



September 1, 2020

RE: COVID-19- Important Update/Advisory Related to Eviction Activities - Governor Issues an Executive Order continuing LIMITED EXTENSION of Eviction Moratorium until October 1, 2020

Dear Valued Client:

In keeping with previous advisories, we are writing to you to provide new and important information related to the Coronavirus (COVID-19) effects on your business activities, specifically related to non-payment eviction filings.

On July 29, 2020, Florida Governor, Ron DeSantis, issued Executive Order 20-180, which mandated a limited extension of the suspension on evictions, **prohibiting only the “final action at the conclusion of an eviction proceeding under Florida law solely when the proceeding arises from non-payment of rent by a residential tenant adversely affected by the COVID-19 emergency”** relating to non-payment until 12:01 a.m. on September 1, 2020. Yesterday, August 31, 2020, at 7:29 PM, the Governor issued Executive Order 20-211, which states **“I hereby extend Executive Order 20-180 until 12:01 a.m. on October 1, 2020.”** The Governor also issued a press memorandum to clarify the Order, which states:

Executive Order 20-211 provides a limited, one-month extension to Executive Order 20-180, which made significant changes to prior versions of the mortgage foreclosure and eviction relief orders. These changes from Executive Order 20-180 that remain in effect include:

1. A property owner may initiate a mortgage foreclosure or eviction process in any situation allowed under existing Florida statutes. The Executive Order only halts the final action of certain foreclosures and evictions.
2. The protections of halting final action for certain foreclosures and evictions are only for persons affected by the COVID-19 emergency. The Executive Order does not cover tenants whose lease expires or when non-payment occurs due to reasons other than the COVID-19 emergency.
3. The Executive Order applies only to residential tenants, not to commercial evictions.

As a reminder, per Executive Order 20-180, **“adversely affected by the COVID-19 emergency means loss of employment, diminished wages or business income, or other monetary loss realized during the Florida State of Emergency directly impacting the ability of a residential tenant to make rent payments.”** (Emphasis added). Evictions unrelated to non-payment of rent are not suspended or otherwise affected.

As we previously informed you, Executive Order 20-180 allows evictions to be initiated but simply prohibits an eviction from being finalized *if* the residential tenant can establish a COVID-19 hardship. As predicted, it has varied from court to court and Judge to Judge as to the interpretation of “final action” with some considering it to mean the Final Judgment while others consider it the Writ of Possession.

In sum, evictions for non-payment may continue to be initiated after the issuance and expiration of the appropriate statutory 3-day or 30-day Notice to Pay or Vacate, but the Court may not finalize the eviction IF a tenant can establish a COVID-19 hardship *realized during the Florida State of Emergency* (which began on March 1, 2020), defined as:

- Loss of employment;
- Diminished wages or business income; or
- Other monetary loss.

As always, we wish you continued success and prosperity in all of your endeavors.

Warm regards,

Your Friends and Legal Support Team at Barfield, McCain

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STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-211 (Limited Extension of Mortgage Foreclosure and Eviction Relief)

WHEREAS, Executive Order 20-180 expires on September 1, 2020, unless extended.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. I hereby extend Executive Order 20-180 until 12:01 a.m. on October 1, 2020.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 31st day of August, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

SECRETARY OF STATE

2020 AUG 31 PM 7:29
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
FILED