

## Six Things a Private Process Server Should Know:

### 1. JAC has created a secure website, “My JAC” that contains information about a vendor’s paid and unpaid bills.

JAC has created a secure website, “My JAC” through which a due process vendor can obtain information regarding both unpaid and paid bills submitted to JAC. Through this website, a vendor can determine whether JAC has received a billing and whether JAC has approved the billing for payment. A vendor can also access letters and notices related to the billing such as audit deficiencies and letters of objection.

Instructions on how to setup access to the secure website is available at:

<http://www.justiceadmin.com/login/Quick%20Reference%20Guide-Vendor%20Login.pdf>

The JAC Help Desk can assist a vendor in setting up secure access and in using the vendor website.

### 2. JAC does not pay for service of process on in-county law enforcement absent exceptional circumstances.

Absent exceptional circumstances, JAC does not pay for service of process on in-county law enforcement. Under s. 57.081, F.S., the sheriff is available to provide service of process without prepayment in cases involving indigents. Generally, the sheriff is capable of rendering service on law enforcement within the county. To use a private process server to serve in-county law enforcement, the attorney will need to file a motion with service on JAC. A specific court order must authorize private service of process on law enforcement. Additionally, under Florida Rule of Criminal Procedure 3.220(h)(5), service of process is not necessary to serve law enforcement for depositions. Under the rule, delivery of a notice of taking deposition to the law enforcement agency or an address designated by that agency at least five days prior to the date of deposition suffices. Under this provision, service of a witness subpoena is unnecessary to compel the attendance of law enforcement witnesses at deposition.

### 3. If private service of process is authorized for a circuit, then a court order is not required for private service of process on non-law enforcement witnesses.

Generally, the sheriff should be used to provide service of process unless the sheriff is unable or unavailable to provide service. When the circuit has authorized private service of process, then a court order is not required for non-law enforcement witnesses as long as the rate for private service of process comports with the rate established for the circuit. The following circuits have authorized private service of process:

Circuit	Rate
Second	Per actual service in-circuit: \$25 Range for service out-of-circuit: \$25-\$45
Fourth	Per service or attempts (in-county): \$25 Per service or attempts (out-of-county or expedited): \$30
Fifth	In Florida: Per service or attempt: \$20 Per service or attempt -second address: \$10 (No more than two addresses) Outside Florida: Actual cost
Ninth	In Florida: Per service or attempts: \$20 Per service or attempts -second address: \$10 (No more than two attempts) Outside Florida: Actual cost
Tenth	In Florida: Per service or attempts: \$25 Per service or attempts -second address: \$20 (No more than two attempts) Outside Florida: Actual cost
Eleventh	In-county: \$20 Out-of-county: \$25
Thirteenth	In-county: \$20 Pasco, Pinellas, and Polk Counties: \$30 All other counties: \$40
Eighteenth (Seminole)	In Florida: Per service or attempt: \$25 Outside Florida: Actual cost

For all other circuits, the sheriff must be used absent an express order authorizing private service of process. The attorney will need to file a motion seeking authorization for private service of process with service on JAC. The following circuits require a court order for use of a private process server:

Circuit	Rate
First	In Florida: Per service or attempts: \$20 Per service or attempts -second address: \$10 (No more than two attempts) Outside Florida: Actual cost
Third	No rate set
Sixth	No rate set
Seventh	No rate set
Eighth	No rate set
Twelfth	No rate set
Fourteenth	No rate set
Fifteenth	In-county: First attempt: \$20 Second attempt: No charge Out-of-county: First attempt: \$35 Second attempt: No charge
Sixteenth	No rate set
Seventeenth	No rate set
Eighteenth (Brevard)	No rate set
Nineteenth	No rate set
Twentieth	No rate set

If the circuit has not set a rate, then the motion and order should indicate the rate authorized for private service of process. Based on the rates authorized by other circuits, the rate should be about \$20 for service or attempt on a first address and about \$10 for service of attempt on a second address.

**4. An investigator providing private service of process can only bill the rate authorized for service of process.**

Where private service of process is authorized for a circuit, an investigator can also serve subpoenas on ordinary non-law enforcement witnesses. However, the investigator can only bill the flat rates applicable for private service of process regardless of the amount of time spent serving the subpoena. The investigator cannot bill the hourly rate for investigative services and also bill the rate for service of process.

**5. Private process servers do not receive reimbursement for mileage.**

Private process servers are not entitled to reimbursement for mileage. The rate for private service of process is a fee for service and includes any mileage necessary to complete service of process.

**6. When billing for private service of process, the process server must include the return of service as part of the billing packet.**

As part of the billing packet seeking payment for service of process, a copy of the return of service must be included. The return of service needs to include the name of the witness served, the type of service, the date and time of service, and the date and time of the proceeding for which service was sought. JAC will not process for payment a billing for private service of process that fails to include a comprehensive return of service.