

COVID-19 Emergency Orders Affecting Real Estate Florida

Last updated May 18, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

State of Florida

May 15, 2020 – Office of the Governor Executive Order Number 20-121:

- Governor Ron DeSantis issued Executive Order Number 20-121 extending Executive Order Number 20-94 (which was issued on April 2, 2020 and, among other things, suspended and tolled statutes providing for mortgage foreclosure actions; see note on Executive Order 20-94 below) until June 2, 2020.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-121.pdf

April 2, 2020 – Office of the Governor Executive Order Number 20-94:

- Governor Ron DeSantis issued Executive Order Number 20-94 ordering the suspension and tolling of any statute providing for a mortgage foreclosure cause of action under Florida law for 45 days from the date of said Executive Order, including any extensions.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-94.pdf

City of Miami; Dade County

Miami-Dade County – Clerk of Courts – Advisories:

- According to the [Clerk of the Courts for Miami-Dade County](#), due to COVID-19, all foreclosure sales scheduled through May 29, 2020, are cancelled.

https://www.miami-dadeclerk.com/Covid19_General_Questions.asp

City of Orlando; Orange County

April 2, 2020 – Circuit Court of the Ninth Judicial Circuit Administrative Order 2020-11:

- Orange County Clerk of Courts has been directed by the Chief Judge of the Ninth Judicial Circuit of Florida to suspend all actions related to mortgage foreclosure causes of action and cancel all pending mortgage foreclosure sales, through and until 12:00 a.m. on Tuesday, May 19, 2020.

<https://newsroom.ocfl.net/wp-content/uploads/2020/03/2020-11-Temporary-Order-Regarding-Mortgage-Foreclosures-Foreclosure-S.pdf>

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

State of Florida

May 15, 2020 – Office of the Governor Executive Order Number 20-121:

- Governor Ron DeSantis issued Executive Order Number 20-121 extending Executive Order Number 20-94 (which was issued on April 2, 2020 and, among other things, suspended and tolled statutes providing for eviction actions as it relates to non-payment of rent by residential tenants due to the COVID-19 emergency; see note on Executive Order 20-94 below) until June 2, 2020.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-121.pdf

April 2, 2020 – Office of the Governor Executive Order Number 20-94:

- Governor Ron DeSantis issued Executive Order Number 20-94 ordering the suspension and tolling of any statute providing for a mortgage foreclosure cause of action under Florida law for 45 days from the date of said Executive Order, including any extensions.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-94.pdf

City of Miami; Dade County

Miami-Dade County Sheriff's Office – Press Release

- News outlets are reporting that the Miami-Dade County Sheriff's Office has issued a statement that they are temporarily suspended all eviction activities until further notice.

<https://www.miamiherald.com/news/local/community/miami-dade/article241127666.html>;

<https://twitter.com/MiamiDadePD/status/1241462333890875399?s=20>;

City of Orlando; Orange County

April 2, 2020 – Circuit Court of the Ninth Judicial Circuit Administrative Order 2020-11

- Orange County Clerk of Courts has been directed by the Chief Judge of the Ninth Judicial Circuit of Florida to suspend all actions related to residential eviction causes of action filed in their respective jurisdictions, through and until 12:00 a.m. on Tuesday, May 19, 2020.

<https://newsroom.ocfl.net/wp-content/uploads/2020/03/2020-11-Temporary-Order-Regarding-Mortgage-Foreclosures-Foreclosure-S.pdf>

Orange County Sheriff's Office - Advisories

- The Orange County Sheriff's Office has temporarily suspended its enforcement of all eviction activities until further notice.

<https://www.ocso.com/coronavirus>

NON-ESSENTIAL BUSINESS RESTRICTIONS

State of Florida

May 15, 2020 – Office of the Governor Executive Order Number 20-123:

- Governor Ron DeSantis issued Executive Order Number 20-113 permitting Florida to enter a “Full Phase One” of re-opening the state economy by, among other things, allowing (1) restaurants, retail establishments, museums, and fitness centers to operate in their indoor spaces at 50% of building capacity so long as the appropriate social distancing guidelines are in place, (2) the operation of professional sports, (3) venues to host training, competitions, events and games, (4) amusement parks to submit re-opening plans to the State of Florida that includes, without limitation, a proposed date for resumption of operations and proposed guidelines to ensure guest and staff safety. In addition, Counties in the State of Florida may seek approval from the State to allow operation of vacation rentals.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-123.pdf

