

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.707-12/11*

IN RE: PROCEDURAL GUIDELINES FOR CERTIFIED CIVIL
PROCESS SERVER GRIEVANCE REVIEW COMMITTEE

The Court has promulgated administrative order number 2.706-9/08, authorizing the creation of a grievance review committee to investigate complaints about certified process servers.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

1. The purpose of these rules is to provide an orderly method for the Certified Civil Process Grievance Review Committee, **created pursuant to Administrative Order 2.706**, to hear and evaluate disputes concerning the service of civil process and to make the determination required under Section 48.31, Florida Statutes (2011).
2. The Certified Civil Process Grievance Review Committee shall hereinafter be referred to as "Committee."
3. Each **convened** committee shall consist of **two (2) attorneys previously appointed by the Chief Judge to serve as voting committee members and no less than one (1) certified process server previously appointed by the Chief Judge to serve as an advisory committee member** to handle the business before the Committee. **Administrative matters may be addressed by one attorney committee member.**
4. If at any time a Committee member feels that there is a conflict of interest concerning the evaluation of a claim, then the Committee member may excuse himself/herself from further proceedings with regard to the claim by advising the other Committee members of the conflict and taking no further part in the proceedings. **The proceeding may be reset in order for another member to be assigned to hear the grievance.** Any conflict of interest urged by a party to the proceeding shall be noticed in the final report. In the event that any Committee member **previously appointed by the Chief Judge** is not available for a meeting to evaluate a complaint, then the Committee, upon the concurrence of two or more members, may request a member of the Florida Bar regularly practicing in the Fifteenth Judicial Circuit to serve as a temporary member of the Committee for the purpose of reviewing the complaint.

5. All complaints by a complainant shall be written. If the complainant **verbally** contacts any Committee member or the **Chief Judge's Office**, the complainant shall be advised that the complaint must be put in writing and sent to the **Chief Judge's** office. The complaint shall include the complainant's mailing address.
6. **Upon receipt of a written complaint, the Chief Judge will forward the complaint to the Certified Civil Process Program Manager ("Program Manager"). The Program Manager will review the complaint to ensure that it is a matter within the purview of the Committee. If the complaint is not related to a certified process server's alleged misfeasance, malfeasance or neglect of duty, the Program Manager will inform the complainant of such fact. If the complaint does allege misfeasance, malfeasance or neglect of duty, the Program Manager will convene a Committee to review the complaint and take any other action consistent with the committee's duties and obligations.**
7. The **Program Manager** shall mail a Notice of Meeting not less than fifteen days prior to the meeting to the complainant and the affected process server advising them of the time and date of the meeting. The notice shall be signed by **the Chief Judge**. Service of the notice of the meeting shall be effected by mailing the notice, first class U.S. mail, to the address provided by the process server **in his/her** application and to the complainant at the address indicated in the written complaint. Any inquiries on scheduling of the meeting shall be directed to the **Program Manager**.
8. The notice of the meeting shall be on a form to be prescribed by the Committee, and shall be in the nature of an order of referral from the Chief Judge to the Committee for a review under these rules.
9. Other matters which may be referred to the Committee **consist of** suspensions or revocations of authority to serve process in other circuits/jurisdictions. In addition, the Chief Judge or **Program Manager** may refer to the **Committee** any information about an incident involving a process server which is indicative of malfeasance, misfeasance or neglect of duty. In such cases, the **Program Manager** shall be the complainant and provide the Grievance Committee with information concerning the incident.
11. At its discretion, the Committee may meet periodically and as necessary to handle the grievance complaints and other business before it.
12. The meeting shall commence promptly at the appointed time and place. The place of the meeting shall be at the discretion of the Committee, and may be held anywhere in Palm Beach County.
13. The Committee reserves the right to set meetings before or after regular business hours for the benefit of the Committee members, the **certified** civil process servers and the public.
14. The Committee's proceedings shall be informal and shall not rely strictly on rules of evidence.

15. In the event either the complainant or the process server does not appear at the appointed time and place for the meeting, then that person's non-appearance shall be noted in the Committee's report, and the Committee will continue the meeting and take evidence from the individuals present and make a recommendation accordingly.
16. The Committee shall advise the participants at the commencement of the meeting that it is not the Committee's position to make any adjudication or to issue or enforce any sanction against either the complainant or the process server. The parties shall further be advised it is not within the scope of the Committee's authority to make any finding or recommendation as to whether any service effected binds the participant to the jurisdiction of the court, requires a response to the paper served, or has any other substantive legal effect. The participants shall be advised that the function of the Committee is simply to make a recommendation as requested by the **Chief Judge** as to whether the conduct of the process server constitutes malfeasance, misfeasance, neglect of duty or incompetence, as set forth in section 48.31, Florida Statutes (2011).
17. The complainant and the process server are each limited to fifteen minutes for their presentation **unless the Committee increases the time limit based upon exceptional circumstances**. If there are more than two complainants or two process servers involved, the Committee shall have discretion to otherwise apportion time, and shall advise the participants at the start of the meeting. The fifteen minute time period shall include such time as is reasonably necessary for the Committee to review any documentary, photographic, or other evidence presented by a participant.
18. The Committee will encourage the participants at the meeting to try to reach some mutually acceptable resolution. If such resolution is reached, then it will be recorded in the Committee's report of proceedings. The recommendation of the Committee may consist of a recommendation of no action, a recommendation of a letter of reprimand to the process server, a recommendation of suspension of the circuit court's authority to serve process, a recommendation of a fine, recommendation of a warning to the civil process server, a recommendation of suspension of the civil process server's license, or a recommendation of termination as a civil process server.
19. The function of the Committee is simply to provide a recommendation. The Committee will provide the recommendation to the Chief Judge through a written report.
20. The Committee will advise the **complainant and the certified process server** at the conclusion of the hearing that they have a right to apply to the Chief Judge for further review of the matter and an independent evaluation of the Committee's recommendation **consistent with paragraph 25 below**.
21. The Committee's report shall contain a brief summary of the **information and documents provided** and the conclusions drawn by the Committee. The report shall also contain a statement of recommended disposition, and a brief statement of reasons supporting the recommendation. It is to be emphasized that these are simply recommendations, subject to

de-novo review by the Chief Judge who shall have final say over disposition of any complaint brought hereunder.

22. The Committee's report shall be final when it has been circulated to the Committee members and each Committee member's approval has been noted on the report.
23. Once the Committee's report is approved by the Committee members, there shall be no opportunity for re-hearing, amendment or modification by the Committee or further proceedings with respect to the claim that was before the Committee. All further business concerning the claim shall be taken before the Chief Judge.
24. **The Chief Judge shall review the report of the Committee and enter an Administrative order adopting, modifying or rejecting the Committee's recommendation. The Administrative Order will set forth what, if any, sanctions are to be imposed.**
25. **If the complainant or the certified process server disagree with the Administrative Order entered by the Chief Judge, the complainant or certified process server may file a written request to the Chief Judge requesting that the Chief Judge modify the Administrative Order, convene a subsequent proceeding, or take such other action as may be deemed appropriate. The written request must be sent by United States Mail within twenty (20) days of the date the Administrative Order was entered. Relief under this provision is discretionary with the Chief Judge.**
26. The Committee further adopts and incorporates herein such procedures and standards as are set forth in the Administrative Order (No. 2.706-9/08) creating the Committee.
25. These rules and procedures may be amended from time to time by **either the Chief Judge or** by a majority vote of the Committee, subject to approval by the Chief Judge.

7 **DONE and SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this day of December, 2011.



Peter D. Blanc
Chief Judge

*supersedes admin. order 2.707-9/08