22nd Annual Professional Beach Getaway - August 18-20, 2023



THE PAPER CHASE

The Official Newsletter of the4Florida Association of Professional Process Servers

4th Quarter Edition 2022

32nd Annual Conference April 14-16, 2023

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2022-2023 Association Guide

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Tammy White, AFPS Director

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Administration & Membership: Diana Wardwell, AFPS

Email: administrator@fapps.org P.O. Box 72 Melbourne, FL 32902 –0072 (321) 952-0820 (877) 38-FAPPS Tollfree

Committees

Annual Conference Activities

Chair: Amy Boyd, boydsprostatus@gmail.com

Arbitration & Grievance (A&G)

Chair: Sean Segel, tampaempire@gmail.com Vice Chair: Jennafer Segel Members: Janet Deal, Diana Wardwell, Don Seward

Elections

Chair: Bob Musser AFPS, BobM@dbsinfo.com Vice Chair: Diana Wardwell, Lance Randall

FAPPS Distinguished Service Award (FDSA)

Chair: Bob Musser AFPS, BobM@dbsinfo.com Members: Lance Randall, Diana Wardwell, Margie Zawacki

Formal Education (AFPS)

Chair: Michelle Howard, AFPS, Michelle@trgtlegal.com Vice Chair: Kevin Fedotov AFPS Members: Lance Randall, AFPS, Diana Wardwell, AFPS

Legislation

Chair: Chris Yeoman, AFPS chris.yeoman@aol.com Vice Chair: Diana Wardwell, AFPS Members: Russ Aloi, Chris Compton, AFPS, Mike Compton, Janet Deal, Michelle Howard, AFPS, Michael Nolan, Lance Randall, AFPS, Rick Wendling

Process Server Appointment (PSAC)

Chair: Margie Zawacki AFPS margiez@hctjudge.com Vice Chair: Tammy White AFPS Members: Diana Wardwell AFPS, , Joe Osborne, Jr., AFPS

Promotion & Growth (P&G) and Member Benefits

Chair: Kevin Fedotov, AFPS Promotioncommittee@fapps.org Members: Desiree Garcia, Joshua Kes, Mercedes Randall Paralegal Liaison: Tammy White AFPS, ParalegalLiaison@fapps.org Alternate: Kevin Fedotov, AFPS

Secure Data Exchange and eSop

Chair: Bob Musser AFPS, BobM@dbsinfo.com

Technology

Chair: Desy Garcia, DesyGarcia22@gmail.com

Violence Against Process Servers (VAPS)

Chair: Michelle Howard AFPS, Michelle@trgtlegal.com Vice Chair: Chris Yeoman, AFPS Member: Bonnie Moore AFPS, Becky Gaston, Lance Randall AFPS, Frank Carreras, Tammy White, AFPS

Website

Chair: Diana Wardwell AFPS, administrator@fapps.org Webmaster: Bob Musser AFPS, bobm@dbsinfo.com Member: Desy Garcia

Newsletter Submissions: Submissions to the Paper Chase are highly encouraged. The preferred method of submission is electronic via email to administrator@fapps.org in Microsoft Word—though plain text format is fine. Articles will be edited for style, grammar, and length, if necessary. Spelling will be checked but it would be a good idea if the author checked this prior to submission. Advertisements must be camera ready. Electronic submissions are strongly encouraged. All of the relevant information regarding advertisement submissions—including sizes available, ad rates, and deadlines are on the advertising form.

The Fine Print: The Paper Chase is published quarterly by the Florida Association of Professional Process Servers, Inc. (FAPPS) a not-for-profit Florida corporation, for the benefit of the members. FAPPS assumes no responsibility for the accuracy of any article printed herein, nor do the articles necessary reflect the policies or opinions of FAPPS unless specifically noted. The articles are not to be construed as legal or accounting advice—those with such needs should consult the appropriate professionals. The editor reserves the right to edit any article for content, grammar, length, and style.

PRESIDENT'S REPORT

BOB MUSSER AFPS, PRESIDENT

Members:

I said this at the last meeting, and time has proven that I was correct: We have entered what I call a "strategic inflection point" in the world that is private process service. The decisions FAPPS makes this year will have a direct impact on how prosperous we are in the coming years. FAPPS and several members have filed a lawsuit against the Department of Financial Services to compel them to alter their portal to comply with Chapter 48 regarding who can serve original process. Our attorneys have met with them, and they are not going to oppose a Motion for Summary Judgement. That hearing should happen in late January or early February.

At the spring meeting we wrote and passed a white paper on what constitutes valid Electronic Service. I have forwarded that paper to NAPPS for publication, we have published it in The Paper Chase, and I'm pointing to it as we argue with entities like the Department of Financial Services.

On Thursday prior to the November 5th board meeting, Diana Wardwell and I attended (at their request) a second meeting of the Portal subcommittee of the Technology committee of the Florida Courts Association. They are treating us as valued contributors on the role of process servers in the FL courts system. Their long term goal is to have process servers or the process server agencies handle the EFiling of Proofs of Service. We have given them feedback on improvements they need to make to the API to allow process servers to submit batches of Proofs in an efficient manner. Finally, I'm proud to relay some kudos from outside FAPPS. In the Third Quarter 2022 issue of The Docket Sheet, NAPPS First Vice President and State Association Chair Larry Yellon gave us a nice mention that I'd like to repeat: The work of some state associations on behalf of their members has been superb. FAPPS has set the gold standard for member education programs. In addition, their continued legislative efforts and their recruitment of new members has been outstanding.

