

Supreme Court of Florida

AOSC01-44

IN RE: CLOSURE OF THE COURTS DUE TO STATE OF EMERGENCY

ADMINISTRATIVE ORDER

WHEREAS, there were several instances of terrorist attacks upon the United States of America on September 11, 2001, resulting in the destruction of the World Trade Center in New York City, extensive damage at the Pentagon in Washington D.C., and the crash of several commercial aircraft; and

WHEREAS, Governor Jeb Bush issued Executive Order 01-262, (September 11, 2001), declaring that a state of emergency existed in the State of Florida, finding “the scale of the destruction and the coordination, orchestration, and timing evident in these acts of terrorism suggest that they may be part of a larger pattern of acts of terrorism;” and

WHEREAS, these terrorist attacks created an emergency situation requiring the closure of the Clerk’s Office in several courts throughout the State of Florida; and

WHEREAS, this emergency situation 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; now

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 counties of Brevard, Broward, Charlotte, Collier, Glades, Hendry, Lee, Leon, Miami-Dade, Nassau, Orange and Osceola all time limits

authorized by rule and statute affecting the speedy trial procedure in criminal and juvenile proceedings are tolled for one (1) day beginning at 5 p.m. on September 10, 2001, *nunc pro tunc*.

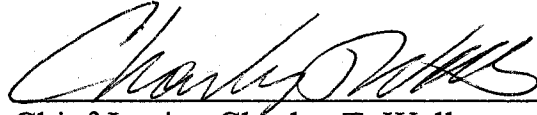
2. In the counties of Brevard, Broward, Charlotte, Collier, Glades, Hendry, Lee, Leon, Miami-Dade, Nassau, Orange and Osceola all time limits authorized by rule and statute applicable to civil (inclusive of circuit and county), family, domestic violence, probate, traffic, and small claims proceedings are tolled for one (1) day beginning at 5 p.m. on September 10, 2001, *nunc pro tunc*.

3. In the counties of Brevard, Broward, Charlotte, Collier, Glades, Hendry, Lee, Leon, Miami-Dade, Nassau, Orange and Osceola, 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 for one (1) day beginning at 5 p.m. on September 10, 2001, *nunc pro tunc*.

4. This Court recognizes that there may be instances where, because of these terrorist attacks, these and other time limits in the counties of Brevard, Broward, Charlotte, Collier, Glades, Hendry, Lee, Leon, Miami-Dade, Nassau, Orange and Osceola 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.

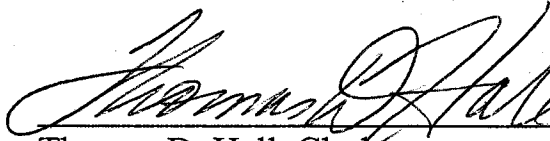
5. This Court likewise recognizes that cases outside the counties of Brevard, Broward, Charlotte, Collier, Glades, Hendry, Lee, Leon, Miami-Dade, Nassau, Orange and Osceola may also be affected by this emergency situation. Consequently, the tolling of time periods in cases outside of the counties of Brevard, Broward, Charlotte, Collier, Glades, Hendry, Lee, Leon, Miami-Dade, Nassau, Orange and Osceola shall be permitted only where a party demonstrates that the lack of compliance with requisite time periods was directly attributable to the emergency situation.

DONE AND ORDERED at Tallahassee, Florida, on September 12, 2001.



Chief Justice Charles T. Wells

ATTEST:



Thomas D. Hall, Clerk

