

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

ADMINISTRATIVE ORDER 2017 - 03
(Supersedes Administrative Order 2002-08)

IN RE: CERTIFICATION AND REGULATION OF PROCESS SERVERS

WHEREAS, sections 48.25 through 48.31, Florida Statutes, the Florida Certified Process Server Act, expressly vests in the Chief Judge the authority to establish an approved list of certified process servers who have met the requirements for certification under the Certified Process Server Act and the requirements set forth by the Nineteenth Judicial Circuit of Florida; and

WHEREAS, it is necessary for the Chief Judge to establish an administrative process for review, approval, renewal, certification and regulation of persons authorized to serve initial non-enforceable civil process as provided by the Florida Statutes and this Administrative Order throughout the Nineteenth Judicial Circuit;

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Nineteenth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, it is hereby ordered that the following standards, requirements and procedures shall be established throughout the Nineteenth Judicial Circuit and are to continue until further order:

PART I. GENERAL PROVISIONS

A. Purpose; Authority; Definitions

1. *Purpose.* This administrative order is intended to ensure proficiency and professionalism in the service of civil process in keeping with the public trust and legal importance of proper service of process.
2. *Authority.* Placement of a process server's name on the approved list of certified process servers authorizes the process server to serve initial non-enforceable civil process on a person found within the Circuit where the process server is certified when a civil action has been filed against such person in the Circuit or County Court in the state. The Chief Judge may certify a process server in a specific

county or counties within the Circuit rather than Circuit-wide in the Chief Judge's discretion or upon request of the applicant.

3. *Board* means the Nineteenth Judicial Circuit Certified Process Server Review Board as established by this Administrative Order.
4. *Certified process server* means a natural person who has met the requirements for certification provided for in section 48.29, Florida Statutes, and this Administrative Order, and who has been placed on the approved list of certified process servers by the Chief Judge of the Nineteenth Judicial Circuit.
5. *CPSL* means the approved list of certified process servers maintained by the Office of the Trial Court Administrator for the Nineteenth Judicial Circuit and the Clerk of the Court in each county in the Circuit. Court Administration and the Clerks of Court shall make the CPSL available on request and available through their respective websites. The CPSL may be amended at any time.
6. *Court Administration* means the Office of the Trial Court Administrator for the Nineteenth Judicial Circuit located at 250 N.W. Country Club Drive, Port St. Lucie, Florida 34986.
7. *The Designee*. The Designee is one or more members of Court Administration staff, as assigned to assist with the ministerial and/or operational aspects of certification and regulation of process servers in the Circuit. The Designee may be contacted at the Office of the Trial Court Administrator, 250 N.W. Country Club Drive, Port St. Lucie, Florida 34986, telephone number (772) 807-4370.

B. Nineteenth Judicial Circuit Certified Process Server Review Board

1. *Board Composition*. The Nineteenth Judicial Circuit Certified Process Server Review Board is hereby created to monitor the certification and conduct of persons certified pursuant to this Administrative Order and the Florida Certified Process Server Act. The Board shall be under the supervisory authority of the Chief Judge. The Chief Judge shall make all appointments to the Board and determine the size and composition of the Board; however, the Board shall have, at a minimum, one (1) certified process server pursuant to this Administrative Order, one (1) member of the Florida Bar practicing in this Circuit who regularly employs the services of a certified process server, and one (1) representative of Court Administration. Each member of the Board shall serve at the Chief Judge's pleasure and discretion and shall serve without compensation or reimbursement of expenses. Such staff as

may be necessary to permit the Board to carry out its duties shall be provided by Court Administration.

