Supreme Court of Florida

No. SC2025-1795

IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL PROCEDURE 1.530, FLORIDA SMALL CLAIMS RULE 7.180, AND FLORIDA FAMILY LAW RULE OF PROCEDURE 12.530.

November 12, 2026

PER CURIAM.

The Florida Bar's Civil Procedure Rules Committee, Small Claims Rules Committee, and Family Law Rules Committee (collectively, "Committees") have filed a joint report proposing amendments to Florida Rule of Civil Procedure 1.530 (Motions for New Trial and Rehearing; Amendments of Judgments; Remittitur or Additur), Florida Small Claims Rule 7.180 (Motions for New Trial; Time for; Contents), and Florida Family Law Rule of Procedure 12.530 (Motions for New Trial and Rehearing; Amendments of Judgments).[1]

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

We published the proposed amendments for comment and received a comment from the Family Law Section of The Florida Bar. The Committees filed a response and an amended appendix, making a modification based on the Family Law Section's comment. Having considered the proposed amendments, the comment received, and the Committees' response, we hereby amend rules 1.530, 7.180, and 12.530 as proposed with a few modifications discussed below. The primary function of the amendments is to reorganize the subdivisions of each rule so that motions for new trial and motions for rehearing will be addressed separately, making the rules easier to follow.

Regarding rule 1.530, subdivision (a) (Motion for New Trial) addresses procedures to be followed in actions tried by a jury to verdict and is comprised of three internal subdivisions: (a)(1) (Time for Motion); (a)(2) (Time for Serving Affidavits); and (a)(3) (Order Granting to Specify Grounds). Subdivision (b) (Motion for Rehearing) covers motions for rehearing and is comprised of three internal subdivisions: (b)(1) (Time for Motion); (b)(2) (Non-Jury Actions); and (b)(3) (Necessity of Motion). Subdivision (b) is further

amended to clarify that motions for rehearing may be directed only to final judgments or final orders.

The existing subdivisions of rule 1.530 are relettered to accommodate the above changes, and one subdivision is retitled. Specifically, existing subdivision (d) (On Initiative of Court) is now subdivision (c) and titled "New Trial or Rehearing on Initiative of Court." Existing subdivisions (e) (When Motion Is Unnecessary; Non-Jury Action) and (f) (Order Granting to Specify Grounds) are deleted because their contents have been incorporated into amended subdivisions (a) and (b), and subdivisions (g) (Motion to Alter or Amend a Judgment) and (h) (Motion for Remittitur or Additur) are relettered as (d) and (e). A Committee Note is added to explain these changes.

Similar organizational changes are made to rules 7.180 and 12.530. Rule 7.180 is retitled "Motions for New Trial and Rehearing; Amendments of Judgments; Time For." Subdivision (b) of rule 7.180 now clarifies that motions for rehearing are authorized under the rule but may be directed only to a final judgment or final order.

We make several modifications to the Committees' proposal. First, the Committees propose adding to rule 7.180(a) a sentence reading: "Failure to file a motion for rehearing does not waive the right to an appeal." We decline to add this sentence. We also replace the word "any" with the word "an" in the phrase "any order" in subdivision (a)(3) of each rule. We delete the words "in a non-jury action" from subdivision (b)(1) of each rule. And the Court adds a new subdivision (b)(3) (Necessity of Motion) to each rule, adjusting the placement of the relevant sentences accordingly. Finally, we delete from rule 7.180(a)(1) a clause about non-jury actions because rule 7.180(a) as amended only applies to an action tried to verdict by a jury.

The Court hereby amends the Florida Rules of Civil Procedure, Florida Small Claims Rules, and Florida Family Law Rules of Procedure as reflected in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments become effective January 1, 2027, at 12:01 a.m.

It is so ordered.

COURIEL, C.J., and LABARGA, MUÑIZ, GROSSHANS, FRANCIS, BARRIOS, and TANENBAUM, JJ., concur.

