

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

**CASE NO. 16-1
(Court Administration)
(Rescinding AO Nos. 94-18
and 09-12)**

**ADMINISTRATIVE ORDER
NO. 16-11**

**IN RE: CERTIFICATION AND
REGULATION OF CERTIFIED CIVIL
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, the Legislature has provided in Chapter 48 a method of certification of process servers and has authorized the chief judge of each circuit to establish a list of such certified process servers who may serve process in that circuit; and

WHEREAS, § 48.29(6), Fla. Stat., provides that returns of service shall be made by certified process servers on a form which has been reviewed and approved by the court; and

WHEREAS, § 92.525, Fla. Stat., establishes alternate methods for verification of documents; and

WHEREAS, § 48.27, Fla. Stat., provides that 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; 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, 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 of the applicant.
 - (3) There is no record of a conviction of the applicant for 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 Chief Judge’s 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(3)(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 on 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 Chief Judge or the Chief Judge's designee for consideration. If the Chief Judge has named a designee, the Chief Judge's designee shall forward their 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. VERIFIED RETURN OF SERVICE FORM

1. A return of service form provided by a certified Process Server that is captioned "Verified Return of Process" and which contains the following information shall be authorized for use in this Circuit:
 - (a) The court, case number, and caption of the case.

- (b) The date and time when process was received by the Certified Process Server.
 - (c) The date and time when service was made.
 - (d) The specific manner of execution (section of statute, if applicable).
 - (e) The name of the person on whom service was made.
 - (f) If a person was served in a representative capacity, the position occupied by the person.
 - (g) The signature of the certified process server.
 - (h) The printed name and identification number of the certified process server.
 - (i) A statement that the person serving process is a certified process server in good standing in the judicial circuit in which the process was served and that the Certified Process Server is disinterested in the process being served.
2. Verification of the Return of Service shall be accomplished by either of the methods prescribed in § 92.525, Fla. Stat.:
 - (a) An oath before a notary that, by personal knowledge, the facts and matters contained within the Verified Return of Service are true and correct; or
 - (b) A signed declaration containing the following language: “Under penalty of perjury, I declare that I have read the foregoing Verified Return of Service and that the facts stated are true.”
 3. A Verified Return of Service, to be valid, need not refer to any particular Administrative Order nor to any order or blanket appointment.
 4. A Verified Return of Service which contains information in addition to those items mentioned above shall not be invalidated on that basis.

C. 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 the List of Approved Certified Process Servers.

D. PROCESS SERVER REVIEW BOARD

1. Board Composition. The Board will be composed of a chair, co-chair(s), member-at-large, certified civil process server, board secretary, and coordinator. All are voting

members except for the board secretary and the coordinator. All members of the Board shall be appointed by the Chief Judge.

2. Quorum. A quorum consists of three voting members.
3. Vacancies. Any vacancy on the Board shall be filled by appointment by the Chief Judge. The person appointed shall serve the remainder of the vacant term.
4. Terms. The Board will serve for a minimum of a two-year term beginning on April 1 of the new term calendar year.

This Administrative Order shall become effective immediately upon execution and shall remain in full force and effect until further order of the Court. Administrative Order Nos. 94-18 and 09-12 are hereby rescinded in their entirety and held for naught.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 21st day of September, 2016.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**