

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA

ADMINISTRATIVE ORDER NO. 1-29.4

WHEREAS, the Florida Legislature has enacted Sections 48.25 through 48.31, *Fla. Stat.*, to provide for certified process servers; and

WHEREAS, it is necessary to set forth an administrative means to approve individuals who are eligible by virtue of their training, experience and background to be designated as certified process servers to serve initial non-enforceable process in civil actions filed within this circuit; it is hereby

ORDERED that the following standards, requirements, and procedures will take effect immediately:

I. CERTIFICATION OF PROCESS SERVERS

A) The Administrative Office of the Courts and the Clerks of the Court shall maintain a current approved list of certified process servers who meet the requirements herein. This list may be amended to add or delete the names of individuals in accordance with provisions of this Order. The Clerk shall make this list available upon request.

B) The Tenth Judicial Circuit shall maintain a committee ("Process Server Committee") to implement and supervise the operation of the certification process, to recommend certification or removal of process servers, and such other responsibilities as set forth in this Order.

1) The Process Server Committee shall consist of the members of the Circuit Judge's oversight committee for Process Servers.

2) The Process Server Committee may, subject to the approval of the Chief Judge, determine fees and prescribe rules, regulations, and requirements regarding the eligibility of individuals to become or to be maintained as certified process servers.

C) The certified process server applicant shall fulfill the following requirements:

1) Complete and verify by oath a copy of the Application Form attached hereto as [Attachment 1](#), and submit the same to the Office of the Court Administrator, Tenth Judicial Circuit, together with a non-refundable application fee of \$75.00 dollars.

2) Obtain and file with the application a Certificate of Good Conduct in accord with the form attached hereto as [Attachment 2](#).

3) Execute and file with the application, the certification of knowledge of law pertaining to service of process on the form attached hereto as [Attachment 3](#).

4) Execute and file with the Office of the Court Administrator a bond in the amount of five thousand (\$5,000) dollars with a surety company authorized to do business in this state, in the form attached hereto as [Attachment 4](#).

5) Consent to national, Florida (NCIC/FCIC), and local criminal record checks, verifying that there are no pending criminal cases against the applicant and no record of any felony conviction or conviction of any crime involving moral turpitude or dishonesty against the applicant. Local traffic and mental health records may also be obtained and reviewed.

6) Successfully complete a process server education course approved by the Process Server Committee. A list of approved courses will be made available at the Office of the Court Administrator. A process server education course taken in another circuit in the State of Florida will suffice for this section provided that course is recognized in the other circuit as a training provider for certification.

7) The Process Server Committee, or its designee, shall review each completed application. Upon review, the Process Server Committee, or its designee, shall recommend to the Chief Judge that the applicant be approved or rejected.

8) Upon certification as process server by the Chief Judge, the applicant shall execute and file with the Office of the Court Administrator, an Oath of Office in the form attached as [Attachment 5](#).

9) Upon certification as process server by the Chief Judge, the applicant shall be issued an identification card in the form prescribed by Section 48.29(5)(b), *Fla. Stat.* (2007). Any costs incident to preparation and issuing such card shall be paid by the applicant.

(a) Each identification card shall be renewed annually, upon proof of good standing and current bond. A \$5.00 renewal fee shall be paid by the applicant.

(b) Failure of any certified process server to renew his or her identification card annually as provided above shall result in their removal from the list of certified process servers and revocation of certification without notice.

D) The certification of a process server shall be valid for a period of five years (assuming annual renewal as above).

1) Upon completion of the five years, the process server's certificate will be invalid.

2) To renew the certificate, re-application must be made following the procedures set forth in I. (C) above.

E) Designations of certified process servers may be withdrawn and the individual's name may be removed from the approved list of certified process servers for malfeasance, misfeasance, neglect of duty, incompetence, conviction of a felony or a crime involving moral turpitude or dishonesty, or failure to comply with any of the provisions of this Order. Withdrawal of designation as a certified process server and removal from the list of certified process servers shall be effected by the deletion of the individual's name from the approval list when a certified process server is in non-compliance with any provisions of this Order. Certified process servers removed from the list shall be notified in writing and return identification cards within twenty-four (24) hours.

II. EFFECT OF CERTIFICATION

A) Applicants who meet all requirements set out in Paragraph I (C) above and who are approved by the Chief Judge, shall be designated "certified process servers," and the applicant's name shall be added to the current approved list.

B) The individuals whose names appear on the list, subject to amendment and modification without further Administrative Order, are designated as certified process servers in the Tenth Judicial Circuit of Florida, in and for Hardee, Highlands and Polk Counties, with all powers and duties conferred by Sections 48.25 through 48.31, *Fla. Stat.*

C) Certified process servers, approved and designated as hereinafter described, shall be empowered to serve non-enforceable civil process in any and all civil actions filed in this circuit without the necessity of appointment by individual motion and order in any such action.

D) By acceptance of the court's designation as a certified process server, the certified process server agrees to comply with the requirements of this Order.

E) All certified process servers must keep the Office of the Court Administrator informed of their current address and phone number.

III. NO WAIVER OF IMMUNITY

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

IV. SECTION III OF ADMINISTRATIVE ORDER 1-29.2 IS RESCINDED

Section III of Administrative Order No: 1-29.2 is hereby rescinded. Because of the passage of time that has occurred since the order went into effect.

V. SECTION IV OF ADMINISTRATIVE ORDER 1-29.2 IS RESCINDED

Section IV of Administrative Order No: 1-29.2 is hereby rescinded.

VI. PREVIOUS ADMINISTRATIVE ORDER SUPERSEDED

Administrative Order No: 1-29.3 is hereby superseded.

DONE AND ORDERED in Chambers in Bartow, Polk County, Florida, on this 31st day of August, 2009.

J. DAVID LANGFORD
Chief Judge