

# Supreme Court of Florida

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No. SC2022-0756

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

October 19, 2023  
**REVISED OPINION**

PER CURIAM.

Previously in this case and on our own motion, we amended Florida Rule of Civil Procedure 1.530 (Motions for New Trial and Rehearing; Amendments of Judgments; Remittitur or Additur) and Florida Family Law Rule of Procedure 12.530 (Motions for New Trial and Rehearing; Amendments of Judgments) to clarify that filing a motion for rehearing is required to preserve an objection to insufficient trial court findings in a final judgment order.<sup>1</sup> *In re Amends. to Fla. Rule of Civ. Proc. 1.530 and Fla. Fam. L. Rule of Proc. 12.530*, 346 So. 3d 1161 (Fla. 2022). Because the amendments

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1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(d).

were not published for comment prior to their adoption, we gave interested parties 75 days in which to file comments on the amendments. Four comments were received.

Having considered the comments filed, we further amend rules 1.530 and 12.530 by replacing “sufficiency of a trial court’s findings in the final judgment” in subdivision (a) (Jury and Non-Jury Actions) of both rules with “failure of the trial court to make required findings of fact in the final judgment.” This change makes clear that the rules apply only when a judge is required to make specific findings of fact and not when a party seeks to make other challenges to a trial court’s order.

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 and deleted language is indicated by struck-through type. The amendments shall become effective immediately upon the release of this opinion.

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, and FRANCIS, JJ., concur.  
SASSO, J., recused.

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

Original Proceeding – Florida Rules of Civil Procedure and Florida Family Law Rules of Procedure

Judson Lee Cohen, Chair, Civil Procedure Rules Committee, Miami Lakes, Florida, Landis V. Curry III, Past Chair, Civil Procedure Rules Committee, Tampa, Florida; Elaine D. Walter, Chair, Appellate Court Rules Committee, Miami, Florida, and Hon. Andrew D. Manko, Past Chair, Appellate Court Rules Committee, Tallahassee, Florida; Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Heather Savage Telfer, Bar Liaison, The Florida Bar, Tallahassee, Florida; Dennis W. Moore, Interim Executive Director, and Sara Elizabeth Goldfarb, Statewide Director of Appeals, on behalf of the Statewide Guardian ad Litem Office, Tallahassee, Florida; Ariadne FitzGerald, Lyndsey E. Siara, Jennifer Latta, Melissa Anne Foss, Miranda Margolis, and Christian Mairena, Tampa, Florida; and Yosef Kudan of Stok Kon + Braverman, Fort Lauderdale, Florida,

Responding with comments

## APPENDIX

### FLORIDA RULES OF CIVIL PROCEDURE

#### **RULE 1.530. MOTIONS FOR NEW TRIAL AND REHEARING; AMENDMENTS OF JUDGMENTS; REMITTITUR OR ADDITUR**

**(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~~failure of the trial court to make required findings of fact 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]

#### **Committee Notes**

[No Change]

#### **Court Commentary**

[No Change]

### 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~~failure of the trial court to make required findings of fact 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**

[No Change]