

## **Policy & Procedure Manual of the Florida Association of Professional Process Servers**

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. 1        Elections**

Sec. 1.1        At elections for officers and directors, 3 tellers shall be appointed by the Presiding officer.

Sec. 1.2        The following procedure shall be followed at elections.

- a. Voting for officers shall be by majority vote and voting for directors shall be by plurality.
- b. Nominations will be open for President, Vice President, Secretary, Treasurer, and Directors during such time in advance of the meeting. The mail in cutoff date shall be nine days prior to the start of the annual meeting. The President should ensure that the nomination window and the time set for elections are widely publicized. The end of the nomination window should be separated from the start of the elections to allow ample opportunity for members to learn about the nominees.
- c. Voting will take place for President first. Any candidate for President who does not win will automatically be on the ballot for Vice President unless they decline.
- d. Voting will take place in order for Vice President, Secretary & Treasurer in the same manner as outlined in 1.2(c).
- e. Voting for Directors will take place after the Election of Officers is complete.
- f. Nominees must be present in person to accept nomination or accept a nomination in writing and submit it to the Election Committee Chairman prior to the end of the nomination window.
- g. The winners shall be announced to the membership but the total number of votes for all individuals running for office will not be read out loud to the membership. Any individual that ran for office may come up and ask the President for their total votes if they choose to. The totals written down will be given to the Secretary.

Sec. 1.3        The Presiding Officer shall ask the assembly if there is a request for a re-count of the ballots and if there is no such request made, the ballots shall be destroyed.

Sec. 1.4        The Officers and Directors elected at the annual meeting shall hold their office until the successor has been elected.

Sec. 1.5        Officers and Directors so elected shall be sworn in and assume their respective positions at the banquet.

Sec. 1.6        At the annual convention all voting members must have a displayed form of designation on their badge in order to vote. (Adopted Board Meeting August 19, 2023).

Sec. 2      **Membership**

- Sec. 2.1      A member who has had their membership revoked must then re-apply for membership as a new member if at some time after revocation, they wish to re-affiliate themselves. In this circumstance, that individual would not be eligible to hold any office for a period of one year from the date of their re-application approval.
- a.      When a bad check is received for dues the Treasurer will email and telephone the member and advise them that they have 2 weeks to send a new check, cashier's check, or money order. The Treasurer will also advise them if the money is not received within that time they will be temporarily removed from the website. The Treasurer will then do a follow-up email advising the member that they have been temporarily removed from the website and that they have 5 days to send the money or their membership will be revoked and they will have to reapply.  
(Amended Board Meeting June 9, 2007)
- Sec. 2.2      Applicants for Active or Associate membership who apply between June 1st and August 31st will be charged 50% of the annual dues amount. Active or Associate Applicants who apply on or after Sept 1 will pay the full dues amount, however this will cover their membership dues for the following year.  
(Amended Special Board Meeting March 29, 2017)
- Sec. 2.2.1      Renewal membership for Active or Associate members may be offset by \$25 for each new Active or Associate member referred by the existing member not to exceed the total amount of membership on an annual basis. (Amended Special Board Meeting March 29, 2017)
- Sec. 2.3      The Board of Directors, in executive session, shall review any requested hardship exemption with regard to payment of dues.
- Sec. 2.4      The Association shall publish a directory of its membership which shall be distributed to all members. Directory listings shall be as follows.
- a.      Active member: Each active member in good standing shall be entitled to a full listing to include the name of member, firm name, address, phone, fax, e-mail and website. Additional counties shall be listed with the same office address as the main listing at a charge approved by the Board of Directors. If requested, active members may have additional full listings, which shall include the name of member, firm name, address, phone, fax, e-mail and website at a charge approved by the Board of Directors. This does not entitle the member to an additional vote at the annual meetings. (Adopted Board Meeting October 27, 2012)
- b.      Associate member: Listed by State, including name of member, firm name, address, phone, fax, e-mail and web. Additional counties shall be listed with the same office address as the main listing at a charge approved by the board of Directors. (Adopted Board Meeting August 17, 2013).
- c.      Honorary member: Listed in separate section in the front of the membership directory, before the member listing, including name, city, state and year of induction for perpetuity. In addition, an announcement will be made in the next addition of the Paper Chase after induction. (Adopted Board Meeting November 8, 2008).

