

**IN THE SUPREME COURT OF FLORIDA**

**IN RE: AMENDMENTS TO THE FLORIDA RULES  
OF JUDICIAL ADMINISTRATION AND OTHER  
RULES OF PROCEDURE REGARDING  
COMPUTATION OF TIME**

**CASE NO.: 10-2299**

**CORRECTED JOINT REPORT OF THE FLORIDA BAR  
RULES COMMITTEES ON COMPUTATION OF TIME**

John G. Crabtree, Chair, Appellate Court Rules Committee, Donald E. Christopher, Chair, Civil Procedure Rules Committee, Robert Eschenfelder, Chair, Code and Rules of Evidence Committee, Robert T. Strain, Chair, Criminal Procedure Rules Committee, Steven P. Combs, Chair, Family Law Rules Committee, William W. Booth, Chair, Juvenile Court Rules Committee, Jeffrey S. Goethe, Chair, Probate Rules Committee, Katherine E. Giddings, Chair, Rules of Judicial Administration Committee, Michele A. Cavallaro, Chair, Small Claims Rules Committee, John J. Anastasio, Chair, Traffic Court Rules Committee, and John F. Harkness, Jr., Executive Director, The Florida Bar, file this report in response to the Court's request of June 16, 2010. With the agreement of all of the committee chairs, John F. Harkness, Jr., Executive Director, The Florida Bar and Katherine E. Giddings, Chair, Rules of Judicial Administration Committee are signing this corrected report on behalf of all of the committees.

In a letter addressed to all rules of procedure committee chairs, the Court requested that the committees "work together to propose a uniform rule of procedure to govern the computation of time periods in all types of proceedings, for possible placement in the Rules of Judicial Administration." The Court also provided a draft rule for the committees' consideration. The committees were originally asked to respond by October 1, 2010, but following a motion for extension of time, the deadline was changed to December 1, 2010.

As required by Fla. R. Jud. Admin. 2.140, the proposed rule amendments were reviewed and approved by the Executive Committee of the Board of Governors of The Florida Bar by a vote of 11-0. The proposals have not been published for comment.

The committees voted to approve a rule on uniform computation of time and also to make conforming amendments to the other rules of procedure. A list of the rules being amended and the votes of the committees are found in Appendix A. The proposed rule amendments are attached in the full-page (see Appendix B) and two-column (see Appendix C) formats.

### **Rules of Judicial Administration**

Each rules committee formed a subcommittee to consider the Court's request. In addition, an ad hoc committee made up of the committee chairs and/or subcommittee chairs was formed to provide input to the Rules of Judicial Administration subcommittee on development of a uniform rule. Early in the discussions, a decision was made to develop an entirely new rule based on Fed. R. Civ. P. 6. The language suggested by the Court regarding closure of the courts by entry of an order of the Chief Justice under Fla. R. Jud. Admin. 2.205(a)(2)(b)(iv) was included in subdivision (a)(3) of the new rule. Subdivision (a)(4) also addresses the situation when one courthouse in a county or circuit is closed but others are not. To reflect local practices, subdivision (a)(7) also defines "legal holiday" to include those designated by section 110.117, Florida Statutes, observed by the clerk's office, or designated by the chief judge.

### **Appellate Court Rules**

By a vote of 29-3, the Appellate Court Rules Committee approved proposed Fla. R. Jud. Admin. 2.514 and amended Fla. R. App. P. 9.420(f) to conform to its adoption. See Appendices B and C.

### **Civil Procedure Rules**

Donald Christopher, Chair of the Civil Procedure Rules Committee, and Thomas Bateman, Chair of the Uniform Computation of Time Subcommittee, were actively involved in the ad hoc committee developing Rule 2.514. The Civil Procedure Rules Committee agreed that a uniform rule in the Rules of Judicial Administration was advisable and with the decision to base the rule on Fed. R. Civ. P. 6.

The Civil Procedure Rules Committee voted 30-1 to amend Fla. R. Civ. P. 1.090 to conform to adoption of Rule 2.514. See Appendices B and C.

## **Code and Rules of Evidence**

The Code and Rules of Evidence Committee (CREC) provided comments to the rule proposed by the Supreme Court; however, during the evaluation process, the Rules of Judicial Administration subcommittee proposed a substantially different rule for computation of time. These comments address that proposed rule (see Appendices B and C).

The Evidence Code contains several time limits for action by attorneys who wish to introduce particular types of evidence. Most of these time limits run backwards in time from the date of the trial or proceeding in which the particular evidence will be submitted. (See, *e.g.*, section 90.402(2)(c), Florida Statutes, requiring notice of intent to introduce evidence of other criminal acts, “no fewer than 10 days before trial”; section 90.803(6)(c), Florida Statutes, requiring 60 days notice before trial of intention to introduce certification of business records; and sections 90.803(23)(b) and (24)(b), Florida Statutes, requiring notice 10 days before trial of intention to introduce a child’s or elderly person’s hearsay.) At present, the time limitations in the evidence rules are computed according to the character of the proceeding. For civil and family proceedings, Fla. R. Civ. P. 1.090 governs. For a criminal proceeding, Fla. R. Crim. P. 3.040 governs. Juvenile proceedings are governed by Fla. R. Juv. P. 8.180 and 8.240. Fla. Prob. R. 5.042 addresses time in probate proceedings. These existing rules are very similar to each other, but are different in several respects to proposed Rule 2.514.

