

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: 12.513 -08/2020

IN RE: RESIDENTIAL EVICTION CASES DURING THE COVID-19 PANDEMIC

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In response to the public health emergency caused by the outbreak of the Coronavirus Disease 2019 (COVID-19), the Fifteenth Judicial Circuit has taken significant measures to limit and modify court operations so as to ensure the safe administration of justice. As a result, the Circuit is currently in what the Florida Supreme Court has defined as Phase 1, wherein essential proceedings have been and continue to be held in-person, but non-essential court proceedings are either being held remotely or are suspended.<sup>1</sup>

Court proceedings in residential eviction cases fall under the umbrella of non-essential proceedings and are, therefore, currently suspended or being held remotely. From April 2 – July 31, the interests in justice were not substantially affected in residential eviction cases by the Phase 1 modifications to court proceedings as the Governor’s Executive Order 20-94, which suspended and tolled “statutes creating a cause of action for” residential evictions for non-payment of rent, was in effect. However, on July 29, 2020, the Governor signed Executive Order 20-180 which modified Executive Order 20-94 to suspend and toll any statute providing for “final action” at the conclusion of a residential eviction for non-payment of rent in cases where the tenant has been adversely affected by the COVID-19 emergency. Further, on March 27, 2020, the federal CARES Act, Public Law No. 116-136, went into effect. The CARES Act prohibits landlords from requiring tenants occupying a residential dwelling covered under the CARES Act to vacate the premises without first providing 30 days’ notice.

In order to ensure compliance with the CARES ACT and the Governor’s Executive Order, the court may need to conduct limited hearings in certain residential eviction cases. Due to the nature of evictions, these hearings are time sensitive and cannot be suspended. Further, remote conduct of these proceedings is rarely feasible as many of the parties to these cases lack the technological resources necessary to conduct the proceedings.<sup>2</sup>

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<sup>1</sup> See, 15th Circuit Admin. Order No. 12.210, as amended (15th Cir. Fla. June 30, 2020)

<sup>2</sup> See, Fla. Admin. Order No. AOSC20-23, Amendment 6, Section III(E)(3)b. (Fla. Aug. 12, 2020) (available at <https://www.floridasupremecourt.org/Emergency>)

**NOW THEREFORE**, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215 it is **ORDERED** as follows:

1. As required in the interest of justice, limited proceedings in residential evictions for nonpayment of rent may proceed in person while the Circuit is in Phase 1.<sup>3</sup>
2. Any in-person proceeding being held pursuant to this Administrative Order must be held in compliance with the Courthouse Safety measures set forth in section IV of Administrative Order 12.510-08/2020.13, as amended.
3. This Administrative Order will remain in effect until further order of the Court.

**DONE AND ORDERED** in Chambers, at West Palm Beach, Palm Beach County, Florida this 19th day of August, 2020.

A handwritten signature in black ink, appearing to read "Krista Marx", is written over a light gray rectangular background.

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Krista Marx, Chief Judge

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<sup>3</sup> See, Fla. Admin. Order NO. AOSC20-23, Amendment 6, Section I(C) (Fla. Aug. 12, 2020) (available at <https://www.floridasupremecourt.org/Emergency>)