

## **COVID 19- CLERK, COURT, & SHERIFF INFORMATION SHEET**

*While every effort is being made to keep this list current for MGF D Law Firm Clients. You are advised to check with your attorney on the status of any eviction filing or upcoming hearing if you are not a MGF D Law Firm Client.*

### **REMOTE HEARINGS**

No county is permitting universal in-person hearings. For the rest of 2020 you should expect all hearings to be remote (telephonic, Zoom, etc.) Landlords should ensure now that they have the software to participate in a Zoom hearing. The Office of State Courts Administration has a website that indicates which counties are in the various Phases of re-opening in-person hearings: Courts Phase Status: <https://www.flcourts.org/Publications-Statistics/Publications/Courts-Phase-Status>.

### **FLORIDA GOVERNOR EVICTION MORATORIUMS**

- Executive Order 20-211 extends EO 20-180 to October 1, 2020. Clarification issued with this EO indicates that landlords may now file new non-payment-based evictions in any circumstance, even if the tenant alleges that they have been “adversely affected by the COVID-19 emergency.” If the tenant asserts such a defense the eviction will most likely be paused, with no final judgment entered or writ issued, but will then resume when the moratorium is definitively ended. The possibility exists that certain judges may dismiss the eviction rather than pause it.
- Executive Order 20-180 extended non-payment eviction moratorium to September 1, 2020, but limits the moratorium to ban final action of non-payment eviction against a tenant “adversely affected by the COVID-19 emergency”.
- Executive Orders 20-121, 20-137 and 20-159 further extended the non-payment eviction moratorium to August 1, 2020.
- Executive Order 20-94 banned non-payment evictions effective April 2, 2020.

### **FEDERAL MORATORIUM**

#### **CDC**

- The CDC issued an Agency Order, effective September 4, 2020 through December 31, 2020, directing that a landlord or owner of a residential property shall not evict any “covered person” from a residential property for non-payment. A “covered person” is any tenant, lessee or resident of residential property who provides the landlord or owner with the required Declaration. For our FIRM GUIDANCE ON CDC EVICTION MORATORIUM click on “CDC Order” on our website.

#### **HUD**

- HUD has issued a moratorium on evictions for FHA backed mortgages for single family homes through the end of the year.

#### **CARES ACT**

- The CARES Act moratorium has expired.

### **ARE THE COURTS MOVING FORWARD WITH EVICTIONS?**

Most courts are processing eviction cases; however, due to the extreme backlog of eviction cases, clerk staff lay-offs, and judges interpreting the moratoriums and orders differently or broadly, you should expect significant delays in obtaining a writ of possession in all eviction cases.