Unlike the existing rules, Rule 2.514 specifically addresses how one calculates the “next day” in dealing with time frames that run backwards. See Rule 2.514(a)(6). Unfortunately, instead of providing more time to the attorney (as when time frames are counted forward), the computation of time for backwards running time frames actually leaves less time for the attorney to comply with the deadline. Nevertheless, the proposed rule could be viewed as an improvement over existing rules in that it specifically addresses time frames that run backwards from a procedural event, which fulfills a major goal of all sets of rules, which is to eliminate unclear standards in favor of clear procedures and methods.

One concern is that if the proposed rule supersedes the existing rules, there is no provision in the proposed rule that permits a trial court to extend a time limit. Fla. R. Civ. P. 1.090, Fla. R. Crim. P. 3.040, Fla. R. Juv. P. 8.180 and 8.240, and Fla. Prob. R. 5.042 permit the trial courts to enlarge periods of time. This authority should be retained by either addressing the authority in the proposed rule or allowing the existing authority to remain intact.<sup>1</sup>

### **Criminal Procedure Rules**

The Criminal Procedure Rules Committee accepted the new Uniform Computation of Time rule, and an amendment to Fla. R. Crim. P. 3.040 by a vote of 24-1. See Appendices B and C. The final vote was done via email so there was very little discussion.

### **Family Law Rules**

The Family Law Rules Committee concurs in the adoption of Rule 2.514 and voted to amend Fla. Fam. L. R. P. 12.090 to conform. See Appendices B and C.

### **Juvenile Court Rules**

The statutes and rules governing juvenile procedures include procedures for taking a child into state custody. See, *e.g.*, sections 39.401, 984.13, 985.255, Florida Statutes; Fla. R. Juv. P. 8.005–8.010, 8.300, 8.650. In each of these situations, the juvenile court must conduct a detention or shelter hearing within 24 hours of the state taking custody of the child. For this reason, the Juvenile Court Rules Committee believes that the computation of time rules should remain within the Rules of Juvenile Procedure. The Committee has amended each of the computation of time rules to incorporate the Court’s suggested language regarding closure of the courts under Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv). See Appendices B and C.

---

<sup>1</sup> Fla. R. Jud. Admin. 2.110 states: “These rules shall supersede all conflicting rules and statutes.” If the proposed rule supersedes all others, then a section should be added to provide for an extension of time based on individual case circumstances by the presiding court, as found in Rules 1.090, 3.040, 5.042, 8.240, and 8.180. It is the understanding of the CREC, however, that local authority over extensions of time will remain intact, but this point should remain clear in the text of the rule.

Should the Court find that there should not be individual time rules, the Juvenile Court Rules Committee proposes that the uniform rule should include an exception for computations of time of less than 7 days under Rules 8.010, 8.013, 8.300, 8.305, 8.655, and 8.620(d), or any other juvenile court rule that contains a response time of less than 7 days.

### **Probate Rules**

In probate and guardianship proceedings, Fla. Prob R. 5.042 governs the computation of time, enlargement of time, service for hearings, and additional time after service by mail. Proposed Rule 2.514 would duplicate the substance of existing subdivision (a) of Rule 5.042, so the probate rule has been amended to defer to the Rules of Judicial Administration. The proposed amendment retains formal notice and service in the manner of formal notice as exceptions to the rule that an additional five days is added to time periods following service by mail. The term “paper” has been replaced with the word “document” to reflect the use of electronic filing.

### **Small Claims Rules**

The Small Claims Rules Committee voted to table any amendments to the Small Claims Rules until proposed Rule 2.514 is approved by the Court. The committee believes that only a single amendment to reference the Rule of Judicial Administration will be necessary. The committee supports proposed Rule 2.514 and believes that it will assist parties, particularly those appearing pro se, in knowing when a paper, pleading, or court appearance is due.

### **Traffic Court Rules**

The Traffic Court Rules Committee approved adoption of Rule 2.514 by a vote of 23-3 and has amended Rule 6.350 to conform to adoption of Rule 2.514. See Appendices B and C.

The committees respectfully request that the Court amend the rules of procedure as outlined in this report.

Respectfully submitted \_\_\_\_\_.

---

John F. Harkness, Jr.  
Executive Director  
The Florida Bar  
651 E. Jefferson St.  
Tallahassee, FL 32399-2300  
850/561-5600  
Florida Bar No.: 123390

---

Katherine E. Giddings, Chair  
Rules of Judicial Administration  
Committee  
106 E. College Ave., Ste. 1200  
Tallahassee, FL 32301-7741  
850/425-1626  
Florida Bar No.: 949396

# **APPENDIX A**

## TABLE OF AMENDED RULES AND FORMS

- 1.090 TIME [AMENDED]  
Committee vote: 30-1  
Board of Governors Executive Committee vote: 11-0
- 2.514 COMPUTING AND EXTENDING TIME [NEW RULE]  
Committee vote: 16-1  
Board of Governors Executive Committee vote: 11-0
- 3.040 COMPUTATION OF TIME [AMENDED]  
Committee vote: 24-1  
Board of Governors Executive Committee vote: 11-0
- 5.042 TIME [AMENDED]  
Committee vote: 9-0  
Board of Governors Executive Committee vote: 11-0
- 6.350 COMPUTATION OF TIME [AMENDED]  
Committee vote: 22-4  
Board of Governors Executive Committee vote: 11-0
- 8.180 COMPUTATION AND ENLARGEMENT  
OF TIME [AMENDED]  
Committee vote: 21-1-4  
Board of Governors Executive Committee vote: 11-0
- 8.240 COMPUTATION, CONTINUANCE,  
EXTENSION, AND ENLARGEMENT  
OF TIME [AMENDED]  
Committee vote: 21-1-4  
Board of Governors Executive Committee vote: 11-0
- 8.630 COMPUTATION AND ENLARGEMENT  
OF TIME [AMENDED]  
Committee vote: 21-1-4  
Board of Governors Executive Committee vote: 11-0



