

AMENDED 3/22/2021:
CHARLOTTE COUNTY ELECTRONIC SUBMISSION OF PROPOSED ORDERS
FOR JUDGE BELL AND JUDGE BURNS
March 22, 2021

Effective March 22, 2021, ALL proposed orders can be submitted electronically via the E-Filing Portal. <https://www.myflcourtaccess.com/default.aspx> A grace period of thirty (30) days will follow March 22, 2021, during which period the submission of proposed paper orders will continue to be accepted by delivery to Judge Bell or Judge Burns. This grace period ends April 23, 2021, after which date ALL proposed orders (with very few exceptions) must be submitted through the E-filing Portal.

This document contains detailed instructions on submitting the following proposed orders electronically for:

Judge Bell:

Misdemeanor Criminal cases M – Z
Juvenile
County Civil
Small Claims

Judge Burns:

Misdemeanor Criminal cases A – L
Charlotte County Civil Traffic
County Civil
Small Claims

BASIC/GENERAL RULES

1. ALL SUPPORTING DOCUMENTS MUST BE VIEWABLE PRIOR TO SENDING THE PROPOSED ORDER (NO EXCEPTIONS)

Verify the assigned Judge to the case with Clerk's office. To preserve the efficiency of the Court's workflow, please immediately submit your supporting documents 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, but 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 website.**

2. THE E-FILING PROCESS AND CLERK ACCEPTANCE OF E-FILED DOCUMENTS:

When you E-file a document through the Clerk's 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 (3) days to complete those steps. Additional days may be required if the document does not comply with the E-filing rules. Please **wait until YOU can view the recently filed supporting document(s) on the Clerk’s website** before you E-file the proposed order to the Judge.

3. CONTACT INFO:

For ALL questions regarding Judge Bell’s procedures, you may contact his Judicial Assistant, Vicki at vdelledonne@ca.cjis20.org or by calling 941/637-2291.

For ALL questions regarding Judge Burns’ procedures, you may contact his Judicial Assistant, Terri, at tforister@ca.cjis20.org or by calling 941/637-2266.

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

Clerk’s Office **Civil** Courts Director:
Grace Colon at Grace.colon@charlotteclerk.com

ELECTRONIC SUBMISSION OF PROPOSED ORDERS:

- 1. Document Format** All electronically submitted proposed orders **MUST** be submitted to the E-filing portal utilizing recent versions of Microsoft Word (Versions from 2003 and later with a “docx” file type). No other formats will be accepted at this time. “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’s Signature Line and Judge’s Name
 - Certificate of Service

An example of how your documents must be modified is available on the last page. The example shows the text that should be removed from proposed orders 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.

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 them.

The prevailing party shall add language to the Order that they shall furnish the Pro se party / interested person with a signed copy of the Order.

- 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 (pro se) or interested person has not designated an e-mail address pursuant to the Rule, **the prevailing party shall add language to the Order that they shall furnish the Pro se party / interested person with a signed copy of the Order.**
- 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 E-mails** All documents should be submitted through the E-filing portal. Please verify assigned Judge to the case with the Clerk's Office.
- 7. Supporting Documents Must Be Submitted to Clerk First** Submit your stipulations and motions DIRECTLY to the Clerk's E-filing system. Verify the assigned Judge to the case with the Clerk's Office. In most cases this will take no more than 2-3 business days for the Clerk to process the document and make it viewable, but in some cases a longer delay will be necessary.
- 8. Copy Opposing Counsel With the Proposed order** 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 e-mail address).

Proposed Orders should now be submitted via
<https://www.myflcourtaccess.com/default.aspx>

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

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

**IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
CHARLOTTE COUNTY FLORIDA**

STATE OF FLORIDA

v

CASE NO.

Defendant /

ORDER ON

THIS CAUSE, having come on to be heard by the Court on the Defendant's First Amended Motion to Suppress and the Court having heard evidence and memorandums from Counsel finds:

As to the lawfulness of the stop, the Court finds, based upon the driving outside the lane from side to side, there was a reasonable suspicion of impairment and the stop was proper. The Court also finds that the Defendant was speeding based upon the officer's testimony and the Defendant's admission, therefore the stop was proper for speeding.....

WHEREFORE, the First Amended Motion to Suppress is denied on all grounds, except the motion to exclude the refusal is granted.

DONE AND ORDERED ~~in Chambers in Punta Gorda, Charlotte County, Florida,~~
~~on the 8th day of July 2009.~~

JOHN L. BURNS
COUNTY JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via hand delivery, U.S. Mail or Charlotte County Justice Center mailbox to:

~~Helena P. Downyok, ASA, State Attorney's Office via Justice Center mailbox.~~
~~Kerry E. Mack, Esq., MACK LAW FIRM CHARTERED, 2022 Placida Road, Englewood, FL-34224-5204~~

~~On this 8th day of July 2009.~~

Terri Forister, Judicial Assistant to the
Honorable John L. Burns