

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2012-032  
(Supersedes Administrative Order S-1999-076)**

**CERTIFIED PROCESS SERVERS**

In 1988, the Florida Legislature enacted the Florida Certified Process Server Act (sections 48.25 through 48.31, Florida Statutes), placing certified process servers under the jurisdiction of the chief judge. The Act establishes eligibility criteria for persons applying to become a certified process server and empowers the chief judge to prescribe additional rules and requirements regarding eligibility of certified process servers. It is necessary for the prompt and efficient administration of justice to update the procedures and eligibility requirements used to approve individuals who are designated as certified process servers in this circuit.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; the Florida Certified Process Server Act; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

**1. List**

The Administrative Office of the Courts for the Thirteenth Judicial Circuit (AOC) and the Clerk of the Circuit Court (clerk) will maintain a list of approved certified process servers who meet the requirements prescribed in this administrative order. The list may be amended to add or delete names of individuals in accordance with provisions of this administrative order. The clerk will make the list available to all individuals who file civil actions.

**2. Eligibility**

In addition to fulfilling the eligibility requirements in section 48.29, Florida Statutes, a certified process server applicant must also:

A. Education. Successfully complete the process server course offered by Hillsborough Community College.

B. Examination. Pass a written examination which will be administered by the AOC. The examination will be administered annually. A passing grade is fixed at a minimum of seventy-five percent (75%).

C. Character and Fitness. Conduct oneself in accordance with Florida law. Each certified process server is a representative of this circuit and will be issued an identification card bearing the seal of the Thirteenth Judicial Circuit. As a representative of this circuit, a person is not eligible to be placed on the list of certified process servers if the person (i) is registered or required to register as a sexual offender as defined in section 943.0435, Florida Statutes; (ii) has been designated as a sexual predator under section

775.21, Florida Statutes; or (iii) has a record of any conviction of any of the following criminal offenses:

- Murder or attempted murder (§782.04, Florida Statutes);
- Attempted felony murder (§782.051, Florida Statutes);
- Manslaughter (§782.07, Florida Statutes);
- Aggravated assault (§784.021, Florida Statutes);
- Aggravated battery or attempted aggravated battery (§784.045, Florida Statutes);
- Aggravated stalking (§784.048, Florida Statutes);
- Kidnapping or attempted kidnapping (§787.01, Florida Statutes);
- False imprisonment of a child under the age of 13 (§787.02(3), Florida Statutes);
- Luring or enticing a child (§787.025, Florida Statutes);
- Sexual battery or attempted sexual battery (§794.011, Florida Statutes);
- Lewd or lascivious battery, molestation, conduct or exhibition, or attempted lewd or lascivious battery, molestation, conduct or exhibition (§800.04, Florida Statutes);
- Arson or attempted arson (§806.01(1), Florida Statutes);
- Robbery or attempted robbery (§812.13, Florida Statutes);
- Carjacking or attempted carjacking (§812.133, Florida Statutes);
- Home invasion robbery or attempted home invasion robbery (§812.135, Florida Statutes);
- Lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person (§825.1025, Florida Statutes);
- Sexual performance by a child or attempted sexual performance by a child (§827.071);
- Computer pornography (§847.0135(2), Florida Statutes);
- Lewd or lascivious exhibition on a computer (§847.0135(5)(b), Florida Statutes);
- Transmission of child pornography (§847.0137, Florida Statutes);
- Selling or buying minors (§847.0145, Florida Statutes); or
- Any offense committed in another jurisdiction which would be an offense listed above if that offense had been committed in Florida.

Any certified process server applicant whose application indicates a record of: (1) a withhold of adjudication for any felony listed above; (2) a felony conviction for an offense not listed above; (3) two or more revocations or suspensions of a driver license; or (4) a currently revoked or suspended driver license, will have the application reviewed by the Judicial Panel for a determination on whether the applicant should be added to the approved certified process server list.

### **3. Application**

Individuals seeking certified process server designation must submit an application to the AOC on a prescribed form and pay the required fee. The application form may be found at [www.fljud13.org](http://www.fljud13.org).

#### **4. Proof of Liability Insurance**

Prior to an applicant's name being added to the approved certified process servers, the applicant must provide the AOC with proof of insurance, in the form of a certificate of insurance or policy in the amount of one hundred thousand dollars (\$100,000.00) coverage per person and three hundred thousand dollars (\$300,000.00) per incident for the benefit of any person wrongfully damaged by malfeasance, neglect of duty or incompetence of the applicant in connection with duties as a certified process server. The certified process servers, the chief judge, and "The Thirteenth Judicial Circuit" must be named as insureds or certificate holders under the insurance policy. The insurance policy must contain a provision that the AOC will be given 30 days' notification of any cancellation, expiration, termination or change in policy.

#### **5. AOC Review of Applications**

Completed applications will be reviewed by a representative of the AOC for verification of the applicant's compliance with the eligibility requirements of the Florida Statutes and this administrative order. If the AOC representative determines that an applicant meets all of the statutory eligibility requirements and the requirements in sections two and four of this administrative order, then the applicant's name will be added to the list of approved certified process servers. If the AOC representative determines that an applicant does not meet all of the statutory and administrative eligibility requirements, then the applicant will not be added to the approved certified process server list.

