BREVARD COUNTY E-FILING FAQS, HELPFUL HINTS & CONTACTS

A How-To Guide to e-Filing Through the Statewide ePortal

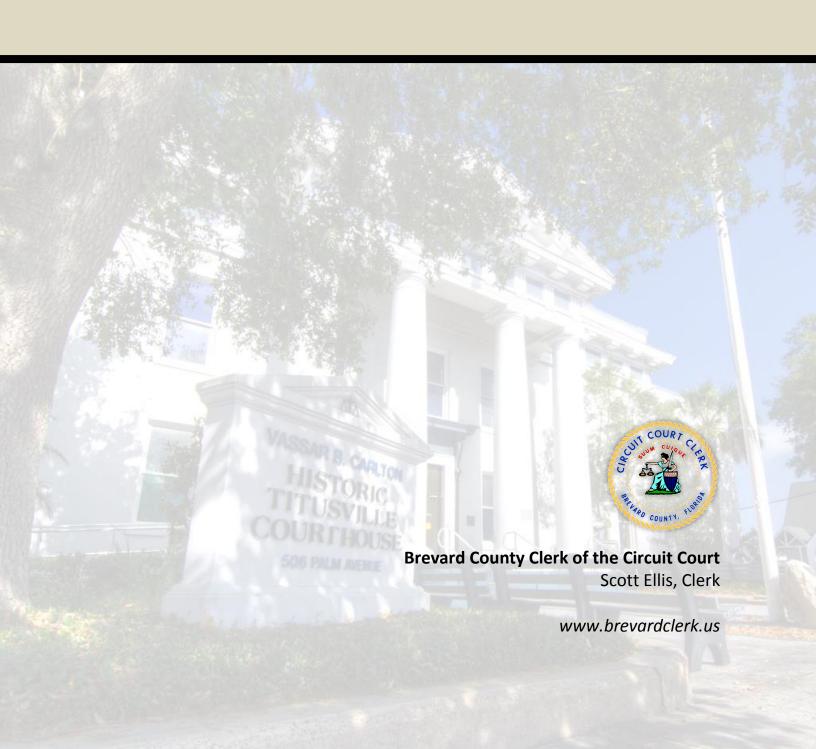


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LETTER FROM THE CLERK



Clerk of the Circuit Court, Brevard County, Florida_

Administration, P.O. Box 999, Titusville, Florida 32781-0999 Telephone: (321) 637-5413 · www.brevardclerk.us

Scott Ellis, Clerk

Dear e-Filers:

E-Filing by attorneys in Florida's civil divisions became mandatory April 1, 2013, and mandatory in the criminal and juvenile dependency divisions in effective February 3, 2014. Since that time, the Florida Supreme Court has expanded the types of filers allowed to take advantage of this technology, adding self-represented parties, mediators, court reporters, process servers, mental health providers, and law enforcement to the statewide ePortal.

To help answer your questions, our office has developed this "how-to" guide based on inquiries we've received since the implementation of e-filing. As a compliment to this how-to guide, we've also developed our suite of e-Filing Assistants. Filers with questions regarding specific divisions or topics not discussed in this how-to guide are encouraged to e-mail these individualized help groups to obtain answers to your inquiries.

We look forward to working with you as we transition to paperless court system and less on paper. We thank you in advance for your cooperation and patience as our office experiences the growing pains necessary to implement this new and exciting technology in Brevard.

If we can be of service, please do not hesitate to contact us.

Sincerely,

Scott Ellis

Clerk of the Circuit Court

DEFINITION OF TERMS

Abandoned Filings Queue – The Abandoned Filings Queue is where documents are sent after they have been sent to the Pending Queue but have not been edited and returned for resubmission to a particular Clerk for filing. Items in the queue cannot be edited by the filer once a filing has been sent there, but the filer may petition the Court to review any document moved to the queue for the Court's opinion on whether or not it meets with the requirements for filing pursuant to **AOSC11-399** statewide or **AO 13-15** locally.

Additional Fee Options – The Additional Fee Options table is a place where filers may add additional fees that are required when filing a new case or subsequent filings. The Additional Fee Options box includes fee options for recording, indexing fees for recording, fees for additional defendants (over 5), and the ability to add a reopen fee to any filing.