May 15, 2020 – Office of the Governor Executive Order Number 20-122:

- Governor Ron DeSantis issued Executive Order Number 20-122 that provides that Phase One of the re-opening of the Florida Economy in accordance with Executive Order 20-112 now applies to Broward County and Miami Dade County.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-122.pdf

May 9, 2020 - Office of the Governor Executive Order Number 20-120:

- Governor Ron DeSantis issued Executive Order Number 20-120 that provides, among other things, that Phase One of the re-opening of the Florida Economy in accordance with Executive Order 20-112 now applies to Palm Beach County and that in all Counties that are subject to Phase One, barbershops, cosmetology salons, and cosmetology specialty salons may re-open and provide services provided that they adopt appropriate social distancing and precautionary measures as outlined by the Department of Business and Professional Regulation of Florida.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-120.pdf

April 29, 2020 - Office of the Governor Executive Order Number 20-112:

- Governor Ron DeSantis issued Executive Order Number 20-112 that provides the first steps for re-opening the Florida economy (“Phase One”) by, among other things, allowing restaurants, retailers, museums, libraries, surgical centers, dental offices and other health care practitioners to be able to re-open for business starting on May 4, 2020 so long as such establishments comply with the requirements set forth in such Executive Order (including, without limitation, for restaurants, retailers, museums and libraries, operating at

no more than 25% of building occupancy at all times and following social distancing guidelines). Bars, gyms, salons, and movie theaters are to remain closed during Phase One and the congregation of groups of 10 or more persons is prohibited at all times. Miami-Dade, Broward, and Palm Beach counties are currently excluded from Phase One. The re-opening of such counties will be further considered in consultation with local leadership.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-112.pdf

April 29, 2020 - Office of the Governor Executive Order Number 20-111:

- Governor Ron DeSantis issued Executive Order Number 20-111 extending Executive Order 20-87 (which was issued on March 27, 2020 and suspended certain vacation rentals; see note on Executive Order 20-87 below) and Executive Order 20-91 (which was issued on April 1, 2020 and ordered all persons in Florida to “stay at home”; see note on Executive Order 20-91 below) until May 4, 2020.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-111.pdf

April 10, 2020 – Office of the Governor Executive Order Number 20-103:

- Governor Ron DeSantis issued Executive Order Number 20-103 extending Executive Order 20-87 (which was issued on March 27, 2020 and suspended certain vacation rentals; see note on Executive Order 20-87 below) until April 30, 2020 unless extended by subsequent order.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-103.pdf

April 6, 2020 - Office of the Governor Executive Order Number 20-95:

- Governor Ron DeSantis issued Executive Order Number 20-95 suspending the assessment and collection of taxation imposed under Chapter 201, Florida Statutes (Excise Tax on Documents) for all notes and other written obligations made pursuant to Title I of the CARES Act (Payroll Protection Program) and ordering the Department of Revenue to issue an emergency order affirming that as a result of such suspension no taxes under Chapter 201, Florida Statutes (Excise Tax on Documents) are owed on such notes or such other written obligations.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-95.pdf

April 1, 2020 - Office of the Governor Executive Order Number 20-91:

- Governor Ron DeSantis issued Executive Order Number 20-91 requiring all persons in Florida to restrict public access to businesses and facilities and direct citizens to stay at home, with exceptions for travel related to essential retail establishments such as grocery stores and pharmacies and to engage in outdoor recreational activities, so long as not in places that have been closed to the public and so long as social distancing measures are

exercised at all times. This order is effective from April 3, 2020 through April 30, 2020.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-91-compressed.pdf

March 30, 2020 - Office of the Governor Executive Order Number 20-89:

- Governor Ron DeSantis issued Executive Order Number 20-89 requiring Miami Dade County, Broward County, Palm Beach County and Monroe County to restrict public access to businesses and facilities and direct citizens to stay at home, with exceptions for travel related to essential retail establishments such as grocery stores and pharmacies and to engage in outdoor recreational activities, so long as not in places that have been closed to the public and so long as social distancing measures are exercised at all times.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-89.pdf

March 27, 2020- Office of the Governor Executive Order Number 20-87:

- Governor Ron DeSantis issued Executive Order Number 20-87 ordering the suspension of all vacation rental operations (meaning the rental of condominiums, cooperative, or dwelling unit that is also a transient public lodging establishment for 30 days or less) for 14 days. Hotels, inns, resorts, and non-transient public lodging establishments are exempt from this order.