2. *Duties.* The Board shall have the responsibility to investigate and recommend process servers for inclusion on the CPSL; to review and investigate complaints regarding certified process servers, conduct hearings, and make written recommendations for disciplinary action to the Chief Judge; and to perform other tasks as are established by this Administrative Order or delegated by the Chief Judge. The Chief Judge, in his or her discretion, may divide the Board into panels to accomplish its duties.
3. *Terms; Vacancies.* The terms of all Board members shall be three (3) years. Board members shall be eligible for reappointment. Any vacancy on the Board shall be filled by appointment by the Chief Judge. A person appointed to fill a vacancy shall serve for the remainder of the term of the member being replaced.
4. *Officers; Quorum.* The Chief Judge shall appoint one of the Board members to serve as chair. A majority of the Board shall constitute a quorum.
5. *Conflict of Interest.* If at any time a Board member believes that he or she has a conflict of interest concerning the evaluation of a complaint, the Board member may recuse himself or herself from further proceedings by advising the other Board members of the conflict and shall take no further part in the proceedings.
6. *Records.* The Board shall maintain records of its meetings, hearings, and all other official actions.

PART II. CERTIFICATION OF PROCESS SERVERS

Any natural person seeking certification as a process server shall be at least eighteen years of age, be a permanent resident of the state of Florida, have no mental or legal disability, and meet the requirements of the Process Server Act and this Administrative Order. The Chief Judge 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 or to have his or her name maintained on the CPSL.

A. New Applications for Certification of Process Servers

1. *Application.* The Applicant must submit an application to Court Administration, along with a non-refundable fee via personal check or money order made payable to the St. Lucie County Board of County Commissioners in the amount of \$75.00.

See Exhibit "A" to this Administrative Order for Initial Application for Certified Process Server. Court Administration shall accept applications for certification during normal working hours throughout the year. All certifications shall be good for one (1) year, except as otherwise set forth in Parts III through IV herein.

2. *Background Investigation.* The Applicant shall submit to a background investigation by the Florida Department of Law Enforcement, which investigation shall include a review of the applicant's criminal record, if any exists, and fingerprints. The Applicant must submit with his or her application a non-refundable fee via money order made payable to the Florida Department of Law Enforcement in the amount of \$24.00. The Florida Department of Law Enforcement will advise Court Administration of the results of the background investigation.
3. *Certificate of Good Conduct.* The Applicant shall obtain and file with the application a Certificate of Good Conduct certifying that there is no record of: (a) any pending criminal case against the Applicant; (b) any felony conviction of the Applicant; or (c) any conviction of the Applicant for a misdemeanor involving moral turpitude or dishonesty within the preceding five (5) years. See Exhibit "C" to this Administrative Order for Certificate of Good Conduct.
4. *Performance Bond.* Applicants must file with the Designee evidence of a performance bond in the amount of five thousand dollars (\$5,000.00) with a surety company authorized to do business within the State of Florida for the benefit of any person injured by misfeasance, malfeasance, neglect of duty, or incompetence of the Applicant in connection with his or her duties as a process server. The bond should name the Administrative Office of the Court, Nineteenth Judicial Circuit as obligee. The bond must be maintained at all times during the certification period and is renewable annually. Each time the performance bond is renewed, the Applicant must file proof of the renewal with the Designee. See Exhibit "D" to this Administrative Order for Process Server's Bond.
5. *Observation Requirement.* Applicants must provide proof of completion of at least ten (10) hours of observation of service of process with a certified process server whose name appears on a list of mentor certified process servers maintained by Court Administration. A mentor certified process server must have been included on the CPSL and actively have been serving process within the Nineteenth Judicial Circuit for at least the last five (5) years. See Exhibit "E" to this Administrative Order for Affidavit of Mentor Certified Process Server.

6. *Education; Examination.* Applicants who have completed an application and satisfied the requirements set forth in subdivisions 1 through 5 above shall file with the Designee proof of successful completion of a process server education course which meets the requirements established by Court Administration and is provided by an institution meeting accreditation criteria and other standards acceptable to Court Administration. See Exhibit "F" to this Administrative Order, Certified Process Server Education, for accreditation criteria and process server education course requirements.

Applicants must submit to a written examination testing the Applicant's knowledge of the laws and rules regarding the service of process. The content and frequency of the examination shall be approved by the Chief Judge; however, the examination shall be administered no less than once each year. A passing examination grade is hereby fixed at no less than eighty percent (80%) out of a possible score of one hundred percent (100%). The written examination must be taken within eleven (11) months following the day the application is submitted. No person shall be eligible to sit for the examination until such time as the Designee has in its possession the items set forth in subdivisions 1 through 5 above. The Chief Judge may at any time require an individual process server to re-enroll in a process server education course and complete the course again as well as pass the required written examination with a score of 80 percent or higher.