- d. County chapter: Listed in separate section including name, address, phone, fax, e-mail and web of its President, or a point of contact appointed by the President of the county chapter member.
- e. When we do not receive all monies due for additional listings we will not list their additional listing on the website until the Treasurer has written an email advising the member of the shortage and letting them know that they will not have their additional listing posted on the website until such time as we receive the additional funds. (Amended Board Meeting June 9, 2007).
- f. Members may purchase additional listings by city and zip code at the rate of \$10 per city and zip code. (Amended Board Meeting July 18, 2015).
- g. Unresponsive Members: If the association is notified that a member cannot be reached through the contact information that is published on the website, the Administrator is directed to take the following action:
  - 1. Immediately attempt to contact the member through all provided listing information.
  - 2. If no response is received within 24 hours of notification, the member's listing will be removed from the association website until such time as a response is received or their membership expires, whichever occurs first.
  - 3. Additional attempts will be made by the Administrator to contact the member within 72 hours, with an update provided to the notifying party.
  - 4. After 72 hours, an unresponsive member will be referred to the A&G Chair for further action as necessary. (Adopted Board Meeting October 10, 2015).

## Sec. 2.5 **Member Emergency/Crisis**

Sec. 2.5.1 Once notified of a situation the President will appoint a “Member Emergency/Crisis Liaison” (MECL) The MECL will then accomplish the following:

- a. Determine the nature of the emergency/crisis.
- b. Evaluate what help/assistance FAPPS might provide.
- c. Make recommendations to the BOD for action.

Sec. 2.5.2 The BOD will then evaluate the information provided and determine what action might be appropriate for FAPPS, as an organization to take or not take.

Sec. 2.5.3 The BOD might also direct the MECL to head an independent effort to collect funds, etc. from the membership to assist the member in emergency/crisis.

## Sec. 3 **Association Property, Financial Obligation & Committees**

Sec. 3.1 No Officer, Director or member shall obligate the Association in any way whatsoever without the prior approval of the Board of Directors.

Sec. 3.2 No Officer, Director or member shall expend any funds over \$250 without the prior approval of the Board of Directors.

- Sec. 3.3 All committee's shall cease to function at the time that the person appointing them shall leave office, and it shall be understood that at that time, all chairpersons and members of committees terms shall cease.
- Sec. 3.4.1 All Officers, Directors, committee chairman and members shall turn over all material in their possession, at the annual meeting, that is the property of the Association, to the newly elected President. Including but not limited to, check books, statements, records, minutes, lists, computer disks, correspondence, etc. The immediate past Treasurer will be responsible and have 30 days to prepare the convention report. The immediate past Treasurer will be allowed to retain such material as needed to facilitate such preparation and will then turn over said material and report to the new Treasurer to present to the board for review and approval.
- Sec. 3.4.2 All FAPPS records and materials shall be kept on the designated FAPPS computer server. This includes, but is not limited to, all Secretary records, Treasurer records, A&G records, and any and all material that is the property of the association. (Adopted Board Meeting December 8, 2018)
- Sec. 3.5 The FAPPS standard mileage rate shall be 50 cents per mile. (Adopted Board Meeting May 14, 2011).
- Sec. 3.6 Attendance at Board Meetings - When the FAPPS Board decides that a committee chair or other designated representative's presence is required in person at a Board Meeting:
- The decision must be made in advance of the Board Meeting. The Board cannot retroactively decide that the travel was required.
  - Mileage will be reimbursed the same as a Board Member
  - Hotel stay (if used) will be reimbursed the same as a Board Member
  - Up to \$100 additional will be reimbursed upon submission of receipts to cover reasonable parking, meals and other expenses
- (Amended Board Meeting March 8, 2014 and February 8, 2025).
- Sec. 3.7 Attendance at Special Events by Committee Chairs, Board Members, or any other person when authorized by the FAPPS Board
- When the FAPPS Board approves the attendance of a Committee Chair or any other member or non-member to attend an Event on behalf of FAPPS we recognize that events will vary widely in expected expenses. The following items are reimbursable but require that a budget shall be submitted before the event by the Committee Chair or other designee, and approved by the FAPPS board:
- If the total expense will be less than the amount specified in the Policy and Procedure Manual, Section 3.2 (currently \$250), the President can waive all requirements of this section and authorize the expense.
  - Hotel reimbursement will follow the bylaws for Board Member reimbursement for a Board Meeting.
  - Direct expenses such as air fare, parking, tolls, and official event activities, including event meals will be reimbursed in full.

- If the designee drives a personal car to the event, mileage will be the same as for a Board Member attending a Board Meeting.
  - All requests for reimbursement must include clear and legible receipts
  - Wherever possible, expenses will be prepaid by FAPPS using FAPPS checking, credit cards, or other methods.
- (Amended Board Meeting February 8, 2025).