I know I say this every single time, but it's true: As always, the Association could really use your help. Every single one of you has competitors, allies, independent contractors, office staff, or others that should be members of FAPPS, but are not. You have the relationships with these people to steer them in the right direction. A personal conversation or even a text or email from you would do so much more than a "sales letter" from one of us.

We have membership levels starting so inexpensive that money is not a valid objection. Your office staff and contractors can be supporting members for only \$30 a year! Show them the Member Benefits summary at <u>https://fapps.org/MemberBenefits</u> but also stress that the main benefit is supporting the only state organization working to keep private process servers in FL in business!

Bob Musser, AFPS President BobM@dbsinfo.com (321) 679-1539

VICE PRESIDENT'S REPORT

CHRIS YEOMAN AFPS, VICE PRESIDENT

Greeting Fellow Members,

I hope this report finds everyone well, especially those recovering from the effects of Hurricane lan. It was certainly a historically tragic natural disaster that we will feel the effects of for many years to come.

Over the past several months, the FAPPS board, legislative committee, and many other fellow members and process servers have attempted to navigate a solution to the bill Florida's Chief Financial Officer Jimmy Petronis snuck through last session. House Bill 959 was amended to add a section requiring all future process addressed to the office of the CFO to be served through their electronic portal which had been established several years ago. Since the portal had existed in the past, the introduction of electronic service was not a new concept, however the CFO's portal allows service to be submitted by anyone registering an account. This mechanism allows service by attorneys, paralegals, clerks, even plaintiffs themselves. Service of initial process by anyone other than an authorized person as described in Chapter 48, is simply put, a bad service. Since the CFO is the agent for all insurance companies doing business in the state of Florida, as well as many other companies, each day hundreds of initial services are being improperly served. After all, how can a plaintiff be a disinterested party to their own suit? They cannot, and neither can their attorney, or an employee of the attorney filing the case. Service by an authorized process server, who is a disinterested party is an essential staple of due process. So why don't we stop electronic process? Seems like a simple solution, however with the evolution of technology, environmental impacts, and labor costs analysis, it is not likely we are going to reverse this progress. The solution is to adapt to what the future is sure to bring. If electronic service will be the wave of the future, we must be at the front and center of maintaining our role.

In October 2022, FAPPS along with several other members, and member owned businesses filed a lawsuit against Jimmy Petronis as Chief Financial Officer of the State of Florida to show how the current eportal is allowing service of process directly violating the principles set forth in Chapter 48. We were granted a generous donation by the National Association of Professional Process Servers (NAPPS), to aid in this lawsuit, as well as many other individuals and companies who saw the need to preserve the necessity of professional licensed process servers for every initial process, whether traditionally or electronically served.

While our battle has just begun, we are confident the end result will be an electronic portal that will have only access restricted to a person who is authorized by Chapter 48, and the principles of due process will be returned. A victory in this arena will be bigger than just the CFO services, but reassuring that other future attempts at electronic or alternative service will also have that very important element- service must always be compliant with Chapter 48, and always be completed by someone authorized to serve process in the jurisdiction in which the defendant is served.

Vice President's Report Continued Next Page

Vice President's Report Continued

This situation is only one example of modernization of our industry. Over the past few years, large registered agent firms are requesting process servers to email or submit their documents through a portal, as opposed to delivering them in hand. Keep in mind Florida statutes require strict compliance when it comes to service of process. No where in Chapter 48 does it say the process server can electrically submit the documents, and drop off a log later. You should not be emailing subpoenas to hospitals, or faxing process to county attorney either, so why would you weaken the importance of your own service and integrity?

Finally, I would like to thank all the individuals and companies alike who stepped up and aided with financial assistance to fight this battle. A special legislative fund has been set up, and all funds collected will only be used for the purpose of fighting to keep our industry alive and necessary.

Stay safe and stay relevant!

Chris Yeoman AFPS, Vice President Legislative Chair (954) 270-4597 cell

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FAPPS MEETINGS AND EVENTS



Winter 2023 1st Quarter Board Meeting February 2023

> Meeting via Zoom Date TBA

April 14-16, 2023 32nd Annual Conference

Safety Harbor Resort and Spa 105 N. Bayshore Dr. Safety Harbor, FL

August 18-20, 2023 9:00 a.m. Professional Beach Getaway 3rd Quarter Board Meeting

The Shores Resort & Spa Daytona Beach Shores, FL

November 2023

4th Quarter Board Meeting Location TBA

Meeting information available at www.fapps.org

EDUCATION CLASS SCHEDULE



Florida Association of Professional Process Servers

Process Server Education and AFPS Accreditation

Online Education

Continuing Education Classes Classes are being scheduled continuously See website for updated class dates

16 Hour New Process Server Classes December 2-3, 2022 8:00 a.m.-4:00p.m. February 3-4, 2023 8:00 a.m.-4:00 p.m.

Schedule and Registration: www.fapps.org

In Person Training

April 3, 2023 8:30 a.m. September 8, 2023 8:30 a.m. Continuing Education Class Indian River State College, BCIE 3209 Virginia Ave., Fort Pierce, FL

September 8-10, 2023

20 Hour New Process Server Education Indian River State College, BCIE 3209 Virginia Ave., Fort Pierce, FL

SECRETARY'S REPORT

JOE OSBORNE, JR.

