

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

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In Re:

Administrative Order 2021-09

**Amendment of Local Rule 5081-1 to Reflect
Change in Policy on Acceptable Forms of
Payment For Fees Collected by Clerk of Court**

The Clerk of Court has advised the Court that implementation of alternative options for the public to pay filing and other fees, including via debit and ACH transactions, has resulted in more efficient administration of payment processing, and has recommended that the fee payment policy in this Court be revised to remove cash as a payment option.

The Court, having approved this recommendation, finds it necessary to amend Local Rule 5081-1 to reflect this change and **ORDERS** as follows:

1. Effective September 7, 2021, Local Rule 5081-1 is amended by substituting the following as Interim Local Rule 5081-1 and the “Clerk’s Summary of Fees,” and “Clerk’s Filing Instructions” shall be amended to reflect this change in payment policy

Fees – Form of Payment

(A) Payment From Conventional Filers (And Other Filers Exempted or Suspended from Credit Card Payment). Fees or other charges to be paid to the clerk, and any deposits to be deposited with the clerk, must be tendered in one of the following forms. Cash will not be accepted as an option for payment of fees due. Payments must be remitted in the exact amount due for the fee owed. No change will be provided for money order, check, or other payment remittances

(1) electronic payment using a debit card or ACH (Automated Clearing House) bank-to-bank transaction in which payment is withdrawn directly from a bank account to another. Payment of other fees in using a debit or bank to bank transaction may be conducted in person at all divisional offices and remotely if provided a payment link by the Clerk of Court.

(2) check, cashier’s check, or money order in U.S. funds made payable to “Clerk, United States Court.” Only checks drawn on attorney’s trust or operating account (unless the maker is a debtor in a bankruptcy case), on an account of the trustee appointed to the case for which the payment is remitted, or on any United States, state, or local government account, will be accepted for payment of filing fees. The clerk will accept a personal or business check for payment of copy, certification or research fees, and fees for compact discs of court proceedings upon presentation of an official government-issued photo identification card of the person who is presenting the check. The clerk

reserves the right to rescind or amend this policy of acceptance of personal checks without further notice.

(B) Payments From Registered Users of CM/ECF.

(1) Payment by Credit Card Required. Registered users (other than case trustees, government agencies, and other entities which are specifically exempted by the court or registered users with suspended accounts) must use the CM/ECF credit card module to pay fees and make other required deposits for documents filed in CM/ECF.

(2) Payment Deadline. Sanctions. The registered user must pay any and all fees for CM/ECF transactions on the date filed. Failing to do so will cause the registered user's electronic filing privileges to be suspended and may result in a bankruptcy petition being dismissed, a document being stricken, or sanctions being imposed.

(C) NSF Checks. If any check is returned for insufficient funds or other valid reason by the depository upon which drawn, a returned check fee will be assessed, and the clerk may thereafter require a cashier's check or a money order from the payor.

(D) Payment Errors.

(1) Overpayment of Fees. Overpayments of fees of \$25.00 or less will not be refunded by the court. Refunds of overpayments in excess of \$25.00 must be requested in writing within 30 days.

(2) Payment Errors. Filing fees paid in error will only be refunded upon motion and order of the court except when a filing fee is an unintended duplicate payment caused by an error in the court's CM/ECF system or Internet payment program. Refunds for credit and debit card transactions will be processed through the electronic credit card system. Refunds for ACH transactions will be processed by issuance of a Treasury check.

[Comment: See Local Rule 7067-1 (registry funds).]

2. The Clerk of Court will amend The Clerk's Summary of Fees, Clerk's Filing Instructions, and the court website to reflect this change in payment policy.

ORDERED in the Southern District of Florida, this 12 day of August 2021.



Laurel Myerson Isicoff
Chief U.S. Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court