Sec. 4      **Duties of Administrator and Officers**

- Sec. 4.1      In the event that the Association employs the services of an Administrator, such person may perform some of the duties specifically stated in the Bylaws as the responsibility of the Secretary or Treasurer. In such case, the Treasurer would have the responsibility to audit and oversee such person with regard to financial matters and the Secretary would be required to make sure that minutes are taken at all meetings.
- Sec. 4.2      The Administrator shall report to and take direction from the Board of Directors.  
a. The Administrator shall be required to attend all scheduled meetings of the Association. (Amended Board Meeting May 18, 2008).
- Sec. 4.3      The Administrator shall perform the following specific duties with regard to association finances: (Adopted Board Meeting March 25, 2017)
- Sec. 4.3.1    Receive and deposit checks, payments and any other sources of income as directed by the Board. (Adopted Board Meeting March 25, 2017)
- Sec. 4.3.2    Post all transactions into the Association owned accounting program.  
(Adopted Board Meeting March 25, 2017)
- Sec. 4.3.3    Maintain a chart of accounts, classes of information, and other sub-categories in a consistent manner. Changes to these categories of information shall be approved by the board. (Adopted Board Meeting March 25, 2017)
- Sec. 4.3.4    Provide periodic reports as requested by the board to the Treasurer for the Treasurer to review and present to the board. (Adopted Board Meeting March 25, 2017)
- Sec. 4.4      In the event a lobbyist is employed by the Association; such lobbyist shall have the President as his primary contact with the Vice President as back up contact. The Treasurer shall ensure the lobbyist is paid during the first quarter of each year. (Amended Board Meeting June 5, 2010)
- Sec. 4.5      The Secretary or Administrator shall notify members monthly of applications for membership that have been received.
- Sec. 4.5.1    Applicants will be posted the first day of each month on the Association website [www.fapps.org](http://www.fapps.org) and automatically become a member at the end of the month, pending no objection received. (Amended Annual Meeting April 2005). Additionally, the

administrator will send an email to all members listing the new applicants. (Amended Board Meeting June 2010).

- Sec. 4.5.2 When a membership objection is received for a pending applicant, the Secretary will do the following: (Adopted Special Board Meeting July 27, 2016)
- a. First determine, at a minimum, that the objection meets the following set of guidelines:
    1. The objection has been received within the required time period, contains specific information as to the nature of the objection with any supporting documents and is not personal in nature.
    2. The objection outlines that the applicant has violated the Code of Ethics, Bylaws, or Policies & Procedures of the Association; or
    3. The applicant conducts their business in such a way that would be in violation of the Code of Ethics, Bylaws or Policies & Procedures of the Association.
- Sec. 4.5.3 If the objection does not meet the minimum requirements outlined in section 4.5.2(a) the Secretary will do the following: (Adopted Special Board Meeting July 27, 2016)
- a. The Secretary will send a letter to the objecting member advising that the objection has been rejected and the reason(s) for the rejection. The letter will also state that the objecting member has 14 days to:
    1. Submit their objection with documentation that meets the criteria as outlined in section 4.5.2 above.
    2. If no response is received from the member after the 14 days, the application process will continue.
    3. If an objection is received that meets the criteria, the matter will follow the requirements in Sec. 4.5.4.
- Sec. 4.5.4 When an objection is filed to an application for membership, the Secretary will do the following:
- a. Send a form letter to the applicant telling them an objection has been filed. Copy them in on the objection from the member. Copy the member filing the complaint. The applicant is given two (2) weeks to respond to the objection.
  - b. The applicant has the choice of either responding in writing or appearing before the Board of Directors during an executive session. If the applicant chooses to submit a written response, the Board will either call for an executive session which may be held via email with the applicant's permission and at the Presidents discretion or wait until the next regularly scheduled Board meeting. If the applicant chooses to appear before the Board he/she is required to submit this request in writing and will be notified of the date his/her appearance is required. (Amended Board Meeting November 13, 2010).
  - c. The Administrator is notified of the objection so the application for membership can be put on hold until the Board of Directors review the objection.
  - d. If the applicant does not file a response during the allotted time frame (2 weeks), a letter is written to the Administrator asking him/her to take the applicant's name off the pending member list.
  - e. If the applicant does not file a response during the allotted time frame (2 weeks), the Secretary sends a form letter to the applicant telling him/her that his/her membership

has been denied. This letter is copied to the President. (Adopted Board Meeting November 8, 2008. The form letters are attached to these Minutes).

- f. In the event that a membership application is denied or withdrawn, the application fee will be reimbursed minus a \$25.00 administrative fee. (Adopted Board Meeting November 13, 2011).

Sec. 4.6 The Secretary or Administrator shall notify members as soon as practical after elections of the newly elected officers, directors and committees.

Sec. 4.7 The Treasurer shall provide a copy of the Quarterly Financial Report to all board members at least 7 days prior to the scheduled Quarterly meeting. All Financial reports shall be done in "QuickBooks". (Adopted Board Meeting January 13, 2017).

Sec 4.8 **Setting of Meeting dates and locations**

Sec. 4.8.1 The President shall appoint a committee to recommend future annual meeting locations. Such recommendation will be brought to the Board of Directors for a final vote.

Sec. 4.8.2 The President will be responsible (working with the Administrator) for selecting dates and locations for all regular board meetings one year in advance. This includes setting dates and locations for meetings that will occur past the end of his or her term. (Adopted Board Meeting December 2, 2017).

