

Supreme Court of Florida

AOSC04-201

IN RE: EMERGENCY REQUEST TO EXTEND TIME
PERIODS UNDER ALL FLORIDA RULES OF
PROCEDURE FOR FOURTH DISTRICT COURT OF APPEAL

ADMINISTRATIVE ORDER

WHEREAS on Friday, September 24, 2004, Hurricane Jeanne caused the closure of the Fourth District Court of Appeal Courthouses; 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 Fourth District Court of Appeal, all time limits authorized by rule and statute applicable to notices of appeal of final and nonfinal orders, whether filed in the circuit or county court, are tolled from 5:00 p.m. on Thursday, September 23 through 8:00 a.m. on Tuesday, September 28, 2004, *nunc pro tunc*.

2. This Court recognizes that there may be instances where, because of this Hurricane, these and other time limits in the Fourth District Court of Appeal 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.

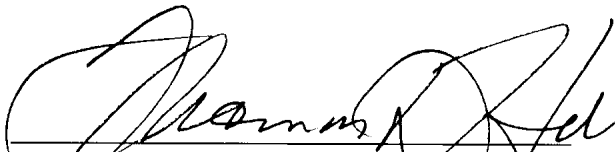
3. The Court likewise recognizes that cases outside Fourth District Court of Appeal may also be affected by this emergency situation. Consequently, the tolling of time periods in cases outside of the Fourth District Court of Appeal shall be permitted only where a party demonstrates that the lack of compliance with requisite time periods was directly attributable to this emergency situation.

DONE AND ORDERED at Tallahassee, Florida, on October 14, 2004.



Chief Justice

ATTEST:



Thomas D. Hall
Clerk of Court

