

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO.:
20-33 AMENDED
SUPERSEDES 20-33

**IN RE: CLERK OF COURT – COVID 19 - MORTGAGE FORECLOSURE AND
EVICTON RELIEF**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, the World Health Organization has declared the Coronavirus Disease 2019 (COVID-19) a pandemic, the Governor of Florida has declared a state of emergency exists, and the Surgeon General and State Health Officer have declared a public health emergency exists, and the Florida State Courts must take steps to mitigate the effects of COVID-19 on legal proceedings and participants in those legal proceedings; and

WHEREAS, the Governor of Florida issued Executive Order Number 20-94 (Emergency Management – COVID-19 – Mortgage Foreclosure and Eviction Relief) on April 2, 2020 finding that the COVID-19 emergency has impacted the ability of many Floridians to make single-family mortgage payments or residential rent payments and that providing targeted, temporary relief to Floridians with single-family mortgages and residential tenancies is in the best interest of the State and its people; and

WHEREAS, Executive Order Number 20-94 provides for the suspension and tolling of any statute providing for a mortgage foreclosure cause of action under Florida law and the suspension and tolling of any statute providing for an eviction cause of action under Florida law solely as it relates to non-payment of rent by residential tenants due to COVID-19 emergency. The suspension and tolling continue through any extensions to Executive Order Number 20-94. Executive Order Number 20-94 does not relieve an individual from their obligation to make mortgage or rent payments; and

WHEREAS, the Governor of Florida issued Executive Order 20-121 (Limited Extension of Mortgage Foreclosure and Eviction Relief) on May 14, 2020 which extended Executive Order Number 20-94 until 12:01 a.m. on June 2, 2020; and

WHEREAS, the Governor of Florida issued Executive Order 20-137 (Limited Extension of Mortgage Foreclosure and Eviction Relief) on June 1, 2020 which extended Executive Order Number 20-94 until 12:01 a.m. on July 1, 2020; and

WHEREAS, the Governor of Florida issued Executive Order 20-159 (Limited Extension of Mortgage Foreclosure and Eviction Relief) on June 30, 2020 which extends Executive Order Number 20-94 until 12:01 a.m. on August 1, 2020;

WHEREAS, the Governor of Florida issued Executive Order 20-180 (Limited Extension of Mortgage Foreclosure and Eviction Relief) on July 29, 2020 which extends and amends Executive Order 20-94 until 12:01 a.m. on September 1, 2020;

WHEREAS, the Governor of Florida issued Executive Order 20-211 (Limited Extension of Mortgage Foreclosure and Eviction Relief) on August 31, 2010 which extends Executive Order 20-180 until 12:01 a.m. on October 1, 2020;

NOW, THEREFORE, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority of the Chief Judge under section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215,

IT IS HEREBY ORDERED as follows:

1. The Brevard County Clerk of Courts and Seminole County Clerk of Courts are directed to suspend all Sales and issuance of Writs of Possession, related to mortgage foreclosure causes of action, when the proceeding arises from non-payment of a mortgage by a single-family mortgagor adversely affected by the COVID-19 emergency, through 12:01 a.m. on October 1, 2020.
2. The Brevard County Clerk of Courts and Seminole County Clerk of Courts are directed to suspend the issuance of Writs of Possession, related to an eviction cause of action solely as it relates to non-payment of rent by residential tenants due to the COVID-19 emergency, through 12:01 a.m. on October 1, 2020.
3. Upon proper Motion, the Court shall determine if a defense based upon COVID-19 is available. The suspension provided for herein shall be based upon the Court's Order Determining the Availability of a COVID-19 Defense entered on or after August 6, 2020. This suspension applies to all pending cases defined by the Executive Order notwithstanding their procedural posture at the time the Florida Supreme Court initially suspended the issuance of Writs of Possession.
4. Nothing in this Administrative Order shall be construed as relieving an individual from their obligation to make mortgage payments or rent payments.
5. This Administrative Order shall take effect immediately and shall remain in effect until 12:01 a.m. on October 1, 2020 unless extended by further order of this Court.

DONE AND ORDERED this 9th day of September, 2020.

LISA DAVIDSON
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CHIEF JUDGE

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