

March 16, 2020

Honorable Bertila Soto  
Chief Judge  
Eleventh Judicial Circuit of Florida 175 N.W. 1st Ave.  
Miami, FL, 33128  
*via e-mail bsoto@jud11.flcourts.org*

Dear Chief Judge Soto:

In September 2019, we wrote to you concerning the potentially devastating impacts of Hurricane Dorian on Miami-Dade County tenants. In that letter, we asked that pursuant to Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv), you request from Chief Justice Charles T. Canady of the Florida Supreme Court the institution of an eviction moratorium suspending short time deadlines to respond in eviction proceedings in the event that Hurricane Dorian made landfall in Miami-Dade County.

We come to you echoing the above request with the same amount of fear and unease in light of the spreading COVID-19 pandemic. On March 13, 2020, the Florida Supreme Court issued Administrative Order No. AOSC20-13 which states as its first decree that, “All chief judges of the circuit and district courts shall continue ongoing efforts to mitigate the effects of COVID-19 on the courts and court participants and to prepare to activate and implement continuity of operations (COOP) plans to address the public health emergency.”<sup>1</sup> While it suspended certain deadlines for criminal and juvenile proceedings, it did not go so far as to apply to deadlines prescribed by the statutes governing summary procedure in eviction proceedings, or Fla. Stat. §§ 83.59 and 51.011. We thus respectfully request that, as Chief Judge of the Eleventh Judicial Circuit of Florida, Civil Division, you call upon Chief Justice Canady to further issue an order suspending the time deadlines in eviction proceedings in the interest of public safety statewide.

On March 1, 2020, Governor Ron DeSantis issued an executive order directing the Florida Department of Health to issue a Public Health Emergency stating that “it is necessary and appropriate to take action to ensure that COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure.”<sup>2</sup> About a week later, on March 9, 2020, Governor DeSantis declared a state of emergency for all of Florida.<sup>3</sup> Natural disasters and health crises alike aggravate and intensify an already unjust and unequal distribution of power and resources in our communities. Gone unchecked, these public emergencies can end up further catalyzing the housing crisis that Floridians all across the state have been struggling to overcome. An eviction moratorium will help to, in the words of Governor

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<sup>1</sup> In re COVID-19 Emergency Procedures in the Florida State Courts, Fla. Admin. Order No. AOSC20-13 (Mar. 13, 2020) (on file with Clerk, Fla. Sup. Ct.)

<sup>2</sup> Fla. Exec. Order No. 20-51 (Mar. 1, 2020)

<sup>3</sup> Fla. Exec. Order No. 20-52 (Mar. 9, 2020)

DeSantis, “ensure that COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure,” while also protecting some of our most vulnerable residents – low-income tenants whose precarious work and housing arrangements render most likely to face potential eviction for their inability to pay rent in this climate.

Courts and local governments in other impacted areas have already enacted similar protections. In Kentucky, the Supreme Court took action to support the health of Kentucky citizens by requiring, among other things, that all domestic violence hearings, evidentiary hearings in criminal cases, in-person appearances for civil and criminal dockets be canceled; that all civil trials, hearings, and motions shall be postponed and rescheduled for a later date; and that show cause dockets for payment of fines and court costs be continued for 60 days.<sup>4</sup> The Justices of Peace of Travis County, where the city of Austin sits, also issued a standing order stating, “No eviction setting will be held until after April 1, 2020. No writs of possession will be issued by a Justice Court for 60 days after the date of this order.”<sup>5</sup> And finally, the Justices of Peace of Delaware, suspended all, “landlord/tenant, debt, replevin and trespass proceedings scheduled for in-court appearance, and all evictions currently ordered.”<sup>6</sup> The State of Florida should follow suit. As we know all too well, low-income renters are particularly vulnerable to evictions in times of crisis. While supplies are running low in grocery stores, schools are closing, and fears about how to protect your family and loved ones from a potentially deadly disease are top-of-mind, receiving an eviction notice subject to the summary process deadlines becomes an overwhelming and unnecessary stressor. Understanding this dynamic, on March 12, 2020, the Miami-Dade Police Department announced that officers would not assist with evictions during the declared state of emergency, and the Miami-Dade Mayor, Carlos Gimenez, stated, “the county would no longer be evicting people during emergencies.” However, while this is an important step, it is not enough to effectively protect the citizens of Miami-Dade, thus we urge the judiciary to follow suit in taking action.

The Center for Disease Control and Prevention (CDC) released their “Coronavirus Disease 2019 (COVID-19) Situation Summary” in which they state on three separate occasions that those who believe themselves to be even mildly ill with COVID-19 must be able to isolate at home.<sup>7</sup> Similarly, on March 4, 2020, the Florida State Court System issued the “Coronavirus Disease (COVID-19) Outbreak Bulletin” which, in addition to providing background and best practices to deal with the

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<sup>4</sup> Kentucky Court of Justice Response to Covid-19 Emergency, Mar. 13, 2020, Supreme Court of Kentucky, Order No. 2020-08

<sup>5</sup> Temporary Standing Order Regarding Coronavirus Disease (COVID-19) Mitigation and All Justices of the Peace in Travis County, Mar.13, 2020, Travis County Justice of the Peace, Order No. 01

<sup>6</sup> Standing Order Concerning COVID-19 Precautionary Measures, Mar.13, 2020, Justice of the Peace Court for State of Delaware

<sup>7</sup> *Situation Summary*, Center for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/summary.html>

virus, urges the public to, “stay home while you are sick.” Clearly, one of the most fundamental mechanisms of defense against the coronavirus is for people to stay in their homes. Eviction move swiftly. Without an eviction moratorium from the Courts tolling these actions, a tenant served with an eviction will be forced to travel to the courthouse within five days and respond. If the tenant does not respond appropriately within those five days, the landlord will be entitled to an immediate judgment for possession. Enacting an eviction moratorium would not only be in line with guidance issued by Governor DeSantis but would also allow the public to implement one of the most basic and effective forms of public health management as directed by the CDC and by the Florida State Court System itself – “self-quarantining.” Cancelling hearings during this time is insufficient to address these concerns. Evictions are often resolved without hearings, so unless all deadlines in evictions are tolled during this emergency, tenants will be forced to leave their homes to respond and deposit rent with the court within five days of service.

Therefore, we hope that you will consider our request to urge Chief Justice Canady to use his powers pursuant to Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv) to issue another administrative order suspending the short time deadlines imposed in evictions during Florida’s declared state of emergency.

Sincerely,

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