

**IN THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY, DUVAL AND NASSAU COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2020-29

**IN RE: CIRCUIT AND COUNTY COURT FORECLOSURE SALES AND
EXECUTION OF POSSESSORY WRITS FOR NON-PAYMENT IN
DUVAL COUNTY DURING THE CORONAVIRUS PUBLIC HEALTH
EMERGENCY**

WHEREAS, on March 9, 2020, Governor DeSantis of the State of Florida declared a state of emergency due to the outbreak of the Coronavirus in our State;

WHEREAS, on March 13, 2020, the Supreme Court of Florida entered Administrative Order No. AOSC20-13 regarding COVID-19 Emergency Procedures in the Florida State Courts, which ordered the temporary suspension of various non-emergency court proceedings;

WHEREAS, on March 24, 2020, the Supreme Court of Florida entered Administrative Order No. AOSC20-17 regarding COVID-19 Emergency Procedures in the Florida State Courts, which continued the emergency suspension of various non-emergency court proceedings;

WHEREAS, on April 6, 2020, the Supreme Court of Florida entered Administrative Order No. AOSC20-23 regarding Comprehensive COVID-19 Emergency Measures for the Florida State Courts that extended “previously enacted temporary remedial measures...until the close of business on May 29, 2020”;

WHEREAS, on April 2, 2020, Governor DeSantis entered Executive Order Number 20-94 which “suspend[ed] and toll[ed] any statute providing for a mortgage foreclosure cause of action under Florida law” and “suspend[ed] and toll[ed] any statute providing for an eviction cause of action under Florida law solely as it relates to non-payment of rent by residential tenants”;

WHEREAS, on May 14, 2020, Governor DeSantis entered Executive Order Number 20-121 which extended Executive Order 20-94 through June 1, 2020;

WHEREAS, on June 1, 2020, Governor DeSantis entered Executive Order Number 20-137 which extended the provisions of Executive Order Number 20-94 through June 30, 2020;

WHEREAS, on June 30, 2020, Governor DeSantis entered Executive Order Number 20-159 which extended Executive Order Number 20-94 through July 31, 2020;

WHEREAS, on July 29, 2020, Governor DeSantis entered Executive Order Number 20-180 which extended Executive Order Number 20-94 through 12:01 a.m. on September 1, 2020, and modified Executive Order Number 20-94 by limiting the order to “suspend[ing] and toll[ing] any statute providing for 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”;

WHEREAS, Executive Order Number 20-180 states that “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 single-family mortgagor to make mortgage payments”;

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED that:


1. All foreclosure sales and executions of any writ of possession shall resume beginning August 3, 2020, subject to the provisions below. Any foreclosure sales that were cancelled by a prior Administrative Order in Clay, Duval and Nassau Counties shall be reset upon proper motion and order.
2. A single-family mortgagor who is subject to the execution of a writ of possession in a mortgage foreclosure proceeding may petition the appropriate court to request a stay of the execution of the writ of possession. The petition must include facts that demonstrate the single-family mortgagor’s belief that he or she has been adversely affected by the COVID-19 emergency as defined below.
3. A residential tenant who is subject to the execution of a writ of possession for failure to pay rent may petition the appropriate court to request a stay of the execution of the writ of possession. The petition must include facts that demonstrate the residential tenant’s belief that he or she has been adversely affected by the COVID-19 emergency as defined below.
4. For a single-family mortgagor or residential tenant to be adversely affected by the COVID-19 emergency, the Fourth Judicial Circuit Court or County Court must find that the single-family mortgagor or residential tenant has experienced “loss of employment, diminished wages or business income, or other monetary loss realized

during the Florida State of Emergency directly impacting the ability of” the single-family mortgagor or residential to make the required payments.

5. All other possessory writs shall be issued and are not affected by this Administrative Order including but not limited to evictions for expiration of a lease term, for cause, or for unlawful detainer; or any writ issued upon specific order by the presiding judge based upon extraordinary circumstances and good cause shown.
6. Fourth Judicial Circuit Court and County Court procedures as to the scheduling of foreclosure sales and possessory writs shall be subject to change depending upon the development of the current public health emergency.
7. This Administrative Order does not relieve any individual from his or her obligations to make mortgage payments or rent payments, or any payments that may have been previously tolled, once an individual is no longer adversely affected by the COVID-19 emergency as defined in Executive Order Number 20-180 and in this order.
8. All other Administrative Orders addressing the same subject matter are hereby vacated and superseded.
9. This Administrative Order shall be recorded by the Clerk of the Court, in the Official Records of Clay, Duval, and Nassau Counties, in the State of Florida, shall take effect immediately, and shall remain in full force and effect until further order of this Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 4th

day of August, 2020.



MARK H. MAHON
CHIEF JUDGE

cc: All Judges in the Fourth Judicial Circuit
All Magistrates in the Fourth Judicial Circuit
The Honorable Ronnie Fussell, Clerk of Courts, Duval County
The Honorable John A. Crawford, Clerk of Courts, Nassau County
The Honorable Tara S. Green, Clerk of Courts, Clay County
The Honorable Charles G. Cofer, Esq, Public Defender
The Honorable Melissa W. Nelson, Esq., State Attorney
The Honorable Jason R. Gabriel, Esq., General Counsel
The Honorable Mike Williams, Sheriff, Jacksonville Sheriff's Office
The Honorable Darryl Daniels, Sheriff, Clay County Sheriff's Office

The Honorable Bill Leeper, Sheriff, Nassau County Sheriff's Office
Major Claude Colvin, Jacksonville Sheriff's Office, Courthouse Security
Joseph G. Stelma, Fourth Judicial Circuit Trial Court Administrator
Eve Janocko, Chief Deputy Trial Court Administrator
Mike Smith, Court Technology Officer
Julie K. Taylor, Court Counsel
Stephen Siegel, Esq., Office of the State Attorney
Janet Abel, Circuit Director, Office of Criminal Conflict and Civil Regional Counsel
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit
The Jacksonville Bar Association
Nassau County Bar Association
Clay County Bar Association