9.420 FILING; SERVICE OF COPIES; [AMENDED]  
COMPUTATION OF TIME  
Committee vote: 29-3  
Board of Governors Executive Committee vote: 11-0

12.090 TIME [AMENDED]  
Committee vote: 27-0  
Board of Governors Executive Committee vote: 11-0

## **APPENDIX B**

## **RULE 1.090. TIME**

**(a) Computation.** ~~In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.~~

**(b) Enlargement.** When an act is required or allowed to be done at or within a specified time by order of court, by these rules, or by notice given thereunder, for cause shown the court at any time in its discretion (1) with or without notice, may order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made and notice after the expiration of the specified period, may permit the act to be done when failure to act was the result of excusable neglect, but it may not extend the time for making a motion for new trial, for rehearing, or to alter or amend a judgment; making a motion for relief from a judgment under rule 1.540(b); taking an appeal or filing a petition for certiorari; or making a motion for a directed verdict.

**(c) Unaffected by Expiration of Term.** The period of time provided for the doing of any act or the taking of any proceeding shall not be affected or limited by the continued existence or expiration of a term of court. The continued existence or expiration of a term of court in no way affects the power of a court to do any act or take any proceeding in any action which is or has been pending before it.

**(d) For Motions.** A copy of any written motion which may not be heard ex parte and a copy of the notice of the hearing thereof shall be served a reasonable time before the time specified for the hearing.

~~**(e) Additional Time after Service by Mail.** When a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon that party and~~

~~the notice or paper is served upon that party by mail, 5 days shall be added to the prescribed period.~~

**RULE 2.514. COMPUTING AND EXTENDING TIME**

**(a) Computing Time.** The following rules apply in computing any time period specified in the rules of procedure, in any local rule or court order, or in any statute, that does not specify a method of computing time.

**(1) Period Stated in Days or a Longer Unit.** When the period is stated in days or a longer unit of time

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

**(2) Period Stated in Hours.** When the period is stated in hours

(A) begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

(C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

**(3) Inaccessibility of the Clerk's Office.** Unless the court orders otherwise, if the court is closed either as a result of an order of the Chief Justice under rule 2.205(a)(2)(B)(iv) tolling or suspending applicable deadlines or if the clerk's office is otherwise inaccessible to accept filings

(A) on the last day for filing under subdivision (a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

(B) during the last hour for filing under subdivision (a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

(4) **Closure of Courthouse.** If a circuit or county has more than one courthouse and not all courthouses are closed by the entry of an order of the Chief Justice under Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), the computation of time set forth in subdivision (a)(3) shall apply to all closed courthouses in the circuit or county, and the computation of time set forth in subdivisions (a)(1) and (a)(2) shall apply to all open courthouses in the circuit or county unless the chief judge requests otherwise.

(5) **“Last Day” Defined.** Unless a different time is set by a statute, local rule, or court order, the last day ends

(A) for electronic filing, at midnight; and

(B) for filing by other means, when the clerk’s office is scheduled to close.

(6) **“Next Day” Defined.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(7) **“Legal Holiday” Defined.** “Legal holiday” means

(A) the day set aside by section 110.117, Florida Statutes, for observing New Year’s Day, Martin Luther King, Jr.’s Birthday, Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving Day, or Christmas Day and

(B) any day observed as a holiday by the clerk’s office or as designated by the chief judge.

(b) **Additional Time After Service by Mail or Email.** When a party may or must act within a specified time after service and service is

made by mail or email, 5 days are added after the period that would otherwise expire under subdivision (a).

## **RULE 3.040. COMPUTATION OF TIME**

~~In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, nor legal holiday. When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation, except for the periods of time of less than 7 days contained in rules 3.130, 3.132(a) and (e), and 3.133(a). Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.~~

### **Committee Notes**

**1968 Adoption.** Taken from the Florida Rules of Civil Procedure.

**1972 Amendment.** Same as prior rule.

**1988 Amendment.** The 1983 amendments resulted in the reallocation of the time periods in rule 3.131 to rule 3.133, and also added an important 5-day period in the new rule regarding pretrial detention in rule 3.132.

### **Court Commentary**

**1975 Amendment.** Underlined portion is the only change. The effect is to remove the 72-hour provision of proposed rule 3.131 from the Saturday, Sunday, and legal holiday exception.



## **RULE 5.042. TIME**

(a) **Computation.** Florida Rule of Judicial Administration 2.514, shall apply ~~in~~ computing any period of time ~~prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the period begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the period is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded. Any day the clerk's office is closed shall be deemed a legal holiday for purposes of this rule.~~

(b) **Enlargement.** When an act is required or allowed to be done at or within a specified time by these rules, by order of court, or by notice given thereunder, for cause shown the court at any time in its discretion

(1) with or without notice may order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or

(2) on motion made and notice after the expiration of the specified period may permit the act to be done when failure to act was the result of excusable neglect. The court under this rule may not extend the time for serving a motion for rehearing or to enlarge any period of time governed by the Florida Rules of Appellate Procedure.

(c) **Service for Hearings.** A copy of any written petition or motion which may not be heard ex parte and a copy of the notice of the hearing thereon shall be served a reasonable time before the time specified for the hearing.