CMS – A CMS is an individual Clerk's case management system. As there is not one standardized, statewide case management system, Clerks across Florida use several different CMSs from several vendors. Brevard County's CMS is called FACTS.

e-Filing – e-Filing is the method by which members of the bar can now file their pleadings through a statewide ePortal for docketing in all of Florida's trial courts. e-Filing takes the place of standard paper filing and provides enhanced filing options and reduced costs to the filer.

e-Filing Assistants – The e-Filing Assistants are a series of e-mail groups that the Clerk has created to assist filers with basic and advanced questions that are not readily answered by our FAQ document or information available through the ePortal itself. Filers can e-mail an e-Filing Assistant and should expect to receive an answer to their question within the same business day. E-Filing Assistants are available for the following topics: Civil, Criminal & Traffic, Family, Probate, Juvenile, Appeals, Pro Se, and Technical. Non-case inquiries only to the Technical e-Filing Assistant, please.

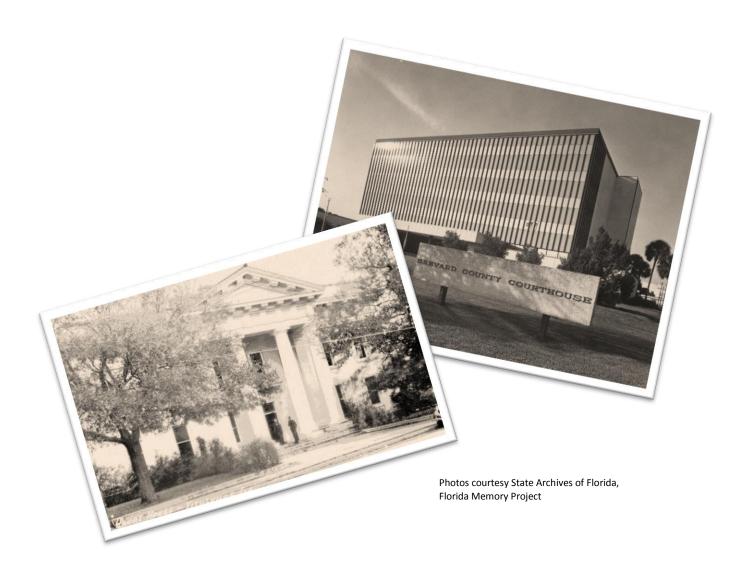
ePortal – The ePortal is the statewide e-filing portal through which all pleadings submitted for e-filing in Florida's trial courts are received, processed, and accepted. The ePortal itself is governed by the Florida Courts e-Filing Authority and is maintained by the FCCC. The ePortal is available 24 hours a day at www.myflcourtaccess.com.

FCCC – The FCCC is the acronym for the association of Florida's Court Clerks and Comptrollers. The FCCC represents the interests of Florida's Clerks and Comptrollers before the Legislature and aids the Clerks and Comptrollers in providing superior customer service throughout our state for our citizens through workshops, conferences, and support classes.

Florida Courts e-Filing Authority – The Florida Courts e-Filing Authority is the body that oversees the development, implementation and operation of the statewide ePortal designed to process the filing of court documents in all of Florida's trial courts.

Pending Queue – The Pending Queue is a queue inside the ePortal where documents that have errors or require correction are sent by the Clerk. Filers are able to review these filings by searching through their "My Filings" option to see why a specific filing was rejected by the Clerk. Filers are then able to correct the indicated error and resubmit the filing back to the Clerk for processing.

Pro Se – Pro se is a Latin term for "one self, on one's own behalf." The term is most commonly used to describe a self-represented litigant who represents themselves without legal counsel in a legal proceeding before a court or other quasi-judicial body.