7. *Oath.* An Applicant who successfully completes the application process shall take an oath that he or she will honestly, diligently, and faithfully exercise the duties of a certified process server.
8. *Issuance of Certification.* Upon satisfactory completion of the specified prerequisites, the Board shall recommend the Applicant to the Chief Judge for inclusion on the CPSL. If the Chief Judge is satisfied that the conditions have been met, the Chief Judge shall issue an order placing the Applicant on the CPSL and provide a copy of the order to Court Administration and the Clerk of Court for each county within the Circuit.
9. *Denial of Certification.* All Applicants will be notified of the Board's finding as to whether the Applicant has completed the specified prerequisites for certification. If an Applicant wishes to challenge an unfavorable recommendation by the Board, the Applicant may, within 30 days of the notice of unfavorable recommendation, request in writing that the application material be reviewed by the Chief Judge.
10. *Identification Card.* Upon certification as a certified process server, the Applicant shall be issued a Certified Process Server Identification Card in the form

prescribed by section 48.29, Florida Statutes. The identification card shall be valid for one (1) year from the date of issuance and must be renewed annually before its expiration upon proof of compliance with the requirements for renewal pursuant to Section B of this Part. No other form of identification shall be used by a certified process server for the Nineteenth Judicial Circuit while engaged in the service of process. Costs incident to the preparation and issuance of the identification card shall be paid by the Applicant. It is the responsibility of the Applicant to safeguard the identification card. There is a \$10.00 replacement fee if the identification card is lost or stolen.

B. Renewal Applications of Certified Process Servers

1. *Renewal Application.* The Renewal Applicant must submit a renewal application to the Designee, along with a non-refundable fee via personal check, cashier's check or money order made payable to the St. Lucie County Board of County Commissioners in the amount of \$75.00 at least sixty (60) days prior to the expiration of the one-year period certification period. See Exhibit "B" to this Administrative Order for Certified Process Server Renewal Application. The Renewal Applicant also must include with his or her renewal application the items referenced in subdivisions 2 through 6 below.

Failure to submit all of the documents and pay all fees referenced in Paragraphs 1 through 6 to the Designee sixty (60) days before expiration of the certification period may result in a certified process server being removed from the CPSL and the temporary suspension of his or her certification without notice or hearing. Such individual must surrender his or her Certified Process Server Identification Card to Court Administration. He or she may seek reinstatement as a New Applicant pursuant to Section A of this Part.

2. *Background Investigation.* The Renewal Applicant shall submit to a background investigation by the Florida Department of Law Enforcement, which investigation shall include a review of the applicant's criminal record, if any exists, and fingerprints. The Applicant must submit with his or her renewal application a non-refundable fee via money order made payable to the Florida Department of Law Enforcement in the amount of \$24.00. The Florida Department of Law Enforcement will advise Court Administration of the results of the background investigation.
3. *Certificate of Good Conduct.* The Renewal Applicant shall obtain and file with the renewal application a Certificate of Good Conduct certifying that there is no record

of: (a) any pending criminal case against the Renewal Applicant; (b) any felony conviction of the Renewal Applicant; or (c) any conviction of the Renewal Applicant for a misdemeanor involving moral turpitude or dishonesty within the preceding five (5) years. See Exhibit "C" to this Administrative Order for the Certificate of Good Conduct.

4. *Returns of Service.* The Renewal Applicant must file with the renewal application copies of at least ten (10) returns of service from separate cases in which the Renewal Applicant effected service during the certification period.
5. *Continuing Education.* To ensure that certified process servers have maintained adequate knowledge of current laws and rules applicable to service of process, renewal of certification shall require the successful completion at least four (4) hours of continuing education approved by Court Administration and which directly relates to service of process in Florida. The continuing education must be provided by an institution meeting accreditation criteria and other standards acceptable to Court Administration. See Exhibit "F" to this Administrative Order, Certified Process Server Education, for accreditation criteria and process server education course requirements. The continuing education must be taken within eleven (11) months prior to the day a renewal application is submitted, and the Renewal Applicant must file with the renewal application evidence of completion of the continuing education.

