

Supreme Court of Florida

AOSC08-37

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

ADMINISTRATIVE ORDER

WHEREAS on Monday, August 18, 2008, and Tuesday, August 19, 2008, Tropical Storm Fay caused the closure of the Third District Court of Appeal 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 2.205(a)(2)(B)(iv),


IT IS ORDERED that:

1. In the Third District Court of Appeal, 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, August 15, 2008, through 8:00 a.m. on Wednesday, August 20, 2008, *nunc pro tunc*.

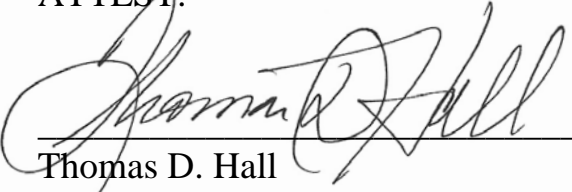
2. This Court recognizes that there may be instances where, because of this Tropical Storm, these and other time limits applicable to matters in the Third District Court of Appeal could not be met upon application of the tolling periods stated above. If such a claim is made, it shall be resolved by the court in which jurisdiction is vested on a case-by-case basis when a party demonstrates that the lack of compliance with requisite time periods was directly attributable to this emergency situation.

3. The Court also recognizes that matters outside the Third District Court of Appeal may have been affected by this emergency situation. Consequently, the tolling of time periods in matters outside the Third District Court of Appeal shall be permitted only when 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 August 21, 2008.


Chief Justice Peggy A. Quince

ATTEST:


Thomas D. Hall
Clerk, Supreme Court

