

**THE ELEVENTH JUDICIAL CIRCUIT,  
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 20-1**

**(Court Administration)**

**ADMINISTRATIVE ORDER**

**NO. 20-10**

**IN RE: EVICTIONS UNDER THE  
"CORONAVIRUS AID, RELIEF,  
AND ECONOMIC SECURITY  
ACT" (THE CARES ACT )**

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**WHEREAS**, the World Health Organization has declared the Coronavirus Disease 2019 (COVID-19) a pandemic, the Governor of Florida has declared that a state of emergency exists, and the Surgeon General and State Health Officer have declared a public health emergency exists, and the Florida State Courts have taken steps to mitigate the effects of COVID-19 on legal proceedings and participants in those legal proceedings; and

**WHEREAS**, on April 2, 2020, the Governor of Florida issued Governor's Executive Order No. 20-94, which in part suspends and tolls "any statute providing for an eviction cause of action under Florida law solely as it relates to non-payment of rent by residential tenants due to the COVID-19 emergency for 45 days from the date of this Executive Order, including any extensions," but does not suspend and toll evictions for other reasons; and

**WHEREAS**, on March 27, 2020, the President signed the "Coronavirus Aid, Relief, and Economic Security Act" (the CARES Act), and section 4024 of the CARES Act imposes an eviction moratorium for tenants living in covered properties, which are certain properties with a federal subsidy or where the landlord has a federally backed mortgage (FHA, VA, USDA, Fannie Mae, or Freddie Mac), including mortgages later purchased or securitized by those agencies; and

**WHEREAS**, section 4024(b) of the CARES Act, titled "MORATORIUM" provides, in part that "[d]uring the 120-day period beginning on the date of enactment of this Act, the lessor of a covered dwelling may not . . . make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges"; and

**WHEREAS**, 120 days from the enactment of the CARES Act on March 27, 2020 is July 25, 2020; and

**WHEREAS**, section 4024(c) of the CARES Act, titled “NOTICE,” provides that “[t]he lessor of a covered dwelling unit--(1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate; and (2) may not issue a notice to vacate under paragraph (1) until after the expiration of the period described in section (b)”;

**WHEREAS**, 30 days after July 25, 2020 is August 23, 2020;

**NOW, THEREFORE**, pursuant to the authority vested in me, as Chief Judge of the Eleventh Judicial Circuit of Florida, under Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

1. In order for the Court to comply with the CARES Act requirement regarding evictions, and in order for the Court to receive competent evidence on whether the CARES Act applies to a property, consistent with a Court’s ability to question witnesses,<sup>1</sup> the Court adopts the following requirements only as to residential eviction cases for nonpayment of rent or other fees or charges.
2. **All Plaintiffs in residential eviction cases for nonpayment of rent or other fees or charges, filed on or after March 27, 2020, shall file a declaration under penalty of perjury verifying whether or not the property which the eviction case is seeking to recover possession of has a Federally backed mortgage loan, a Federally backed multifamily mortgage loan, or is otherwise a “covered dwelling” under section 4024 of the CARES Act.**
3. No judgment, including a default judgment, shall be issued in an eviction case in favor of the Plaintiff until a declaration under penalty of perjury verifying that the property the eviction case is seeking to recover possession of is not a “covered dwelling” under the CARES Act is filed with the Court.
4. The sworn declaration under penalty of perjury verifying that the property the eviction case is seeking to recover possession of is not a “covered dwelling” under the CARES Act may be filed at any time between the time of filing the plaintiff’s petition until filing of a motion for judgment.
5. Attached to this order is a sample declaration under penalty of perjury verifying that the property the eviction case is seeking to recover possession of is not a “covered dwelling” under the CARES Act.

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1. See K.R. v. State, 45 Fla. L. Weekly D42 (Fla. 3d DCA Jan. 2, 2020); Y.V. v. Dep’t of Children & Families, 271 So. 3d 1160, 1161 (Fla. 3d DCA 2019); Lee v. State, 264 So. 3d 225, 226 (Fla. 1st DCA 2018), reh’g denied (Feb. 26, 2019).

6. This Administrative Order shall be effective immediately and shall remain in effect until August 23, 2020, unless such time period is modified by subsequent Administrative Order.

**DONE AND ORDERED** in Chambers at Miami-Dade, Florida, this 13<sup>th</sup> day of May 2020.

**Bertila Soto, Chief Judge  
Eleventh Judicial Circuit of Florida**