



Dear DeSoto County Citizens,

I am writing to address questions and concerns received by the Judiciary and the DeSoto County Clerk's Office regarding mortgage foreclosure cases and residential eviction cases for non-payment of rent.

### **History:**

On March 24, 2020, the Florida Supreme Court issued AOSC20-17, suspending the requirement for the Clerk to issue writs of possession "forthwith." On April 2, 2020, the Governor issued EO 20-94, suspending and tolling the causes of action for mortgage foreclosure and eviction for non-payment of rent by residential tenants. On April 14, 2020, Chief Judge Kimberly Bonner issued Administrative Order 2020-11.1, requiring that the Court not enter any default judgments or sign any writs of possession for foreclosures or residential eviction cases; suspending all foreclosure sales; and requiring the Clerk not to enter any writs of possession.

These actions were a result of the COVID-19 pandemic.

EO 20-94 was extended by EO 20-121, EO 20-137, and, finally, EO 20-137, which extended the suspension through 12:01am on July 1, 2020. The Florida Supreme Court also extended its suspension regarding writs of possession through June 30, 2020. Chief Judge Bonner's Administrative Order was amended by Administrative Order 2020-15.1, and by Administrative Order 2020-15a.1, clarifying and extending the suspensions put in place by AO 2020-11.1.

On July 1, 2020, this office and the DeSoto County Clerk's Office anticipated a "return to normal" as it relates to foreclosures and residential evictions for non-payment of rent. However, after business hours on June 30th, the Governor further extended EO 20-94 until August 1, 2020. Chief Judge Bonner's Administrative Order 2020-15a.1 was automatically extended until August 1, 2020 as the time frames set out in AO 2020-15a.1 are linked to the time frames of the Governor's EO 20-94.

All Executive Orders of the Governor can be viewed at <https://www.flgov.com/2020-executive-orders/>.

All Florida Supreme Court Administrative Orders can be viewed at <https://www.floridasupremecourt.org/Practice-Procedures/Administrative-Orders>.

All Twelfth Judicial Circuit Administrative Orders can be viewed at <http://www.jud12.flcourts.org/Documents/Administrative-Orders>.

**To summarize the status of Foreclosure Cases and Residential Evictions for Non-Payment of Rent (until August 1):**

- **The Clerk of Court may accept new filings for evictions and foreclosure actions.**
- **The Clerk of Court may NOT, pursuant to the Administrative Order, issue summonses or notices of action for residential evictions for non-payment of rent or for mortgage foreclosures.**
- **The Clerk of Court may NOT, pursuant to the Administrative Order, enter any writs of possession in residential evictions for non-payment of rent or foreclosure actions.**
- **The Court may NOT, pursuant to the Administrative Order, enter any default judgments or sign any writs of possession for mortgage foreclosures or residential evictions for non-payment of rent.**
- **ALL mortgage foreclosure sales and pending issuance of certificates of title are suspended.**
- **Parties may file non-dispositive motions and the Court may hear these motions.**
- **The Court may modify or amend previously entered orders in foreclosure or eviction cases, as long as the modification or amendment does not conflict with the Administrative Order.**

**IMPORTANT INFORMATION TO NOTE:**

- **The Governor's Order and Administrative Order currently in effect pertain to Residential Evictions for Non-Payment of Rent and Foreclosures. All other eviction cases and unlawful detainer actions are not affected by the current orders in place.**
- **For all other eviction cases (not residential evictions for non-payment of rent) and unlawful detainer actions, the Plaintiff will need to contact the DeSoto County Sheriff's Office to determine the Sheriff's policies on civil process service of these actions at this time. The Sheriff's Office determines its own policies on performing civil process service (ie: service of summonses and/or writs of possession).**
- **The Court may not hear any case where the summons has not been properly served pursuant to Florida Statute.**
- **NO order in place tolls a person's obligation to pay rent.**
- **NO order in place tolls a person's obligation to make mortgage payments.**

COVID-19 has certainly affected our entire community. Throughout the pandemic, our goal at the DeSoto County Courthouse has been to provide the citizens of DeSoto County the same level of service that you have come to know and expect, while also ensuring the health and safety of our staff and the public. I assure you that my colleagues and I at the Courthouse have worked tirelessly to achieve this goal, despite the many barriers of COVID-19.

While I understand that the suspensions for residential evictions for non-payment of rent and mortgage foreclosures have been frustrating to some litigants, please know that these suspensions will not be in place forever. The Judiciary and the DeSoto County Clerk's Office is closely monitoring the status of the current suspensions and will be prepared to address residential evictions for non-payment of rent and mortgage foreclosures upon the suspensions being lifted by the Governor and Chief Judge.

Thank you all for your patience during this very difficult time. If you have any questions or concerns, please feel free to contact my Judicial Assistant, Magan, at 863-993-4644, or the DeSoto County Clerk's Office.

Sincerely,

Danielle L. Brewer  
DeSoto County Judge