

Supreme Court of Florida

AOSC06-39

IN RE: EMERGENCY REQUEST TO EXTEND TIME PERIODS
UNDER ALL FLORIDA RULES OF PROCEDURE FOR
HARDEE COUNTY AND HIGHLANDS COUNTY IN
THE TENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER

WHEREAS on Wednesday, August 30, 2006, Tropical Storm Ernesto caused the closure of the courts in Hardee County and Highlands County in the Tenth Judicial Circuit; 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 Hardee County and Highlands County in the Tenth Judicial Circuit, all time limits authorized by rule and statute, including the speedy trial procedure, in

criminal and juvenile proceedings are tolled from 5:00 p.m. on Tuesday, August 29, 2006, through 8:00 a.m. on Thursday, August 31, 2006, *nunc pro tunc*.

2. In Hardee County and Highlands County in the Tenth Judicial Circuit, all time limits authorized by rule and statute applicable to civil (inclusive of circuit and county), family, criminal, domestic violence, probate, traffic, and small claims proceedings are tolled from 5:00 p.m. on Tuesday, August 29, 2006, through 8:00 a.m. on Thursday, August 31, 2006, *nunc pro tunc*.

3. In Hardee County and Highlands County in the Tenth Judicial Circuit, 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 Tuesday, August 29, 2006, through 8:00 a.m. on Thursday, August 31, 2006, *nunc pro tunc*.

4. This Court recognizes that there may be instances where, because of this Tropical Storm, these and other time limits applicable to matters in Hardee County and Highlands County in the Tenth Judicial Circuit could not be met even 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.

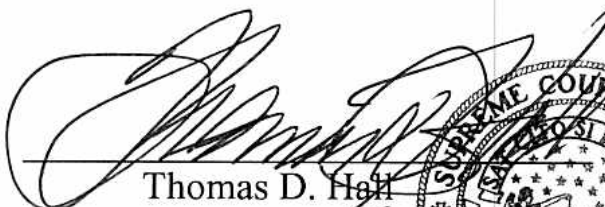
5. The Court also recognizes that matters outside Hardee County and Highlands County in the Tenth Judicial Circuit may have also been affected by this emergency situation. Consequently, the tolling of time periods in matters outside Hardee County and Highlands County in the Tenth Judicial Circuit shall 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 31, 2006.



Chief Justice

ATTEST:



Thomas D. Hall
Clerk of Court