The Nineteenth Judicial Circuit may require any certified process server to submit to a written examination at any time prior to renewal of his or her certification.

6. *Performance Bond.* The Renewal Applicant must file with the Designee evidence of a performance bond in the amount of five thousand dollars (\$5,000.00) with a surety company authorized to do business within the State of Florida for the benefit of any person injured by misfeasance, malfeasance, neglect of duty, or incompetence of the applicant in connection with his or her duties as a process server. The bond should name the Administrative Office of the Court, Nineteenth Judicial Circuit as obligee. The bond must be maintained at all times during the certification period and is renewable annually. Each time the performance bond is renewed, the Renewal Applicant must file proof of the bond renewal with the Designee. See Exhibit "D" to this Administrative Order for Process Server's Bond.
7. *Oath.* The Renewal Applicant who successfully completes the certification renewal process shall take an oath that he or she will honestly, diligently, and faithfully exercise the duties of a certified process server.

8. *Renewed Certification.* Upon satisfactory completion of the specified prerequisites, the Board shall recommend the Renewal Applicant to the Chief Judge for continuation on the CPSL. If the Chief Judge is satisfied that the conditions have been met, the Chief Judge shall issue an order continuing the Renewal Applicant on the CPSL and provide a copy of the order to the Renewal Applicant, Court Administration and the Clerk of Court for each county within the Circuit.
9. *Denial of Renewal of Certification.* If the Renewal Applicant fails to satisfy the specified prerequisites, the Board shall recommend to the Chief Judge that his or her renewal application be denied. If a Renewal Applicant wishes to challenge an unfavorable recommendation of the Board, the Renewal Applicant may, within 30 days of the notice of the unfavorable recommendation, request in writing that the renewal application material be reviewed by the Chief Judge. If the Chief Judge is satisfied that the conditions for renewal have not been met, the Chief Judge shall issue an order removing the Renewal Applicant from the CPSL and provide a copy of the order to the Renewal Applicant, Court Administration and the Clerk of Court for each county within the Circuit. The Renewal Applicant must surrender his or her Certified Process Server Identification Card to Court Administration. The Renewal Applicant denied renewal of certification may seek reinstatement by completing the requirements for New Applicants pursuant to Section A of this Part.

PART III. CERTIFIED PROCESS SERVER'S DUTIES AND CODE OF CONDUCT

A. Certified Process Server Duties

1. A certified process server must comply and keep current with all applicable rules, regulations, administrative orders, and statutes in Florida and other federal, foreign or domestic jurisdictions pertaining to service of process.
2. A certified process server shall serve only non-enforceable civil process.
3. While serving process, a certified process server shall present his or her Certified Process Server Identification Card upon request.
4. A certified process server shall charge a reasonable fee for the service of process. There is no minimum or maximum amount that must be charged.
5. A certified process server shall not serve process in any cause of action in which they have an interest.
6. A certified process server shall serve process in a timely manner.
7. A certified process server is required to type, legibly write, stamp, or by other printed methods, record the information required by section 48.21, Florida Statutes, on the return of service form. The return of service also must include the printed name and notarized signature of the certified process server and his or her

Certified Process Server Identification Card number; however, service of process may not be invalidated by a failure to include same on the return of service.

