

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF FLORIDA
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In re:

CORONAVIRUS AID,
RELIEF, AND ECONOMIC
SECURITY ACT

ADMINISTRATIVE ORDER
NO. 20-007

AMENDED
ORDER ADOPTING CARES ACT (“CORONAVIRUS AID, RELIEF,
AND ECONOMIC SECURITY ACT”) CHANGES TO INTERIM
BANKRUPTCY RULE 1020¹

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) was signed into law. The CARES Act, in part, made several temporary changes to title 11 of the United States Code (the “Bankruptcy Code”) to provide financial assistance during the COVID-19 pandemic.

On June 21, 2022, the Bankruptcy Threshold Adjustment and Technical Corrections Act (the “BTATC Act”) was signed into law. The BTATC Act made several temporary changes to the Bankruptcy Code effective retroactively to cases commenced on or after March 27, 2020.

¹ The Court enters this Amended Order in consideration of the Bankruptcy Threshold Adjustment and Technical Corrections Act (the “BTATC Act”) signed into law June 21, 2022.

Currently, the BTATC Act is to sunset two years after the date of enactment.

The changes to the Bankruptcy Code resulting from the CARES Act also required a change to Interim Bankruptcy Rule 1020, adopted by this Court on January 27, 2020.² The BTATC Act temporarily preserves the CARES Act changes to the Bankruptcy Code and Interim Bankruptcy Rule 1020.

In accordance with the recommendation of the Committee on Rules of Practice and Procedure and the Executive Committee acting on an expedited basis on behalf of the Judicial Conference that local courts adopt the CARES Act changes to Interim Bankruptcy Rule 1020, it is

ORDERED:

1. 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, the attached Interim Bankruptcy Rule 1020, as amended by the CARES Act and the BTATC Act, is adopted in its entirety to be effective immediately and retroactively to cases commenced on or after March 27, 2020.

² See Administrative Order 20-001.

2. For the sake of clarity, the attachment is a “redline” version highlighting the amendments. The attached Interim Bankruptcy Rule 1020 shall remain in effect so long as the BTATC Act remains in effect.

DONE and ORDERED on June 30, 2023.

A handwritten signature in black ink, appearing to read 'K. Specie', written over a horizontal line.

KAREN K. SPECIE

Chief United States Bankruptcy Judge

Attachment

1 **Rule 1020. Chapter 11 Reorganization Case for Small**
2 **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 Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), Pub. L. No. 116-136, 134 Stat. 281. That law provides a new definition of “debtor” for determining eligibility to proceed under subchapter V of chapter 11. Subdivision (a) of the rule is amended to reflect that change. This amendment to the Code will terminate one year after the date of enactment of the CARES Act.