Sec. 4.8.3 Meeting Agenda and Reports. The agenda for the upcoming meeting and reports of the Officers, Directors, and Committee Chairs shall be provided to the Administrator no later than 14 days prior to the upcoming meeting or event. (Adopted Board Meeting October 21, 2023).

Sec. 4.9 The master copy of the current Bylaws, Policy & Procedure Manual & the Code of Ethics will be held by the Secretary. The Secretary will maintain these records on the FAPPS Server. (Amended Board Meeting December 8, 2018).

Sec. 5 **Website Banner Ads**

Sec. 5.1 General – The Board of Directors has decided to allow Banner Ads on the FAPPS website. The Board reserves the right to reverse this decision at any time and the only recourse an advertiser will have is a refund of the fee for running the ad if said ad runs for less than six months.

Sec. 5.1.1 Ads will appear in random order an approximately equal number of times upon each reload of the website main page.

Sec. 5.1.2 The Frequency with which a given ad appears depends a great deal on the number of ads accepted. No guarantees are made as to the number of times per month an ad will be displayed.

- Sec. 5.1.3 Advertisers are welcome to purchase multiple instances of ads if they wish to have their ad appear more often.
- Sec. 5.2 Pricing – All pricing will be through the end of the calendar year for initial orders, orders placed in the last two months of one year will run the following year at no extra charge.
- Sec. 5.2.1 Members - \$199 per year
- Sec. 5.1.2 Non-Members - \$299 per year
- Sec. 5.3 Format and Content
- Sec. 5.3.1 All ads will be the same size - 468 by 60 pixels
- Sec. 5.3.2 Maximum file size is 100 kilobytes
- Sec. 5.3.3 Ads will be in the GIF format only. Animated GIFs are okay as long as they stay within these size limits.
- Sec. 5.3.4 Content, presentation, and subject manner of the ads must be such that the ads do not reflect poorly on FAPPS or detract from our member's use of the website. All ads will be reviewed by the administrator and Webmaster, and any found questionable will be referred to the Board of Directors for final decision prior to publication.
- Sec. 5.4 Procedure to place an Ad
- Sec. 5.4.1 Send your ad and payment for same to the Administrator. The Administrator will forward the ad to the Webmaster once payment is verified.
- Sec. 5.4.2 Each year, in January, the Administrator will send a list to the Webmaster of Ads that were renewed. The webmaster will delete all other ads.
- Sec. 5.4.3 Include with your ad these 4 things
- a. Payment
  - b. The ad itself
  - c. The URL of the page you want to open if your ad is clicked
  - d. The "Alternate Text" to display when a user hovers his mouse over your ad.
- Sec. 5.5 **General Advertising**
- Sec. 5.5.1 Publication advertisements will not be accepted that contain pricing in any FAPPS publication. This policy applies to members and non-members, and advertising for service of process as well as any other product or service. (Adopted Board Meeting October 27, 2012).



- Sec. 5.5.2 A 10% advertising discount shall extend to advertisers who place ads in the newsletter “The Paper Chase” for an entire year. The program will be offered twice a year in June and December. The premium advertising deadline for color ads will remain in December.
- Sec. 5.5.3 Ad sizes in the newsletter “The Paper Chase” shall be as follows:
- Full page ad not to exceed 7.5 inches by 10 inches;
  - Half page ad not to exceed 7.5 inches by 5 inches;
  - Quarter page ad not to exceed 3.75 inches by 5 inches; and,
  - Business card ad not to exceed 3.5 inches by 2.5 inches.
- Sec. 6 **Mailings** - All mailings including the Paper Chase and the Directory will be sent electronically instead of in printed form to international members. (Adopted Board Meeting August 9, 2008).
- Sec. 7 **E-mails** - All email discussion of a confidential nature shall be transmitted between board members as a password protected attachment. (Adopted Board Meeting November 13, 2011).
- Sec. 8 **Annual Convention**
- Sec. 8.1 At each annual convention a table will be available in the back of the meeting room for promotional materials. There will also be a designated time prior to registration on the first day that the Association bags are available for bag stuffing. These are restricted to current members only. The Convention Committee will be responsible for monitoring and compliance. Promotional items not removed by the conclusion of the annual meeting will be discarded. In addition, no literature or other promotional items that are not first cleared by the Board of Directors are permitted on the meeting room tables. Items placed on the tables that have not been approved will be removed. (Adopted Special Board Meeting February 10, 2012).
- Sec. 9 **Arbitration and Grievance**
- Sec. 9.1 The President shall appoint a Chairperson to handle all matters involving grievance and arbitration.
- Sec. 9.2 Any person who has cause to complain that a member of FAPPS has violated a provision of the Bylaws or Code of Ethics may submit their complaint to the Chairperson in the manner prescribed by FAPPS policy.
- Sec. 9.3 Complaints regarding nonpayment of bills shall also be handled pursuant to FAPPS policy.
- Sec. 9.4 Should the Chairperson be involved in the complaint, the grievance shall be submitted to the President who will serve as, or appoint, a temporary Chair for this matter only.
- Sec. 9.5 Procedure for filing non-payment grievances

