

Courts eFiling Policy

Lee County Clerk of Circuit Court & Comptroller's Office

Effective May 20, 2019

Introduction

This document outlines the business rules regarding the electronic filing of court documents within Lee County. The policy was established in this manner to ensure the accurate and timely processing of documents filed with the Clerk. All statements made herein are supported by the listed governing authorities and local policy. The policy is available to eFilers through the News Banner on the ePortal and on LeeClerk.org.

Authoritative Guidance

- [Fla. Stat. 27.341](#)
- [Fla. Stat. 27.5112](#)
- [Fla. Stat. 28.22205](#)
- [Fla. Stat. 409.259](#)
- [Fla. R. Crim. P. 3.030\(c\)](#)
- [Fla. R. Jud. Admin. 2.515](#)
- [Fla. R. Jud. Admin. 2.520](#)
- [Fla. R. Jud. Admin. 2.525](#)
- [AOSC 13-12](#)

Definitions

Electronic Filing (eFiling) – eFiling is the process of filing legal documents with the court electronically.

Florida Courts eFiling Portal (ePortal) – The ePortal is a website that provides eFiling capability to authorized filers with a single statewide login.

Policy Details

General Information

- The Florida Courts eFiling Authority is responsible for establishing the preferred requirements. This includes internet platform, acceptable document formats, naming conventions, page counts, and other standards.

- The Florida Courts eFiling Authority maintains exclusive control of the site maintenance and functionality.
- The case style for confidential cases will not be displayed in the ePortal.
- Users should report issues/concerns via the methods listed on the eFiling Authority website
 - <https://www.myflcourtaccess.com/Common/UIPages/Contactus.aspx>

Paper Submissions by Mandated Filers

- The Supreme Court has authority to mandate filers to submit documents electronically.
- If a filer does not have the technical or procedural ability to eFile, the filer should seek assistance in the Clerk's Self Help Center or seek an exemption per the rule.
- If the filer refuses assistance in the Clerk's Self Help Center, paper submissions will be accepted, but the Clerk will notify the assigned Judge of the case and the Chief Judge of non-compliance.

Acceptance of Documents

- The Courts Department will only review, accept and complete documents within normal business hours; Monday through Friday 8am – 5pm, excluding holidays.
 - Certain document types do not require clerk review and are automatically accepted when filed through the ePortal.
- While a pleading may be docketed within hours of being accepted from the ePortal, associated data entry to process the contents of a pleading will occur normally within three business days.
- Pleadings submitted within 48 hours of a scheduled court appearance may not be accepted and available prior to court. The Clerk encourages the filer to be present in court with the pleading (not the email notification of submission) to ensure availability to the court.
- Unsigned orders may be accepted by the Clerk, but will not be forwarded to the court for review/signature.
- The document type selection for a pleading or eFiled submission, remains the ultimate responsibility of the filer. However, the Clerk may change a docket description submitted by a filer to ensure accurate docketing within the court file.

Guidelines for E-filing Specific Document Types

- Each filing must be a single document; do not attach multiple documents to the same image. This will prevent the documents from being docketed correctly.
- Do not e-file cover letters for the following documents:
 - Unsigned orders
 - Notices of appeal
 - Certified copies of documents (Foreign judgments and writs)
 - Original documents (Wills, codicils, surety bonds, notes, and mortgages)
- Do not file a paper copy of a document that has been eFiled unless required by law.
- File Notices of Confidential Filing and Notices of Filing separate from the pleadings they reference. The only exception is when the attachment belongs to a different case or has no case identifying information.

- Exhibits, attachments, and other supporting documents can be uploaded with the original pleading.
- File supporting affidavits separate from the motion. Each (styled) affidavit is a separate pleading.
- When filing a Notice to Appeal, please file the document in the lower case number. Include both the lower and appeals case numbers on all subsequent filings.
- Leave proposed subpoenas attached to the Notice of Production
- A Petition/Motion to Seal or Expunge, Affidavit, and Certificate of Eligibility must be eFiled through the ePortal in order to obtain hearing time. However, the original Affidavit and Certificate of Eligibility MUST be provided to the Court at the motion hearing. Payment of the fee is required with the filing of the petition/motion.
- For Civil Traffic documents / pleadings, a court date will not be scheduled if an active suspension (D6) is present on the case. Payment with the Clerk's office is still required after the filing is "accepted" by the Clerk.
- Certain motions are subject to a reopen fee. If the reopen fee does not apply to the motion that is being filed, select the generic "Motion" event and the clerk will modify the event to make it more descriptive.
- Filing fees may not be refunded if the filing is duplicative or otherwise filed in error.

Guidelines for Adding Parties to New Civil Filings

- Add parties in the same order as they appear in the case caption
- Use proper case, i.e., John Smith
- Do not use punctuation, i.e., .commas, apostrophes, periods with the exception of hyphenated last names
- Do not add sub-names such as d/b/a. The clerk will add them to the case
- Do not use "The" as the first word of a business name
- Enter Unknown Parties as a business (Organization)
- Do not add parties to subsequent filings

Judicial Orders

- Judicial orders may be accepted through the ePortal by the following filers. Orders from any other filer will not be accepted.
 - Judicial Officers and Judicial Assistants
 - Staff Attorneys Office
 - County Probation and Pre-Trial Services
 - State Probation
 - Case Management
 - Mediation
- If a filer would like to submit a proposed order, the document should be submitted to the judiciary using the proposed order workflow.

Correction Queue

- Filings may be moved to the ePortal Correction Queue for the following reasons:
 - Missing or incorrect case numbers if appropriate
 - Corrupt Image or Poor Image Quality
 - Multiple Pleadings attached as one document
 - Filed in the wrong county
- The Clerk does not have the authority to send a document to the correction queue upon filer request, unless the submission qualifies for correction via the standards above.
- The Clerk may remove a document from the correction queue if it was moved in error.
- Pleadings in the Correction Queue must be corrected within five (5) business days and resubmitted in the ePortal. If accepted by the Clerk, the pleading will retain the initial ePortal file stamp date.
 - If no action is taken within this time, the filing will be moved to the Abandoned Filing queue and will no longer be available for correction. It will be necessary to submit a new ePortal filing with the corrected pleading attached.

Standard Document Types

- The document types and categories in the ePortal are standardized statewide and are governed by the Florida Courts eFiling Authority.
- The filer must select the document type that is most appropriate for the document title being filed. If no standard document type applies to the document, the filer should choose the most specific document type available.
- The Clerk may create new non-standard document types for the following reasons:
 - Upon request of the elected Clerk or an elected Judicial Officer of Lee County
 - When the creation of a document type adds clarity to the court docket description
 - A document type is needed for implementation of a local rule or process change
 - The creation of a new document type enhances the paperless initiatives of the Clerk's Office, agency partners, or judiciary.
- Filers are able to request a custom document type be created. All requests will be evaluated by management to determine risk and impact to the Clerk's business process, judiciary's ability to view the court docket, and/or other filers operations. The Clerk reserves the right to deny the creation of any non-standard document types.

Personnel Sanctions

All employees must comply with the content of this policy. Any employee found to have violated policy may be subject to disciplinary action, up to and including termination of employment and prosecution. If an employee has questions regarding compliance with this policy, seek guidance from leadership. Exceptions to this policy must be approved in writing by the Chief Officer of Courts.

Revision History

May 17, 2019 – Updated policy on new template; Previous versions archived.

June 12, 2019 – Updated to add verbiage that the clerk may not refund filing fees, and that the clerk may remove a document from the correction queue if it was moved there in error. Also added verbiage under Personnel Sanctions that employees with questions regarding compliance should contact leadership.