

IN THE CIRCUIT COURT OF THE SEVENTEENTH  
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

*Administrative Order 2020-39-CO / 2020-40-Civ*

**DEFAULTS, WRITS OF GARNISHMENT,  
AND EVICTIONS AND WRITS OF POSSESSION**

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(a) 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.

(b) The Centers for Disease Control and the Florida Department of Health have advised people to take precautions in light of the Coronavirus Disease 2019 (COVID-19) outbreak, and specifically noting that the best way to prevent illness is to avoid exposure to the virus.

(c) Because of the COVID-19 outbreak, Governor Ron DeSantis declared a State of Emergency on March 1, 2020, Broward County declared a Local State of Emergency on March 10, 2020, and the World Health Organization declared a global pandemic on March 11, 2020.

(d) Since March 17, 2020, the Florida Supreme Court has issued various emergency administrative orders, which may be found at <https://www.floridasupremecourt.org/Emergency>.

(e) On May 4, 2020, Chief Justice Charles Canady issued “Amendment 1” to Administrative Order No. AOSC20-23, *In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts* (hereinafter “Amendment 1”), extending state court COVID-19 emergency procedures through the month of May and further suspending all jury trials and jury selection and grand jury proceedings through July 2, 2020.

(f) Amendment 1 also delineates certain court proceedings that are amenable to being conducted remotely and requires that such proceedings be conducted using telephonic or other electronic means.

(g) On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act” (the CARES Act”), and section 4024 of the CARES Act imposes a 120-day eviction moratorium (effective March 27, 2020 and expiring July 25, 2020) for tenants living in covered properties, which are properties with a federal subsidy or where the landlord has a federally backed mortgage (FHA, VA, USA, Fannie Mae, or Freddie Mac), including mortgages later purchased or securitized by those agencies.

(h) During the 120-day moratorium, a landlord “of a covered dwelling may not . . . make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges.”

(i) The CARES Act further prohibits a landlord from requiring a tenant to vacate a covered dwelling unit before the passage of thirty (30) days from the date the landlord provides the tenant with a notice to vacate, and further precludes a landlord from issuing a notice to vacate until the expiration of the 120-day moratorium (July 25, 2020).

(j) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, 43.26, Florida Statutes, Florida Rule of Judicial Administration 2.215, and to promote public safety amidst the current public health emergency, it is hereby **ORDERED, effective June 2, 2020:**

(1) This Administrative Order supersedes and vacates the following language contained in Administrative Order 2020-32-Temp (Third Emergency Administrative Order Coronavirus Disease 2019 (COVID-19) on June 2, 2020:

**F. Defaults and Writs of Possession and for Garnishment.** Until such time as the courts resume normal operations, in all county civil and circuit civil cases:

- (1) No default shall be entered by the Clerk of Court.
- (2) No court default may be sought unless submitted by motion to the presiding judge detailing exigent circumstances which may warrant judicial relief. In the event the presiding judge is unavailable, the matter shall be presented to the Administrative Judge of the

appropriate division, and if such judge is unavailable, to the Chief Judge.

(3) No writs of possession or writs of garnishment may issue until normal operations of the court resume.

(2) **Effective June 2, 2020**, in all cases, the Clerk of the Court may resume entering defaults and issuing writs of possession and writs of garnishment as permitted by law. The requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession “forthwith” remains suspended until reinstated by the Florida Supreme Court.

(3) Prior to any party seeking a final judgment of eviction, such party shall complete and file a verification of compliance with the CARES Act in the same format as provided in Attachment “A.” This requirement shall expire without further administrative order or amendment to this administrative order on July 28, 2020.

(4) This Administrative Order shall be effective on June 2, 2020, and shall remain in effect until August 25, 2020, unless modified by subsequent administrative order.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 20th day of May, 2020.