(d) **Additional Time after Service by Mail or Email.** Except when serving formal notice, or when serving a motion, pleading, or other paper/document in the manner provided for service of formal notice, Florida Rule of Judicial Administration 2.514 shall apply to the computation of time following service~~when an interested person has the right or is required to act within a prescribed period after the service of notice or other paper on the interested person and the notice or paper is served by mail, 5 days shall be added to the prescribed period.~~

## Committee Notes

This rule is derived from Florida Rule of Civil Procedure 1.090.

### Rule History

1984 Revision: New rule.

1988 Revision: Editorial changes in (a) and (b). Subdivision (a) enlarged to include closing of the clerk's office as a legal holiday. In *Clara P. Diamond, Inc. v. Tam-Bay Realty, Inc.*, 462 So. 2d 1168 (Fla. 2d DCA 1984), the Second District Court of Appeal suggested that Florida Rule of Civil Procedure 1.090(b) be clarified to leave no question that the court may not extend the time for rehearing, appeal, or petition for certiorari regardless of whether a request to enlarge the time therefor was made before the expiration of the time allowed. Because the format of rule 5.042(b) was substantially the same as the format of rule 1.090(b), subdivision (b) is amended to conform for the sake of clarity. Committee notes revised.

1992 Revision: Editorial changes. Committee notes revised. Citation form changes in committee notes.

2003 Revision: Committee notes revised.

2005 Revision: Subdivision (d) amended to clarify exception to mailing rule for service of formal notice and service in the manner provided for service of formal notice. Committee notes revised.

2008 Revision: Committee notes revised.

2010 Revision: Subdivision (a) revised to refer to Rule 2.514 and delete duplicative provisions. Subdivision (d) revised to incorporate service by email and the filing and service of documents, rather than papers. Committee notes revised.

### Statutory References

§ 393.12 Fla. Stat. Capacity; appointment of guardian advocate.

§ 683.01 Fla. Stat. Legal holidays.

§ 731.301 Fla. Stat. Notice.  
§ 732.107 Fla. Stat. Escheat.  
§ 732.2135 Fla. Stat. Time of election; extensions; withdrawal.  
§ 732.402 Fla. Stat. Exempt property.  
§ 732.901 Fla. Stat. Production of wills.  
§ 733.104 Fla. Stat. Suspension of statutes of limitation in favor of the personal representative.  
§ 733.212 Fla. Stat. Notice of administration; filing of objections.  
§ 733.2121 Fla. Stat. Notice to creditors; filing of claims.  
§ 733.701 Fla. Stat. Notifying creditors.  
§ 733.702 Fla. Stat. Limitations on presentation of claims.  
§ 733.705 Fla. Stat. Payment of and objection to claims.  
§ 733.710 Fla. Stat. Limitations on claims against estates.  
§ 733.816 Fla. Stat. Disposition of unclaimed property held by personal representatives.  
§ 744.3085 Fla. Stat. Guardian advocates.

### **Rule References**

Fla. Prob. R. 5.040(a)(1) Notice.  
Fla. Prob. R. 5.150 Order requiring accounting.  
Fla. Prob. R. 5.240 Notice of administration.  
Fla. Prob. R. 5.241 Notice to creditors.  
Fla. Prob. R. 5.340(a)-(b) Inventory.  
Fla. Prob. R. 5.345 Accountings other than personal representatives' final accountings.  
Fla. Prob. R. 5.395 Notice of federal estate tax return.  
Fla. Prob. R. 5.400 Distribution and discharge.  
Fla. Prob. R. 5.649 Guardian advocate.  
Fla. Prob. R. 5.681 Restoration of rights of person with developmental disability.  
Fla. Prob. R. 5.700 Objection to guardianship reports.  
Fla. R. Civ. P. 1.090 Time.  
Fla. R. Jud. Admin. 2.514 Computing and extending time.

**RULE 6.350. COMPUTATION OF TIME.**

~~In computing any period of time prescribed or allowed by these rules, by order of an official, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is Saturday, Sunday, or a legal holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. The computation of time shall be governed by Florida Rule of Judicial Administration 2.514.~~

## **RULE 8.180. COMPUTATION AND ENLARGEMENT OF TIME**

**(a) Computation.** In computing any period of time prescribed or allowed by these rules Florida Rule of Judicial Administration 2.514 shall not apply. ~~e~~Except for rules 8.013 and 8.010, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is Saturday, Sunday, or a legal holiday, or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

**(b) Enlargement of Time.** When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for good cause shown may, at any time, in its discretion:

(1) with or without notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order; or

(2) upon motion made and notice after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

But it may not, except as provided by law or elsewhere in these rules, extend the time for making a motion for a new trial, a motion for rehearing, judgment of acquittal, vacation of judgment, or for taking an appeal. This rule shall not be construed to apply to detention hearings.

**RULE 8.240. COMPUTATION, CONTINUANCE, EXTENSION,  
AND ENLARGEMENT OF TIME**

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, Florida Rule of Judicial Administration 2.514 shall not apply. ~~e~~Except for rules 8.300 and 8.305, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is a Saturday, a Sunday, or a legal holiday, or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

(b) **Enlargement of Time.** When by these rules, by a notice given under them, or by order of court an act is required or allowed to be done at or within a specified time, the court for good cause shown, within the limits established by law, and subject to the provisions of subdivision (d) of this rule, may, at any time, in its discretion (1) with or without notice, order the period enlarged if a request is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) on motion made and notice after the expiration of the specified period permit the act to be done when the failure to act was the result of excusable neglect. The court may not, except as provided by law or elsewhere in these rules, extend the time for making a motion for new trial, for rehearing, or vacation of judgment, or for taking an appeal. This rule shall not be construed to apply to shelter hearings.

