

I. GENERALLY

a. Civil Process Address:

Flagler County Sheriff's Office
Civil Process
1769 E Moody Blvd
Building 1
Bunnell FL 32110
(386)313-4340

- b. The Sheriff shall collect fees as mandated by Florida Statutes 30.231.
- c. All fees (excluding levy deposits) are **NON-REFUNDABLE AND NON-NEGOTIABLE**. Fees are accrued when each request for service is accepted.
- d. Forms of Payment include cash (in person), money order, cashier's check, or business firm check. **NO PERSONAL CHECKS** are accepted.
- e. It is the responsibility of the moving party to furnish the Sheriff with and original or electronic copy certified by the Clerk of the Court of the process and sufficient copies for the parties to be served. Electronic versions are acceptable.
- f. Florida Statutes (FSS 30.321 and Chapter 48) require the moving party to provide the Sheriff with best known actual address where service may be made. Post office boxes and/or directions which do not provide a specific physical location **ARE NOT ACCEPTABLE**.

II. NON-ENFORCEABLE CIVIL PROCESS - GENERALLY

- a. All civil process fees are set by FSS 30.231. All fees are non-refundable.
- b. Flagler County Sheriff's Office (FCSO) will only serve civil process in accordance with Florida State Statute Chapter 48 unless a Florida Judge orders otherwise, and the Order is attached to the paperwork.
- c. Services include Summons, Subpoena, Notice to Appear, Order to Show Cause, Notice of Hearing, Alias, Pluries and all other types of non-enforceable process requiring service only.
*It should be noted, in an eviction, when there is an unknown party in possession an additional summons and complaint is need so it can be posted to the residence (FSS 48.184).
- d. Service fee \$40.00 per person for each service.

III. ENFORCEABLE CIVIL PROCESS - GENERALLY

- a. All documents must be either issued in or domesticated within the State of Florida. Any enforceable process requiring more than two deputies and more than one hour -will be charged at the rate of \$52.89 per hour per deputy. If at least three deputies are needed, a supervisor will be required at a rate of \$57.86 per supervisor per hour.If anticipated, an estimated cost deposit will be required in addition to the original cost deposit all fess shall be paid to the Flagler County Sheriff's office (FCSO). FCSO reserves the right to determine the number of deputies required to safely execute the civil order. This cost deposit is non-refundable.

- b. Additionally, beyond the first hour, expenses incurred for deputy subsequently scheduled to stand-by or conduct a levy will be \$52.89 per hour per deputy paid to the Flagler County Sheriff's Office (FCSO). FCSO reserves the right to determine the number of officers required for standby. Most often, two officers will be required. If at least three deputies are needed, a supervisor will be required at a rate of \$57.86 per supervisor per hour.
- c. All documents must be either issued in or domesticated within the State of Florida. Any enforceable process requiring more than two deputies and more than one hour will be charged at the rate of \$52.89 per hour per deputy. If at least three deputies are needed, a supervisor will be required at a rate of \$57.86 per supervisor per hour. If anticipated, an estimated cost deposit will be required in addition to the original cost deposit. FCSO reserves the right to determine the number of deputies required to safely execute the civil order. This cost deposit is non-refundable.
- d. Additional Fees for a Writ of Possession/Writ of Ejectment/Writ of Replevin
 - i. Fee \$90.00 per Writ. First hour of service included, for two deputies, if additional hour(s) and deputies are needed it will cost \$52.89 per hour per deputy. If at least three deputies are needed, a supervisor will be required at a rate of \$57.86 per supervisor per hour. All fees will be paid to FCSO. FCSO reserves the right to determine the number of officers required for standby. Most often, two officers will be required.
 - ii. Should you wish to have a summons served at the same time as the Writ of Replevin then the fee will be \$130.00. An additional fee of \$40.00 will be assessed for each additional person to be served.
- e. Documentation Requirements
 - i. Writ of Replevin
 - 1. A self-addressed stamped envelope
 - 2. Two copies of the writ (the original and a certified copy)
 - 3. Copy of Final Judgement/order
 - 4. Copy of Bond
 - 5. Cover letter stating who will accept possession of the property and that the plaintiff will provide labor and equipment necessary to complete the replevin.
 - ii. Landlord Tenant
 - 1. Two copies of the writ (the original writ and a certified copy)
 - 2. Copy of Final Judgement
 - 3. Information sheet
 - 4. A self-addressed stamped envelope
 - iii. Foreclosure
 - 1. Two copies of the writ (the original writ and a certified copy)
 - 2. Copy of order
 - 3. Information sheet
 - 4. A self-addressed stamped envelope
- f. All Writs of Possession must be accompanied by an information sheet listing the name and phone number of the contact person who will meet the Deputy Sheriff and accept possession of the premises.

