

Supreme Court of Florida

AOSC05-74

IN RE: EMERGENCY REQUEST TO EXTEND TIME PERIODS
UNDER ALL FLORIDA RULES OF PROCEDURE FOR
THE ELEVENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER

WHEREAS Hurricane Wilma caused the closure of the Eleventh Judicial Circuit courthouses during the week of October 24, 2005; and

WHEREAS this danger also may have temporarily impeded the ability of attorneys, litigants, witnesses, jurors, and others in the performance of their duties and obligations with respect to many legal processes throughout the State of Florida;

THEREFORE, pursuant to the administrative authority conferred upon me by article V, section 2, of the Florida Constitution and Florida Rule of Judicial Administration 2.030(a)(2)(B)(iv),

IT IS ORDERED that:

1. In the Eleventh Judicial Circuit, all time limits authorized by rule and statute, including the speedy trial procedure, in criminal and juvenile proceedings

are tolled from 5:00 p.m. on Friday, October 21, through 8:00 a.m. on Monday, October 31, 2005, *nunc pro tunc*.

2. In the Eleventh Judicial Circuit, all time limits authorized by rule and statute applicable to civil (inclusive of circuit and county), family, criminal, domestic violence, probate, traffic, and small claims proceedings are tolled from 5:00 p.m. on Friday, October 21, through 8:00 a.m. on Monday, October 31, 2005, *nunc pro tunc*.

3. In the Eleventh Judicial Circuit, all time limits authorized by rule and statute applicable to notices of appeal of final and non-final orders, whether filed in the circuit or county court, are tolled from 5:00 p.m. on Friday, October 21, through 8:00 a.m. on Monday, October 31, 2005, *nunc pro tunc*.

4. This Court recognizes that there may be instances where, because of this Hurricane, these and other time limits in the Eleventh Judicial Circuit could not be met even after taking into consideration the tolling periods stated above. If such a claim is made, it shall be resolved by the court wherein jurisdiction lies on a case-by-case basis where a party demonstrates that the lack of compliance with requisite time periods was directly attributable to this emergency situation.

5. The Court likewise recognizes that cases outside the Eleventh Judicial Circuit may also be affected by this emergency situation. Consequently, the tolling of time periods in cases outside of the Eleventh Judicial Circuit shall be permitted

only where a party demonstrates that the lack of compliance with requisite time periods was directly attributable to this emergency situation.

DONE AND ORDERED at Tallahassee, Florida, on November 1, 2005.

Barbara J. Priante

Chief Justice

ATTEST:

By: *Dulhrie Causser*
Chief Deputy Clerk

Thomas D. Hall
Clerk of Court