- Sec. 9.5.1 The complaining member, or former member whose membership was in good standing at the time services were rendered (hereafter referred to as "Complainant") after taking reasonable steps to collect a debt which is now 60 days delinquent, shall send an original NOTICE OF PENDING COMPLAINT to the non-paying member (hereafter referred to as "Respondent") by regular mail or email. Where the Complainant is a former member, a complaint will not be heard unless it is filed within 120 days of that former member's date of termination. (November 11, 2020)
- Sec. 9.5.2 If payment is not made within fourteen (14) days of the date of mailing or emailing of the NOTICE OF PENDING COMPLAINT the Complainant may file a complaint by submitting the following documents to the Chairperson; a) the original NONPAYMENT COMPLAINT signed by the Complainant; b) a copy of the NOTICE OF PENDING COMPLAINT, and c) all supporting documentation.
- Sec. 9.5.3 All forms pertaining to Arbitration & Grievance shall be on a form prescribed by the Board and shall be available by contacting the Chairperson.
- Sec. 9.6 Procedure for filing unethical or unprofessional conduct grievances
- Sec. 9.6.1 Any person who has cause to complain that a member of FAPPS has violated a provision of the Bylaws or Code of Ethics may submit to the Chairperson a written complaint containing the sufficient particulars of the grievance along with all supporting documentation.
- Sec. 9.7 Procedures for all grievances after submission to the chairperson
- Sec. 9.7.1 The Chairperson will send a copy of the grievance to the Respondent who must serve a reply together with all supporting documentation upon the Chairperson. The reply must be postmarked, or date stamped within fourteen (14) days from the date of the chairperson's letter or email containing the complaint. If no reply is received, Respondent is in violation of Section F (5).
- Sec. 9.7.2 The Chairperson shall send a copy of the reply to the Complainant for rebuttal.
- Sec. 9.7.3 The Complainant shall serve a rebuttal upon the Chairperson. The rebuttal must be postmarked, or date stamped within fourteen (14) days from the date of the Chairperson's letter, or email to the Complainant containing Respondent's reply.
- Sec. 9.7.4 The Chairperson shall send a copy of the rebuttal to the Respondent for surrebuttal.
- Sec. 9.7.5 The Respondent shall serve a surrebuttal upon the Chairperson. The surrebuttal must be postmarked, or date stamped within fourteen (14) days from the date of Chairperson's letter, or email to the Respondent containing Complainant rebuttal.
- Sec. 9.7.6 Any extensions to serve a reply, rebuttal, or surrebuttal due to exceptional circumstances are at the sole discretion of the Chairperson. The party requesting an extension must

contact the Chairperson, by telephone, prior to time having expired to submit the reply, rebuttal or surrebuttal and must state the reason for an extension.

- Sec. 9.7.7 Following receipt of response, rebuttal and surrebuttal, the Chairperson shall submit the matter to binding arbitration.
- Sec. 9.7.8 Should the Respondent fail to respond as required, the Chairperson shall submit the matter to the Board of Directors. Should either party choose not to respond, Chairperson shall submit the matter to binding arbitration.
- Sec. 9.8 Arbitration
- Sec. 9.8.1 After all procedures have been followed as prescribed in Section C. the Chairperson shall submit the matter to binding arbitration before a panel of three (3) members comprised of the Chairperson and two members randomly selected by the Chairperson.
- Sec. 9.8.2 If the dispute is monetary, the Chairperson shall determine the amount of funds to be deposited with the Treasurer, who will place the funds into an escrow account.
- Sec. 9.8.3 The Chairperson shall provide each member of the panel with a copy of all pleadings.
- Sec. 9.8.4 The panel shall make a ruling on this written record but shall have the right in its sole discretion to request from the additional materials clarification or supplemental information.
- Sec. 9.8.5 The panel shall render a majority written decision on the merits of the dispute and a separate majority written decision on proposed sanctions, if any, and send the written decision(s) together with any dissents to the parties.
- Sec. 9.8.6 Either party may appeal the decision(s) of the grievance panel by filing within fourteen (14) days of the postmark or date stamped date of the decision(s) of the panel, a written appeal with the Chairperson together with a statement of the reasons supporting the appeal.
- Sec. 9.8.7 The Chairperson shall notify the President of any appeal filed.
- Sec. 9.8.8 If an appeal is filed the decision(s) of the grievance panel is stayed pending resolution of the appeal.
- Sec. 9.8.9 If such appeal is not filed timely, the decision(s) of the panel shall be final; however, the Board at its option may accept a late appeal.
- Sec. 9.8.10 The Chairperson shall submit the appeal and all documentation to the Board at the next regularly scheduled board meeting for a ruling, which ruling shall be deemed final and not subject to further appeal.
- Sec. 9.9 Upon notification of the outcome by the Chairperson, the Treasurer shall make the necessary disbursement of any funds held in escrow.