If the AOC representative is unable to determine whether an applicant meets all of the statutory and administrative eligibility requirements or if an applicant's application indicates a record of (1) a withhold of adjudication for any felony listed in section 2(C) of this administrative order; (2) a felony conviction for an offense not listed in section 2(C) of this administrative order; (3) two or more revocations or suspensions of a driver license; or (4) a currently revoked or suspended driver license, then the applicant's application and other documentation will be referred to the Judicial Panel for a determination.

All applicants will be notified of the AOC representative's determination, including applications that have been referred to the Judicial Panel for the final determination. If an applicant wishes to challenge an unfavorable determination made solely by the AOC representative, an applicant may request in writing, within 30 days of notice of the unfavorable determination, that the application be reviewed by the Judicial Panel.

#### **6. Judicial Panel Consideration of Applications**

The Judicial Panel, consisting of the administrative judges of the General Civil and County Civil Divisions and the associate administrative judge of the Family Law Division, will be the chief judge's designees under the Florida Certified Process Server Act. The Judicial Panel is clothed with broad discretion to make determinations considering whether an application will be added to the approved certified process server list.

The Judicial Panel will consider (1) all applications referred if the AOC representative

is unable to determine whether an applicant meets all of the statutory and administrative eligibility requirements; (2) all timely requests to review an unfavorable initial determination by the AOC representative; and (3) all applications which indicate a record of (a) a withhold of adjudication for any felony listed in section 2(C) of this administrative order; (b) a felony conviction for an offense not listed in section 2(C) of this administrative order; (c) two or more revocations or suspensions of a driver license; or (d) a currently revoked or suspended driver license. All applicants will be notified of the Judicial Panel's decision by an AOC representative.

If the Judicial Panel's decision on an application is unanimous, then the decision is final. If a Judicial Panel's unfavorable decision on an application is not unanimous, then the applicant may request reconsideration by the Judicial Panel in writing, within 30 days of notice of the Judicial Panel's initial decision. Any majority or unanimous decision by the Judicial Panel on reconsideration is final. The applicant will be notified of the Judicial Panel's decision on reconsideration by an AOC representative.

#### **7. Recertification**

Designation as a certified process server is valid for one year. Designations may be renewed annually on the anniversary of the designation upon timely clearing a criminal record search and paying the renewal fee.

#### **8. Identification Card**

Certified process servers must, while serving process, carry the official certified process server identification card of the Thirteenth Judicial Circuit and display it to anyone who requests information on the process server's authority to serve process.

#### **9. Return of Service of Process**

The return of execution of process must be made by a certified process server on an Affidavit of Service form adopted by the AOC. The uniform Affidavit of Service form may be found at <http://www.fljud13.org/formspage.asp>.

#### **10. Fees and Additional Procedures**

The chief judge will determine application fees and approve additional internal procedures governing the certified process server program. The fees and additional procedures will be posted at [www.fljud13.org](http://www.fljud13.org).

#### **11. Complaints**

Any written complaint received by the chief judge or the AOC regarding the conduct of a certified process servers will be forwarded to the certified process server for a written response. The complainant will be provided a copy of the certified process server's response and may, within 30 days of notice of the response, submit a reply. The complaint, response, and reply, if any, will be reviewed by an AOC representative and if necessary, the matter will be investigated if resources are available. If necessary, the matter may be referred to the Judicial Panel for a determination. The complainant and certified process server will be notified of the resolution of the complaint.

**12. Removal**

A certified process server's name may be removed from the approved list of certified process servers for any 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 administrative order. The Judicial Panel will determine whether any certified process server's name should be removed from the approved list of certified process servers. The applicant will be notified of the Judicial Panel's decision by an AOC representative.

If the Judicial Panel's decision to remove a certified process server's name from the approved list is unanimous, then the decision is final. If the Judicial Panel's decision to remove a certified process server's name from the approved list is not unanimous, the certified process server may, within 30 days from notice of the Panel's decision, submit information to the chief judge as to why the Panel's non-unanimous decision should not be followed. The chief judge will review the Panel's determination and the applicant's information. The applicant will be notified of the chief judge's final action by an AOC representative.

Notice of removal of any certified process server's name from the list of approved certified process servers will be made to the clerk.

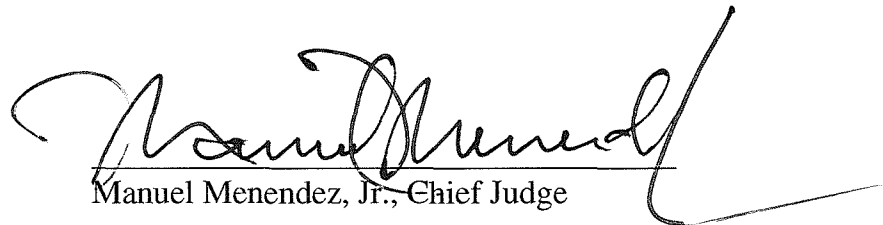
**13. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-1999-076 (*Certified Process Servers*).

**14. Effective Date**

This administrative order is effective July 1, 2012.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 18<sup>th</sup> day of June, 2012.

  
Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Court  
Copies to: All General Civil Division Judges  
All Family Law Division Judges  
All County Civil Division Judges  
Michael L. Bridenback, Court Administrator  
David Gee, Hillsborough County Sheriff