

Rule 1071-1

DIVISIONS – BANKRUPTCY COURT

(a) ***Middle District of Florida.*** The Middle District of Florida consists of those counties and places of holding court as designated in 28 U.S.C. § 89.

(b) ***Divisions.*** The Middle District shall be divided into four Divisions to be known as the Jacksonville, Orlando, Tampa, and Fort Myers Divisions, as follows:

(1) ***Jacksonville Division.*** The Jacksonville Division consists of the following counties: Baker, Bradford, Citrus, Clay, Columbia, Duval, Flagler, Hamilton, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, and Union. The place of holding court shall be Jacksonville.

(2) ***Orlando Division.*** The Orlando Division consists of the following counties: Brevard, Lake, Orange, Osceola, Seminole, and Volusia. The place of holding court shall be Orlando.

(3) ***Tampa Division.*** The Tampa Division consists of the following counties: Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota. The place of holding court shall be Tampa.

(4) ***Fort Myers Division.*** The Fort Myers Division consists of the following counties: Charlotte, DeSoto, Glades, Collier, Hendry, and Lee. The place of holding court shall be Fort Myers or as determined by the presiding judge.

(c) ***Assignment of Division.*** The Clerk's Office shall assign each case, as determined by information set forth on the bankruptcy petition, to the appropriate Division. The appropriate Division is the one:

(1) in which the domicile, residence, principal place of business, or principal assets, of the person or entity that is the subject of such case has been located for the 180 days immediately preceding such commencement, or for a longer portion of the 180-day period that the domicile, residence, principal place of business, or principal assets of such person were located in any other Division; or

(2) in which there is pending a case under the Bankruptcy Code concerning such person's affiliate, general partner, or partnership.

The Court, upon motion of any party in interest or the Court's own motion, may order that the case be transferred to a different Division if the Court determines that the transfer is to the appropriate Division under this rule, in the interest of justice, or for the convenience of the parties.

Notes of Advisory Committee

2021 Amendment

This amendment revises section (c) on division assignments to mirror the language of 28 U.S.C. § 1408 regarding venue. This amendment to the rule is effective August 1, 2021.

2014 Amendment

This amendment changes the assignment of Volusia County from the Jacksonville Division to the Orlando Division so as to be consistent with the designation of Divisions of the United States District Court for the Middle District of Florida. Section (c) clarifies the Court's procedure of assigning cases to the appropriate division based upon the information set forth on the bankruptcy petition. This amendment to the rule is effective August 1, 2014.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 1.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment abolishes the Ocala Division as a separate, freestanding division of the Court and reassigns to the Jacksonville Divisions the counties that presently comprise the Ocala Division. Because of the lack of facilities available to the Court in Ocala, bankruptcy court has not been conducted in Ocala for some considerable period of time. For this reason, cases from counties comprising the Ocala Division have been treated by the Court as filed in and assigned to the Jacksonville Division. In March 1994, the Judicial Conference of the United States deleted Ocala from the List of approved places for holding bankruptcy court. This amendment, therefore, merely conforms the Local Rules to existing practice.

These amendments to the rule were effective on February 15, 1995.