Sec. 9.10 Retention of Complaints

Sec. 9.10.1 All matters submitted to the Arbitration & Grievance Committee shall remain confidential.

Sec. 9.10.2 Once a matter has been resolved or disposed of; the Chairperson shall retain the file for a period of three (3) years.

Sec. 9.10.3 The Chairperson shall retain for a period of three (3) years a listing and disposition of each matter submitted to the Arbitration & Grievance Committee.

Sec. 9.11 Consistent Pattern of Complaints

Sec. 9.11.1 Where a number of complaints filed against a member indicates a persistent pattern of nonpayment or unethical, unprofessional conduct, the Chairperson shall notify such member, in writing, that a continuance of similar complaints received by the Committee may result in reprimand, suspension, or expulsion. The member shall have fourteen (14) days from the date of mailing or emailing of the Chairperson's letter or email to respond to the charge.

Sec. 9.11.2 Where a number of complaints submitted by a member indicates a persistent pattern of filing nonpayment or unethical/unprofessional conduct, complaints which are frivolous or without real substance. The Chairperson shall notify such member in writing of such findings and that such continued action by the member may result in disciplinary action by the Board. The member shall have fourteen (14) days from the date of mailing or emailing of the Chairperson's letter to respond to the charge.

Sec. 9.11.3 If, after notification by the Chairperson, the persistent pattern of nonpayment or unprofessional or unethical conduct by a member continues, or the member persists in filing complaints which are frivolous or without real substance, the Chairperson shall refer the matter to the Board for disposition. The Board at its discretion will determine what constitutes a persistent pattern and may take whatever disciplinary action it deems appropriate. The Board will notify the Chairperson and the Chairperson will in turn notify the member in writing of the action taken.

Sec. 9.11.4 If membership is revoked, the ex-member shall not be eligible to re-apply for membership for a period of one (1) year from the date of the Chairperson's letter or email notifying the member that his/her membership has been revoked.

Sec. 9.11.5 Failure to comply with the bylaws of this Association, or the procedures as outlined in this policy manual, or the rulings and decisions of the Arbitration panel or Board, shall constitute sufficient grounds for suspension, expulsion, or any sanction the board deems appropriate.

Sec. 10      **Accredited FAPPS Process Server**

Sec. 10.1    The designation of “Accredited FAPPS Process Server” (AFPS) shall be granted only to those persons who have met the following qualifications:

a.    Initial Accreditation:

1.    Be affiliated with the profession of process service.
2.    Attend the AFPS Formal Education Course.
3.    Pass the AFPS Formal Education Course written exam. (A minimum of 80% or as required by the licensing jurisdiction, whichever is greater shall be considered a passing score.)

b.    Term of Accreditation: The designation of Accredited FAPPS Process Server shall be good for 2 years from the test date. (Amended Board Meeting June 3, 2017).

Sec. 10.2    AFPS Designation - Those who fulfill the requirements as stated herein will be designated by FAPPS as an Accredited FAPPS Process Server and, while a member in good standing in FAPPS, will be eligible to use the AFPS designation with their names displayed on the FAPPS website. Non-members shall not use the AFPS designation.

Sec. 10.3    Certificates - A Certificate of Completion shall be issued to everyone who attends the AFPS course and passes the exam.

Sec. 10.4    Fees & Costs:

a.    The fees charged for attendance at the FAPPS Formal Education Program classes shall be:

- \$75.00 Continuing Education
- \$50.00 Continuing Education for clerical non-licensed individuals of FAPPS Members
- \$180.00 New Process Server: 16 Hours
- \$249.00 New Process Server: 20 Hours
- \$25.00 Audit Continuing Education Class – This option is for individuals who have previously attended the New Process Server class and would like to review the class portion of a Continuing Education session to reinforce their knowledge of service of process. Please note: This option does not include an exam or a certificate of completion. It is only available within six months of the attendee’s original 16/20-hour class.

(Amended Special Board Meeting August 14, 2015 and February 8, 2025).

- Upon paid registration each attendee will receive an electronic copy of the course book. A print version will be available for purchase.

- In the event a course attendee fails the required examination, the attendee will be required to register and attend a 4 Hour Class in order to take the exam again. A fee of \$25 will be required to be paid in order to attend and re-test if it is determined the attendee violated class policy. Such notification of additional registration fee will be given to the attendee at the completion of the original class. (Amended August 19, 2023 Board Meeting).