FREQUENTLY ASKED QUESTIONS

- ✓ Can I pay filing fees, recording fees and reopen fees through the ePortal?
- ✓ Can I file proposed Summons through the ePortal for issuance by the Clerk?
- ✓ How and when will I receive my case number and the Summons that are signed and sealed by the Clerk?
- ✓ Can I submit proposed orders, defaults, or writs of possession through the ePortal?
- ✓ What if I get a message that a case number cannot be verified through the ePortal but I have verified through eFACTS that the case number I am entering is correct?
- ✓ What original documents should be filed with the Clerk?
- ✓ What is the "Pending Queue" and why did the Clerk send my filing there?
- ✓ What if I have a document that cannot be filed through the ePortal?
- ✓ What if I have been determined indigent or am eligible for fee waiver but the document type I selected for a filing generates a fee?
- ✓ Will the Clerk forward my document(s) for recording if I pay the required recording fee at the time of filing of the document(s)?
- ✓ The case type says "DO NOT USE FOR EFILING." Should I be concerned?
- ✓ When do I select a document type ending with suffix "Fee Due" versus "No Fee?"

Additional FAQs may be accessed on the ePortal's website.

Can I pay filing fees, recording fees and reopen fees through the ePortal?

Currently, the Clerk accepts most documents that require filing, recording, reopen, and indexing fees.

Our office does not currently accept certain proposed writs, proposed notices of action, proposed orders and general correspondence through the ePortal with their fees. For specific instances, contact the appropriate <u>e-Filing Assistant</u> for direction.

Filers paying for filings with fees through the ePortal with credit cards will be charged a 3% convenience charge on the entire amount of their filing. Filers using the electronic check feature will incur a \$3 convenience charge for their filing.

The ePortal currently accepts Mastercard, Discover and American Express.

NOTE: The Clerk has no discretion with regard to the convenience fee charged by the ePortal. Your credit card or bank account will be debited/charged the amount due when the associated filing is accepted and filed by the Clerk. Filers should note that using a credit card or debit card versus the electronic check feature will in most instances result in a higher service fee being charged.

Can I file proposed Summons through the ePortal for issuance by the Clerk?

You may file proposed Summons through the ePortal for issuance by the Clerk.

To add a Summons to your filing for issuance, please select "Service Documents" as your document category and "Proposed Summons to be Issued by Clerk" as your document type. To complete adding this document to your filing, please upload a proposed Summons.

Please repeat these steps for as many Summons as may be required to be issued (i.e. you would add four "Proposed Summons to be Issued by Clerk" if you had four defendants that required the issuance of Summons).

You may also file proposed Summons Notice to Appear through the ePortal. In order to have a Summons Notice to Appear issued, please select "Service Documents" as your document category and "Proposed Summons to be Issued by Clerk" as your document type.

Please upload a proposed Summons Notice to Appear with the pertinent information that the Clerk will need in order to schedule a hearing on the same (i.e. name of defendant to be served, address, etc.). Once the Clerk receives the proposed Summons Notice to Appear, the Clerk will issue a complete document with hearing information and return the same to the filer for service.

For eviction cases where posting of a summons becomes necessary, the landlord is required to provide the Clerk with two additional copies of the complaint and two defendant-addressed, postage-paid envelopes for the Clerk to mail the same. *See* § 83.22(2), Fla. Stat. These items must be hand delivered or provided via U.S. Mail to the Clerk.

You will be charged \$10 for each Summons submitted through the ePortal for issuance.

NOTE: You may find proposed Summons and Summons Notice to Appear on the <u>Clerk's Forms</u> page. In addition, it is not necessary to have an address listed for the party to be served, but the name of the party to be served should be evident on the face of the proposed Summons.

How and when will I receive my case number and the Summons that are signed and sealed by the Clerk?

Once a new case is filed through the ePortal, the documents are then reviewed in the order in which they were received. They are then accepted and written over to the Clerk's CMS.

At that point in time, a case number is associated to this new case and an e-mail is generated and sent to the filer indicating the case number for the filing in question.

Summons are usually returned to filers within three to five business days. If you notice that your summons were not sent to you within five business days, please contact the respective <u>e-Filing Assistant</u> group with your case number or ePortal reference number so that our office may forward your summons.

NOTE: Before e-mailing the e-Filing Assistant, please make sure the e-mail addresses associated with your ePortal account are correct as these are the addresses the Clerk will send issued summons to. Please also make sure to check your spam folder as numerous filers have encountered e-mails from the Clerk going into these types of folders. To aid in e-mails not being sent to your spam folder, please add **processnotice@brevardclerk.us** to your contacts.

