

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

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In re	)	
	)	
ADMINISTRATIVE ORDER	)	Administrative Order
PRESCRIBING AVAILABLE	)	FLMB-2026-4
PROCEDURES IN ADVERSARY	)	
PROCEEDINGS FILED UNDER	)	
11 U.S.C. § 523(a)(8) TO DETERMINE	)	
THE DISCHARGEABILITY OF		
STUDENT LOANS HELD BY THE		
DEPARTMENT OF EDUCATION		

**AMENDED ADMINISTRATIVE ORDER PRESCRIBING AVAILABLE
PROCEDURES IN ADVERSARY PROCEEDINGS FILED
UNDER 11 U.S.C. § 523(a)(8) TO DETERMINE THE DISCHARGEABILITY OF
STUDENT LOANS HELD BY THE UNITED STATES DEPARTMENT OF EDUCATION¹**

Section 523(a) of the Bankruptcy Code lists the types of debts that are excepted from discharge in a debtor's bankruptcy case. Under 11 U.S.C. § 523(a)(8), student loans are excepted from discharge unless excepting the debt from discharge would impose an undue hardship upon the debtor and the debtor's dependents. Under Federal Rule of Bankruptcy Procedure 4007, a debtor may file a complaint to determine whether a debt is dischargeable at any time. Rule 4007 does not set a deadline for filing the complaint. This Administrative Order applies to any educational benefit loan or overpayment made, insured or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit, or any other educational loan that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986, which is held by the United States Department of Education (the "DOE"), and on which the Debtor is an obligor.

On November 17, 2022, the United States Department of Justice (the "DOJ") issued its *Guidance for Department Attorneys Regarding Student Loan Bankruptcy Litigation* (the "Guidance"). The Guidance is available on the U.S. Trustee's website at www.justice.gov/ust/student-loan-guidance. The Court finds that a debtor's use of the document preparation software and the portal described below may facilitate the submission to the DOJ and the DOE and their review of the complete and accurate information necessary to meet the debtor's burden of proof under 11 U.S.C. § 523(a)(8).

¹ This Administrative Order amends and supersedes Administrative Order FLMB-2026-3 to clarify that it applies only to educational loans held by the Department of Education; it supplements but does not supersede the Court's Administrative Order Prescribing Procedures for Student Loan Management Program (Administrative Order FLMB-2022-1).

Accordingly, it is

ORDERED that the following procedures are available to debtors who file complaints under 11 U.S.C. § 523(a)(8) to determine the dischargeability of an Eligible Loan (as defined below) under the Guidance.

1. **Definitions.** The following definitions apply:

a. **Account History:** The DOE's account history, which the U.S. Attorney provides to the Debtor under the Guidance.

b. **Attestation:** The attestation form provided by the DOJ, which may be amended from time to time. The form requests information about a debtor's financial circumstances and federal loans to enable the DOJ to determine whether a debtor has met the required burden to prove "undue hardship" under 11 U.S.C. § 523(a)(8).

c. **Bankruptcy Code:** Title 11 of the United States Code.

d. **Creditor:** The DOE as holder of an Eligible Loan.

e. **Debtor:** Any individual debtor in a case filed under the Bankruptcy Code, including joint debtors. If a debtor is represented by an attorney, the term "Debtor" means the debtor's attorney, unless the context requires otherwise.

f. **Document Preparation Software:** A secure online program that facilitates the preparation of the initial discharge package. The Court will list approved Document Preparation Software programs on its website.

g. **DOE:** The United States Department of Education.

h. **DOJ:** The United States Department of Justice.

i. **Eligible Loan:** Any educational benefit loan or overpayment made, insured or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit, or any other educational loan that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986, which is held by the DOE and on which the Debtor is an obligor. The definition of "Eligible Loan" does not include educational loans that are not held by the DOE, and specifically does not include educational loans that were made under or pursuant to the Federal Family Education Loan Program ("FFELP"), unless the loan is held by the DOE.

j. **Federal Loan:** Any Eligible Loan that is funded, guaranteed or insured by the federal government, or made under any program funded in whole or in part by a governmental unit.

k. Guidance: The DOJ's *Guidance for Department Attorneys Regarding Student Loan Bankruptcy Litigation* dated November 17, 2022 (as may be amended from time to time).

l. Initial Discharge Package: The Attestation, a copy of the Debtor's adversary complaint, and supporting documentation required to initiate the assessment of the Debtor's Student Loan Discharge.

m. Notice of SLD Program: The *Notice of Participation in Student Loan Discharge Program* in the form attached as Exhibit A, which the Debtor must serve to initiate participation in the SLD Program with respect to an Eligible Loan.

n. Required Parties: The Debtor, the Debtor's attorney, Creditor, Servicer, their legal counsel (if any), and the U.S. Attorney.