/s/ Jack Tuter

Jack Tuter, Chief Judge

**Attachment "A"**

IN THE COUNTY COURT IN AND FOR  
BROWARD COUNTY, FLORIDA

\_\_\_\_\_,  
Plaintiff,

CASE NO.: \_\_\_\_\_

vs.

\_\_\_\_\_  
Defendant.  
\_\_\_\_\_ /

**VERIFIED STATEMENT OF COMPLIANCE WITH THE CARES ACT**

1. My name is \_\_\_\_\_ and I am the plaintiff or authorized business representative of the plaintiff (if the plaintiff is a corporation, LLC or other legal entity) in this action.
2. I am seeking to recover possession of the following premises:

\_\_\_\_\_  
*Name of Apartment Complex (if applicable)*

\_\_\_\_\_  
*Street Address & Unit/Apt. No. (if any)                      City                      State                      Zip*

3. I  am  am not a multifamily borrower currently receiving a forbearance under section 4023 of the CARES Act for purposes of the above-described property.<sup>1</sup>
4. The above-described real property that is subject of this eviction action [*check all that apply*]:
  - Involves an eviction for reasons ***other than*** nonpayment of rent
  - Involves non-residential [commercial] property
  - Does not involve a rental property that participates in federal assistance programs, that is subject to a federally backed mortgage loan, or that is subject to a federally backed multifamily mortgage loan [*see explanation on the following page*]

**I UNDERSTAND THAT ANY MATERIAL MISREPRESENTATION COULD CAUSE ME TO BE PROSECUTED FOR A SEPARATE CRIMINAL LAW VIOLATION.**

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED IN IT ARE TRUE.**

Signature of Plaintiff: \_\_\_\_\_

**[NOTE: This verification must be signed by the landlord, and may not be signed by a property manager or the landlord's attorney.]**

\_\_\_\_\_  
<sup>1</sup> A "multifamily borrower" means a borrower of a residential mortgage loan that is secured by a lien against a property comprising 5 or more dwelling units.

*Under the Federal CARES Act, eviction protections apply only to “covered dwellings,” which are rental units in properties: (1) that participate in federal assistance programs, (2) are subject to a “federally backed mortgage loan,” or (3) are subject to a “federally backed multifamily mortgage loan.”*

*Covered federal assistance programs include most rental assistance and housing grant programs, including public housing, Housing Choice Vouchers, Section 8 Project-Based Rental Assistance, rural housing programs, and the Low Income Housing Tax Credit (LIHTC) program.*

*A “federally backed mortgage loan” is a single-family (1-4 units) residential mortgage owned or securitized by Fannie Mae or Freddie Mac or insured, guaranteed, or otherwise assisted by the federal government. The term includes mortgages insured by the Federal Housing Administration and the Department of Veterans Affairs, and the Department of Agriculture’s direct and guaranteed loans. The act defines a “federally backed multifamily mortgage loan” almost identically to “federally backed mortgage loan” except that it applies to properties designed for five or more families.*

**Sec. 4024 TEMPORARY MORATORIUM ON EVICTION FILINGS.**

(a) DEFINITIONS.—In this section:

- (1) COVERED DWELLING.—The term “covered dwelling” means a dwelling that—
  - (A) is occupied by a tenant—
    - (i) pursuant to a residential lease; or
    - (ii) without a lease or with a lease terminable under State law; and
  - (B) is on or in a covered property.
- (2) COVERED PROPERTY.—The term “covered property” means any property that—
  - (A) participates in—
    - (i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)));
    - or
    - (ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r);
    - or
  - (B) has a—
    - (i) Federally backed mortgage loan; or
    - (ii) Federally backed multifamily mortgage loan.
- (3) DWELLING.—The term “dwelling”—
  - (A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and
  - (B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).
- (4) FEDERALLY BACKED MORTGAGE LOAN.—The term “Federally backed mortgage loan” includes any loan (other than temporary financing such as a construction loan) that —
  - (A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
  - (B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.
- (5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term “Federally backed multifamily mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—
  - (A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
  - (B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.