Can I submit proposed orders, defaults, or writs of possession through the ePortal?

At this time, the Clerk only accepts proposed writs of garnishment through the ePortal. Proposed writs of possession should be sent with the appropriate fees for the Brevard County Sheriff via U.S. Mail to the Clerk's office for issuance. Proposed defaults are not necessary, as the Clerk's office will prepare a default if such is appropriate upon motion.

Judge David Silverman has begun accepting proposed orders through the ePortal at www.myflcourtaccess.com effective September 6, 2016. Please visit our e-Filing page for more information, or the Judge's website at www.davidsilverman.com. Judge Lisa Davidson is currently piloting proposed orders in the Probate & Guardianship Division. Please visit our e-Filing Page to see which orders are allowed for e-filing in that Division.

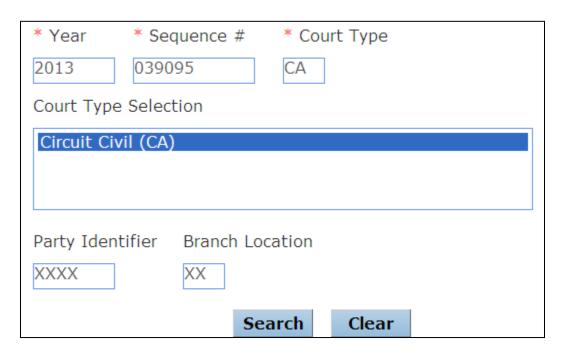
All other proposed orders should be sent with sufficient copies for conformation and an appropriate amount of self-addressed, postage-paid envelopes to the appropriate judge hearing your matter.

Our office anticipates expanding e-filing of proposed orders and specialized writs in the future. Please check back frequently on our <u>e-Filing page</u> to monitor all e-filing updates.

What if I get a message that a case number cannot be verified through the ePortal but I have verified through eFACTS that the case number I am entering is correct?

In order for your case number to properly validate in Brevard County, please ensure that you are entering the proper format of the case number. For the purposes of demonstration, we've broken out how the case number 2013-CA-039095-XXXX-XX would need to be entered in the required fields to validate for filing:

Year: 2013
Sequence #: 039095
Court Type: CA
Party Identifier: XXXX
Branch Location: XX



NOTE: For criminal cases, your party identifier will be AXXX if the case is an originating criminal case. BXXX, CXXX, etc. will be used as the party identifier depending on the specific party identifier for a specific co-defendant, if any.

Additionally, all filers should ensure that they are submitting six characters in the Sequence # box for proper validation. This may require a filer to add additional leading zeros before a sequence to equal six characters (i.e. <u>00</u>1234). As well, all characters in the Party Identifier and Branch Location boxes should be capitalized.

What original documents should be filed with the Clerk?

Please do not file paper copies or originally-signed pleadings after e-filing unless such pleadings or documents are required to be deposited with the Clerk in their original form by statute, court rule, or AOSC11-399, as amended.

For those documents required to be kept in original form by the Clerk after e-filing, the Clerk suggests including a coversheet with all original documents required to be deposited. Including a coversheet helps to eliminate duplicate docketing of pleadings on the Court's docket and provides for quicker processing and verifying of mail items coming through our mail room.

NOTE: Filers may chose to stamp "E-FILED" on their documents or devise another way of notifying the Clerk that the original document they're depositing with the Clerk has already been filed through the ePortal in lieu of a coversheet.

What is the "Pending Queue" and why did the Clerk send my filing there?

The Pending Queue is where the Clerk sends filings that have errors or problems.

For example, a document that has several documents scanned as one may be sent to the Pending Queue (i.e. a Request to Produce, a Notice of Service of Interrogatories, and a Notice of Taking Deposition scanned as one document).

As well, documents that have improper case numbers, wrong case styles, were submitted for the wrong case or wrong county, or other items such as proposed Orders attached to motions will be sent to the Pending Queue for the filer to correct and resubmit.

Filers may correct and resubmit their documents sent to the Pending Queue within five days of the filing being sent to the Pending Queue to maintain the original filing date.

If a filer "deletes" a document instead of "editing" the document, the ePortal will assign a new filing date to that particular document in the filing while the remainder of the documents in the filing will retain the original filing date.