o. Servicer: The entity that services the Eligible Loan.

p. SLD Portal: An online service that allows the Initial Discharge Package and other documents and communications to be submitted, retrieved and tracked among the Required Parties through a secure internet website, and which may be accessed by the Debtor, the assigned bankruptcy trustee, the U.S. Attorney, and the DOE. The Court finds that use of an SLD Portal provides transparency because it makes information immediately available to all parties through a secure internet website. If the DOE, Servicer, and/or U.S. Attorney imports any documents or communications from the SLD Portal to its own computer or system, it must ensure compliance with the requirements of the Privacy Act and Federal records retention requirements. The Court lists approved SLD Portals in the [Procedure Manual](#) located on the Court's website, www.flmb.uscourts.gov.

q. SLD Program: The procedures described in this Administrative Order.

r. Student Loan Discharge ("SLD"): The dischargeability of the Debtor's Eligible Loan(s) under 11 U.S.C. § 523(a)(8), as more particularly provided for in the Guidance.

s. U.S. Attorney: An attorney employed by the DOJ who is assigned to review the Debtor's Student Loan Discharge request under the Guidance.

2. Eligible Debtor. Any Debtor who has an Eligible Loan and a bankruptcy case pending in the United States Bankruptcy Court for the Middle District of Florida may participate in the SLD Program with respect to the Eligible Loan.

3. Participation in the SLD Program. If a Debtor who files a complaint to obtain an SLD of an Eligible Loan wishes to participate in the SLD Program with respect to the Eligible Loan, the following procedures shall apply:

a. Notice of SLD Program. After the Debtor files a complaint to determine the dischargeability of an Eligible Loan, the Debtor may initiate the SLD Program with respect to the Eligible Loan by filing a Notice of SLD Program.

b. Communications through the SLD Portal. During the SLD Program, all material communications between the Required Parties shall occur exclusively through the SLD Portal, unless otherwise permitted by the Court.

c. Service. The Debtor must serve a copy of the summons and complaint and the Notice of SLD Program as follows:

- i. For all cases filed in Middle District of Florida, all Divisions:

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Office of the General Counsel
U.S. Department of Education
ATTN: Deputy General Counsel
Lyndon Baines Johnson (LBJ) Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202

- ii. For cases filed in the Fort Myers Division:

Office of the United States Attorney, MDFL
2110 First Street, Suite 3-137
Fort Myers, FL 33901
Attn.: Civil Process Clerk

- iii. For cases filed in the Jacksonville Division:

Office of the United States Attorney, MDFL
300 North Hogan Street, Suite 700
Jacksonville, FL 32202
Attn.: Civil Process Clerk

- iv. For cases filed in the Orlando Division:

Office of the United States Attorney, MDFL
400 West Washington Street, Suite 3100
Orlando, FL 32801
Attn.: Civil Process Clerk

- v. For cases filed in the Tampa Division:

Office of the United States Attorney, MDFL
400 North Tampa Street, Suite 3200
Tampa, FL 33602
Attn.: Civil Process Clerk

4. **Debtor's Duties.** The Debtor's Duties in the SLD Program include the following:

a. **Register on SLD Portal and Prepare the Initial Discharge Package.** Before the Debtor files a Notice of SLD Program in the adversary proceeding, the Debtor shall (i) register on the SLD Portal and complete the Document Preparation Software to assist in assessing the Debtor's eligibility for student loan discharge; and (ii) pay the Document Preparation Software fee directly to the Document Preparation Software vendor.

b. **File Notice of SLD Program.** The Debtor shall file a Notice of SLD Program in the adversary proceeding.

c. **Submit the Initial Discharge Package.** Within seven days after the Debtor files the Notice of SLD Program in the adversary proceeding or the U.S. Attorney registers on the SLD Portal, whichever is later, the Debtor shall (i) upload the Debtor's Initial Discharge Package and the Notice of SLD Program to the SLD Portal, and (ii) pay the SLD Portal submission fee directly to the SLD Portal vendor.

d. **Comply with Requests for Additional Documents.** Upon the U.S. Attorney's request, the Debtor shall promptly provide any additional or corrected documents.