8. A certified process server must report immediately to the Designee any lawsuits brought against him or her due to his or her actions as a certified process server in any county or judicial circuit in Florida, or in any other federal, foreign or domestic jurisdiction.
9. A certified process server must immediately notify the Designee if the certified process server is arrested for any crime, including criminal traffic offenses, or is given a criminal Notice to Appear.
10. A certified process server must immediately report to the Designee any suspension or revocation of certification or disciplinary complaint or charges brought or filed against such certified process server due to the certified process server's actions as a process server in any county or judicial circuit in Florida, or with any Florida Sheriff, or in any jurisdiction, foreign or domestic. If any certified process server's certification is suspended or revoked in another county or judicial circuit in Florida, or in any other jurisdiction, his or her certification in the Nineteenth Judicial Circuit may be suspended or revoked.
11. No certified process server shall serve process for, or sub-contract with a natural person or business entity whose authority to serve process has been suspended or revoked in the Nineteenth Judicial Circuit, in any other county or judicial circuit in Florida, or in any other federal, domestic or foreign jurisdiction.
12. A certified process server must comply with any request made by the Chief Judge, the Board, or the Designee within seven (7) calendar days of the day of the request unless otherwise specified in this Administrative Order.
13. A certified process server must truthfully answer all questions and inquiries from the Chief Judge, the Board, or the Designee.
14. A certified process server must report any change in home or work address or telephone number to the Designee within five (5) calendar days of the change.
15. Although a certified process server is not an employee, agent, officer, or representative of the State of Florida or its political subdivisions, the Nineteenth Judicial Circuit, its judges or employees, or Clerks of Court in the Circuit, because a certified process server by virtue of his or her authority and identification give the appearance that he or she represents the Nineteenth Judicial Circuit when serving process, a certified process server shall: 1) be competent, courteous, professional, properly groomed and appropriately attired; 2) portray a professional appearance to the general public; and 3) refrain from any acts or statements that would impugn the judiciary or Court Administration.
16. A certified process server must conduct himself or herself professionally and with dignity while on or in the premises of the courthouses in the Circuit. Conduct toward and with the judges, employees of the judiciary, Court Administration,

deputy sheriffs, and employees of the Clerks of Court shall be respectful at all times.

17. A certified process server must act in a professional manner in keeping with their duties and Code of Conduct as set forth herein. Failure to adhere to the Code may lead to disciplinary action.

B. Prohibited Conduct Generally

The following conduct is prohibited and may lead to disciplinary action up to and including suspension or revocation of certification:

1. Accepting employment in which the certified process server has an interest, or continuing employment after becoming aware of the existence of an interest.
2. Accepting a gratuity, gift, or favor that might influence professional judgment.
3. Alcohol or drug abuse which interferes or is likely to interfere with the performance of the duties of a certified process server.
4. Making false statements or omissions to any person with regard to the certified process server's identity or legal authority in order to effect service of process.
5. Misrepresenting the certified process server's own professional qualifications.
6. Misrepresentation as to the identity of the party receiving service or the process server who actually delivered service. (Note: knowingly executing a false return of service is a felony of the third degree.)
7. Submitting fraudulent information on any document in connection with process server activities.
8. Misrepresentation and/or use of process server credentials to gain access to secure communities or facilities for purposes other than service of process.
9. Display of a law enforcement-type badge while serving process.
10. Misrepresenting one's own identity in order to avoid service of process.
11. Any other conduct which constitutes misfeasance, malfeasance, neglect of duty, or incompetence.

PART IV. DISCIPLINE

A. Conduct Warranting Suspension or Revocation of Certification

A certification issued pursuant to these rules may be suspended or revoked for any of the following reasons:

1. Pending felony charges, or pending misdemeanor charges involving moral turpitude, dishonesty, or false statement.

2. Conviction of a felony, or of a misdemeanor involving moral turpitude, dishonesty, or false statement.
3. Suspension or revocation of the certified process server's certification in another county or judicial circuit in Florida, or in any other federal, domestic or foreign jurisdiction.
4. Failure to immediately report to the Designee any lawsuit, arrest, suspension or revocation of certification, or disciplinary complaint or charge as required by Part III, Section A herein.
5. Fraud, dishonesty, or corruption related to the functions and duties of a certified process server.
6. Fraud or misrepresentation in obtaining or renewing process server certification.
7. Nonpayment of fees.
8. Gross incompetence or unprofessional or unethical conduct.
9. Engaging in any of the prohibited conduct listed in Part III, Section B herein.

