

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA

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In re:

SMALL BUSINESS  
REORGANIZATION ACT

AMENDED ADMINISTRATIVE  
ORDER NO. 20-001

AMENDED INTERIM ORDER ADOPTING RULES FOR SMALL  
BUSINESS REORGANIZATION ACT OF 2019

On August 23, 2019, the Small Business Reorganization Act of 2019 (“SBRA”) became law. SBRA amended Title 11 of the United States Code (the “Bankruptcy Code”) to create a new Subchapter V to Chapter 11 for reorganization of small business debtors. SBRA went into effect on February 19, 2020.

SBRA made substantive and procedural changes to the Bankruptcy Code, thus requiring changes to the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). The effective date of SBRA occurred long before the Bankruptcy Rules could be amended under the three-year process required by the Rules Enabling Act. Accordingly, the Advisory Committee on Bankruptcy Rules drafted, published for comment, and subsequently approved interim Bankruptcy Rules 1007 and 1020 (the “Interim Rules”) for distribution to the courts. The Committee on Rules of Practice and Procedure approved the Interim Rules, and the Judicial

Conference authorized distribution of the Interim Rules to courts for adoption locally to facilitate uniform implementation of the changes mandated by SBRA.

The Bankruptcy Threshold Adjustment and Technical Corrections Act (“BTATC”) was signed into law on June 21, 2022. BTATC temporarily increased the debt threshold in Subchapter V and Chapter 13 cases and made technical corrections to the Bankruptcy Administration Improvement Act of 2020. The Court adopted Interim Rule 1020, which included provisions of BTATC. Certain provisions of BTATC expired effective June 21, 2024, including the applicability of Interim Rule 1020.

For the reasons stated, it is

**ORDERED:**

1. This order is amended to exclude the adoption of Interim Rule 1020 effective June 21, 2024.
2. 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 Rule 1007 remains adopted in its entirety without change. For cases and proceedings not governed by SBRA, the Federal Rules of

Bankruptcy Procedure and the Local Rules of this Court, other than Interim Rule 1007, shall apply.

3. For the sake of clarity, the attachment is a "redline" version highlighting the amendment of Interim Rule 1007. Interim Rule 1007 shall remain in effect until further order of the Court.

**DONE and ORDERED** on July 8, 2024.



**KAREN K. SPECIE**

Chief United States Bankruptcy Judge

**INTERIM AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>**

1 **Rule 1007. Lists, Schedules, Statements, and Other**  
2 **Documents; Time Limits**

3 \* \* \* \* \*

4 (b) SCHEDULES, STATEMENTS, AND OTHER  
5 DOCUMENTS REQUIRED.

6 \* \* \* \* \*

7 (5) An individual debtor in a chapter 11 case  
8 (unless under subchapter V) shall file a statement of  
9 current monthly income, prepared as prescribed by  
10 the appropriate Official Form.

11 \* \* \* \* \*

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<sup>1</sup> These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process. New material is underlined in red; matter to be omitted is lined through.

12 (h) INTERESTS ACQUIRED OR ARISING  
13 AFTER PETITION. If, as provided by § 541(a)(5) of the  
14 Code, the debtor acquires or becomes entitled to acquire any  
15 interest in property, the debtor shall within 14 days after the  
16 information comes to the debtor's knowledge or within such  
17 further time the court may allow, file a supplemental  
18 schedule in the chapter 7 liquidation case, chapter 11  
19 reorganization case, chapter 12 family farmer's debt  
20 adjustment case, or chapter 13 individual debt adjustment  
21 case. If any of the property required to be reported under  
22 this subdivision is claimed by the debtor as exempt, the  
23 debtor shall claim the exemptions in the supplemental  
24 schedule. ~~The This duty to file a supplemental schedule in~~  
25 ~~accordance with this subdivision continues~~ even after the  
26 case is closed, except for property acquired after an order is  
27 entered: ~~notwithstanding the closing of the case, except that~~  
28 ~~the schedule need not be filed in a chapter 11, chapter 12, or~~

29 ~~chapter 13 case with respect to property acquired after entry~~  
30 ~~of the order~~

31 (1) confirming a chapter 11 plan (other than one  
32 confirmed under § 1191(b)); or  
33 (2) discharging the debtor in a chapter 12 case, or a  
34 chapter 13 case, or a case under subchapter V of  
35 chapter 11 in which the plan is confirmed under  
36 § 1191(b).

37 \* \* \* \* \*

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, subdivision (b)(5) of the rule includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income.

Subdivision (h) is amended to provide that the duty to file a supplemental schedule under the rule terminates upon confirmation of the plan in a subchapter V case, unless the plan is confirmed under § 1191(b), in which case it terminates upon discharge as provided in § 1192.