From the Desk of the Secretary

Dear Fellow FAPPS members,

As required by Article VIII Section 7 of our by-laws the below you will find: (a). a description of the Motion or amendment, (b). the result of the vote and (c). the final wording of the order or amendment if passed that were made at quarterly board meeting held November 5, 2022:

- ⇒ Joe Osborne made a motion to accept the agenda as presented. Seconded by Michelle Howard. There was no discussion. The motion carried.
- ⇒ Michelle Howard made a motion to adjourn the meeting. Seconded by Tammy White. The motion carried unanimously.

As always it is a pleasure to serve this association and if you ever have any questions or concerns, please feel free contact me at (888) 360-5345 or by email at joe@360legal.net

Respectfully,

Joe Osborne, Jr. Secretary



TPC

ADMINISTRATOR'S REPORT

Diana Wardwell, AFPS

Dear Members,

THANK YOU to the members and fellow process servers from the Miami area that attended the 4th Quarter Meeting and Education Session. It was great to see everyone. The meeting was productive and the education session was very informative.

Over the past quarter, the FAPPS administration office remains extremely active with continuous inquiries regarding membership, how to find servers, and information about our education program.

I am pleased to see this growth and the interest that has been shown by our new members that have not only joined FAPPS, but are regularly attending our meetings. It's great to meet new members and process servers and see these individuals actively participating in our association.

Our meeting locations have been finalized, the contracts signed, and the information published to the membership. All education classes have been scheduled through 2022 and into the first quarter of 2023. I have participated in the creation of PowerPoint presentations for SB1062 and the Paralegal CLE. I had the pleasure of presenting the Paralegal CLE with Tammy White on August 24, 2022.

We have made strides in continuing to modernize our processes to meet the significant increase in inquiries regarding education and general information requests. With the assistance of Desy Garcia, I created an account with Formstack. New forms have been created for Membership, Advertising, and Meeting/Event RSVP. The feedback so far has been great. We will create the convention registration form next and stand ready to create and utilize new forms anywhere needed.

I am currently working with our Webmaster

administrator@fapps.org

team to enhance the Admin program to provide automatic reminders for dues renewal. Notice are being printed and will be in the mail the first part of November.

Over the next quarter we will finalize details for the convention schedule. If you have a suggestion for an education session or topic for our roundtable sessions, please contact me asap. We would like to get this schedule finalized so everyone can assist with promoting the event.

I am excited to share that Desy Garcia has come on board and will be creating our newsletters with me. I can't thank her enough for her dedication and support to FAPPS and look forward to working with her to continue to provide consistent quality information to the membership.

I was really excited by the energy and ideas I read in the other Committee Reports. I look forward to working with everyone to continue to pursue our goals.

Respectfully, Diana Wardwell, AFPS

2022 Status Update Membership Numbers	
2022 November Membership	
Active	232
Associate	80
Supporting	30
Pending Applicants	s 3
Pending App.(Dec.) 2
Total	347

Welcome New Members

Applicants are published the first day of each month at www.fapps.org and through email notification. Applicants automatically become a member the first day of the following month, pending no objection. Thank you for your support of FAPPS!



Deirdre Curran

Certified Subpoena Services, LLC 8221 SW 135th Loop Ocala, FL 34473 Phone: (352) 216-6941

Elizabeth Garcia

Do Diligent 501 S. Kirkman Road #618670 Orlando, FL 32861 Phone: (407) 221-4812

Derek A. Kronschnabl

K-One Investigations, Inc. P.O. Box 698 Safety Harbor, FL 34695 Phone: (727) 539-6599

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Susan Sheets Gotcha Served, LLC 231 Interchange Drive NE #109 Palm Bay, FL 32907 Phone: (321) 482-2366

Mike Taylor

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Willie Wiggins

Lightning Process Services P.O. Box 260748 Pembroke Pines, FL 33026 Phone: (954) 243-9579

Dana Wilkerson

Gleason Investigations 13720 Old St. Augustine Rd., Ste. 8-296 Jacksonville, FL 32258 Phone: (386) 627-8222

> Supporting Member: Casey Cox

Visit our Member Only Resource Section

http://www.fapps.org

Email administrator@fapps.org for an email to be sent to you for your first time login instructions.

Forward information, resources, or suggestions to be included to: administrator@fapps.org

Changes to your Member listing? Email: Administrator@fapps.org





Dear Members,

The A&G committee received an informal complaint regarding the delay of a return of service. We called the party in question and they confirmed what the complainant accused. We advised them to produce the return of service immediately to avoid any further action from FAPPS. We advised the complainant if they did not receive the return within a week's time to file a formal complaint. A formal complaint has yet to be received and this issue is considered closed and resolved. There is one formal complaint that is still in process and a report will be provided upon conclusion of the process.

In addition, we received numerous unaccepted complaints that could not be acted on as they were not unethical or unprofessional; such as, knocking too loudly, entering gated communities, etc.

If you feel a member is not acting according to the FAPPS codes of ethics please feel free to contact I or one of the committee members to discuss.

Sean Segel Committee Chair

Vice Chair: Jennafer Segel Committee Members: Janet Deal, Diana Wardwell, Don Seward

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Annual Conference Activities Amy Boyd AFPS, Chair

Boydsprostatus@gmail.com (772) 460-6679

FAPPS ANNUAL CONVENTION 2023

By: Amy Boyd, Chairman of Annual Conference Activities
When: April 14-16, 2023
Where: Safety Harbor Resort & Spa, 105 N. Bayshore Dr, Safety Harbor, FL
About: 2023 Annual Florida Association of Professional Process Servers Convention that is being planned will be full of fun and education. We were planning a celebration this year by having a "Margaritaville Extravaganza" event. We can't wait to see you all in person at our own Classic Parrot head event.

