

Practice Update

Florida Governor Issues Executive Order Restricting Foreclosures and Evictions in Florida for the Next 45 Days

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On April 2, 2020, Florida Governor Ron DeSantis issued an executive order (EO20-94) restricting foreclosures and evictions in Florida for the next 45 days, starting on April 2. A copy of the order is [available here](#).

The language of the order and its impact on pending foreclosures is not entirely clear. With respect to foreclosures, the order “suspend[s] and toll[s] any statute providing for a mortgage foreclosure cause of action under Florida law for 45 days” from April 2, 2020.

A fair reading is that, like limitations already imposed on FHA/Fannie/Freddie loans, the governor intends to prohibit initiation or completion of foreclosures in the next 45 days. Akerman lawyers attended a summary judgment hearing in Miami-Dade County April 3, at which the court adopted that interpretation and ordered the summary judgment hearing to be continued for at least 45 days. The court construed the order as permitting foreclosure litigation, including non-dispositive motion practice, to otherwise proceed – just not to judgment and sale.

We have reached out to the governor’s office for clarification and will provide further updates, but wanted to be sure you were aware of this order. We

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also understand similar restrictions are already in place based on federal or investor guidelines and/or limitations imposed by Florida counties or judges.

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