

# Locke Lord QuickStudy: Updated Restrictions on Florida Foreclosure Proceedings due to COVID-19

Locke Lord LLP

## WRITTEN BY

[Thomas J. Cunningham](#) | [Steven J. Brotman](#)

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Florida Governor Ron DeSantis has once again extended Florida’s residential foreclosure and eviction moratorium; this time until October 1, 2020. Executive Order 20-211 was issued on August 31, 2020 and extends Executive Orders 20-94 and 20-180 on a limited basis. The most recent executive order only halts the final action of certain foreclosures and evictions and the protections only apply to those persons affected by the COVID-19 emergency.

Lenders and loan servicers are now able to initiate new residential foreclosure actions, but may not seek a final judgment when the proceeding arises from the non-payment of a mortgage by a single-family mortgagor adversely affected by the COVID-19 emergency.

For purposes of the executive order, “adversely affected” by the COVID-19 emergency means the loss of employment, diminished wages or business income, or other monetary loss realized during the Florida State of Emergency which directly impacts the ability of a single-family mortgagor to make their mortgage payments.

As of August 17, 2020, the Federal Housing Finance Agency has also extended its moratorium for single-family loans backed by Fannie Mae and Freddie Mac until at least December 31, 2020.

The majority of Florida courts remain in “Phase 1” of the state’s gradual plan to return to pre-pandemic functions and remote operations and hearings are being utilized throughout Florida’s courts. Previously, Florida Supreme Court Chief Justice Canady issued Administrative Order AO20-23 on May 21, 2020. The administrative order directed the chief judges in all 20 of Florida’s circuits to design a plan to begin a systematic return to in-person court proceedings.

On August 12, 2020, Justice Canady issued two new administrative orders which amended the original guidelines. The changes include updated criteria for the transition to different phases, a requirement for a human resources policy to address exposure of court employees and judges, updated guidance for courts in monitoring local conditions and a methodology to determine deteriorating local health conditions which may require an amendment to the local operational plan or a return to an earlier phase.

Remote operations and hearings can be expected in all Florida courts for the foreseeable future, especially in

foreclosure actions and other non-essential proceedings. Some courts have begun to offer remote non-jury trials in civil matters and limited jury trials have resumed in parts of the state using remote technology for all or parts of the proceedings. Between the foreclosure moratoriums and remote proceedings, lenders and loan servicers can continue to expect delays for residential foreclosure proceedings.

Organizations that plan for their recovery and are rebuilding for the future will be better positioned for a postpandemic world. Please visit our [Adapt. Adjust. Advance. Resource Center](#) often for up-to-date information on navigating these and other important legal considerations in the postpandemic reality.

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