



DEAR VALUED CLIENT:

On July 29, 2020, Governor DeSantis issued Executive Order 20-180, entitled "Limited Extension of Mortgage Foreclosure and Eviction Relief," which modifies prior Executive Orders 20-94, 20-121, 20-137 and 20-159. This Executive Order substantially modifies the Governor's prior directives with respect to mortgage foreclosures. Executive Order 20-180:

- **Removes all restrictions** with respect to mortgage foreclosure cases filed prior to the COVID-19 pandemic. These pending cases may move to judgment, sale and eviction (that said, we anticipate that defense counsel will raise the defense that certain cases "arise from" the COVID-19 emergency).
- Removes restrictions with respect to first legal on new foreclosure cases, regardless of whether COVID-19 is the cause for default.
- Suspends any statute providing for "final action" at the conclusion of a mortgage foreclosure proceeding where the default arises out of non-payment of mortgage as a result of the COVID-19 pandemic.

As with the Governor's prior Executive Orders, there is little guidance as to how to implement the Executive Order, and we expect that the Courts around the state will differ in their interpretation. It is clear that the order aims to grant relief to borrowers and tenants who may be struggling to meet their obligations due to the COVID-19 pandemic's impact. In that context, we read this order to suspend foreclosure sales where the COVID-19 pandemic is the cause for default. The decision of whether to proceed to judgment or sale should be made by the Client in its business discretion. Please contact us if you have any questions.

Please keep in mind that the moratoria and forbearances on federally backed mortgage loans as enacted by the CARES Act (Coronavirus Aid, Relief, and Economic Security) remain in effect.

Jarrett Cooper, Esq.

Partner | General Counsel

Robertson, Anschutz & Schneid, P.L.

6409 Congress Avenue, Ste 100

Boca Raton, FL 33487

Phone: (561) 613-0085

jcooper@rasflaw.com

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-180

(Limited Extension of Mortgage Foreclosure and Eviction Relief)

WHEREAS, Executive Order 20-94, as extended by Executive Orders 20-121, 20-137 and 20-159, expires on August 1, 2020, unless extended; and

WHEREAS, Executive Order 20-94, as extended, requires amendment to ensure that mortgage foreclosure and eviction relief is limited to single-family mortgagors and residential tenants adversely affected by the COVID-19 emergency.

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. Section 1 of Executive Order 20-94 is amended to read, as follows:

A. I hereby suspend and toll any statute providing for final action at the conclusion of a mortgage foreclosure proceeding under Florida law solely when the proceeding arises from non-payment of mortgage by a single-family mortgagor adversely affected by the COVID-19 emergency.

B. For purposes of this section, 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.

C. Nothing in this Executive Order shall be construed to suspend or otherwise affect foreclosure proceedings unrelated to non-payment of mortgage.

Section 2. Section 2 of Executive Order 20-94 is amended to read, as follows:

A. I hereby suspend and toll 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.


B. For purposes of this section, 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.

C. Nothing in this Executive Order shall be construed to suspend or otherwise affect eviction proceedings unrelated to non-payment of rent.

Section 3. Section 3 of Executive Order 20-94 is amended to read, as follows: Nothing in this Executive Order shall be construed as relieving an individual from his or her obligation to make mortgage payments or rent payments. All payments, including tolled payments, are due when an individual is no longer adversely affected by the COVID-19 emergency.

Section 4. I hereby extend Executive Order 20-94, as extended by Executive Orders 20-121, 20-137 and 20-159, and as amended herein, until 12:01 a.m. on September 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 29th day of July, 2020.



RON DESANTIS, GOVERNOR

ATTEST:

Laurel M. Bee

SECRETARY OF STATE



FILED

2020 JUL 29 AM 11:46

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA