

**IN THE THIRTEENTH JUDICIAL CIRCUIT  
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2020-039  
(Amends Administrative Order S-2020-023)**

**CIVIL COURT PROCEEDINGS & CIVIL PROCESS ISSUED BY THE  
SHERIFF DURING COVID-19 MITIGATION EFFORTS**

Sections 3 and 5A of Administrative Order S-2020-023 (*Court Proceedings during COVID-19 Mitigation Efforts – Phase II*), in reliance on Executive Order 20-94 issued by Florida Governor Ron DeSantis on April 2, 2020, stays proceedings in most mortgage foreclosure and residential eviction cases. Section 19 of Administrative Order S-2020-023 authorizes the Sheriff of Hillsborough County to stay execution of certain orders including writs of possession and levies.

Governor DeSantis' Executive Order 20-94 originally expired on May 17, 2020 but it was extended by several subsequent executive orders (Executive Order 20-121 until June 2, 2020; Executive Order 20-137 until July 1, 2020; and Executive Order 20-159 until August 1, 2020).

In his most recent executive order – Executive Order 20-180 – Governor DeSantis determined that Executive Order 20-94, as extended through September 1, 2020, needed changes. Executive Order 20-180 now limits the stay to final action at the conclusion of a mortgage foreclosure or eviction proceeding solely when the proceeding arises from (a) “non-payment of [a] mortgage by a single-family mortgagor adversely affected by the COVID-19 emergency” or (b) “non-payment of rent by a residential tenant adversely affected by the COVID-19 emergency.”

The Florida Supreme Court had suspended the requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession “forthwith” but this suspension expired on June 30, 2020 and has not been extended. Fla. Supreme Court Admin. Order AOSC20-23, Amendment 4 (June 16, 2020) and Fla. Supreme Court Admin. Order AOSC20-23, Amendment 5 (July 2, 2020).

Based on these developments, it is necessary to amend Administrative Order S-2020-023 regarding civil cases and civil process issued by the Sheriff of Hillsborough County.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b), it is ORDERED:

## **1. Small Claims and County Civil Cases**

Section 3 of Administrative Order S-2020-023 is amended as follows:

All matters in cases filed in the County Civil Division may be conducted by (a) teleconferencing;<sup>4</sup> (b) audiovisual conferencing;<sup>5</sup> (c) submission of written motions and written responses with legal analysis;<sup>6</sup> or (d) a combination of these methods, ~~except for residential eviction cases based solely on non-payment of rent and except for any mortgage foreclosure cases both of which have been temporarily stayed by the governor.~~<sup>7</sup> Foreclosure and eviction actions may proceed in accordance with Governor DeSantis' Executive Order 20-94, as extended by Executive Orders 20-121 and 20-137, and as extended and amended by Executive Order 20-180, and as may be extended or amended by the governor in the future. The presiding judges of the County Civil Division will determine individually the extent and specific method(s) of conducting small claims and county civil cases. The method(s) should be posted on the respective judge's webpage or memorialized in an order filed and served in an individual case. Scheduling of any pretrial conferences for small claims cases must be coordinated with the clerk's office.

## **2. Circuit Civil Cases**

Section 5A of Administrative Order S-2020-023 is amended as follows:

### **A. Generally**

All matters in cases filed in the Circuit Civil Division may be conducted by (a) teleconferencing; (b) audiovisual conferencing; (c) submission of written motions and written responses with legal analysis;<sup>8</sup> or (d) a combination of these methods, ~~except for residential eviction cases based solely on non-payment of rent and except for any mortgage foreclosure cases both of which have been temporarily stayed by the governor.~~<sup>9</sup> Foreclosure and eviction actions may proceed in accordance with Governor DeSantis' Executive Order 20-94, as extended by Executive Orders 20-121 and 20-137, and as extended and amended by Executive Order 20-180, and as may be extended or amended by the governor in the future. The presiding judges of the Circuit Civil Division will determine individually the extent and specific method(s) of conducting circuit civil cases. The method(s) should be posted on the respective judge's webpage or memorialized in an order filed and served in an individual case.

### **3. Process Issued by the Sheriff**

Section 19 of Administrative Order S-2020-023, authorizing the Sheriff of Hillsborough County to stay execution of certain orders, is hereby rescinded:

~~The Sheriff of Hillsborough County is authorized to stay execution of the following orders until further order of the chief judge:~~

- ~~• Writs of possession;<sup>15</sup>~~
- ~~• Levies;~~
- ~~• Replevins;~~
- ~~• Five day evictions;~~
- ~~• Writs of garnishments;~~
- ~~• Regular summonses;~~
- ~~• Legal documents;~~
- ~~• Mental health documents (notices of hearings and summonses / subpoenas);~~
- ~~• Criminal papers (juvenile criminal summonses that are served on the juvenile and the juvenile's parent for a crime and for criminal traffic cases, and out of county summonses for the same);~~
- ~~• Paid papers (divorce papers, notices of hearings / motions);~~
- ~~• Department of Revenue paperwork;~~
- ~~• Out of state orders;~~
- ~~• In county and out of county tax deeds; and~~
- ~~• Felony subpoenas from the State Attorney's Office, except any relating to essential court proceedings.~~

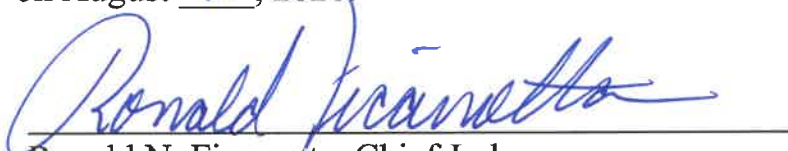
### **4. Previous Administrative Order Amended**

This administrative order amends sections 3, 5A, and section 19 (rescinded) of Administrative Order S-2020-023 (*Court Proceedings during COVID-19 Mitigation Efforts – Phase II*).

### **5. Effective Date**

This administrative order is effective immediately and remains in effect until further order of the chief judge.

ENTERED on August 14, 2020.

  
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Ronald N. Ficarrotta, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court  
Copy to: All Circuit Civil and County Civil Division Judges  
Gina Justice, Trial Court Administrator  
Chad Chronister, Sheriff  
Doug Bakke, COO, Court Operations, Clerk's Office  
Hillsborough County Bar Association

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<sup>4</sup> Teleconferencing services include CourtCall™ ([www.courtcall.com](http://www.courtcall.com)), WebEx™ ([www.webex.com](http://www.webex.com)), Zoom™ ([www.zoom.us](http://www.zoom.us)), and the presiding judge's hearing room telephone line.

<sup>5</sup> Audiovisual conferencing services include Cisco® Meeting Server – CMS ([www.cisco.com/go/meetingserver](http://www.cisco.com/go/meetingserver)) and Zoom™ ([www.zoom.us](http://www.zoom.us)). Unless otherwise directed by the presiding judge, proper courtroom attire should be worn at all audiovisual conference hearings.

<sup>6</sup> No rule or law requires a trial court to hear oral argument on a pretrial, non-evidentiary motion. See *Nudel v. Flagstar Bank*, 52 So. 3d 692, 694 n.3 (Fla. 4th DCA 2010) but see *McElroy v. Oaks on the Bay, LLC*, 288 So. 3d 1259 (Fla. 2d DCA 2020) (finding that it is a denial of due process to enter summary judgment without conducting a hearing unless the hearing is waived).

<sup>7</sup> ~~Executive Order 20-94 issued by Florida Governor Ron DeSantis expires on May 17, 2020, unless extended.~~

<sup>8</sup> No rule or law requires a trial court to hear oral argument on a pretrial, non-evidentiary motion. See *Nudel v. Flagstar Bank*, 52 So. 3d 692, 694 n.3 (Fla. 4th DCA 2010) but see *McElroy v. Oaks on the Bay, LLC*, 288 So. 3d 1259 (Fla. 2d DCA 2020) (finding that it is a denial of due process to enter summary judgment without conducting a hearing unless the hearing is waived).

<sup>9</sup> ~~Executive Order 20-94, *supra*, endnote 7.~~

<sup>15</sup> ~~Section VII of Florida Supreme Court Administrative Order AOSC20-23 (April 6, 2020) suspends the requirement in Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession "forthwith."~~