

United States Bankruptcy Court, Middle District of Florida
Proposed New and Amended Local Rules
(substantive revisions to existing rules are highlighted in yellow)
Posted for Comment March 15, 2021
Comment Period Ends April 30, 2021
New and Amended Rules Will Become Effective July 1, 2021

Rule 1001-2 Case Management and Electronic Filing System – CM/ECF

This proposed amendment deletes the requirement for the Clerk to keep a registry of authorized Electronic Filing Users because, due to current internal procedures, this is no longer necessary.

Rule 1002-1 Petition – Filing on Debtor’s Behalf by a Court-Appointed Representative, Holder of Power of Attorney, Proposed Next Friend, or Guardian ad Litem

This proposed amendment renumbers the rule to conform to Fed. R. Bankr. P. 1004.1 (Petition for Infant or Incompetent Person). Section (b)(4) is revised to state that the Court “may” (as opposed to “will”) schedule a status conference.

Rule 1071-1 Divisions – Bankruptcy Court

This proposed amendment revises the rule on division assignments to mirror the language in 28 U.S.C. § 1408.

Rule 2002-1 Notice to Creditors and Other Interested Parties

This proposed amendment revises section (i) to provide a procedure for address corrections and removal of parties from the mailing matrix when mail is returned as undeliverable.

Rule 2004-1 Examination of Debtor and Others

This proposed amendment revises the rule to conform with Fed. R. Bankr. P. 2004(c) (effective December 1, 2020) to add the term “electronically stored information” to the description of items produced during discovery.

Rule 2016-1 Compensation of Professionals

This amendment adds a provision requiring debtor’s attorneys to attach copies of executed retainer agreements to Rule 2016 Disclosure Statements. This amendment further modifies the deadline for filing final fee applications to be considered at the confirmation hearing in Chapter 11.

Rule 2081-1 Chapter 11 – General

This proposed amendment revises section (b)(4) to require a list of only those officers, directors and insiders receiving salaries or benefits from the debtor. This amendment further revises section (d) to require the filing of a Check Register in the form of Appendix B by Small Business Debtors, which register shall accompany the debtor’s Small Business Monthly Operating Report and the Schedule of Receipts and Disbursements also required to be completed and filed by Small Business Debtors.

Rule 2090-1 Attorneys – Admission to Practice and Pro Hac Vice Admission

This proposed amendment revises section (c)(2) to set forth requirements for government attorneys who are not admitted in Middle District.

Rule 2091-1 Attorneys – Duties of Debtor’s Counsel

This proposed amendment permits an attorney who represents a debtor on a pro bono to limit the representation to preparation of the petition, list of creditors or master mailing matrix, and schedules and statement of financial affairs..

Rule 2091-2 Attorneys – Withdrawals and Substitutions

This proposed amendment revises section (d) to reflect that the Court will accept a joint stipulation for substitution of counsel if it is either signed by the client or includes a representation that the client consents to the substitution. In addition, new subsection (3) is added to section (e) regarding the procedure for substitution of counsel within the same law firm. Finally, the amendment adds new section (f) regarding the procedure for substitution of counsel not in the same law firm as attorney of record in the event the attorney of record is deceased.

Rule 3002-1 Deadline for Filing Proofs of Claim in Reinstated Cases; Late-Filed Proofs of Claim

This proposed amendment adds a provision requiring creditors to serve *pro se* Chapter 13 debtors with proofs of claim.

Rule 3022-1 Final Report/Decree (Chapter 11)

This proposed amendment adds new section (a) establishing the deadline for filing a motion for final decree in Subchapter V cases. New section (b)(2)(C) requires individual Chapter 11 debtors seeking a discharge to file a statement certifying under penalty of perjury whether the provisions of 11 U.S.C. § 522(q)(1) are applicable to their case. This amendment also includes an objection procedure pursuant to which any interested party may object to the statement required by subparagraph (b)(2)(C) prior to the entry of an order of discharge.

Rule 3071-1 Applications for Administrative Expenses

This proposed amendment shortens the time for filing administrative claims from 21 to 14 days before the confirmation hearing in Chapter 11, 12, and 13 cases.

Rule 4004-2 Modification of Deadline for Objections to Discharge [PROPOSED NEW RULE]

This proposed new rule creates a uniform procedure for extending the deadline for filing objections to discharge in reinstated cases.

Rule 4007-1 Modification of Deadline for Objecting to Dischargeability of a Debt [PROPOSED NEW RULE]

This proposed new rule creates a uniform procedure for extending the deadline for filing objections to dischargeability in reinstated cases.

Rule 5073-1 Photographs; Broadcasting or Televising; Use of Computers and Communication Devices

This proposed amendment revised the rule to reference new Middle District of Florida Local Rules 5.01 (Broadcasting, Recording, and Photographing) and 7.02 (Electronics in Courthouse) (effective on January 1, 2021). The title of the rule is also amended to conform with the Uniform Numbering System for Local Bankruptcy Court Rules.

Rule 5077-1 Transcripts of Court Proceedings

This proposed amendment clarifies the rule to state that the Court's official court reporters file transcripts in CM/ECF.

Rule 9013-3 Proof of Service in Bankruptcy Cases, Adversary Proceedings, and Contested Matters

This proposed amendment revises section (e) to correct a grammatical error, but no substantive change is being made.

Rule 9072-1 Orders – Proposed

This proposed amendment makes a minor revision to the section (b)(6) language required at the end of an order.