NOTE: The Clerk is bound by local **AO 13-15** regarding the Pending Queue.

What if I have a document that cannot be filed through the ePortal?

<u>AOSC11-399</u>, as amended, provides for exemptions from mandatory filing through the ePortal in the following instances:

- 1. When the Clerk does not have the ability to accept and retain documents by electronic filing;
- 2. When the filer of the document is a self-represented party or a self-represented nonparty, including a nonparty governmental or public agency (or an agency, partnership, corporation, or business entity acting on behalf of any governmental or public agency);
- 3. When the filer is an attorney excused from e-mail service;
- 4. When submitting evidentiary exhibits or filing non-documentary materials;
- 5. When the filing or any document exceeds 25MB in size;
- 6. When the document is filed in open court;
- 7. When a Court determines that justice so requires.

If a document within a filing is larger than 25MB, the Clerk recommends filing the documents in two (or as many necessary) separate filings so that each filing is smaller than the allowed 25MB.

If any one document is larger than the 25MB allowed in its own right, the Supreme Court has provided instruction that a filer should place these documents or items on an electronic storage medium (such as a CD or a flash drive) and provide the medium to the Clerk.

All documents submitted to the Clerk on an electronic storage medium should be sent to the following address (or hand delivered to any Clerk branch):

Mailing Address

Brevard County Clerk of the Circuit Court P.O. Box 219
Titusville, Florida 32781-0219

These documents will be extracted from the storage medium and will then be docketed to their specific case, whereby they then become a permanent part of the Court's docket. If a filer wishes to have their storage medium returned, please include a self-addressed, postage-paid envelope.

NOTE: Please note, just because a document is voluminous in terms of pages does not mean that the document is larger than 25MB. Please check each document before submitting—resolution and image quality often affect the size of a document. The ePortal has a size indicator next to the name of the document when uploaded by the filer.

What if I have been determined indigent or am eligible for fee waiver but the document type I selected for a filing generates a fee?

Filers who wish to be determined indigent (a "fee-exempt filer") must provide a completed Indigent Fee Waiver Form along with their initial filing to be considered for fee-exemption through the ePortal.

Fee-exempt filers must select "Option Two: Request Filing Fee Waiver." The Waiver Reason should be "Indigent." An Indigent Fee Waiver Form must also be uploaded before a fee-exempt filer submits their filing through the ePortal.

For each filing submitted through the ePortal with a document that generates a filing or service fee, an additional Indigent Fee Waiver Form <u>must</u> be uploaded before submitting the filing through the ePortal.



NOTE: The ePortal will not allow filers who have been determined to be fee-exempt submit a filing for review without attaching an Indigent Fee Waiver Form even if the filer has already been determined to be fee-exempt. The Clerk offers a fee-exempt "Proposed Summons to be Issued by Clerk – Indigent" option, but most other fees can only be waived through the fee waiver process at this time.

The Clerk suggests that a previously determined fee-exempt filer should re-upload the Court order or determination by the Clerk regarding fee-exempt status.

The Florida Courts e-Filing Authority is currently reviewing additional document options and selections for those filers who have previously been determined to be fee-exempt. Please check the Clerk's e-Filing page for updates to this policy as they occur.

Will the Clerk forward my document(s) for recording if I pay the required recording fee at the time of filing of the document(s)?

For those documents required or authorized to be recorded, filers may add additional information so that the Clerk may eRecord the document(s) being submitted through the ePortal, saving the filer time and trouble in filing multiple versions of the same document for the purposes of docketing and recording.

For instance, the filer will be asked to indicate how many pages the document for recording is in length and how many names are to be considered for indexing. Based upon the information entered, the appropriate recording fee will populate for the filer to pay in addition to any other applicable filing fees that may be required by statute.

Once received by the Clerk and accepted, the document(s) will be sent to the Clerk's Recording Department for recording.

Specific documents required to be recorded by Florida law without payment of a fee will be automatically submitted for recording. For those documents required to be recorded but with a recording fee, the filer will have an option to indicate the appropriate page count to generate the appropriate recording fee for the entire document.

The case type says "DO NOT USE FOR EFILING." Should I be concerned?