(c) **Time for Service.**

(1) **Motions and Notice of Hearing.** A copy of any written motion that may not be heard ex parte and a copy of the notice of hearing shall be served a reasonable time before the time specified for the hearing.

**(2) Additional Time After Service by Mail.** Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of notice or other paper is served by mail, 5 days shall be added to the prescribed period.

**(d) Continuances and Extensions of Time.**

(1) A motion for continuance, extension, or waiver of the time standards provided by law and found in this rule shall be in writing and signed by the requesting party. On a showing of good cause, the court shall allow a motion for continuance or extension to be made ore tenus at any time during the proceedings.

(2) A motion for continuance, extension, or waiver of the time standards provided by law shall not be made in advance of the particular circumstance or need that would warrant delay of the proceedings.

(3) A motion for continuance, extension, or waiver of the time standards provided by law shall state all of the facts that the movant contends entitle the movant to a continuance, extension, or waiver of time including:

(A) the task that must be completed by the movant to preserve the rights of a party or the best interests of the child who is the subject of the proceedings;

(B) the minimum number of days absolutely necessary to complete this task; and

(C) the total number of days the proceedings have been continued at the request of any party within any 12-month period.

(4) These time limitations do not include the following:

(A) Periods of delay resulting from a continuance granted at the request of the child's counsel or the child's guardian ad litem or, if the child is of sufficient capacity to express reasonable consent, at the request of or with the consent of the child.

(B) Periods of delay because of unavailability of evidence that is material to the case if the requesting party has exercised due diligence to obtain the evidence and there are substantial grounds to believe that the evidence will be available within 30 days. However, if the requesting party is not prepared to proceed within 30 days, any other party may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

(C) Periods of delay to allow the requesting party additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(D) Reasonable periods of delay necessary to accomplish notice of the hearing to the parent or legal custodian.

(5) Notwithstanding subdivision (4), proceedings may not be continued or extended for more than a total of 60 days for all parties within any 12-month period. A continuance or extension of time standards beyond 60 days in any 12-month period may be granted only on a finding by the court of extraordinary circumstances and that the continuance or extension of time standards is necessary to preserve the constitutional rights of a party or that there is substantial evidence demonstrating that the child's best interests will be affirmatively harmed without the granting of a continuance or extension of time.



## **RULE 8.630. COMPUTATION AND ENLARGEMENT OF TIME**

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, Florida Rule of Judicial Administration 2.514 shall not apply. Except for rule 8.655, by order of court or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not included. The last day of the period so computed shall be counted unless it is Saturday, Sunday, or a legal holiday, or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

(b) **Enlargement of Time.** When by these rules, by a notice given thereunder, or by order of court an act is required or allowed to be done at or within a specified time, the court for good cause shown may, at any time in its discretion, (1) with or without notice order the period enlarged if the request is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made and notice after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not, except as provided by law or elsewhere in these rules, extend the time for making motion for new trial, for rehearing, or for vacation of judgment or for taking an appeal. This rule shall not be construed to apply to detention or shelter hearings.

(c) **Time for Service.**

(1) **Motions and Notice of Hearing.** A copy of any written motion which may not be heard ex parte and a copy of the notice of the hearing thereof shall be served a reasonable time before the time specified for the hearing.

**(2) Additional Time after Service by Mail.** Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of notice or other paper and the notice or paper is served by mail, 5 days shall be added to the prescribed period.

**RULE 9.420. FILING; SERVICE OF COPIES; COMPUTATION OF TIME**

**(a) Filing.**

**(1) Generally.** Filing may be accomplished by filing with the clerk; provided that a justice or judge may accept the documents for filing, and shall note the filing date and immediately transmit them to the office of the clerk.

**(2) Inmate Filing.** A document filed by a pro se inmate confined in an institution is timely filed if the inmate places the document in the hands of an institution official for mailing on or before the last day for filing. Such a document shall be presumed to be timely filed if it contains a certificate of service certifying that the inmate placed the document in the hands of an institution official for mailing on a particular date, and if the document would have been timely filed had it been received and file-stamped by the court on that date.

**(b) Service.** All original papers shall be filed either before service or immediately thereafter. A copy of all documents filed under these rules shall, before filing or immediately thereafter, be served on each of the parties. The lower tribunal, before the record is transmitted, or the court, on motion, may limit the number of copies to be served.

**(c) Method of Service.** If service is required or permitted to be made on a party represented by an attorney, service shall be made on the attorney unless service on the party is ordered by the court. Service on the attorney or party shall be made by delivering a copy to the attorney or party or by mailing it to the attorney or party at the last known address or, if no address is known, by leaving it with the clerk of the court. Delivery of a copy within this rule shall mean (A) handing it to the attorney or to the party, or (B) leaving it at the attorney's or party's office with the clerk or other person in charge thereof, or (C) if there is no one in charge, leaving it in a conspicuous place therein, or (D) if the office is closed or the person to be served has no office, leaving it at the attorney's or party's usual place of abode with some person of the attorney's or party's family above 15 years of age and informing such person of the contents. Service by mail shall be complete on mailing.

**(d) Proof of Service.** A certificate of service that complies in substance with the appropriate form below shall be taken as prima facie proof of service in compliance with these rules. The certificate shall specify the party each attorney represents.

**(1) Attorney:**

I certify that a copy hereof has been furnished to .....(here insert name or names)..... by .....(delivery) (mail)..... on .....(date).....

---

Attorney for .....(name of party).....  
.....(address and phone number).....  
Florida Bar No. ....

**(2) By Pro Se Inmate:**

I certify that I placed this document in the hands of .....(here insert name of institution official)..... for mailing to .....(here insert name or names)..... on .....(date).....

---

.....(name).....  
.....(address).....  
.....(prison identification number).....

**(3) By Other Pro Se Litigants:**

I certify that a copy hereof has been furnished to .....(here insert name or names)..... by .....(delivery) (mail)..... on .....(date).....

---

.....(name).....  
.....(address).....  
.....(phone number).....

**(e) Additional Time After Service by Mail.** If a party, court reporter, or clerk is required or permitted to do an act within some prescribed time after service of a document, and the document is served by mail, 5 days shall be added to the prescribed period.

(f) **Computation.** The computation of time shall be governed by Florida Rule of Judicial Administration 2.514. ~~In computing any period of time prescribed or allowed by these rules, by order of the court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a holiday described below, in which event, the period shall run until the end of the next day that is neither a Saturday, Sunday, nor holiday. If the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. As used in this rule, holiday means~~

- ~~(1) New Year's Day;~~
- ~~(2) Martin Luther King, Jr.'s Birthday, the third Monday in January;~~
- ~~(3) Washington's Birthday, the third Monday in February;~~
- ~~(4) Good Friday;~~
- ~~(5) Memorial Day, the last Monday in May;~~
- ~~(6) Independence Day;~~
- ~~(7) Labor Day, the first Monday in September;~~
- ~~(8) Columbus Day, the second Monday in October;~~
- ~~(9) Veterans' Day;~~
- ~~(10) General Election Day;~~
- ~~(11) Thanksgiving Day, the fourth Thursday in November;~~
- ~~(12) Christmas Day;~~
- ~~(13) any statewide primary day;~~
- ~~(14) any Monday immediately following a Sunday on which one of the foregoing holidays falls; and~~
- ~~(15) any other day when the clerk's office is closed.~~

### Committee Notes

**1977 Amendment.** Subdivision (a) replaces former rule 3.4(a). The last sentence of former rule 3.4(a) was eliminated as superfluous. The filing of papers with a judge or justice is permitted at the discretion of the judge or justice. The advisory committee recommends that the ability to file with a judge or justice be exercised only if necessary, and that care be taken not to discuss in any manner the merits of the document being filed. See Fla. Code Prof. Resp., DR 7-110(B) (now R. Regulating Fla. Bar 4-3.5(b)); Fla. Code Jud. Conduct, Canon 3(A)(4).

Subdivision (b) replaces and simplifies former rules 3.4(b)(5) and 3.6(i)(3). The substance of the last sentence of former rule 3.4(b)(5) is preserved. It should be noted that except for the notices or petitions that invoke jurisdiction, these rules generally provide for service by a certain time rather than filing. Under this provision filing must be done before service or immediately thereafter. Emphasis has been placed on service so as to eliminate the hardship on parties caused by tardy service under the former rules and to eliminate the burden placed on the courts by motions for extension of time resulting from such tardy service. It is anticipated that tardy filing will occur less frequently under these rules than tardy service under the former rules because the parties are unlikely to act in a manner that would irritate the court. The manner for service and proof thereof is provided in subdivision (c).

Subdivision (d) replaces former rule 3.4(b)(3) and provides that if a party or clerk is required or permitted to do an act within a prescribed time after service, 5 days (instead of 3 days under the former rule) shall be added to the time if service is by mail.

Subdivision (e) replaces former rule 3.18 with no substantial change. “Holiday” is defined to include any day the clerk’s office is closed whether or not done by order of the court. The holidays specifically listed have been included, even though many courts do not recognize them as holidays, to not place a burden on practitioners to check whether an individual court plans to observe a particular holiday.

**1980 Amendment.** Subdivision (b) was amended to provide that either the lower tribunal or the court may limit the number of copies to be served. The rule contemplates that the number of copies may be limited on any showing of good cause, for example, that the number of copies involved is onerous or that the appeal involves questions with which some parties have no interest in the outcome or are so remotely involved as not to justify furnishing a complete record to them at appellant’s initial cost. The availability of the original record at the clerk’s office of the lower tribunal until due at the appellate court is a factor to be considered.

### **Court Commentary**

**2000.** Subdivision (a)(2) codifies the Florida Supreme Court’s holding in *Thompson v. State*, 761 So. 2d 324 (Fla. 2000).

**RULE 12.090.            TIME**

Computation of time shall be governed by Florida Rule of Judicial Administration 2.514. Other aspects of tTime shall be governed by Florida Rules of Civil Procedure 1.090**(b)–(e)**.

# **APPENDIX C**



## Proposed rule

## Reasons for change

### **RULE 1.090. TIME**

(a) **Computation.** ~~In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.~~

Amended to conform to adoption of Fla. R. Jud. Admin. 2.514.

(b) [No change]

(c) [No change]

(d) [No change]

(e) ~~**Additional Time after Service by Mail.** When a party has the right or is required to do some act or take some proceeding within a prescribed period after the service of a notice or other paper upon that party and the notice or paper is served upon that party by mail, 5 days shall be added to the prescribed period.~~

**Proposed rule**

**Reasons for change**

**RULE 2.514. COMPUTING AND EXTENDING TIME**

**(a) Computing Time.** The following rules apply in computing any time period specified in the rules of procedure, in any local rule or court order, or in any statute, that does not specify a method of computing time.

**(1) Period Stated in Days or a Longer Unit.** When the period is stated in days or a longer unit of time:

(A) exclude the day of the event that triggers the period

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

**(2) Period Stated in Hours.** When the period is stated in hours

(A) begin counting immediately on the occurrence of the event that triggers the period;

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

Creates a uniform rule to govern computation and extension of time.

(C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

**(3) Inaccessibility of the Clerk's Office.**

Unless the court orders otherwise, if the court is closed either as a result of an order of the Chief Justice under rule 2.205(a)(2)(B)(iv) tolling or suspending applicable deadlines or if the clerk's office is otherwise inaccessible to accept filings

(A) on the last day for filing under subdivision (a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday;  
or

(B) during the last hour for filing under subdivision (a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

**(4) Closure of Courthouse.** If a circuit or county has more than one courthouse and not all courthouses are closed by the entry of an order of the Chief Justice under Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), the computation of time set forth in subdivision (a)(3) shall apply to all closed courthouses in the circuit or county, and the computation of time set forth in subdivisions (a)(1) and (a)(2) shall apply to all open courthouses in the circuit or county unless the chief judge requests otherwise.

(5) “Last Day” Defined. Unless a different time is set by a statute, local rule, or court order, the last day ends

(A) for electronic filing, at midnight;  
and

(B) for filing by other means, when the clerk’s office is scheduled to close.

(6) “Next Day” Defined. The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(7) “Legal Holiday” Defined. “Legal holiday” means

(A) the day set aside by section 110.117, Florida Statutes, for observing New Year’s Day, Martin Luther King, Jr.’s Birthday, Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving Day, or Christmas Day and

(B) any day observed as a holiday by the clerk’s office or as designated by the chief judge.

(b) Additional Time After Service by Mail or Email. When a party may or must act within a specified time after service and service is made by mail or email, 5 days are

added after the period that would otherwise expire under subdivision (a).

**Proposed rule**

**Reasons for change**

**RULE 3.040. COMPUTATION OF TIME**

~~In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, nor legal holiday. When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation, except for the periods of time of less than 7 days contained in rules 3.130, 3.132(a) and (c), and 3.133(a). Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.~~

Amended to conform to adoption of Fla. R. Jud. Admin. 2.514.

**Committee Notes**

[No change]

**Court Commentary**

[No change]

**Proposed rule**

**Reasons for change**

**RULE 5.042. TIME**

(a) **Computation.** Florida Rule of Judicial Administration 2.514, shall apply ~~in~~ computing any period of time ~~prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the period begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor legal holiday. When the period is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded. Any day the clerk's office is closed shall be deemed a legal holiday for purposes of this rule.~~

Amended to conform to adoption of Fla. R. Jud. Admin. 2.514.

(b) [No change]

(c) [No change]

(d) **Additional Time after Service by Mail or Email.** Except when serving formal notice, or when serving a motion, pleading, or other ~~paper~~document in the manner provided for service of formal notice, Florida Rule of Judicial Administration 2.514 shall apply to the computation of time ~~following service when an interested person has the right or is required to act within a prescribed period after the service of notice or other paper on the interested person and the notice or paper is served by mail, 5 days shall be added to the prescribed period.~~

## Committee Notes

[No change]

### Rule History

1984 Revision: New rule.

1988 Revision: Editorial changes in (a) and (b).

Subdivision (a) enlarged to include closing of the clerk's office as a legal holiday. In *Clara P. Diamond, Inc. v. Tam-Bay Realty, Inc.*, 462 So. 2d 1168 (Fla. 2d DCA 1984), the Second District Court of Appeal suggested that Florida Rule of Civil Procedure 1.090(b) be clarified to leave no question that the court may not extend the time for rehearing, appeal, or petition for certiorari regardless of whether a request to enlarge the time therefor was made before the expiration of the time allowed. Because the format of rule 5.042(b) was substantially the same as the format of rule 1.090(b), subdivision (b) is amended to conform for the sake of clarity. Committee notes revised.

1992 Revision: Editorial changes. Committee notes revised. Citation form changes in committee notes.

2003 Revision: Committee notes revised.

2005 Revision: Subdivision (d) amended to clarify exception to mailing rule for service of formal notice and service in the manner provided for service of formal notice. Committee notes revised.



2008 Revision: Committee notes revised.

2010 Revision: Subdivision (a) revised to refer to Rule 2.514 and delete duplicative provisions. Subdivision (d) revised to incorporate service by email and the filing and service of documents, rather than papers. Committee notes revised.

### **Statutory References**

[No change]

### **Rule References**

Fla. Prob. R. 5.040(a)(1) Notice.

Fla. Prob. R. 5.150 Order requiring accounting.

Fla. Prob. R. 5.240 Notice of administration.

Fla. Prob. R. 5.241 Notice to creditors.

Fla. Prob. R. 5.340(a)-(b) Inventory.

Fla. Prob. R. 5.345 Accountings other than personal representatives' final accountings.

Fla. Prob. R. 5.395 Notice of federal estate tax return.

Fla. Prob. R. 5.400 Distribution and discharge.

Fla. Prob. R. 5.649 Guardian advocate.

Fla. Prob. R. 5.681 Restoration of rights of person with developmental disability.

Fla. Prob. R. 5.700 Objection to guardianship reports.

Fla. R. Civ. P. 1.090 Time.

Fla. R. Jud. Admin. 2.514 Computing and extending time.

### Proposed rule

#### **RULE 6.350. COMPUTATION OF TIME.**

~~In computing any period of time prescribed or allowed by these rules, by order of an official, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is Saturday, Sunday, or a legal holiday, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. The computation of time shall be governed by Florida Rule of Judicial Administration 2.514.~~

### Reasons for change

Amended to conform to adoption of Fla. R. Jud. Admin. 2.514.

### Proposed rule

### Reasons for change

#### **RULE 8.180. COMPUTATION AND ENLARGEMENT OF TIME**

(a) **Computation.** In computing any period of time prescribed or allowed by these rules Florida Rule of Judicial Administration 2.514 shall not apply.~~Except for~~ rules 8.013 and 8.010, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is Saturday, Sunday, or a legal holiday, or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv)., in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

(b) [No change]

Because of provisions in Chapter 985, Florida Statutes, regarding taking a child into custody and detention hearings, the Juvenile Court Rules Committee believes that computation of time should remain in the Juvenile Court Rules. The rule has been amended to include the Court's requested language regarding closure of the courthouse under *Fla. R. Jud. Admin.* 2.205(a)(2)(B)(iv).

**Proposed rule**

**Reasons for change**

**RULE 8.240. COMPUTATION, CONTINUANCE,  
EXTENSION, AND ENLARGEMENT  
OF TIME**

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, Florida Rule of Judicial Administration 2.514 shall not apply. eExcept for rules 8.300 and 8.305, by order of court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not to be included. The last day of the period so computed shall be counted, unless it is a Saturday, a Sunday, or a legal holiday, or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), in which event the period shall run until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

(b) [No change]

(c) [No change]

(d) [No change]

Because of provisions in Chapter 39, Florida Statutes, regarding taking a child into custody and shelter hearings, the Juvenile Court Rules Committee believes that computation of time should remain in the Juvenile Court Rules. The rule has been amended to include the Court's requested language regarding closure of the courthouse under *Fla. R. Jud. Admin.* 2.205(a)(2)(B)(iv).

**Proposed rule**

**Reasons for change**

**RULE 8.630. COMPUTATION AND ENLARGEMENT OF TIME**

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, Florida Rule of Judicial Administration 2.514 shall not apply. Except for rule 8.655, by order of court or by any applicable statute, the day of the act or event from which the designated period of time begins to run is not included. The last day of the period so computed shall be counted unless it is Saturday, Sunday, or a legal holiday, or any other day when the courthouse is closed, or falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv), in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday, nor any other day when the courthouse is closed, nor falls within any period of time extended through an order of the chief justice pursuant to Florida Rule of Judicial Administration 2.205(a)(2)(B)(iv). When the period of time prescribed or allowed shall be less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

(b) [No change]

(c) [No change]

Because of provisions in Chapter 984, Florida Statutes, regarding taking a child into custody and shelter hearings, the Juvenile Court Rules Committee believes that computation of time should remain in the Juvenile Court Rules. The rule has been amended to include the Court's requested language regarding closure of the courthouse under *Fla. R. Jud. Admin. 2.205(a)(2)(B)(iv)*.

**Proposed rule**

**Reasons for change**

**RULE 9.420. FILING; SERVICE OF COPIES;  
COMPUTATION OF TIME**

(a) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

(e) [No change]

(f) **Computation.** The computation of time shall be governed by Florida Rule of Judicial Administration 2.514. In computing any period of time prescribed or allowed by these rules, by order of the court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a holiday described below, in which event, the period shall run until the end of the next day that is neither a Saturday, Sunday, nor holiday. If the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. As used in this rule, holiday means

(1) ~~—New Year’s Day;~~

(2) ~~—Martin Luther King, Jr.’s Birthday, the~~

Amended to conform to adoption of Fla. R. Jud. Admin. 2.514.

~~third Monday in January;~~

~~(3) — Washington's Birthday, the third Monday~~

~~in February;~~

~~(4) — Good Friday;~~

~~(5) — Memorial Day, the last Monday in May;~~

~~(6) — Independence Day;~~

~~(7) — Labor Day, the first Monday in~~

~~September;~~

~~(8) — Columbus Day, the second Monday in~~

~~October;~~

~~(9) — Veterans' Day;~~

~~(10) — General Election Day;~~

~~(11) — Thanksgiving Day, the fourth Thursday~~

~~in November;~~

~~(12) — Christmas Day;~~

~~(13) — any statewide primary day;~~

~~(14) — any Monday immediately following a~~

~~Sunday on which one of the foregoing holidays falls; and~~

~~(15) — any other day when the clerk's office is~~

~~closed.~~

#### **Committee Notes**

[No change]

#### **Court Commentary**

[No change]

**Proposed rule**

**Reasons for change**

**RULE 12.090. TIME**

Computation of time shall be governed by Florida Rule of Judicial Administration 2.514. Other aspects of time shall be governed by Florida Rules of Civil Procedure 1.090(b)-(e).

Amended to conform to adoption of Fla. R. Jud. Admin. 2.514.



## CERTIFICATE OF COMPLIANCE

I certify that this report was prepared in accordance with the font requirements of *Fla. R. App. P. 9.210(a)(2)*.

I certify that these rules were read against *West's Florida Rules of Court* (2010 Revised Edition).

---

Ellen H. Sloyer, Rules Committee Liaison  
The Florida Bar  
651 E. Jefferson St.  
Tallahassee, FL 32399  
850/561-5709