

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

In re

Administrative Order
FLMB-2011-2

EXEMPTION FROM FEES FOR
ELECTRONIC ACCESS TO COURT
DATA

**ADMINISTRATIVE ORDER EXEMPTING CERTAIN PARTIES FROM
PAYMENT OF THE FEE FOR ELECTRONIC ACCESS TO COURT DATA**

This matter came before the Court to consider waiving payment of the prescribed fee for electronic access to court data maintained on the PACER (“Public Access to Court Electronic Records”) system. The Judicial Conference of the United States allows this Court to exempt certain persons, or classes of persons, from payment of PACER fees under certain circumstances. In order to avoid unreasonable burdens and to promote public access to information, this Administrative Order will exempt payment of PACER fees to (a) all active Florida State Court Judges and all active Florida Clerks of Courts in order to allow them access to information about pending bankruptcy cases that could affect cases pending before them (“Exempt Judges and Clerks”), (b) duly appointed and qualified bankruptcy trustees acting in any case filed under Title 11 of the United States Code (“Exempt Trustees”), and (c) other individuals who the Chief Judge of this Court separately approves a PACER fee exemption (“Exempt Users”). Accordingly, it is:

ORDERED:

1. All Exempt Judges and Clerks automatically are exempted from the requirement to pay PACER fees for electronic access to this Court’s data. The Clerk (whose telephone number is 813.301.5050) will assist Exempt Judges and Clerks in obtaining a password and using the PACER system. When an Exempt Judge or

Clerk is no longer an active judge or clerk for the State of Florida, this exemption also shall stop.

2. All Exempt Trustees automatically are exempted from the requirement to pay PACER fees for electronic access to this Court's data. Exempt Trustees who also are attorneys with a private practice shall maintain two separate PACER accounts, one for trustee work, and the second for attorney work. The exemption is restricted solely to the Exempt Trustee and does not extend to agents, retained professionals, and other business entities hired by an Exempt Trustee.
3. All other PACER users individually may request an exemption from PACER fees for a specified period of time or for a specified purpose by submitting an Application for Exemption to the Chief Judge of this Court. Examples of PACER users who may qualify for a PACER exemption include academic researchers, non-profit corporations, indigent persons, and pro bono attorneys. A sample application is attached as Exhibit A. Each Exempt User must agree (i) to exempt PACER fees only for the stated purpose of the exemption, (ii) not to sell the data for a profit, (iii) not to use the data for a commercial purpose, (iv) not to redistribute the data via the Internet, and (v) not to allow any other person to benefit from the authorized exemption.
4. The Chief Judge of this Court has the sole discretion to authorize any requested exemption, may limit the exemption to an appropriate length of time, and may revoke the exemption at any time.

5. Upon entry of a separate order from the Chief Judge of this Court, an Exempt User is exempted from the requirement to pay PACER fees for electronic access to this Court's data subject to any limitations or conditions contained in the order.
6. Any allowed exemption from PACER fees is non-transferrable and applies only to the individual person for the specified purpose.
7. A false statement made to obtain an exemption may result in the revocation of any allowed exemption and an assessment of all unpaid PACER fees.
8. Administrative Orders FLMB-2002-2, FLMB-2005-1, and FLMB-2009-4 shall be archived.

DONE AND ORDERED on November 2, 2011.

BY THE COURT



Karen S. Jennemann
Chief United States Bankruptcy Judge
Middle District of Florida

EXHIBIT A

**Application for Exemption from the
Judicial Conference's Electronic Public Access
Fees in the Middle District of Florida**

In support of this application, I provide the following:

- 1) I am a(n) _____ (describe your role) associated with
_____ (describe your organization).
- 2) I will use the PACER data I receive to: (Please specifically describe your project and why you qualify for a fee exemption. Attach additional sheets if needed.)

- 3) I request an exemption through _____.
- 4) An exemption from the Judicial Conference's Electronic Public Access Fee is necessary in order to avoid unreasonable burdens and to promote public access to information.
- 5) I understand that this fee exemption will apply only to me, will be valid only for the purposes stated above, and will apply only to the electronic case files of this Court that are available through the PACER service.
- 6) I agree that any data received through this exemption will not be sold for profit, will not be transferred, will not be used for commercial purposes, and will not be redistributed via the Internet.

Under penalty of perjury, I declare that the above information is correct and complete and understand that a false statement may result in abolishment of my exempt access and an assessment of Electronic Public Access usage fees.

Date: _____

Applicant's signature

Printed name

SERVICE LIST

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Chief United States Bankruptcy Judge

Hon. Arthur B. Briskman
United States Bankruptcy Judge

Hon. Jerry A. Funk
United States Bankruptcy Judge

Hon. Paul M. Glenn
United States Bankruptcy Judge

Hon. Michael G. Williamson
United States Bankruptcy Judge

Hon. K. Rodney May
United States Bankruptcy Judge

Hon. Catherine Peek McEwen
United States Bankruptcy Judge

Hon. Caryl E. Delano
United States Bankruptcy Judge

Hon. Alexander L. Paskay
United States Bankruptcy Judge

Lee Ann Bennett, Clerk of Court
Middle District of Florida

Michael Shadburn, Chief Deputy
Middle District of Florida

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