This is an indication that the case in question was filed at a time when the Clerk was using an older case category system; since the point in time when the case populating this message was filed and current day, new statewide standard case categories have been established.

This message does not affect your ability to e-file in an existing case; instead, when filing a new case you would use one of the newer descriptions that doesn't have "DO NOT USE FOR FEILING" behind the numeric code.

When do I select a document type ending with suffix "Fee Due" versus "No Fee?"

When filing in an existing administrative case in the Probate division (Caveat, Will for Safekeeping, and Notice of Trust), a full filing fee is due. For these instances, you will need to select the appropriate document type with "fee due" as the suffix.

If a filer is filing in an existing Summary Administration proceeding and upgrading the case to a Formal Administration, the fee charged will be the difference between the Summary Administration and the full filing fee for a Formal Administration.

For example, for a Summary Administration case that is less than \$1,000.00, the filing fee is \$235.00. The full filing fee of a Formal Administration would be \$400.00. Therefore, the difference between them would be \$165.00.

The ePortal will charge the appropriate fee differential based on the type of case and based on a filer selecting a specific document type.

When filing a new case in the ePortal, however, filing fees will now be associated to the case type instead of by document as was Brevard's previous policy. When choosing a document type, please make sure to select the appropriate document with a "No Fee" suffix to insure you are charged the appropriate filing fee for a new case.

NOTE: It is extremely important that filers differentiate the difference between filing an original action in the Probate division and "upgrading" a case. If a filer selects the wrong document suffix (i.e. "No Fee" when a fee is due or "Fee Due" when no additional fee is due, the Clerk may send your filing to the Pending Queue for correction).

IMPORTANT LINKS

Below is a list of helpful links to statewide e-filing information as well as to Brevard County specific e-filing information.

Statewide e-Filing Information

- ✓ Florida Courts ePortal
- ✓ Florida Courts ePortal FAQs
- ✓ Florida Courts ePortal Training Manuals & Materials
- ✓ Florida Courts ePortal Training Videos
- ✓ Florida Courts ePortal Support E-Mail
- ✓ Florida Supreme Court e-Filing Information Page
- ✓ AOSC11-399, as amended Amendments to the Florida Rules of Civil Procedure
- ✓ Florida Courts e-Filing Authority Board
- ✓ Florida Supreme Court Standards for Electronic Access to the Courts
- ✓ <u>AOSC13-48 Corrected Electronic Filing of Criminal Cases in the Trial Courts of Florida</u> via the Florida Courts e-Filing Portal
- ✓ AOSC13-49 Electronic Service via the Florida Courts e-Filing Portal

Brevard County Clerk of the Circuit Court e-Filing Information

- ✓ Brevard County Clerk of the Circuit Court e-Filing Webpage
- ✓ Administrative Order 13-15 Clerk of Court Electronic Filing Clerk's Authority

HELPFUL HINTS

- ✓ The Clerk suggests using electronic signatures when signing documents for e-filing or, in the event a "wet ink" signature is used, that it be in black ink to obtain a crisp, dark image. Blue and other colored inks are discouraged. *Rule 2.515, Fla.R.Jud.Admin.*
- ✓ Documents signed with an electronic signature by an attorney as provided in Rule 2.515, Fla.R.Jud.Admin MUST meet the minimum requirements when filed pursuant to the Florida Supreme Court Standards for Electronic Access to the Courts:

Attorney Example

s/ John Doe

John Doe, Esq. Bar Number 12345 123 South Street City, FL 12345

Telephone: (123) 123-4567

- ✓ The ePortal works best with the latest versions of Internet Explorer, Google Chrome, or Mozilla Firefox.
- ✓ All documents submitted to the ePortal for filing should be in Microsoft Word, Word Perfect, or .PDF formats. Please do not mark your documents as password protected. (The Clerk suggests submitting .PDF documents to avoid any errors with your submission.)
- ✓ All documents should be 8 ½" x 11" in size. Rule 2.520(a), Fla.R.Jud.Admin.
- ✓ All documents submitted through the ePortal that require recordation shall include a 3" x 3" margin at the top right corner of the first page and a 1" x 3" margin at the top right corner of each subsequent page. Rule 2.520(c), Fla.R.Jud.Admin.
- ✓ All documents scanned for filing through the ePortal should meet the Supreme Court's minimum document image standards of 300 DPI.
- ✓ Please use the Uniform Case Number for indicating a pleading's correct case number (i.e. 05-2014-CF-012345-AXXX-XX). Please make sure to include specific party identifier code (i.e. BXXX, CXXX) for co-defendants in criminal actions. Items without a party identifier may be sent to the Pending Queue.