The weekend activities will start with a golf tournament on Friday morning. The afternoon meeting is always informative. The evening Welcome happy hour and buffet will be followed by Poker and Bingo. Friday is a great opening to the weekend of events.

Saturday morning the meeting resumes early. You will hear from our current Board and attendees. After lunch we will have round table educational program, by law amendments and elections. Saturday night will be our convention's final event, the "Margaritaville" banquet. Wear your best Parrot head attire and be ready to enjoy the evening with a fantastic dinner, fun and music!

This is a must do event for all Florida process servers and alike. Excellent opportunities to be up to date with all recent and proposed legislative changes and meeting individuals within the industry.

Amy Boyd, AFPS Annual Conference Activities Chair

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You ask where you can help FAPPS grow?

Bring members to FAPPS and take advantage of our membership programs

Our current program offers applicants a great value. If they join now through the end of the year, their membership will not expire until December 31, 2023. That's potentially a full 15 months of membership for the price of 12.

Members who refer Active or Associate Members are eligible for a \$25 discount for each person who is referred. The program has restarted for 2022 and you will receive this discount off your 2023 membership dues.

Attendees at our education classes are eligible for a free Supporting Membership or \$30 off Active or Associate Membership.



Members,

Our FAPPS Elections run very smoothly compared to every other system I've seen at the State and National level. We contemplate no changes unless someone has some excellent suggestions. For detailed information on how our Election Cycle works, please see Section 1 of the Policy and Procedure manual. It's under the Publications Tab on www.FAPPS.org.

If you have any interest in serving FAPPS as an Officer or Director, start laying the groundwork now! Talk to a current director! Call or email me for advice! Volunteer for a committee that you have an interest or expertise in. At the recent FAPPS Annual Meeting, the Officers were reelected unopposed, and we added Desy and Tammy to our board along with 3 returning directors. For the upcoming Spring 2023 Elections, we will be electing only directors.

Bob Musser FAPPS President **Elections Chair** BobM@dbsinfo.com www.fapps.org

TPC



Bob Musser, Chair BobM@dbsinfo.com

(407) 679-1539

Dear Members,

The FAPPS Distinguished Service Award Committee did a presentation at the Annual Meeting Awards dinner. For the first time, the award went to a member who was unable to attend, Dr. Denny Howley. We were able to present it at the August board meeting and he got the recognition in person that he so richly deserves. Going forward, if you, as members of FAPPS, have suggestions for the committee to consider, please send me an email with the name, and a brief summary of their experience or their attributes that would make them a fitting recipient this year or at some time in the future. I will forward your email to the committee prior to our next meeting. Due to budget constraints, this committee is going to be doing some of its work virtually for the first time. We will give you a summary of how well or poorly that worked out.

Bob Musser FDSA Chair BobM@dbsinfo.com www.fapps.org

TPC



Members,

We are almost there, the end of year and end of "Education Season" is approaching.

As of October 27, 2022, our team has had 237 attendees online or in-person. They have entrusted FAPPS to keep them up to date on the key principals that drive our profession. But wait, we are not done, we still have several classes scheduled through the end of 2022.

As we advised last quarter the 5th Circuit invited us back to teach class again this year. We did the online class a few weeks ago and received great feedback from the Court Coordinator. We look forward to our continued realtionship with them.

Our team will be scheduling 2 free webinars in December to address the new statutes from Senate Bill 1062. The webinars will last approximately 30-45 minutes. We want to ensure everyone is aware of the new changes and provide support and assistance while we all adapt to the new way for serving business enitites and evictions. Keep your eyes on the FAPPS Facebook page for the dates and times of the webinars.

Our classes are open to all process servers throughout the state as well as for your staff. We believe educating your office staff is key, it helps with communication not only with your servers but with your clients. This year will be the year you all will want to stay connected and informed to learn how the changes to statutes impact the way we serve. We are in the planning stages for how we will present the new statutes and the practical application to ensure your services are effectuated properly. Keep your eyes open for the 2023 class schedule as our classes have been filing up quickly.

We look forward to sharing our passion and knowledge with you!

Michelle Howard AFPS, **Committee Chair** 813-492-2500 (office) 727-542-1975 (cell) TPC Michelle@TRGTLegal.com 2023 Convention Sponsors & Vendors 2023 Convention Education Interested in Advertising or Sponsoring? Interested in Moderating an Education Topic? Interested in attending as a Vendor? Have an Idea for an Education Session? Do you know of a Vendor or Service Provider Have an Idea for a Roundtable Topic? that would be interested in our Convention? Email administrator@fapps.org Email administrator@fapps.org or call (321) 952-0820 or call (321) 952-0820



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Learning from Serving

An Educational Forum

Submitted by Dr. Denny Howley

Visiting the Archives The Paper Chase Second Quarter, 2011



Professionalism and Good Judgement

Situation:

Our highly experience FAPPS Process Server received two (2) foreclosure documents to be served on a woman who lived in a gated community. He realized the lady would not be overjoyed about receiving the documents, but also knew it would be no surprise since she clearly had some continuing correspondence with her mortgage company.

Since our Server had numerous positive experiences with that particular gated community, he anticipated no difficulty, other than finding the woman or a housemate at home. But as luck would have it, she had not been at home on two previous attempts. Our FAPPS PROFESSIONAL was on his way to try again for the third (3) time.

A "CLOSED" GATE !!

When he arrived for the third time, our Server was jolted to find that the guard denied him entry. A little stunned at this unusual turn of events, he asked for an explanation. He was told that the President of the Homeowners Association (HOA) had given specific instructions that our Server was not to be granted access to the gated community.

He was more than a little miffed at the twist of events, since he knew that denial of entry by both the guard and the President of the Homeowners Association was a violation of Chapter 843.02 of the Florida Statutes and U.S. Federal Code 18, Section 1501. Obstructing the Service of Process. Our experienced Server knew he could show the appropriate documents to the guard, but then the guards would be between a "rock and a hard place". The guard would know he had legal problems, but he'd be more concerned with keeping his job and not "bucking" the President of the HOA.

Anyway, it would take court action or bigger "guns" than our savvy Server had. In any case his job was to serve the papers, not get into a "peeing" contest with anyone. He was fully aware his lawyer/clients would not be interested in "his" problem and if he passed it back to his client unserved he'd likely lose that client. So he decided to play his "ace-in-the-hole" and called the Sheriff's dispatch number.

Continued Next Page

Professionalism and Good Judgement Continued

Professionalism and Good P.R. Pay Off

While still at the gated community gate, our Server received a call from the Deputy who had been notified by the Dispatcher about the problem. He explained the situation to the Deputy. The Officer asked him to give the phone to the guard, which he did. The gated community guard was told in no uncertain terms that the Deputy was on his way and when he showed up "we're (The Deputy and our FAPPS PROFESSIONAL), going in". Likely, with some relief, the guard knew he was "off the hook" since the law "out ranked" the President of the HOA.

As they approached the woman's home, our Server saw the parked SUV back-up lights go on, as the lady to be served prepared to leave and avoid service. The guard who clearly had some serious job concerns, had obviously called her in a "CYA" move and she was going to "exit" the scene. Our Server who had no intention of allowing "the bird to fly", sped up, stopped in front of he house and jumped out. The quick-thinking Deputy, parked at the end of the "hopefully avoiders" driveway blocking her escape.

A very "displeased" lady, with her car still in reverse, said to the unflappable PROFESSIONAL; "How did you get in here?". Needless to say, in her stage of "upset", she had failed to notice the presence of a clearly marked County Deputy Sheriff's vehicle blocking her "retreat" at the end of her driveway. Our ever-polite Server responded, while pointing "I came with that Deputy". (Duuuh).

Our PROFESSIONAL FAPPS Server gave "Ms. Pouty" the documents, apologizing for upsetting her. He then returned to the Deputy's car and thanked him for his help, "no problem" he said", then added "looks like she thinks we ruined her day". Both then left the gated community, mission accomplished.

COMMENT:

Process serving is a thinking business, and those who choose not to think don't last long in our profession. Our FAPPS Server was very professional and tactful in dealing with the guard, since the guard was just doing his job. Alienating him would have accomplished nothing, except create possible problems for future serves in this gated community. The call to the dispatch and the Deputy's actions was the "no hassle" way out of a touchy situation. Clearly maintaining good relations with his Sherriff's Office was an excellent investment of time and effort and certainty paid off in this situation.

Editors Note: This article was written prior to the change to Chapter 48 that grants unannounced access to gated communities, 48.031(7). Kudos to the professional server in this situation and many thanks to those within FAPPS that spearheaded HB59 and successfully got it passed and signed into law.

Denny has been writing articles for FAPPS and NAPPS for over twenty years. He owns and operates Dr. Denny Howley d/b/a serving process in Key West - ONLY (33040, 33041, 33045) Capital of the Conch Republic. He has been in the business of serving process since 1997. Denny lives in Key West with his wife Beverly and three "critters" Shadow, Pepper and Will.

A Professional NEVER Stops Learning

Share your serving stories! You can share a full article or a synopsis of the service and Dr. Denny will help you create the article. Email: <u>DennyHowley@bellsouth.net</u>

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FAPPS is running a membership contest!



Refer a NEW member to FAPPS and be entered in our contest for a free room night at the Annual Conference on April 14-16, 2023 at the Safety Harbor Resort & Spa. The promotion began August 30, 2022 and ends on March 1, 2023. The Member with the most applicant referrals will be the WINNER of the free room night. Referrals must be new members. Member application is available at: <u>https://fapps.formstack.com/forms/member_application</u>

So far we have a handful of members in the running for that free room. Let's get your name added to the list of referring members today!

Understanding Chapter 48

Obtaining the Full Name of the Person Served

I wanted to mention how many times I serve Record Subpoenas and ask for the person's name and title and receive the first name and last initial. I ask for a full last name since it is required and always get the reply, "no one has ever asked my last name". I believe servers need to remember we have to ask for the last name and change this normal response. If the business being served does not produce records and the attorney has to move for sanctions, there will be a problem not having the person's full name. When preparing our Return of Service, 48.21 requires the name and title/ relationship of person served. Questions? Email: education@fapps.org

This new section will discuss questions regarding the practical application of Chapter 48. If you have a question you would like to see answered please email education@fapps.org or administrator@fapps.org



Dear Members,

The FAPPS legislative team has been busy as you are well aware. With the introduction and passing of Senate Bill 1062, and the revisions of Chapter 48 written by a Florida Bar group, they really left a lot of work to get Chapter 48 back to where it should be. A great deal of changes regarding services to different types of entities have been made. Many of these changes will make procedures more difficult to the process servers in the field. These will be the focus of our legislative bill this next session. In addition, we will look to have some other changes that will aid in serving School Boards, as well as registered agents who use private mailboxes, mini suites and virtual offices. We will need support from legislators, so keep your eyes out for requests for support when our bill is sponsored or needs attention. We will need members to contact their local legislators for support.

