

Standards and Best Practices
Florida Association of Professional Process Servers

Revised March 30, 2017

This Policy & Procedure Manual, amended from time to time by the Board of Directors shall be used in conjunction with the Bylaws of the Association.

Sec. 12 **Standards and Best Practices** (Adopted Board Meeting July 18, 2015).

Sec. 12.1 The purpose of this is to outline the essential elements and best methods that FAPPS has determined are ideal to promote professionalism within the process service industry. These standards and best practices enable the professional process server to fulfill their obligations as a process server while at the same time protecting the due process rights of persons affected by our service.

Sec. 12.2 Education - Education is an essential element of the professional process server. Keeping track of any changes or updates to Florida State Statue 48 and the Rules of Civil Procedure is a key to providing quality service for your clients and guarding the rights of the defendants.

Sec. 12.3 Professionalism - Our role within the legal process is critical. Attorneys, other process servers, or pro se clients expect that the service will be effected efficiently and according to state statutes and Rules of Civil Procedure. It is important for process servers to maintain a professional attitude to demonstrate to clients that they take their role within the legal community seriously.

- a. Be Responsive – Return calls and emails quickly and with good etiquette.
- b. Maintain good organizational practices – maintain accurate records, keep a calendar of any appointments. Your attention to detail should be obvious in all of your business dealings.
- c. Manners – Show respect to others by being professional when serving process and speaking with clients. Using good manners while speaking verbally and in emails will go a long way.

Sec. 12.4 Proofs and Affidavits of Service

Sec. 12.4.1 Process Server's Work Product - The work product of a professional process server is the proof or affidavit of service submitted by that person attesting to the fact that a particular person or entity was given legal process in a manner prescribed by law. The proof or affidavit of service is what the courts rely upon to determine whether jurisdiction has been acquired over a particular person, entity, or property. The proof or affidavit of service must be beyond reproach.

Sec. 12.4.2 Unsworn Declarations Made Under Penalty of Perjury - An Unsworn Declaration made under Penalty of Perjury is a written or printed recitation by the process server of the facts and circumstances surrounding the delivery of legal process to a particular person or entity consistent with applicable state or federal court rule or law. The declaration is to be signed only by the person making the statement.

- Sec. 12.4.3 Affidavits of Service - An “Affidavit” is a written or printed declaration or statement of facts made voluntarily, confirmed by the oath or affirmation of the party making it, and taken before an officer having the authority to administer such oath. An “Affidavit of Service” is intended to certify the service of a writ, notice or other legal document.
- Sec. 12.5 Signatures - An Affidavit or Proof of Service may be signed using a variety of methods. Wet ink, an electronic signature (signature image), or a digital electronic signature with third party verification and date stamping are all valid. No matter what the method of signature, such signature should always be effected by the person who actually performed the actions being attested to. Designating another person to cause the server's signature to be affixed to an Affidavit or Proof of Service is specifically not condoned.
- Sec. 12.6 Notary Public - A Notary Public is a person commissioned by a particular state jurisdiction to perform a variety of notarial acts. Among these, the Notary Public is vested with the authority to administer oaths, and execute jurats.
- Sec. 12.7 Jurat A jurat is a certificate by the person before whom a writing was sworn and is designed to compel truthfulness on the part of the signer. The jurat is completed during the execution of an affidavit and is generally written at the foot of an affidavit stating when, where, and before whom such affidavit was sworn. Before executing a jurat, a Notary Public must be satisfied as to the identity of the signor, and the voluntary nature of that person’s signature. The signing of the affidavit, and the execution of the jurat, is required by all states to be done at the same time in the physical presence of each other.
- Sec. 12.7.1 The jurat initiates a legal process that could eventually result in criminal conviction and punishment if the signor is later found to have lied.
- Sec. 12.8 The Role of Notary Public in a Process Service Office - A Notary Public, whether employed in a process serving business, or not, must adhere to the state laws regarding Notary Publics within the jurisdiction where he or she has been commissioned. These duties and obligations transcend other duties that may be assigned by an employer.
- Sec. 12.9 Content - A proof or affidavit of service must accurately state the date, time, place, and manner of service, and any additional information that would reflect how delivery of process or other legal document was made to a person or entity served. When required, a proof or affidavit of service should also reflect the description or relationship of that person to the person or entity served, and the military status of the person served.
- Sec. 12.10 Record of Event - A separate, permanent record should be maintained by the process server, or by the employer on his or her behalf, and must be available for inspection by the process server, court, or the person requesting service.