5. **Creditor's Duties.** The Creditor's Duties in the SLD Program include the following:

a. **Register on the SLD Portal.** Within a reasonable time after the Debtor has filed the Notice of SLD Program, the assigned U.S. Attorney, if not previously registered, shall register on the SLD Portal.

b. **Acknowledge the Initial Discharge Package.** Within a reasonable time after the Debtor submits a completed Initial Discharge Package on the SLD Portal, the U.S. Attorney shall acknowledge receipt of the Initial Discharge Package on the SLD Portal.

c. **Provide Account History to the Debtor.** Within a reasonable time after the U.S. Attorney's receipt of the Account History from DOE, the U.S. Attorney shall provide a copy to the Debtor.

d. **Review the Debtor's Initial Discharge Package, Any Need for Additional Documentation, and Eligibility for SLD.** As soon as is reasonably practicable after the U.S. Attorney's receipt of the Debtor's Initial Discharge Package, the U.S. Attorney shall notify the Debtor if any additional or corrected documentation is needed. The U.S. Attorney shall determine the Debtor's eligibility for any SLD as soon as is reasonably practicable after receipt of the Initial Discharge Package or any additional or corrected documentation timely requested by the U.S. Attorney. Within a reasonable time of its receipt of the DOE's decision on the Debtor's qualification for any SLD, the U.S. Attorney shall notify the Debtor of the decision.

e. **Review the Debtor's Supplementations and Respond to Inquiries.** The U.S. Attorney shall review the Debtor's additional or corrected documentation and respond to the Debtor's inquiries via the SLD Portal as soon as is reasonably practicable.

6. **Resolution Procedures.** The following shall apply during the SLD Program:

a. **Good-Faith Requirement.** The Required Parties shall act in good faith throughout the SLD Program. Good faith includes, but is not limited to, the Debtor's promptly responding to all inquiries and timely providing all requested documentation and information.

b. **Resolution of the Adversary Proceeding.** Upon notification from the U.S. Attorney of the DOE's decision as described in subsection 5(d) above, the Required Parties shall conclude the adversary proceeding in accordance with the Court's rules.

7. **Attorney Compensation.** The Debtor's attorney shall enter into a separate agreement with the Debtor regarding the Debtor's attorney's fees for prosecuting the adversary proceeding. The attorney may request compensation for assisting the Debtor, subject to Court approval, as follows:

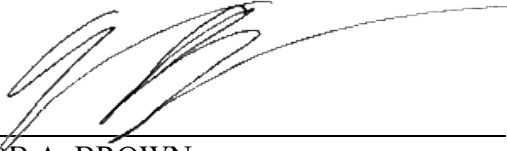
a. **Presumptively Reasonable Initial Fee.** The Debtor's attorney may receive reasonable compensation for all work involved in the SLD Program and may request allowance of compensation as an additional administrative expense on a "no-look" fee basis, in a reasonable amount not to exceed \$2,500.00 plus the out-of-pocket costs paid to the SLD Portal vendor. Additional legal services offered to the Debtor after the U.S. Attorney's final determination shall not be covered by the following "no-look" fee and shall be agreed to separately by the Debtor and the Debtor's attorney.

b. “No-Look” Compensation Requirements. To be eligible to request allowance of the “no-look” fee under subsection 7(a), the Debtor’s attorney must provide the following services to the Debtor:

- i. completion of the Document Preparation Software;
- ii. consultation with the Debtor including likelihood of success in the adversary proceeding;
- iii. preparation and filing of the adversary complaint;
- iv. preparation and filing of the Notice of SLD Program;
- v. preparation of the Initial Discharge Package;
- vi. preparation of any additional forms required throughout the SLD Program;
- vii. submission of all documentation through the SLD Portal;
- viii. filing other required pleadings through the date the U.S. Attorney delivers the DOE’s decision as provided for in subsection 5(d);
- ix. preparation of proposed orders and settlement papers with respect to an agreed stipulation as provided in the Guidance, if applicable.

c. Alternate Compensation. In lieu of seeking “no-look” compensation under subsections 7(a) and (b), the Debtor’s attorney may seek compensation by separate application that attaches contemporaneous time records for necessary services provided during the SLD Program.

DATED: August 4, 2026.



JACOB A. BROWN
Chief United States Bankruptcy Judge

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

DIVISION
www.flmb.uscourts.gov

In re	)	
	)	
	)	Case No. __: __ bk- ____ - ____
	)	Chapter
Debtor.*	)	
_____	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Adversary No. __: __ -ap- ____ - ____
	)	
	)	
Defendant.	)	
_____	)	

NOTICE OF PARTICIPATION IN STUDENT LOAN DISCHARGE PROGRAM

Pursuant to Amended Administrative Order FLMB-2026-4, Plaintiff gives notice that Plaintiff will participate in the Student Loan Discharge Program in this adversary proceeding. The Debtor has: (i) registered on the SLD Portal, (ii) paid the fee directly to the software vendor; and (iii) completed the Document Preparation Software.

Dated: **[insert date]**.

Attorney Name
Florida Bar No:
Attorney Firm Name
Attorney Address
Attorney Email Address
Attorney Phone Number

*All references to "Debtor" refer to both debtors in a case filed jointly by two individuals.

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing has been sent by either electronic transmission or U.S. Mail to non-ECF users on [**insert date**], to: