

**CHARLOTTE COUNTY FELONY CRIMINAL AND PROBATE ELECTRONIC
SUBMISSION OF ALL PROPOSED ORDERS FOR JUDGE CUPP AND JUDGE**

MASON

EFFECTIVE MARCH 16, 2021

Beginning on March 16th, 2021, ALL proposed orders can be submitted electronically via the E-FILING PORTAL. A grace period of thirty (30) days will follow March 16th, 2021, during which period the submission of proposed paper orders will continue to be accepted by delivery to Judge Cupp or Judge Mason. This grace period ends April 16th, 2021, after which date ALL Proposed Orders (with very few exceptions) must be submitted through the E-Portal. This document details the procedures for electronic submission of all proposed orders.

This document contains detailed instructions on submitting proposed orders electronically to the Charlotte County Felony Criminal and Probate Judge Scott Cupp and Judge Donald Mason. All documents should be submitted through the E-Portal using the instructions contained in this document. **Please verify the assigned Judge by checking the Clerk's Benchmark System.**

BASIC/GENERAL RULES

- 1. ALL SUPPORTING DOCUMENTS MUST BE FILED FIRST WITH THE CLERK: **Please verify the assigned Judge by checking the Clerk's Benchmark System.** To preserve the efficiency of the Court's workflow, please immediately submit your supporting documents DIRECTLY to the Clerk's Benchmark E-filing System.** In most cases this will take no more than 2-3 business days for the Clerk to process the document and make it viewable. In some cases a longer delay will be necessary. **Do Not Send the Proposed Order until the supporting document(s) are viewable on the Clerk's Site.**

- 2. THE E-FILING PROCESS AND CLERK ACCEPTANCE OF E-FILED DOCUMENTS:** Remember, when you E-file a document through the E-Filing Portal, the document is not viewable to a user of the system (including attorneys, judges and judicial assistants) until several steps occur. The attorney's receipt acknowledgment by the E-Filing Portal only confirms that the Portal has received the document and that it is located on their file server. The Portal must then transfer the electronic document to the Clerk's Office which must then transfer the file to the Clerk's internal case maintenance system. Finally the Clerk must formally accept the document into the Clerk's case maintenance software to make the

document viewable to users. The E-Filing rules give clerks three days to complete those steps. Additional days may be required if the document does not comply with the E-Filing rules. **Therefore, keep in mind that when the E-Filing Portal acknowledges receipt of your E-filed document, it is not immediately viewable on the Clerk's website. To preserve the efficiency of the Court's workflow please submit your stipulations and motions DIRECTLY to the Clerk's E-filing system. In most cases this will take no more than 2-3 business days for the Clerk to process the document and make it viewable. In some cases a longer delay will be necessary.**

3. WHOM TO CONTACT WITH QUESTIONS:

For ALL questions regarding Judge Cupp's procedures, these will be answered by Judge Cupp's Judicial Assistant, Ivelisse Miller at imiller@ca.cjis20.org ; respectively, for questions regarding Judge Mason's procedures, please contact Judge Mason's Judicial Assistant, Jess Gibbs at jgibbs@ca.cjis20.org . *Again, E-mail is the much preferred method of communication.*

4. For ALL Clerk/Benchmark/Court Records related Issues **ONLY**: Clerk's Office
Criminal Courts Director: Stacey Mininsohn Stacey.mininsohn@charlotteclerk.com

ELECTRONIC SUBMISSION OF PROPOSED ORDERS:

1. **Document Format** All electronically submitted proposed orders **MUST** be submitted to the Court utilizing recent versions of Microsoft Word. No other formats will be accepted at this time. "Recent versions of Word" include all versions from 2003 and later with a "docx" file type. "RTF" files are not acceptable, and if your office uses WordPerfect you can convert the WP files to Word files, but if your WP program has not been upgraded for many years, the version of Word that is produced may not be compatible with the judicial software that must process the proposed order.

2. **Form/Template Modifications**

All proposed orders MUST be stripped of the following information at the bottom/end of document:

- Any reference to the date (Please keep the language “Ordered and Adjudged.”) -
- Judge Signature Line and Judge’s Name
- Certificate of Service

An example of how your documents must be modified is available on our cacjis20.org website. The example shows the text that should be removed from proposed orders at the end of the order in red strikeout text. The judicial software will insert the judge's signature electronically with a date/time stamp included in the signature as well as the electronic certificate of service downloaded from the E-Filing Portal at the time the judicial software is processing the order. The Judicial Assistant will have to manually add the certificate of service for recipients who will not be served by E-Service from the Portal.

-Included below is a procedure that must be used to ensure that your electronically submitted proposed orders do not generate electronic service language in fonts other than Times New Roman. We have seen a few examples of Word documents generating non-standard fonts when the electronic service list is imported and then inserted into the proposed order(s). This is due to the presence in your forms of non-standard fonts that appear when the service list is generated. This is not due to errors from the Portal or the judicial software.

All Proposed Orders requiring the Clerk to provide certified copies, i.e. Transport Orders, must include language in the proposed order directing the Clerk to furnish the copies to the appropriate parties.

3. **Designation of E-mail Address (Pro Se)**

Counsel are encouraged to request that pro se litigants and unrepresented interested parties who must be served with the orders agree to receive their copies by E-Service via the E-Filing Portal. "The Court may serve any order or judgment by E-mail to all attorneys who have not been excused from E-mail service and to all parties not represented by an attorney who have designated an E-mail address for service." Rule 2.516(h)(1), Fla. R. Jud. P. Reducing the number of mailed hard copies that must be physically served will save time and money for law firms and the court.

The procedure for serving by Portal E-Service parties not represented by an attorney is set forth in Rule 2.516(b)(1)(C), Fla. R. Jud.P. which provides "any party not represented by an attorney may serve a designation of a primary e-mail address and also may designate no more than two secondary e-mail addresses to which

service must be directed in that proceeding by the means provided in subdivision (b)(1) of this rule. If a party not represented by an attorney does not designate an e-mail address for service in a proceeding, service on and by that party must be by the means provided in subdivision (b)(2) of this rule."

4. **No Designation
E-mail Address**

In cases where an unrepresented party or interested person has not designated an e-mail address pursuant to the Rule, the Court will print copies of electronically signed orders and mail them. Stamped addressed envelopes must be furnished by the attorney who submitted the proposed order.

Since the judicial software will not be retrieving service information from the Portal for these pro se individuals, it will necessary for **the Attorney submitting the Proposed Order to include the name and address of the unrepresented party or interested person to be served by mail on the very bottom of the document.**

5. **Preserve Existing
Forms**

It is recommended that for the time being you preserve your forms/ templates for creating form orders for hard copy submission as you have submitted them in the past. It is recommended that you create new versions of your older forms/templates that are modified as outlined above for E-Filing only. In the event that there is a computer outage at any of the several transmission nodes or networks that must be working in order for this process to work, you will retain the option to return to the previous practice of paper submission and continue functioning with limited interruption of service.

6. **Where to Send
Proposed Orders**

All documents should be submitted through the E- Filing Portal.

Please verify the assigned Judge by checking the Clerk's Benchmark System .

7. **Supporting Documents
Must Be Submitted to
The Clerk First**

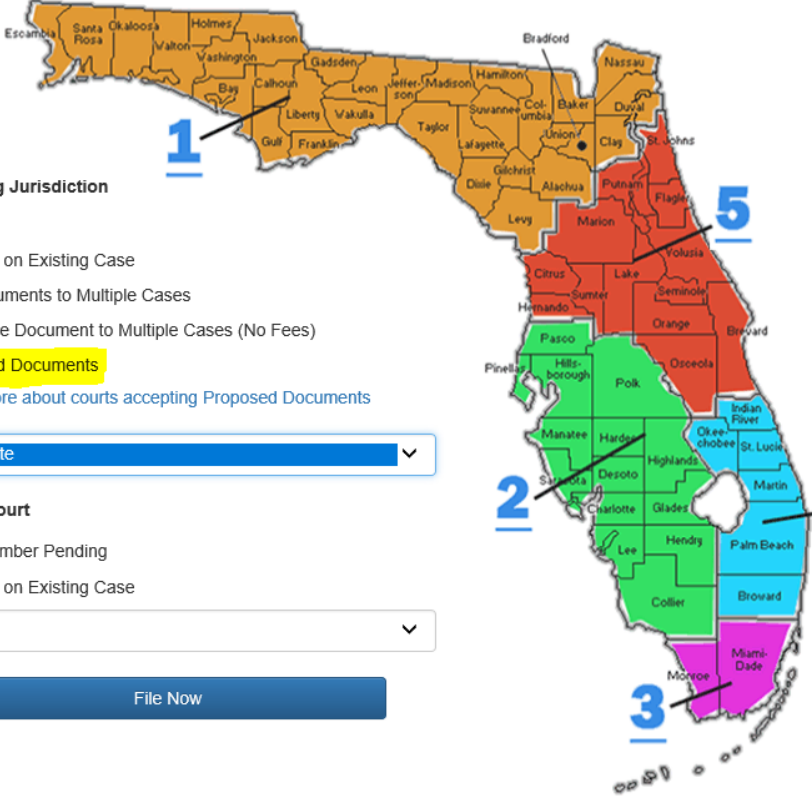
Please submit your stipulations and motions DIRECTLY to the Clerk's E-filing system. Please verify the assigned Judge by checking the Clerk's Benchmark System. In most cases this will take no more than 2-3 business days for the Clerk to process the document and make it viewable. In some cases a longer delay will be necessary

8. **Copy Opposing
Counsel with the
E-mail**

Copy opposing counsel with the Proposed Order and pro se parties/interested persons who must be served and who have designated an e-mail address (or by mail if there is no designated email address).

Proposed Orders should now be submitted via the e-filing portal at <https://www.myflcourtaaccess.com/default.aspx>. **Please verify the assigned Judge by checking the Clerk's Benchmark System.**

E-Filing Map



Select a Filing Jurisdiction

Trial Court

- Pleading on Existing Case
- File Documents to Multiple Cases
- File Same Document to Multiple Cases (No Fees)
- Proposed Documents

[Read more about courts accepting Proposed Documents](#)

Appellate Court

- Case Number Pending
- Pleading on Existing Case

If you are having a problem with e-filing, please visit <https://www.myflcourtaaccess.com/Common/UIPages/Contactus.aspx>.

If you need assistance with e-filing, please visit <https://www.youtube.com/user/FLCrtseFilingPortal/> or <https://www.myflcourtaaccess.com/authority/trainingvideos.html> or <https://www.myflcourtaaccess.com/authority/trainingmanuals.html> or contact 850-577-4609 to request training.