Additionally we have been focused on the situation in Tallahassee with the Chief Financial Officer regarding the electronic portal. This topic is discussed in further detail in my Vice President's report. I want to thank our administrator Diana Wardwell for the tireless hours she has spent helping me with this project, and President Bob Musser for the communications and meeting with our counsel in this matter, as well as several other members of this committee who have shared their support, concerns and ideas on how we can make this important campaign a success. Together we shall continue to move forward protecting our industry and implementing changes that benefit all process servers.

Stay safe!

Chris Yeoman FAPPS Vice President, Legislative Chair, VAPS Vice Chair cellphone 954-270-4597

TPC

Member Information

- Member Listings can be updated continuously throughout the year. Email all updates to: administrator@fapps.org
- Email administrator@fapps.org to receive a link to set up your login and password to access the Member Only section of benefits & resources.
- Claim your free listing at <u>fapps.securedocumenttrading.com</u> to send and receive documents securely. This a FREE service for FAPPS Members. Need more information about how it works? Give us a call and we will walk you through the setup.
- Advertise your services with FAPPS (info at www.fapps.org)
- Attend an Education Class to obtain your AFPS Designation. Clerical staff of members are also welcome to attend for a reduced fee.
- Attend meetings to network and build your connections with other members



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Visiting the Archives The Paper Chase Circa 2011



Professionalism....Well O.K...Whatever...

In the September/October/November/December 2011 issue of the Docket Sheet, the publication of the National Association of Professional Process Servers (NAPPS), Administrator Gary A. Crowe wrote, what I consider a most stimulating article titled "What is NAPPS?"

He addressed the issue of PROFESSIONALISM in our Process Serving Industry, something we tend not to focus on in our pursuit of dollars and business growth. Professionalism, however, is the essence of why we should have joined a PROFFESSIONAL organization. It should reflect our standards in the conduct of our business. It should also reflect our desire to associate and network with like-minded PROFESSIONAL businesspersons.

I have extracted parts of Gary Crowe's excellent and thought-provoking article as a "refresher" on the why of PROFESSIONALISM, and why it MUST remain the corner stone of our business ethic.

The article was triggered by some of NAPPS members who mistakenly perceived NAPPS as only a business entity designed at advertising/promoting individual member's business'. This perception was laid to rest with the following comment:

"The major difference is that NAPPS is a PROFESSIONAL Association, comprised of members with common interests and a common desire to learn and improve the services we provide."

"As a PROFESSIONAL Association we have rules. Including a CODE OF ETHICS, by which our membership is bound".

"...one's signature on our application for membership is a COMMITMENT by the applicant to abide by this CODE OF ETHICS, as well as our rule regarding

An Educational Forum Submitted by Dr. Denny Howley

PROFESSIONALISM in the performance of services. Our CODE OF ETHICS establishes our duties to clients, the general public and legal ethics and states."

Again we return to the name, be it the National Association of PROFESSIONAL Process Servers (NAPPS) or The Florida Association of Professional Process Servers (FAPPS)...PROFESSIONAL!!!

The article goes on to state:

"Members are bound by our CODE, which is the glue that holds our association together, along with the commonality of interests of its membership. It is why members are not only responsible for their own actions, but for the actions of their employees and their other employees in their office".

NAPPS Administrator Gary Crowe concludes:

" (Membership) is the price that is paid for being a part of a PROFESSIONAL organization and the PRICE of ACTUALLY BEING A PROFESSIONAL. It means we Hold ourselves to high standards of ethics and PROFESSIONALISM that separates us from the non-professional organizations of society".

As members of FAPPS we share these same responsibilities of membership.

If you have not done so or not done so in some time, review our FAPPS CODE OF ETHICS and our "enforcement" system as outlined in the section on Arbitration and Grievance. (see FAPPS.org or our FAPPS Directory).

When we JOIN FAPPS we agree to not only talk the talk but walk the walk!!!.

A Professional NEVER Stops Learning

Dr. Denny Howley owns and operates Dr. Denny Howley d/b/a serving process in Key West (ONLY), Capital of the Conch Republic. He has been in the business of serving process since 1997. Denny lives in Key West with Sophie his "dalmeagle". (update lives with soulmate Beverly and three critters Shadow, Pepper and Will. Sophie died B couple of years ago.

P&G/Member Benefits Kevin Fedotov AFPS, Chair fedotovk@yahoo.com (407) 627-8222

Howdy everyone and welcome to our final meeting of 2022! Here are the updates from our committee:

Facebook, Desy Garcia

Our main FAPPS Facebook Page currently has 920 members, reaching 557 members of the audience in the last 28 days with 166 post with user engagements. The page is growing slowly but steadily with 10 new followers in the last month.

The Group page currently has a total of 261 members, which is up 25 new members since the last report and is quickly growing. There have been 19 new membership requests since September 2nd which is a 58% increase from the previous period.