- Sec. 10.5     Reproduction of Course Materials - The AFPS course materials, nor any of the materials it contains, may not be copied, in whole or in part, or sold, loaned, gifted or otherwise distributed to any other person or company without expressed written consent of the FAPPS Formal Education Committee Chairperson.
- Sec. 10.6     Location & Scheduling – Education classes shall be offered statewide as demand dictates for New Process Server and Continuing Education. (Amended August 19, 2023 Board Meeting).
- Sec. 10.7     Administration & Oversight - The Formal Education Committee shall be responsible for the implementation, administration and oversight of the FAPPS Formal Education Program, and shall answer directly to the FAPPS Board.
- Sec. 10.8     Instructor Qualifications (Amended Board Meeting May 5, 2019).

Prior to being accepted as a candidate the committee will determine if there is a need. All candidates will be required to fulfill the following:

- a. Be an active member of FAPPS, in good standing for 2 consecutive years. All candidates must be approved by the committee prior to starting the training.
- b. Must have 5 years minimum experience serving process and preparing affidavits in Florida (out of state experience does not count toward minimum).
- c. Prior teaching experience (in any discipline) is preferred but not mandatory.
- d. Show knowledge of FAPPS and its history and our involvement with the process server industry and related legislation.
- e. Must attend a minimum of 5 classes for training as follows:
  1. Two (2) as a student, observer and/or assistant.
  2. Three (3) to teach with supervision and be able to exhibit the ability to maintain the standards and qualifications of FAPPS/AFPS.
  3. Additional in-class training may be required.
- f. Pass the AFPS an instructor exam with a minimum of 90%.
- g. Attend an annual instructor review session.
- h. Demonstrate good public speaking skills and thorough knowledge of the subject matter.
- i. No compensation is authorized for any candidate during the training period.
- j. The chairperson or his/her designee will certify a candidate(s) completion of all requirements for the instructor designation to the board. If the Chairperson or his/her designee finds that the Instructor Trainee has demonstrated the knowledge and skills necessary to be approved as an Instructor in a shorter period of time than stated in 10.8(e), the board may consider their qualifications and approve/disapprove of the Instructor(s) at its earliest opportunity. This is not expected to apply to all trainees and will be reviewed on a case by case basis.
- k. The instructor qualification can be rescinded at any time at the discretion of the committee and approval of the Board

- 10.9 Instructor Reimbursement: (Amended August 19, 2023 and August 17, 2024 Board Meeting)
- a. Instructor(s) will be paid \$35/hour for each class hour taught. Reimbursable hours will include setup, instruction, and test taking.
  - b. Moderator. A Moderator will be added for online classes when deemed necessary by the Education Chair to assist with technical support, exam proctoring, and monitoring of class attendees. The Moderator will be paid \$20 for each hour needed.
  - c. Clerical. Services of a clerical assistant can be utilized for any clerical help needed when deemed necessary by the Education Chair. The rate for the clerical assistant will be \$20 per hour.
  - d. Travel will be reimbursed at the FAPPS standard mileage rate.
  - e. One hotel room night will be reimbursed for each day the class is scheduled.
  - f. If the total travel is in excess of 300 miles, an additional hotel room night will be reimbursed for each class.

Sec. 11 **Distinguished Service Award**

- Sec. 11.1 The selection committee shall be selected from the following: individual past recipients of the award, past presidents, and the current president of FAPPS. The committee will not exceed seven members and all individuals on this committee must be a current member of FAPPS.
- Sec. 11.2 The committee shall meet each year at the date and location of one or more of the regularly scheduled FAPPS Board meetings.
- Sec. 11.3 Members of the committee may participate in the meeting by remote access by consent of the majority of the committee.
- Sec. 11.4 Any person that has made a significant contribution to the process serving profession is eligible to receive the award. A person may receive the Award more than once. Current or past membership in FAPPS is not a requirement to be eligible to receive the award.
- Sec. 11.5 The committee may create new rules or procedures and amend the current rules and procedures of the committee at any meeting of the committee by a majority vote. The first order of business for the committee will be to consider any additions or changes to the rules. However all rule changes must be approved by the Board of Directors.
- Sec. 11.6 All members of the FDSA committee and all past recipients of the FDSA, as well as Past Presidents of FAPPS who are current members of FAPPS, will be invited to nominate up to four candidates for consideration by the committee.
- Sec. 11.7 The Chairperson shall send a request for names of candidates for the award at least thirty days prior to the scheduled date of the meeting.
- Sec. 11.8 The chairperson shall present a list of all candidates for the award to the members of the committee prior to the meeting.

