

Supreme Court of Florida

No. SC22-756

**IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL
PROCEDURE 1.530 AND FLORIDA FAMILY LAW RULE OF
PROCEDURE 12.530.**

August 25, 2022

PER CURIAM.

On its own motion, the Court amends Florida Rule of Civil Procedure 1.530 (Motions for New Trial and Rehearing; Amendments of Judgments) and Florida Family Law Rule of Procedure 12.530 (Motions for New Trial and Rehearing; Amendments of Judgments). We have jurisdiction. *See* art. V, § 2(a), Fla. Const.; Fla. R. Gen. Prac. & Jud. Admin. 2.140(d).

We have determined that amendments to these rules are necessary to clarify that filing a motion for rehearing is required to preserve an objection to insufficient trial court findings in a final judgment order. Thus, the following sentence is added to rules 1.530(a) and 12.530(a): “To preserve for appeal a challenge to the

sufficiency of a trial court’s findings in the final judgment, a party must raise that issue in a motion for rehearing under this rule.” Additionally, we add the following Court Commentary to both rules: “The amendment to subdivision (a) does not address or affect, by negative implication, any other instance in which a motion for rehearing is or might be necessary to preserve an issue for appellate review.”

Accordingly, we amend the Florida Rules of Civil Procedure and Florida Family Law Rules of Procedure as reflected in the appendix to this opinion. New language is indicated by underscoring. The amendments shall become effective immediately upon the issuance of this opinion. Because the amendments were not published for comment previously, interested persons shall have seventy-five days from the date of this opinion in which to file comments with the Court.¹

1. All comments must be filed with the Court on or before November 8, 2022, 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. 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.

It is so ordered.

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

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

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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. *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

FLORIDA RULES OF CIVIL PROCEDURE

RULE 1.530. MOTIONS FOR NEW TRIAL AND REHEARING; AMENDMENTS OF JUDGMENTS

(a) Jury and Non-Jury Actions. A new trial may be granted to all or any of the parties and on all or a part of the issues. To preserve for appeal a challenge to the sufficiency of a trial court's findings in the final judgment, a party must raise that issue in a motion for rehearing under this rule. On a motion for a rehearing of matters heard without a jury, including summary judgments, the court may open the judgment if one has been entered, take additional testimony, and enter a new judgment.

(b) – (g) [NO CHANGE]

Committee Notes

[NO CHANGE]

Court Commentary

1984 Amendment. [NO CHANGE]

2022 Amendments. The amendment to subdivision (a) does not address or affect, by negative implication, any other instance in which a motion for rehearing is or might be necessary to preserve an issue for appellate review.

FLORIDA FAMILY LAW RULES OF PROCEDURE

RULE 12.530. MOTIONS FOR NEW TRIAL AND REHEARING; AMENDMENTS OF JUDGMENTS

(a) Jury and Non-Jury Actions. A new trial or rehearing may be granted to all or any of the parties and on all or a part of the issues. To preserve for appeal a challenge to the sufficiency of a trial court's findings in the final judgment, a party must raise that issue in a motion for rehearing under this rule. On a motion for a rehearing of matters heard without a jury, including summary judgments, the court may open the judgment if one has been entered, take additional testimony, and enter a new judgment.

(b) – (h) [NO CHANGE]

Court Commentary

2022 Amendments. The amendment to subdivision (a) does not address or affect, by negative implication, any other instance in which a motion for rehearing is or might be necessary to preserve an issue for appellate review.