UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

In re

ADMINISTRATIVE ORDER
GOVERNING ELECTRONIC
CASE MANAGEMENT

Administrative Order
FLMB-2003-4

REVISED ADMINISTRATIVE ORDER GOVERNING ELECTRONIC CASE MANAGEMENT

The Federal Rules of Bankruptcy Procedure now permit documents and papers to be filed, signed, and verified by electronic means. The Administrative Office of the United States Courts has developed a Case Management/Electronic Case Filing System ("CM/ECF System") that permits the electronic filing of documents and papers and the electronic maintenance of court records. On February 18, 2003, this Court began its implementation of the CM/ECF System. Rules and procedures are necessary to accommodate the filing and maintenance of documents in electronic form. Accordingly, the Court promulgates this Administrative Order to provide initial electronic filing guidance and requirements.

1. Scope of Electronic Filing.

Documents and papers may be filed, signed, and verified by electronic means, consistent with the procedures contained in this Administrative Order. A document or paper filed by electronic means constitutes a written paper as provided by the Federal Rules of Bankruptcy Procedure. All documents and papers filed with the Clerk in cases and proceedings shall be maintained by the Clerk in electronic form consistent with the procedures for electronic filing and maintenance of cases contained in this order. The

electronic form of documents and papers shall be official records of the Court. The Court will continue to accept paper documents for filing; however, the Clerk shall convert them to electronic documents by an electronic scanning process. Documents prepared by the Clerk shall be prepared in an electronic format.

2. Electronic Filing Permitted.

The Court will accept for filing documents and papers submitted by electronic means that comply with the procedures established by this order for the electronic filing and maintenance of cases. Attorneys and others who are not registered to use the Electronic Filing System are not required to file documents electronically.

3. Eligibility, Registration, Passwords.

Only individuals with log-ins and passwords ("Filing Users") issued by the Clerk may file documents electronically with the Court. Filing Users must be attorneys admitted to the Bar of the United States District Court for the Middle District of Florida, United States trustees and their assistants, private trustees, or others as the Clerk deems appropriate. Filing Users must register with the Clerk and complete Court-approved training. The Clerk shall establish and promulgate registration and training procedures.

All Filing Users shall comply with all requirements as may be maintained and promulgated by the Clerk. The Clerk shall display these requirements on the Court's internet site, www.flmb.uscourts.gov. Filing Users are deemed to consent to and agree to abide by the terms of this Administrative Order.

The Court's system that receives documents and papers filed in electronic format is the "Electronic Filing System." A Filing User, once properly registered with the Clerk, must consent in writing to file all documents with the Court by electronic means using the

Electronic Filing System (with the exception of certain specified users that are given limited electronic filing access by the Clerk for a limited purpose). If required to meet a filing deadline, Filing Users are permitted to file paper documents when the Electronic Filing System is inaccessible or the Filing User's computer system is inoperable. Once registered, a Filing User may withdraw from participation in the Electronic Filing System by providing the Clerk written notice of withdrawal.

Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first-class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first-class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first-class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their log-ins and passwords and shall immediately notify the Clerk if they learn that the security of their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision.

4. Consequences of Electronic Filing.

Electronic transmission of a document to the Court by the Electronic Filing System, together with the transmission of a Notice of Electronic Filing (as defined in paragraph 12 below) from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules.

When a document is filed electronically, the official record is the electronic recording of the document as stored by the Court. Filing Users are responsible for reviewing the electronic images of electronic documents that they file to ensure such electronic documents do not contain any errors as a result of transmission problems. In addition, in the event that the Clerk notifies a Filing User that a previously electronically filed document contains an error, the Filing User shall take such steps as are necessary to correct the error within ten (10) days of receipt of the notice from the Clerk.

A document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing from the Court. Filing a document electronically does not alter a filing deadline for that document. Filing must be completed before midnight local time of the Court to be considered filed that day.

5. Procedure for Filing Paper Documents.

When a paper document is filed, the official record is the electronic recording of the document as stored by the Court. A paper document is deemed filed at the date and time stamped on the document by the Clerk, and the Clerk shall convert the paper document to an electronic document by an electronic scanning process. Any paper document filed shall be typewritten, or if produced by computer generated software, shall be printed by letter quality printers, shall be single-sided, and shall be on white paper approximately eight and one-half inches wide by eleven inches long, with one-fourth inch margins. A person filing a paper document is responsible for ascertaining that the electronic document is an accurate readable image of the paper document. The Clerk shall notify a person filing a paper document that does not conform to these procedures. Once notified, the person filing a paper document shall take such steps as are necessary to correct the deficiency within ten (10) days of receipt

of the notice from the Clerk. If the filing party fails to correct the deficiency within ten (10) days, the court may enter an order striking without further notice or hearing.

6. Entry of Court Orders and Judgments.

All orders and judgments of the Court will be signed and filed in accordance with this order, which will constitute entry on the docket kept by the Clerk under Fed. R. Bankr. P. 5003 and 9021. The Clerk shall electronically scan all signed paper orders and judgments and convert them to electronic documents and enter them on the docket. Alternatively, a Judge may electronically sign an order or judgment in image form by affixing on the order or judgment: (1) in typeface "/s/" followed by the Judge's name, or (2) an electronic image of the Judge's actual signature. Any order signed electronically in this fashion has the same force and effect as if the Judge had physically signed a paper original of the order or judgment.

