond with a surety company authorized within Miami-Dade County in the amount of Five Thousand Dollars (\$5,000.00) as provided in §48.29(2)(g), Fla. Stat. Such bond shall be approved by the Clerk of the Courts prior to presentation to the AOC and shall be renewable on an annual basis.
 - (f) An applicant who successfully completes 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) 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. The identification card issued to each certified process server shall be renewed annually, upon proof of good standing, completion of re-certification course, 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 for the Eleventh 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. A certified process server from the approved List of Certified Process Servers eligible to serve process within the Eleventh Judicial Circuit may be removed from the List for good cause. Good cause shall include, but shall not be limited to, malfeasance, misfeasance, neglect of duty or incompetence in connection with the duties of a certified process server. Furthermore,
 - (a) Any person aggrieved by the actions of a Certified Process Server may file a complaint with the Process Server Review Board of the Eleventh Judicial Circuit.
 - (b) The Board shall review the complaint and, after affording the process server an opportunity to be heard, shall forward its recommendations to the AOC Court Administrator for consideration, who shall forward his approval or disapproval of the recommendation to the Chief Judge. Any substantiated complaint shall remain on file for a period of five (5) years.
 - (c) Nothing herein shall limit the power of the Chief Judge to take whatever action deemed appropriate without the necessity of referral to the Process Server Review Board.

B. MAINTENANCE OF LIST OF APPROVED CERTIFIED PROCESS SERVERS:

The Administrative Office of the Courts and the Clerk of the Courts are hereby authorized and directed to maintain and update (as appropriate) the List of Approved Certified Process Servers.

Administrative Order No. 98-28 is hereby rescinded in its entirety and held for

naught.

This Administrative Order shall become effective immediately upon execution and shall remain in full force and effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade, Florida, this 28th day of July, 2009.

**JOEL H. BROWN, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**