B. Disciplinary Procedures

1. *Initiation.* Disciplinary proceedings may be initiated either by a signed, written complaint asserting a violation of these rules submitted to Court Administration, or by the Board, on its own initiative. The complaint must contain the complainant's mailing address and telephone number. The Board, or a panel thereof appointed by the Chief Judge, shall review and investigate the complaint.
2. *Probable Cause; Notification; Case Opened.* If a majority of the Board finds probable cause to believe that a violation of these rules has occurred, the Board shall:
 - (a) send written notice thereof, identifying the rule or rules alleged to have been violated, to the certified process server by certified United States mail directed to the last mailing address on file with Court Administration;
 - (b) send with the written notice a copy of the complaint, including any supporting documents submitted with the complaint; and
 - (c) cause the original complaint and any supporting documents to be filed in the Civil Division of the Clerk of Court in the county in which the violation is alleged to have occurred where the complaint shall be assigned a case number by the Clerk of Court.
3. *Temporary Suspension of Certification.* The Board shall further notify the Chief Judge of its finding of probable cause, and the Chief Judge shall have the authority

to temporarily suspend the certification of the certified process server pending the outcome of the disciplinary process set forth herein. A certified process server whose certification is temporarily suspended pursuant to this Paragraph will be notified of the suspension and removed from the CPSL, and he or she may not serve process within the Nineteenth Judicial Circuit for the duration of the suspension. Such certified process server must surrender his or her Certified Process Server Identification Card to Court Administration.

4. *Response.* Within 30 days of the issuance of a finding of probable cause, the certified process server shall file a written response with the Board. If the certified process server does not respond, the violations identified in the finding of probable cause shall be deemed admitted.
5. *Board Review.* Within 30 days after the filing of the written response to the finding of probable cause or within 30 days following the expiration of the time within which to file a response if none is filed, the Board shall review the complaint, the finding of probable cause, the response (if any), and any other pertinent materials, and decide whether to:
 - (a) dismiss the complaint;
 - (b) issue a proposed disposition; or
 - (c) set a hearing.

The Board shall promptly send written notice of its decision to the certified process server by certified United States mail to the last address on file with Court Administration and to the complainant.

6. *No Hearing Demanded.* A proposed disposition issued by the Board pursuant to paragraph 5(b) shall become final unless the certified process server demands a hearing within 30 days of the date on which the proposed disposition was issued.
7. *Timing of Hearing.* Absent good cause, no hearing shall take place less than 30 days, or more than 90 days, from the date of notice of hearing pursuant to paragraph 5(c) or of the certified process server's demand pursuant to paragraph 6 of this Section.
8. *Legal Representation.* The certified process server may be represented by an attorney at any stage of the proceeding. The certified process server shall be responsible for all of his or her costs and expenses, including attorney fees.

C. Disciplinary Hearings

1. *Pre-hearing Discovery.* Pre-hearing discovery shall not be permitted unless expressly authorized by the Board in response to a written request.
2. *Rules of Evidence.* Strict rules of evidence shall not apply. The Board may, in its discretion, consider any evidence presented, including affidavits, giving such evidence the weight it deems appropriate.
3. *Hearings to be Reported.* The Board shall ensure that all hearings are reported or electronically recorded.
4. *Hearing Procedure.* At the hearing, both the Board and the certified process server shall be afforded the opportunity to introduce documents and other relevant evidence, and to elicit sworn testimony. The Board may request the Chief Judge issue subpoenas to compel the attendance of witnesses.
5. *Board Deliberation; Decision.* Following the presentation of evidence, the Board shall deliberate regarding its decision. Such deliberations shall take place in private. All decisions of the Board shall be by majority vote, in writing, and, if adverse to the certified process server, shall contain factual findings supporting the decision. A copy of the decision shall be sent to the certified process server by certified United States mail and to the complainant.
6. *Finality of Decision; No Rehearing.* The Board will not entertain any request for rehearing or reconsideration. The Board's factual findings, if any, and decision shall be forwarded to the Chief Judge as a recommendation of disposition. The decision of the Chief Judge is final.

D. Disciplinary Dispositions

1. *Standard of Proof.* If the Board finds that there is clear and convincing evidence that the certified process server has violated one or more of these rules, it shall recommend to the Chief Judge such discipline as it may deem appropriate, consistent with these rules.
2. *Sanctions.* Discipline recommended by the Board and imposed by the Chief Judge may consist of one or more of the following:
 - (a) A reprimand from the Board.
 - (b) A reprimand from the Chief Judge.

