

Supreme Court of Florida

No. AOSC04-29

Proclamation & Administrative Order

**IN RE: EMERGENCY OPERATIONS PROCEDURES FOLLOWING
TROPICAL STORM BONNIE & HURRICANE CHARLEY**

WHEREAS, beginning on August 12, 2004, Tropical Storm Bonnie and Hurricane Charley created a state of emergency in the state of Florida unprecedented in its geographic scale; and

WHEREAS, because of the storms and resulting hazards, more than a majority of the circuit and appellate courts in Florida closed for some period of time, and some remain closed; and

WHEREAS, these court closures will require the extension of legal deadlines in the affected areas due to the fact that courts or offices of the clerks of court were unable to transact business during the state of emergency; and

WHEREAS, ongoing recovery operations and the failure of electrical power and communications in parts of the state will extend some closures and result in delays in learning which courts closed for what duration of time; and

WHEREAS, the Chief Justice of Florida has the authority to extend legal deadlines anywhere in the state pursuant to Rule of Judicial Administration 2.030(a)(2)(B)(iv), in the event of any emergency that could inhibit litigants in meeting those deadlines through no fault of their own; and

WHEREAS, a procedure must be implemented to ensure that orders extending legal deadlines will be complete and accurate when they are issued;

NOW, THEREFORE, I, Barbara J. Pariente, Chief Justice of Florida, by virtue of the authority vested in me by the Constitution of Florida and the Rules of Court, do hereby order the following:

1. If they have not already done so, the chief judge or acting chief judges of each circuit and district court shall promptly file with the Clerk of the Supreme Court a formal report briefly describing court closures in their respective jurisdictions. For circuit courts, closures shall be identified separately for each county. To speed delivery, reports may be faxed to the Clerk of Court or, if telephone communications remain unavailable, transmitted by any other means.

2. The report shall state the date and time of each closure and the date and time of the court's reopening for business. If the court is still closed, the report shall state an expected length of the closure, and a new report shall be filed promptly when the court reopens.

3. The report shall state whether the particular court is requesting a tolling order, the precise length and dates of the time to be tolled, and any special problems that need to be addressed in the order.

4. Under the authority of Rule of Judicial Administration 2.030(a)(2)(B)(iv), the orders extending deadlines will be made retroactive to the beginning of the court closure, by entering the orders nunc pro tunc, wherever necessary to preserve the rights of litigants as contemplated by the Rule.

5. For courts that remain closed at the present time, retroactive (nunc pro tunc) orders will be issued pursuant to this Proclamation & Administrative Order once the final duration of the closure is known.

6. Orders will include clauses permitting individual judges to extend deadlines beyond the time allowed in the tolling orders where litigants in particular cases can demonstrate that they were inhibited, through no fault of their own, in meeting the extended deadlines due to conditions caused by the state of the emergency.

7. An example of a blank administrative order tolling times is attached to provide information to the courts on information needed before the orders can be issued.

DONE AND ORDERED at Tallahassee, Florida, on this the 16th Day of August, 2004.

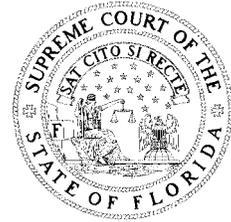


Chief Justice

ATTEST:



Thomas D. Hall, Clerk



Supreme Court of Florida

No. _____

IN RE: EMERGENCY PETITION TO EXTEND TIME
PERIODS UNDER ALL FLORIDA RULES OF
PROCEDURE FOR [district, circuit, or county]

ADMINISTRATIVE ORDER
DRAFT ONLY

WHEREAS on the [time of day, day, date], a [name diaster] was made to
the [Courthouse]; and

WHEREAS this danger caused the closure of court facilities in [district,
circuit, county] on [day, date]; 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 [district, circuit, county], all time limits authorized by rule and statute affecting the speedy trial procedure in criminal and juvenile proceedings are tolled for [# of days] day(s) beginning at [time] on [date], [*nunc pro tunc*].

2. In [district, circuit, 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 for [# of days] day(s) beginning at [time] on [date], [*nunc pro tunc*].

3. In [district, circuit, 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 for [# of days] day(s) beginning at [time] on [date], [*nunc pro tunc*].

4. This Court recognizes that there may be instances where, because of this [name disaster], these and other time limits in [district, circuit, or 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 [district, circuit, or

county] may also be affected by this emergency situation. Consequently, the tolling of time periods in cases outside of [district, circuit, or 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 _____.

Chief Justice or Chief Justice Designee

ATTEST:

Thomas D. Hall, Clerk of Court