- ✓ In order to avoid having your filing returned for correction, please make sure you are cognizant of the following:
 - Your case number is correct (including party identifiers for co-defendants);
 - Your case caption/parties are correct;
 - Your document was scanned so that it appears correct when viewed vertically;
 - You have not attached unnecessary items (i.e. proposed orders, extra copies) to your documents:
 - You have a case number on your documents;
 - Any blanks in your proposed forms are completely filled (i.e. dates on Notices of Sale);
 - Blank pages that are intentionally left blank should reflect the same on the document (i.e. "the remainder of this page intentionally left blank" or something substantially similar).
- ✓ The Clerk suggests indicating one case number per pleading. The ePortal does not allow a single filing to be docketed into multiple cases through the ePortal. Filers wishing to file a specific pleading into multiple cases should submit the document as a filing for each of the several case numbers desired.
- ✓ The Clerk does not accept proposed orders at this time. Please submit all proposed orders to the applicable judge with an appropriate quantity of envelopes and postage, as well as enough copies for conforming by the judicial assistant.
- ✓ If your document exceeds 25MB in size, you may file the document on an electronic storage medium (i.e. flash drive or CD) with the Clerk. Please include a cover letter indicating why you are filing the document on an electronic storage medium instead of filing the item through the ePortal. Password protected files are discouraged.
- ✓ Filers are not required to submit follow-up filings once a document has been filed through the ePortal with the exception of those documents otherwise required to be deposited with the Clerk in their original form by applicable court rule, statute, or AOSC11-399, as amended. Please ensure you submit original documents required to be deposited with the Clerk along with a cover letter indicating the document has previously been e-filed through the ePortal.
- ✓ ePortal Support can be contacted via e-mail at <u>support@myflcourtaccess.com</u> or by phone at (850) 577-4609.

E-FILING ASSISTANTS

The Clerk has developed six individual e-Filing Assistant e-mail groups to help assist filers with their division- and topic-specific questions related to e-filing through the statewide ePortal.

If you have any questions that are not covered by this e-Filing Guide, please feel free to contact our e-Filing Assistants today for an answer to your inquiry:

✓	Civil e-Filing Assistant
	<u>civilefilingassistant@brevardclerk.us</u>
✓	Criminal & Traffic e-Filing Assistant
	<u>□ criminaltrafficefilingassistant@brevardclerk.us</u>
✓	Family e-Filing Assistant
✓	Probate e-Filing Assistant
	□ probateefilingassistant@brevardclerk.us
✓	Juvenile e-Filing Assistant
✓	Appeals e-Filing Assistant
	□ appealsefilingassistant@brevardclerk.us
✓	Pro Se e-Filing Assistant
	□ proseefilingassistant@brevardclerk.us
✓	Technical e-Filing Assistant (Non-Case Related Inquiries Only)
	<u> technicalefilingassistant@brevardclerk.us</u>

CONTACT THE CLERK

P.O. Box 219, Titusville, Florida 32781-0219

(321) 637-5413

■ www.brevardclerk.us

Titusville Branches

North Brevard Government Complex 400 South Street, Second Floor Titusville, Florida 32780 Official Records
700 S. Park Avenue, Building B
Titusville, Florida 32780

Merritt Island Branch

Merritt Island Service Complex 2575 N. Courtenay Parkway, Room 129 Merritt Island, Florida 32953

Viera Branch

Harry T. & Harriette V. Moore Justice Center 2825 Judge Fran Jamieson Way, First Floor Viera, Florida 32940

Melbourne Branch

Melbourne Courthouse
51 S. Nieman Avenue
Melbourne, Florida 32901

Palm Bay Branch

Palm Bay Service Complex 450 Cogan Drive S.E. Palm Bay, Florida 32909