- g. Distress Writs
 - i. Fee: \$40.00 per defendant
 - ii. Two certified copies of the original writ (original writ and a certified copy)
 - iii. A self-addressed stamped envelope
- h. Injunctions – Fee \$0.00

IV. CIVIL WARRANTS/CIVIL ORDERS OF CONTEMPT/CIVIL ORDERS OF COMMITMENT/CAPIAS/WRITS OF ATTACHMENT/ WRIT OF BODILY ATTACHMENT BODILY ATTACHMENT

- a. All Warrants issued from a county outside of Flagler County MUST be forwarded to our office by the Sheriff's Office of the issuing county.
- b. Fee: \$90 per Warrant
- c. Requirements for warrants to be served within Flagler County:
 - i. Two (2) copies of Order, the original and a certified copy
 - ii. Check made payable to Sheriff of Flagler County
 - iii. Information Sheet: Must indicate address, date of birth, and description of subject (i.e., race, sex, etc.)
- d. Requirements for warrants to be forwarded to Any Other County:
 - i. Three (3) copies of Order, the original and to (2) certified copies
 - ii. Check made payable to the Sheriff of the appropriate county.
 - iii. Information Sheet: Must indicate address, date of birth, and description of subject (i.e., race, sex, etc.)
- e. Additional Requirements for Writ of Bodily Attachment: Civil orders of arrest (excluding writs of attachment for child support) require an additional deposit of \$105.00 per day the individual is to be incarcerated. If the number of days are not given, a deposit equaling five (5) days incarceration will be required in advance. Additionally, you will be financially responsible for all medical costs incurred while the individual is in custody. FSS 30.231 (2).

V. WRIT OF EXECUTION OR LEVY

- a. Requirements for the execution of a Levy
 - i. Fees
 - 1. Levy -\$50.00
 - 2. Processing Fee \$40.00
 - 3. To author the legal ad \$40.00
 - 4. Conduct the sheriff's sale \$40.00
 - 5. Bill of sale, Deed or satisfaction of judgement \$40.00 each
 - ii. Deposits
 - 1. Vehicles, boats, motorcycles, etc \$3,000
 - 2. Each additional vehicle is an additional \$1,500
 - 3. Real estate \$1,500
 - 4. Airplane/boat/household items/business inventory, etc \$3,000 (minimum)
 - iii. Cost deposit on these types of items are determined on an individual basis and are estimates of the Sheriff's costs incurred with the execution of the levy. Should the actual cost incurred be greater than the cost deposit, the plaintiff and/or attorney directing the levy will be responsible for any additional charges.
 - iv. Call to obtain estimates based upon your specific items.
- b. Levy instructions: Must be accompanied by a DMV print-out. The name(s) on the DMV print-out must match those on the Writ of Execution **exactly**. If they do

not match, then an affidavit of same name, stating the reason you believe that they are the one and the same.

- c. The levy Instructions must contain a common or street address for the property. If the location is a vacant lot, you must furnish complete and specific directions to the property. A certified copy of the final judgement must be recorded with the Clerk of the Circuit Court in order to establish priority. A legal description and a copy of a warranty deed for that property must be provided by the plaintiff or the plaintiff's attorney.
- d. First hour of service included, additional hour(s) is \$48.55 per hour per deputy, which is paid to FCSO. The Flagler County Sheriff's Office reserves the right to determine the number of officers required for standby. Most often, two officers will be required.

VI. SERVICE OF NON-ENFORCEABLE CIVIL SERVICE

- a. The Flagler County Sheriff's Office is establishing a Special Process Server program. This program will engage independent Special Process Servers who shall serve the following non-enforceable process:
 - i. Notice of Hearing.
 - ii. Notice of involuntary assessment.
 - iii. Motions to show cause (three (3) types of cases: Divorce, Replevin, Forfeiture).
 - iv. Subpoena Duces Tecum.
 - v. Summons.
 - vi. Witness Subpoena.
 - vii. Eviction Summons
- b. It is the responsibility of the moving party to contract with a Special Process Server to effectuate service.
- c. Effective date: TBD.