The allotted Facebook Ad money have not yet been utilized and will be spent promoting the Annual meeting.

PAF, Tammy White

There are no major updates with the Paralegal Association, they are still considering coming to our Annual Meeting next year to conducted a presentation that was originally scheduled the year the Covid pandemic happened.

NAPPS, Kevin Fedotov

After NAPPS annual meeting we had a lot of excitement and motivation to start meeting as committee heads via Zoom to discuss what's working and to have a mentoring program. The goal was to pass around ideas and promote each other's associations to foster growth. I have followed up with the NAPPS Administrator two times and have not heard back. I will continue to push this idea and will update you when I hear back.

Upcoming Events

OCBA Breakfast of Champions -**THURSDAY, NOVEMBER 17, 2022** (VIRTUAL) OCBA YOUNG LAWYERS SECTION ANNUAL GOLF TOURNAMENT - Omni Orlando Resort JANUARY 20TH, 2023 7AM OCBA Law Week 5k 2023 - SATURDAY MARCH 25, 2023 AT 7 AM – 12 PM

OCBA Law Week 5k 2023 - **SATURDAY, MARCH 25, 2023 AT 7 AM – 12 PM** PAF Conference - TBD (Sept?)

Be sure to follow and share our Facebook group page "Florida Association of Professional Process Servers" for updates on legislature, Zoom Happy Hour and Educational Mastermind events, and other news in our industry.

As always, it is a pleasure to serve you [no pun intended] and if you have any questions please do not hesitate to contact us.

The P&G Committee currently consists of Tammy White, Desy Garcia, Mercedes Randall, Josh Kes, and Kevin Fedotov, but we are always looking for someone to donate their time.

Kevin Fedotov, AFPS Director and Chair

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2022 MEMBER REFERRAL PROGRAM

ESTIGATIONS

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The Member Referral Program provides members with a \$25 discount for each active or associate member they refer to FAPPS; up to a free membership.

Our program has restarted for 2022-2023! Share member applications with your associates and enter your name in the "referred by" line or send them our new link for applying: <u>https://FAPPS.formstack.com/forms/member application</u> to help build our membership and receive credit toward your 2023 membership dues.

Special thanks to the following members who have referred new applicants this year: Desy Garcia, Kevin Fedotov, Ryan Gleason, Joe Groenveld, Michelle Howard, Andrew Karp, Ron Link, Jan Lowdermilk, Diana Wardwell, Carl Woods, Chris Yeoman.



Dear Member:

I hope that this finds everyone safe after Ian and Nicole decided to pay us a visit. I was asked to Chair this Committee a couple of months ago because Melody Bulso had to step away for personal reasons.

When I created this Committee many years ago it was my hope that we could get Process Serving Programs in every County in the State. We realize that it will be an uphill battle in some of the Counties that do not have a program but we will give it our best effort moving forward to get this accomplished.

We are aware that there is a shortage of Process Servers in the Duval County area because the Sheriff has decided NOT to appoint any more individuals to serve process. We are looking into this and I have sent emails out to the known Process Servers in that area asking for their feedback as to how they would like us to handle this situation moving forward, if anything. The Committee will advise the Board once we hear their input.

We are always looking for help. If you would like to join this Committee, please email us at PSA@Fapps.org. I look forward to hearing from you.

Sincerely,

Margaret L. Zawacki



Secure Data Exchange Bob Musser, Chair BobM@dbsinfo.com (407) 679-1539

The Secure Document Trading Service, which is now 7 years old (First launched in 2015!) is a working platform, has support from 5 vendors. Process Master, Process Server's Toolbox, Paper Tracker, Tristar WinServe, and Loyal Dog all support import of jobs from the web version of SDTS directly into their software. If you have not taken the time to fill out your FAPPS profile (no cost, and gets you additional exposure and work through the FAPPS website), come talk to me, or read more about it at https://Fapps.SecureDocumentTrading.com

The SDTS is likely to play a major role in the success of process servers in the coming years. My company, DreamBuilt Software built it in 2015 to fill a need that NAPPS saw. The fear was that as Electronic Filing became a bigger thing, that many NAPPS members were going to be on the outside looking in with no financially viable way to transfer data and documents in a secure manner. I expected Email to be used less, and a true Secure method of moving data and documents to be used more than it has so far. I see the next few years as an even bigger threat, as Electronic Service finally starts making significant inroads into our world.

TPC



Dear Members,

There hasn't been much activity going on with the technology committee in the last quarter. I will be attending the Florida Courts E-filing Authority Board of Directors Meeting via WebEx on December 12, 2022. I am also actively working on the Conference Registration online form. This will make the registration process faster, easier, and more efficient for our members, exhibitors, and our FAPPS Administrator. My goal is to have it ready and published on our website by the end of this month.

Lastly, I want to extend an invitation to our members to reach out to me for any "techy" questions you may have. Unfortunately, Florida is a state with some of the lowest profit margins in the Process Serving industry and the use of technology could significantly make a change and increase those margins. My goal is to share some of the knowledge I've gained to provide value to the members who have put me on this board. Thank you all for being here with us at the last board meeting of the year.