7. Attachments and Exhibits.

Filing Users shall submit all documents referenced as exhibits or attachments in electronic form, unless the Court permits conventional paper filing. A Filing User shall submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this order do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

Paper documents, exhibits, or attachments submitted to the Clerk for filing may not contain any tabs.

8. Sealed Documents.

Documents ordered to be placed under seal shall be filed in paper form and not electronically, unless specifically authorized by the Court. A paper copy of the order must be attached to the documents under seal and delivered to the Clerk.

9. Retention Requirements.

The Clerk shall maintain all documents and papers that are filed in a non-electronic form for a period of sixty (60) days for quality control purposes. The Clerk shall destroy or discard such documents or papers after the expiration of such time period.

Documents or papers filed electronically by Filing Users that are required to be signed under penalty of perjury ("Verified Documents"), or that require an original signature other than the signature of the Filing User, shall be maintained in the originally signed and verified paper form by the Filing User for a period of four (4) years after closing of the case or proceeding in which the document or paper is filed.

10. Signatures.

The Filing User's log-in and password, required to submit papers using the Electronic Filing System, serve as the Filing User's signature on all electronic documents and papers filed with the Court, and serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court. Electronically filed papers must include a signature block in compliance with Fed. R. Bankr. P. 9011(a) and Local Bankruptcy Rule 9011-4 and must set forth the name, address, telephone number, e-mail address if applicable, and the attorney's Florida Bar registration number if applicable. In addition, the name of the Filing User under whose log-in and

password the document is submitted must be preceded by "/s/" and must be typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Papers that are electronically submitted that require the signature of anyone other than the Filing User shall either contain a scanned image of any manual signature affixed thereto or display "/s/" with the name typed in the space where the signature would otherwise appear.

Any Verified Document not containing an original signature shall be accompanied by a "Declaration Under Penalty of Perjury for Electronic Filing" in PDF format containing an image of the original signature of the party signing the paper. This form is available on the Court's website.

Documents requiring signatures of more than one party must be electronically filed in one of the following manners: (1) by submitting a scanned document containing all necessary signatures; (2) by representing the consent of the other parties on the document; (3) by identifying on the document the parties whose signatures are required and submitting a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the Court.

On request, the Filing User must provide original documents for review to the Court, the office of the United States Trustee, or party in interest as ordered by the Court

11. Electronic Submission of Social Security Number

On and after December 1, 2003, Filing Users shall have an individual debtor sign under penalty of perjury a statement that sets out the debtor's social security number, or

states that the debtor does not have a social security number ("Statement of Social Security Number"). Filing Users are responsible for submitting the Statement of Social Security Number containing an image of the debtor's original signature as a separate non-viewable entry in the Electronic Filing System and for submitting the debtor's full social security number during the case filing or case upload procedure. The Filing User shall maintain the original Statement of Social Security Number for a period of four (4) years after closing of the case. Failure to submit the Statement of Social Security Number may lead to dismissal of the case. Any amendment to the Statement of Social Security Number must also be submitted as a separate non-viewable entry in the Electronic Filing System and must be served on all creditors, the trustee and the U.S. Trustee.

12. Service of Electronically Filed Documents.

Each Filing User filing a pleading or other document must cause transmission of a notice of electronic filing as generated by the Electronic Filing System ("Notice of Electronic Filing") to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and the local rules. Service of the Notice of Electronic Filing on Filing Users shall be by e-mail, hand, facsimile, or first-class mail postage prepaid. Electronic transmission of the Notice of Electronic Filing by the Electronic Filing System constitutes service or notice of the filed document to other Filing Users. Parties entitled to service that are not Filing Users are entitled to receive a paper copy of any electronically filed pleading or other document. Such service or notice must be made in accordance with the Federal Rules of Bankruptcy Procedure and the local rules.

13. Notice of Court Orders and Judgments.

Upon the entry of an order or judgment in a case or proceeding, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by the Fed. R. Bankr. P. 9022. The Clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

14. Technical Failures.

A Filing User whose filing is made untimely as the result of a technical failure may seek, or the Court, on its own motion may grant, appropriate relief. If required to meet a filing deadline, Filing Users are permitted to file paper documents when the Electronic Filing System is inaccessible or the Filing User's computer system is inoperable.

15. Public Access.

Any person or organization may access the Electronic Filing System at the Court's Internet site, www.flmb.uscourts.gov, by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

16. Effective Date.

The Court converted to the CM/ECF System on February 18, 2003, and this order applies to all cases and proceedings filed on or after that date. The Court will maintain paper files for the cases that were pending on that date. Filing Users shall file all documents electronically regardless of the date the case was filed.

17. Administrative Order 2003-3

Administrative Order 2003-3 on this subject shall be archived and shall be replaced by this order.

DONE and ORDERED at Tampa, Florida, this 30th day of December, 2003.

BY THE COURT

Paul M. Glenn
Chief United States Bankruptcy Judge