- (c) The imposition of costs and expenses incurred by the Board in connection with the proceeding, including investigative costs.
 - (d) Restitution.
 - (e) Requiring that the certification examination be successfully taken, or retaken.
 - (f) Limiting the geographic scope of practice by county.
 - (g) Suspension of certification not to exceed one (1) year, after which the individual may seek reinstatement of his or her certification pursuant to Part II, Section A herein, and upon any other conditions the Chief Judge may deem appropriate.
 - (h) Revocation of certification.
3. If, after reviewing the Board's recommendation and factual findings, the Chief Judge determines that sanctions are appropriate, the Chief Judge shall enter an order imposing sanctions. However, if a reprimand by the Board is the appropriate penalty, the Chief Judge need not enter an order. Court Administration and the Clerk of Court for each county in the Circuit shall update the CPSL with notations or removals based upon the court orders.
4. A certified process server whose certification has been suspended or revoked must surrender his or her Certified Process Server Identification Card to Court Administration. Such certified process server will be removed from the CPSL and shall not serve process within the Nineteenth Judicial Circuit unless and until expiration of the suspension period and reinstatement of certification pursuant to Part II, Section A herein, or unless and until reinstatement after revocation pursuant to Section F of this Part.

E. Reinstatement

A certified process server whose certification has been revoked may apply in writing for reinstatement no earlier than two (2) years from the date of revocation. Such request shall explain why the former certified process server believes that he or she should be reinstated, and shall be accompanied by three (3) letters of recommendation attesting to the certified process server's good character, with one of such letters being from a member in good standing with the Florida Bar. The former certified process server also must complete all of the requirements for Applicants as set forth in Part II, Section A herein. Whether to recommend to the Chief Judge for or against such a request for reinstatement shall rest in the sole and absolute discretion of the Board. The Board may recommend such conditions upon reinstatement as it deems appropriate.

F. Access to Records of Disciplinary Process

The public shall have access to all non-confidential records relating to the disciplinary process and proceeding. Such access shall be exercised in a manner consistent with the procedure used in relation to other court records. The public shall not have access to any material deemed confidential pursuant to the Florida and United States Constitutions, Florida and federal law, or court rule.

All complaints alleging misconduct against a certified process server, including the certified process server's response, if any, and all other records made or received as part of the complaint procedure, are exempt from public disclosure under rule 2.420(c)(3)(B), Florida Rules of Judicial Administration, and shall remain confidential until a finding of probable cause or no probable cause is established, regardless of the outcome of any appeal.

PART V. NO WAIVER OF IMMUNITY

No provision of this Administrative Order is intended to waive, in whole or in part, judicial, sovereign, or other immunity held by the Courts of this Circuit as either a body or as an individual.

PART VI. NO AGENCY RELATIONSHIP ESTABLISHED

Certified process servers are not employees, agents, officers or representatives of the State of Florida or its political subdivisions, the Nineteenth Judicial Circuit, its judges or employees, or the Clerks of Court within the Circuit. Certified process servers are not under the supervision, direction or control of the State of Florida or its political subdivisions, the Nineteenth Judicial Circuit, its judges or employees, or the Clerks of Court within the Circuit. Certified process are independent contractors hired by third parties to serve process within the Nineteenth Judicial Circuit.

PART VII. APPLICABILITY; EFFECTIVE DATE

- A. This Administrative Order shall not apply to the Sheriffs of Indian River, Martin, St. Lucie, and Okeechobee Counties in the Nineteenth Judicial Circuit.
- B. The provisions of this Administrative Order shall apply to all Applicants filing applications on or after the effective date of this Administrative Order, and to all Renewal Applicants after the effective date herein. Current certifications shall remain in effect but shall be renewed under these rules when the current

certification expires. Current certifications are subject to the restrictions and disciplinary provisions of this Administrative Order as of the effective date herein.

- C. This Administrative Order shall take effect on March 1, 2017. Administrative Order 2002-08 *In Re Appointment of Certified Process Servers* is hereby SUPERSEDED.

DONE AND ORDERED in quadruplicate this 15th day of February, 2017 at Stuart in Martin County, Florida.



ELIZABETH A. METZGER, CHIEF JUDGE