

Important Notice

(REVISED 9/19/17)

REVISED Procedure Changes regarding Mandatory eFiling for Attorneys

This notice is for attorneys who eFile through the statewide ePortal on or after March 1, 2013. These procedural changes are necessary due to the March 1, 2013 discontinuation of the requirement for attorneys who eFile to file the “follow-up copy” with the Marion County Clerk. The Clerk’s Office will maintain the electronic dockets for judicial users to view using the electronic viewer being utilized by the Court.

PROCEDURE CHANGES

SUMMONS

The process for a summons to be issued will require the use of the Clerk’s website to view/save/print images of court documents. There is no longer a subscription fee for using the Clerk’s website for viewing documents in court files. *All online access to court records is governed under the provisions set forth in Florida AOSC 16-107.* A user ID and password are required for certain access.

If you do not already have a user name and password, please request one online at www.marioncountyclerk.org by clicking on the “Request a login” button in the Attorney Case Access section.

When eFiling an un-executed summons, each summons must be filed as a separate document rather than a single document with multiple summonses. If able, the Clerk’s Office will electronically sign the summons forms and eFile the issued summons into the case via the ePortal. The original filer will receive a notification from the ePortal when this is done. If the Clerk’s Office is not able to electronically sign the summons, the forms will be printed, signed, and scanned into the case. It will be the responsibility of the filer to access the executed summons from the website or ePortal, print, attach copies of the documents to be served and serve appropriately.

PROPOSED ORDERS

**See 5th Circuit AO A-2012-25-B AMENDED ADMINISTRATIVE ORDER PROHIBITING CORRESPONDENCE AND MOTIONS TRANSMITTED VIA EMAIL TO THE OFFICES OF THE JUDICIARY AND RESCINDING ADMINISTRATIVE ORDER A-2013-19-B (Effective 8/15/17)

All proposed orders, including copies to be confirmed and postage paid envelopes, should be sent by U.S. Mail, other postal service or hand delivered directly to the appropriate presiding judge. NO PROPOSED ORDERS MAY BE EFILED VIA THE EPORTAL OR EMAILED TO THE JUDGE WITHOUT PRIOR APPROVAL.

Motions associated with the proposed orders must be eFiled via the ePortal.

MOTIONS/ORDERS FOR DEFAULT JUDGMENT BY THE CLERK

If a motion and/or order of default is one issuable by the Clerk, the attorney should eFile the motion/order. If able, the Clerk will electronically sign the default forms and eFile the issued default into the case via the ePortal. The original filer will receive a notification from the ePortal when this is done. If not able to electronically sign, the Clerk's Office will print, sign and scan the issued default into the case. The executed orders of default will be listed on the docket using the docket description of "Default Entered" and will be available via the Clerk's website.

If the motion and/or order is one for a Court ordered default, the attorney should eFile the motion and submit the proposed order directly to the Court as stated above.

NOTICES OF ACTION

An attorney who uses the ePortal to file a Notice of Action (NOA) should deliver copies (to be conformed) and postage paid envelopes (if there are last known addresses of those to be notified) to the Clerk's Office by 5:00 PM the business day after the date of eFiling. If copies of the NOA and underlying documents to be served are not received, in order to timely comply with statutory duties, the Clerk's Office will assume the responsibility of printing and mailing copies to the appropriate parties. Pursuant to Section 28.25(5)(a), Florida Statutes, the copy fee for any court document is \$1.00 per page. Invoices will be submitted to the appropriate attorney's office for these copy costs.

Upon receipt of the eFiled Notice of Action (NOA), if able, the Clerk will electronically sign the NOA forms and eFile the executed NOA into the case via the ePortal. The original filer will receive a notification from the ePortal when this is done. If not able to electronically sign, the Clerk's Office will print the NOA forms, sign and scan the executed NOA into the case. Whether able to electronically sign or not, once the NOA has been executed the Clerk will post and/or mail as appropriate.

The Clerk's Office will no longer send a copy of the NOA to a newspaper for publication. An attorney should provide a copy of the NOA to be conformed and returned to their office for publication. If a copy is not provided, one may be printed from the Clerk's website for publication.

DOCUMENTS TO BE RECORDED

The state ePortal does not accommodate payment of recording fees. Therefore, documents associated with cases filed thru the ePortal that need to be recorded, such as foreign judgments, lis pendens, death certificates, etc. must be forwarded by regular mail or hand delivered to the Clerk's Recording Department along with the required recording fee. If these documents are also required to be filed in the court case they must also be eFiled. Just be aware that eFiling recordable documents will no longer include the process of recording that document by the Clerk.

Marion County accepts eRecording submissions for the Official Records department from select vendors. Please refer to the eRecording Vendors section on our website for a list of vendors.

Although there is no longer a subscription fee for using the Clerk's website for viewing documents in court files, there is still a \$150 annual fee for Registered User access to Official Records. This access gives subscribers the ability to view Official Record images including the ones not statutorily available from the Public website as well as Plat and Right-of-Way images.

RETURN OF SERVICE OF PROCESS

Return of service of process has, in many cases, been provided to the Clerk's Office by process servers. These process servers are acting on behalf of attorneys. Therefore, return of service documents normally delivered by a process server must also be eFiled just as all other case related documents being filed by an attorney.

Please understand the following practical limitations:

- 1) Although eFiling can be accomplished at any time of any day, it will continue to take a reasonable amount of time for the Clerk's Office to process these eFiled documents. For example, it is not reasonable to expect that a document eFiled at 2:30 AM will be available for a hearing scheduled at 9:00 AM that morning.
- 2) If you must call the Clerk to inquire as to the status of an eFile, you must supply the Clerk's Office with the Filing Number you received in the confirmation email from the ePortal.