

Supreme Court of Florida

AOSC05-46
Amended

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

ADMINISTRATIVE ORDER

WHEREAS on Thursday, August 25, 2005, Hurricane Katrina 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 2.030(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 Wednesday, August 24, through 8:00 a.m. on Monday, August 29, 2005, *nunc pro tunc*.

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

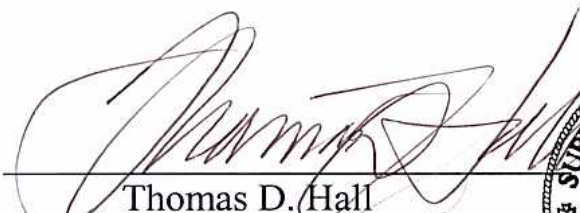
3. The Court likewise recognizes that cases outside the Third District Court of Appeal may also be affected by this emergency situation. Consequently, the tolling of time periods in cases outside of the Third District Court of Appeal shall be permitted only where a party demonstrates that the lack of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

DONE AND ORDERED at Tallahassee, Florida, on September 2, 2005.



Chief Justice

ATTEST:



Thomas D. Hall
Clerk of Court

