

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

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In re:

Administrative Order 2022-06

**Adoption of Amended SBRA Interim
Bankruptcy Rule 1020 to Reflect BTATC
Act Implementation**

On June 21, 2022, the Bankruptcy Threshold and Technical Corrections Act (the BTATC Act), was signed into law. The BTATC Act reinstated the total debt limit for determining eligibility of a debtor to proceed under subchapter V of chapter 11 to \$7,500,000 – the amount previously in effect under the CARES Act.

Previously, under Administrative Order 2020-02, this Court adopted Interim SBRA Bankruptcy Rules and subsequently amended Rule 1020 by Administrative Order 2020-08 to facilitate implementation of the CARES Act total debt limit increase.

Because the BTATC Act restored the \$7,500,000 limit retroactively for cases commenced on or after **March 27, 2020 through June 21, 2024** (two years after the date of enactment of the BTATC Act), Interim Rule 1020 has been amended accordingly, and the Advisory Committee on Bankruptcy Rules has recommended that courts adopt this revised Interim Rule 1020 as a local rule while the BTATC Act subchapter V limit is in effect. Therefore, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, it is

ORDERED that, until further Order of this Court,

1. Interim Rule 1020 with the BTATC Act amendments as reflected in attached **Exhibit A** is adopted as this Court's Interim SBRA Bankruptcy Rule 1020 and this Order replaces and abrogates this Court's Administrative Order 2020-08.
2. The Interim SBRA Bankruptcy Rules adopted by [Administrative Order 2020-02](#) are amended to reflect adoption by this Order of amended Interim SBRA Bankruptcy Rule 1020.
3. The Clerk shall provide notice of entry of this Order on the Court website.

ORDERED in the Southern District of Florida, this 30th day of June 2022.



Laurel Myerson Isicoff
Chief United States Bankruptcy Judge

c: All Southern District Bankruptcy Judges
Joe Falzone, Clerk of Court

1 **Interim Rule 1020. Chapter 11 Reorganization Case for**
2 **Small Business Debtors or Debtors Under Subchapter V**

3 (a) ~~SMALL BUSINESS~~ DEBTOR
4 DESIGNATION. In a voluntary chapter 11 case, the debtor
5 shall state in the petition whether the debtor is a small
6 business debtor or a debtor as defined in § 1182(1) of the
7 Code and, if the latter so, whether the debtor elects to have
8 subchapter V of chapter 11 apply. In an involuntary chapter
9 11 case, the debtor shall file within 14 days after entry of the
10 order for relief a statement as to whether the debtor is a small
11 business debtor or a debtor as defined in § 1182(1) of the
12 Code and, if the latter so, whether the debtor elects to have
13 subchapter V of chapter 11 apply. The status of the case as
14 a small business case or a case under subchapter V of chapter
15 11 shall be in accordance with the debtor's statement under
16 this subdivision, unless and until the court enters an order
17 finding that the debtor's statement is incorrect.

18 (b) OBJECTING TO DESIGNATION. The United
19 States trustee or a party in interest may file an objection to
20 the debtor's statement under subdivision (a) no later than 30
21 days after the conclusion of the meeting of creditors held
22 under § 341(a) of the Code, or within 30 days after any
23 amendment to the statement, whichever is later.

24 (c) PROCEDURE FOR OBJECTION OR
25 DETERMINATION. Any objection or request for a
26 determination under this rule shall be governed by Rule 9014
27 and served on: the debtor; the debtor’s attorney; the United
28 States trustee; the trustee; the creditors included on the list
29 filed under Rule 1007(d) or, if a committee has been
30 appointed under § 1102(a)(3), the committee or its
31 authorized agent; and any other entity as the court directs.

Committee Note

The Interim Rule is amended in response to the enactment of the Bankruptcy Threshold Adjustment and Technical Correction Act (the “BTATC Act”), Pub. L. No. 117-151, ___ Stat. _____. The BTATC reinstates the definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11 that was in effect from March 27, 2020 through March 27, 2022, under the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, 134 Stat. 281, as amended. Subdivision (a) of the rule is amended to reflect that change. This Interim Rule will terminate two years after the date of enactment of the BTATC, unless the Act is extended.