

Supreme Court of Florida

No. SC19-2064

IN RE: AMENDMENTS TO FLORIDA RULE OF APPELLATE PROCEDURE 9.030.

December 19, 2019

PER CURIAM.

The Court has for consideration an amendment to Florida Rule of Appellate Procedure 9.030(b)(1) (Jurisdiction of District Courts of Appeal; Appeal Jurisdiction) proposed by The Florida Bar's Appellate Court Rules Committee (ACR Committee).¹ We have jurisdiction² and amend the rule as proposed.

The amendment to subdivision (b)(1)(B) of rule 9.030 is in response to chapter 2019-58, section 1, Laws of Florida, which amended section 26.012(1)(a),

1. The ACR Committee originally proposed this amendment in case number SC19-1354. *See In re Amends. to Fla. Rules of Civ. Pro., Fla. Small Claims Rules, & Fla. Rules of App. Pro.—Jurisdiction*, No. SC19-1354, slip op at 2 n.2. (Fla. Nov. 14, 2019) (declining to adopt ACR Committee's proposed rule amendments and directing the Committee to file a new out-of-cycle report explaining its proposals).

2. *See* art. V, § 2(a), Fla. Const.

Florida Statutes (2018), to except from the circuit courts' appellate jurisdiction appeals of county court orders or judgments where the amount in controversy is greater than \$15,000, thus giving the district courts of appeal jurisdiction over that class of appeals. *See* art. V, § 4(b)(1) (giving district courts of appeal jurisdiction over appeals, that may be taken as of a matter right, from final judgments or orders of trial courts not directly appealable to this Court or a circuit court). As amended, subdivision (b)(1)(B) of rule 9.030 provides that district courts of appeal shall review, by appeal, nonfinal orders as prescribed by Florida Rule of Appellate Procedure 9.130 and no longer limits the district courts' jurisdiction over nonfinal orders to circuit court nonfinal orders. This amendment allows authorized appeals of nonfinal orders in county court cases in which the amount in controversy is greater than \$15,000 to be heard by the district courts of appeal, which under section 26.012(1)(a) will now have appellate jurisdiction over the final judgments or orders in those cases. *See* art. V, § 4(b)(1), Fla. Const. (providing that district courts of appeal may review interlocutory orders in trial court cases in which the district courts have appellate jurisdiction to review final judgments and orders).

Accordingly, the Florida Rules of Appellate Procedure are amended as reflected in the appendix to this opinion. Deletions are indicated by struck-through type. The amendments shall become effective January 1, 2020, at 12:01 a.m. Because the amendments were not published for comment prior to their adoption,

interested persons shall have seventy-five days from the date of this opinion in which to file comments with the Court.³

It is so ordered.

CANADY, C.J., and POLSTON, LABARGA, LAWSON, and MUÑIZ, JJ.,
concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE
EFFECTIVE DATE OF THESE AMENDMENTS.

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3. All comments must be filed with the Court on or before March 3, 2020, with a certificate of service verifying that a copy has been served on the Committee Chair, Thomas D. Hall, The Mills Firm, The Bowen House, 325 N. Calhoun Street, Tallahassee, Florida 32301-7605, thall@mills-appeals.com, and on the Bar Staff Liaison to the Committee, Krys Godwin, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, kgodwin@floridabar.org, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The Committee Chair has until March 24, 2020, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

APPENDIX

RULE 9.030. JURISDICTION OF COURTS

(a) [No Change]

(b) **Jurisdiction of District Courts of Appeal.**

(1) **Appeal Jurisdiction.** District courts of appeal shall review, by appeal:

(A) [No Change]

(B) nonfinal orders of ~~circuit courts~~ as prescribed by rule 9.130;⁹ and

(C) [No Change]

(2) – (4) [No Change]

(c) [No Change]

[No Change to Footnotes]

Committee Notes

[No Change]