

Supreme Court of Florida

AOSC04-95

IN RE: EMERGENCY REQUEST TO EXTEND TIME
PERIODS UNDER ALL FLORIDA RULES OF
PROCEDURE FOR MIAMI-DADE COUNTY

ADMINISTRATIVE ORDER

WHEREAS on Friday, September 3, 2004, Hurricane Frances caused the closure of the Miami-Dade County Courthouse; 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:

In Miami-Dade County, all time limits authorized by rule and statute affecting the speedy trial procedure in criminal and juvenile proceedings are tolled from 5:00 p.m. on Wednesday, September 1 through 8:00 a.m. on Tuesday, September 7, 2004, *nunc pro tunc*.

2. In Miami-Dade County, all time limits authorized by rule and statute applicable to civil (inclusive of circuit and county), family, domestic violence, probate, traffic, and small claims proceedings are tolled from 5:00 p.m. on Wednesday, September 1 through 8:00 a.m. on Tuesday, September 7, 2004, *nunc pro tunc*.

3. In Miami-Dade County, 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 Wednesday, September 1 through 8:00 a.m. on Tuesday, September 7, 2004, *nunc pro tunc*.

4. This Court recognizes that there may be instances where, because of this Hurricane, these and other time limits in Miami-Dade County 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 Miami-Dade County may also be affected by this emergency situation. Consequently, the tolling of time periods in cases outside of Miami-Dade County 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 September 15, 2004.

Barbara A. Pariente

Chief Justice

ATTEST:

Thomas D. Hall

Thomas D. Hall
Clerk of Court