- Sec. 11.9 All discussions and votes of the committee shall be confidential. Candidates will be discussed in random order. Committee members will speak about each candidate, in random order, except that if a committee member is also a candidate, they will speak last. (Amended August 19, 2017).
- Sec. 11.10 The committee will not announce or publish the names of candidates for the award.
- Sec. 11.11 All votes for the semi-finalists, finalists, and the recipient shall be by closed ballots. Any member attending the meeting by remote access will vote by text message or a telephone call to the Chairperson.
- Sec. 11.12 The committee shall discuss and consider all candidates for the award. Each member of the committee will then vote for up to four candidates. The four candidates receiving the most votes will be the semi-finalists for the award. In the event of a tie vote for the fourth semi-finalist all persons tied for fourth place will be considered to be semi-finalists.
- Sec. 11.13 The committee shall discuss and consider all of the semi-finalists. Each member of the committee will then vote for up to two of the semi-finalists. The two semi-finalists receiving the most votes will be the finalists. In the event of a tie vote for the second finalist all persons tied for second place will be considered to be finalist.
- Sec. 11.14 The committee shall discuss and consider the finalists. Each member of the committee will then vote for one of the finalists. The winner of the FAPPS Distinguished Service Award will be determined by a 2/3 vote.
- Sec. 11.15 In the event the vote is not 2/3 the committee will further discuss the finalists and then vote again. In the event that no finalist receives a 2/3 vote after multiple ballots there will be no award given for that year.
- Sec. 11.16 The chairperson shall make every effort to ensure that the Recipient and their guest are available for the presentation of the award.
- Sec. 11.17 The chairperson shall make sure that an award is prepared to show the name of the recipient.
- Sec. 11.18 The chairperson shall prepare the remarks about the recipient with the help of the committee.
- Sec. 11.19 The chairperson shall announce the recipient of the award (if there is one) at the annual conference awards banquet.
- Sec. 11.20 The chairperson shall present the award to the recipient. If the chairperson thinks it is appropriate this duty may be delegated to a person designated by the chairperson.
- Sec. 11.21 The final order of business for the committee at each meeting will be to select the next person to be the chairperson of the committee for the following year. The committee



members will remain the same from year to year unless changes are made by the committee. A majority vote of the committee is required to add or remove a member.

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.
- Sec. 13       **Electronic Service of Process (E-Service)** (Adopted Board Meeting 5/21/22)
- Sec. 13.1     Personal service, defined as “delivery of the papers to the designated recipient”, has been widely accepted for hundreds of years as the method of service most likely to result in actual notice to the named party. Nevertheless, this Board recognizes that E-Service is likely to be accepted on an expanding basis due to efficiencies gained by government

agencies and big business alike. Therefore, the following is the official position of the Florida Association of Professional Process Servers (FAPPS) on E-Service:

Sec. 13.2 **Chapter 48 Should and Does Apply to all Service of Process.** FL Statutes, Chapter 48.021 specifies that “All process shall be served”... by the Sheriff, a Special Process Server, or a Certified Process Server. It does not say “All paper process”, or “All process except mailings and Electronic Service of Process”. It also states that a process server must be disinterested in any process he or she serves. Therefore it is clear that E-Service must be done by a disinterested third party authorized by Chapter 48.

- An employee or clerk working directly for a law firm is not a disinterested third party.
- The Plaintiff or the Plaintiff’s Attorney is not a disinterested third party.

Sec. 13.3 **Legitimate and Defensible Methods for Electronic Service are Paramount to Due Process**

A key component of due process is that a defendant be made aware of legal actions against them before a court has jurisdiction over them. Traditional service of process guarantees that the individual or entity has been served and has been informed of the contents of the matter. E-Service **MUST** meet this same standard. The legal system must be able to ascertain positively that the individual or entity received the process.

Email, texts, and social media messaging systems are not legitimate methods of E-Service. They do not assure that the communication was:

- Received by the correct person or by a person at all
- Delivered to the correct person, versus another individual with access to that account
- Considered a “real” communication versus discarded/ignored as spam
- Email is a “store and forward” “best efforts” communication system. A very large percentage of all email is considered spam and not delivered at all.

All of these methods would be extremely difficult to defend as valid service and could easily be challenged by defendants for the reasons noted above.

These methods of communication may be used to notify a recipient that new information is available at an E-Service portal, but should not be used as the actual method of E-Service.

Sec. 13.4 **Components of a Valid Electronic Service of Process Platform**

Valid E-Service should have stringent technical requirements to gather information regarding when, where, and how the electronic documents were received, viewed, and accepted, including:

- Date and Time the Recipient
  - Logged into the E-Service platform
  - Viewed or downloaded the documents
- Actual Documents Delivered
- The IP address of the person being served
- Verification of the identity of the person being served
- The disinterested third party’s name and any license numbers

- Positive Authentication of the person authorized to serve process
- Any “waiver of service” signed

In addition, valid E-Service should use a platform that stores these electronic details securely for a specified amount of time, to ensure those details are available and unassailable during any attempt to quash the service.