Desy Garcia Director andTechnology Chair DesyGarcia22@gmail.com



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FAPPS Legislative Fund

Over the past several months, your FAPPS Board and specifically your Legislative committee has been working with members in the Second Circuit, primarily Mike Nolan and James Kady, to get the Chief Financial Officer (CFO) of the Department of Financial Services (DFS) to enforce the provisions in Chapter 48 of the FL Statutes regarding who can serve initial process. They have been allowing anyone acting on behalf of the Plaintiff to serve the CFO when the CFO is the named agent for service of process on insurers and other entities outlined in 48.151. They are not restricting their Electronic Service portal to people authorized by Chapter 48. They understand the law, but have stated that, absent a lawsuit, they are not changing their website or procedures.

FAPPS has petitioned NAPPS for a grant from the NAPPS Legislative Fund for this effort. Lance, Gretchen, Diana, Chris, and myself worked on an

application and a cover letter. On Saturday, 8/13/2022, we were awarded \$17,382, the maximum allowed. FAPPS has pledged \$5000 from our general fund as well. As soon as we can get the paperwork signed, we are going to file or join a lawsuit to compel the CFO to follow the rules of Chapter 48.

The money we have committed now is not going to be enough. At the last board meeting, the Board voted to establish a separate Legislative fund and ask members and supporters for donations. If you can help FAPPS in this fight, the payback could be immeasurable. If we can compel one government agency to follow the rules already in place, and only allow Sheriffs, Certified, and Special Process Servers to serve through their portal, we have established a precedent.

You can contribute to this important cause by sending a check payable to FAPPS; P.O. Box 72, Melbourne, FL 32902. You can use PayPal at (<u>paypal@fapps.org</u>). Another option is

this form:

https://fapps.formstack.com/forms/legisl ative_fund or by contacting us at (321) 952-0820 to contribute by credit card over the phone. These donations are NOT tax deductible, they are for Legislative purposes only.

I strongly believe that FAPPS needs your help, this fund is crucial. My company contributed to the fund yesterday when we opened the account. Other leaders in FAPPS and members, namely Kevin Fedotov, Diana Wardwell, Frank Carreras, Cher Averill, Dennis Fox, Jay Bowen, Richard Mateo, and Shelly Huffman did as well. I hope many of you will help support this fund – it is crucial to our ability to affect FAPPS' future in a positive way.

Bob Musser FAPPS President BobM@dbsinfo.com Violence Against Process Servers

HAPPY FALL! It is time to get in holiday mode and welcome the cooler weather and holiday spirit.

We have no new violence cases that have been deemed for prosecution. We have had several this year that law enforcement has been called and either a basic incident report has been issued or they deemed they cannot move forward without enough evidence.

One common element has been connected to many of the cases that cannot move forward, the mere fact that the process server remained on the property or in front of the property causing a greater escalation by their mere presence. We recommend if there is a hostile service, you have been threatened or an actual physical act of violence, please get to a safe location away from the property while you wait for assistance from law enforcement. The first question most dispatchers will as is "Are you in a safe location?", remaining on property or close to the incident can escalate and put yourself in more danger.

We want everyone to be aware of their surroundings at all times while serving and make sure you have as many tools to help de-escalate any possible situations. Reach out and network with investigators, former law enforcement officers who can advise great techniques to assist with keeping you safe.

Updates for ongoing cases:

The Pinellas County case update: The subject has been found temporarily incompetent but restorable, he has been under order to have extensive psychological treatment and they will check his competency in May 2023.

If you would like copies of the rack cards for law enforcement Officers as well as the Safety Guide for Reporting a Violent Act, please email Michelle@TRGTLegal.com with your name and mailing address and we will get these sent to you. Please share this newsletter with your fellow process servers as we want ALL servers to be protected.

If you encounter a violent act against you, submit a report via https://www.fapps.org/ViolenceReport

You may also reach out to the VAPS Liaison in your area for additional support:

Central Florida – Desy Garcia – email: <u>desygarcia22@gmail.com</u> Southwest Florida – Tammy White - email: <u>Tammy@weservejustice.com</u> North east Florida – Chris Compton – email: <u>Chris@ProcessAmerica.com</u> South Florida – Frank Carreras – email: <u>FXCarreras@yahoo.com</u> West Coast of Florida – Michelle Howard – email: <u>Michelle@TRGTLegal.com</u>

Please stay safe!

Michelle Howard AFPS, Director Committee Chair – Violence Against Process Servers 727-542-1975 (cell)

TPC



The FAPPS website is full featured, a complete source of information on all things FAPPS, and a frequently used tool for finding private process servers across Florida and the entire nation. Many thanks to Diana Wardwell for her constant review, and to the committee chairs who send us content for the areas for which they are responsible. The FAPPS server is a private, secure, replicated and backed up place for the Administrator, Secretary, Education, and other committee chairs to store information that belongs to FAPPS. We no longer have to move files and data from person to person after each election. We use an Uptime monitor which shows we are over "4 Nines" available (99.99%). That means that the FAPPS Website and membership database are online and available almost always, and don't miss more than 52 minutes a year. We are trying to achieve 5 Nines this year, which means less than 6 minutes of downtime.

Bob Musser, Webmaster

The website is reviewed and updated on an ongoing basis to ensure our information is current. We are always open to suggestions for content and information to share. Special thanks to Desy Garcia for joining the website committee to assist with review of our content and share ideas for improving the ease of access of information for all members and visitors. If anyone else has suggestions you are welcome to email **administrator@fapps.org**.

The Member Only section contains additional resources. In order to access this area of the website you will need to create a login. This can be accomplished by emailing me first so I can forward you a link.

Diana Wardwell, Chair

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