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-87.pdf

March 17, 2020- Office of the Governor Executive Order Number 20-68:

- Governor Ron DeSantis issued Executive Order Number 20-68 that, among other things, requires (1) all bars and nightclubs throughout Florida to close for 30 days from the date of the order, (2) parties accessing public beaches in the State of Florida to limit their gatherings to no more than 10 persons and (3) restaurants to limit customer entry to 50% of its capacity and to provide staggered and limited seating to ensure parties are separated by a distance of at least 6 feet.

<https://www.floridasupremecourt.org/content/download/632431/7186205/AOSC20-17.pdf>

Florida Division of Corporations:

- Florida Division of Corporations is closed to the public until further notice. Online, mail, email and phone services will remain operational. E-filing of UCCs and most other business forms is currently available.

<https://dos.myflorida.com/sunbiz/>

<https://www.floridaucc.com/onlinefiling>

City of Miami; Dade County

May 15, 2020- Miami-Dade County Emergency Order 23-20:

- Effective as of May 18, 2020, Dade County will permit the opening of all retail and commercial establishments (except for bars, pubs, night clubs, banquet halls, cocktail lounges, cabarets, and breweries (except for take-out or delivery services as authorized by prior Emergency Order), movie theaters, concert houses, auditoriums, playhouses, bowling alleys, arcades, gymnasiums, fitness studios, hotels and commercial lodging establishments (except as operated pursuant to previous Emergency Order), pools and hot tubs (except as authorized pursuant to previous Emergency Order), tattoo parlors and massage parlors) in Dade County, provided that such retail and commercial establishments comply with all rules and requirements set forth in Emergency Order 23-20.

<https://www.miamidade.gov/information/library/coronavirus-emergency-order-23-20.pdf>

April 27, 2020- Miami-Dade County Emergency Order 21-20:

- Effective as of April 29, 2020, Dade County has ordered the re-opening, with social distancing restrictions, of parks, golf courses, marinas and boat ramps.

<https://www.miamidade.gov/information/library/04.27.20-emergency-order-21-20.pdf>

April 9, 2020- Miami-Dade County Emergency Order 20-20:

- Dade County has ordered all persons working in or visiting grocery stores, restaurants, pharmacies, construction sites, public transit vehicles, vehicles for hire, and locations where social distancing measures are not possible to wear facial coverings as defined by the Centers for Disease Control. This order will remain effective through the expiration of the Miami Dade County State of Local Emergency.

<https://www.miamidade.gov/information/library/04.09.20-emergency-order-20-20.pdf>

April 2, 2020- Miami-Dade County Emergency Order 17-20:

- Dade County has ordered essential commercial and retail establishments that provide unpackaged foods for consumption to limit capacity to 50% of their maximum occupancy and monitor entrances and exits in areas where food is sold at all times. The county has also ordered closing of salad bars, self-serve food stations (except pre-packaged grab and go items) and encourages sanitary practices for employees and customers (including the wearing of masks, which had previously been discouraged). This order will remain effective through the expiration of the Miami Dade County State of Local Emergency.

<https://www.miamidade.gov/information/library/coronavirus-emergency-order-17-20-unpackaged-food-sales.pdf>

March 28, 2020- Miami-Dade County Emergency Order 15-20:

- Dade County has ordered the closure of all common-use amenities at commercial and non-commercial locations, including but not limited to all pools, hot tubs, golf courses, tennis courts, basketball courts, fitness centers, and gymnasiums. Such closures will be effective through the expiration of the Miami Dade County State of Local Emergency.

March 28, 2020- Miami-Dade County Emergency Order 14-20:

- Dade County has suspended all laws, statutes, codes and regulations relating to County employees performing building code functions, including, but not limited to, the review of plans, issuance of permits, performance of inspections and issuance of certificates of occupancy and completion and temporary certificates of occupancy, and all activities related thereto. County employees are not providing building code inspection services to the public except in accordance with the provisions of the order, and the order details a modified process for building inspections other than for the final inspection, while the order is in effect.

<https://www.miamidade.gov/information/library/coronavirus-emergency-order-14-20-building-code-functions.pdf>

March 26, 2020 – Miami-Dade County Emergency Order 12-20 (Safer at Home Order):

- Effective through April 2, 2020, except for essential business/activities, all residents in Miami-Dade County are urged to stay at home. Construction, building management and maintenance, banks and related financial institutions, architectural, engineering, or land surveying businesses, mail/delivery services, hotels and commercial lodges are among business activities that are considered “essential”.

<https://www.miamidade.gov/global/initiatives/coronavirus/emergency-orders.page>

March 24, 2020 – City of Miami, Shelter in Place Order

- City of Miami has ordered all residents to shelter in place and remain at home until further notice, effective as of March 24, 2020 at 11:59 pm (local time) and has prohibited all non-essential travel within the City of Miami with exceptions for travel related to essential retail establishments such as grocery stores and pharmacies and to engage in outdoor recreational activities, so long as not in places that have been closed to the public and so long as social distancing measures are exercised at all times.

<https://www.miamigov.com/Notices/News-Media/City-of-Miami-Orders-Residents-to-Shelter-in-Place>

March 26, 2020 – City of Miami, Citywide Nightly Curfew

- Beginning on March 27, 2020 and until further notice, the City of Miami Police Department will enforce a nightly curfew running from 10:00 p.m. to 5:00 a.m. The only exceptions for movement within the city during such times are due to medical emergencies, resident travel to essential workplaces, dog walking (within 250 feet of home), and for food delivery services.

<https://www.miamigov.com/Notices/News-Media/City-of-Miami-Implements-Citywide-Curfew>

City of Orlando; Orange County

May 8, 2020 – Orange County (Orlando) – Terminating Curfew Order:

- Mayor Jerry Demings issued Emergency Executive Order Number 2020-14 terminating the Orange County curfew effective Monday, May 11, 2020, at 5:01 a.m.

<http://www.ocfl.net/portals/0/library/Emergency-Safety/docs/coronavirus/2020-14%20EEO%20-%20End%20of%20Curfew.pdf>

May 1, 2020 – Orange County (Orlando) – Reopening Orange County Order:

- Mayor Jerry Demings issued Emergency Executive Order Number 2020-12 that, among other things, establishes additional requirements for the operation in Orange County of essential businesses and services that are allowed to reopen or resume, as applicable, pursuant to Executive Order Number 20-112 issued by the Governor of Florida (which was issued on April 29, 2020; see note on Executive Order 20-112 above).

<https://www.orangecountyfl.net/portals/0/library/Emergency-Safety/docs/coronavirus/OC-EO-20-12.pdf>

March 26, 2020 - Orange County (Orlando) – Stay at Home Order:

- Effective through April 9, 2020, except for essential activities, residents are ordered to remain in their residence. Healthcare facilities, banks and related financial institutions, construction sites, licensed contractors and other maintenance personnel, mailing and shipping services, architectural, engineering, and land survey services are all considered “essential”.

<https://www.orangecountyfl.net/portals/0/library/Emergency-Safety/docs/coronavirus/Orange%20County%20Executive%20Order%202020-05.pdf>

March 20, 2020 - Orange County (Orlando) – Nightly Curfew:

- Effective March 20, 2020 and until further notice, all of Orange County is subject to a nightly curfew from 11:00 P.M. until 5:00 A.M, except for individuals commuting to and from places of employment, the provision of emergency services, medical patients, utility repairs, state and local government employees providing services, and emergency calls by physicians within the curfew area.

<https://www.orangecountyfl.net/Portals/0/Library/Emergency-Safety/docs/coronavirus/Orange%20County,%20Florida%20Emergency%20Executive%20Order%20No.%202020-03.pdf>

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:

<https://www.floridasupremecourt.org/Emergency>

<https://www.floridasupremecourt.org/content/download/631996/7181425/AOSC20-15.pdf>

<https://www.flcourts.org/Resources-Services/Emergency-Preparedness/Administrative-Orders>

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:

<https://www.uscourts.gov/news/2020/03/12/judiciary-preparedness-coronavirus-covid-19>

<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.

<https://www.alta.org/business-tools/county-status.cfm?state=FL>

- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company.

<https://ct.wolterskluwer.com/covid-19-status?v=794331>

<https://www.cscglobal.com/blog/covid-19-state-closings/>

REMOTE NOTARIZATION

- In the State of Florida pursuant to Florida statute, any document requiring notarization may be notarized by a qualified Florida notary public, so long as such notarization is performed pursuant to the applicable administrative rules (which generally allows for the use of audio-video technology in lieu of the signatory being in the physical presence of the notary).

<http://m.flsenate.gov/Statutes/117.021>; <https://www.flrules.org/gateway/ruleNo.asp?id=1N-7.001>