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

Original Proceeding – Florida Rules of Civil Procedure, Florida Small Claims Rules, and Florida Family Law Rules of Procedure

Thomas Edward Bishop, Chair, Civil Procedure Rules Committee, Jacksonville, Florida, Maegen Peek Luka, Past Co-Chair, Civil Procedure Rules Committee, Tampa, Florida, Rebecca Mercier Vargas, Past Co-Chair, Civil Procedure Rules Committee, Palm Beach Gardens, Florida; Amanda Clay Rolfe, Chair, Small Claims Rules Committee, Jacksonville, Florida, Amanda Roath Duffy, Past Chair, Small Claims Rules Committee, Tampa, Florida; Honorable Christopher Kelly, Chair, Family Law Rules Committee, DeLand, Florida, Kristi Beth Luna, Past Chair, Family Law Rules Committee, Jacksonville, Florida; and Joshua E. Doyle, Executive Director, Heather Savage Telfer, Staff Liaison, and Kelly Noel Smith, Staff Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

Tenesia C. Hall, Chair, Family Law Section of The Florida Bar, Orlando, Florida, Aimee Gross, Past Chair, Family Law Section of The Florida Bar, Fort Lauderdale, Florida, Jennifer L. Darley, Chair, Rules and Forms Committee, Family Law Section of The Florida Bar, Ocala, Florida, Tina El Fadel, Past Co-Chair, Rules and Forms Committee, Family Law Section of The Florida Bar, Boca Raton, Florida, and Kelly St. Clair, Past Co-Chair, Rules and Forms Committee, Family Law Section of The Florida Bar, Oviedo, Florida,

Responding with comments

APPENDIX

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

(a) ~~Jury and Non-Jury Actions~~Motion for New Trial. ~~A~~In an action tried by a jury to a verdict, a motion for 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 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) Time for Motion.~~ (1) *Time for Motion.* A motion for new trial ~~or for rehearing~~ must be served not later than 15 days after the return of the verdict in a jury action ~~or the date of filing of the judgment in a non-jury action~~. A timely motion may be amended to state new grounds in the discretion of the court at any time before the motion is determined.

~~(c) Time for Serving Affidavits.~~(2) *Time for Serving Affidavits.* When a motion for a new trial is based on affidavits, the affidavits must be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

(3) *Order Granting to Specify Grounds.* If the court grants a new trial, the order must state the specific grounds for granting the new trial. If an order granting new trial is appealed and does not state the specific grounds, the appellate court must relinquish its jurisdiction to the trial court for entry of an order specifying the grounds for granting the new trial.

(b) Motion for Rehearing. A motion for rehearing may be directed only to a final judgment or final order.

(1) *Time for Motion.* A motion for rehearing must be served not later than 15 days after the date of filing of the final judgment or final order. A timely motion may be amended to state new grounds in the discretion of the court at any time before the motion is determined.

(2) *Non-Jury Actions.* 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.

(3) *Necessity of Motion.* To preserve for appeal a challenge to the 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. In a non-jury action, the sufficiency of the evidence to support the judgment may be raised on appeal whether or not the party raising the question has made any objection thereto in the trial court or made a motion for rehearing.

(~~d~~c) New Trial or Rehearing ~~O~~on Initiative of Court. Not later than 15 days after the date of filing of the judgment or within the time of ruling on a timely motion for a rehearing or a new trial made by a party, the court of its own initiative may order a rehearing or a new trial for any reason for which it might have granted a rehearing or a new trial on motion of a party.

~~**(e) When Motion Is Unnecessary; Non-Jury Action.** In a non-jury action, the sufficiency of the evidence to support the judgment may be raised on appeal whether or not the party raising the question has made any objection thereto in the trial court or made a motion for rehearing, for new trial, or to alter or amend the judgment.~~

~~**(f) Order Granting to Specify Grounds.** All orders granting a new trial must state the specific grounds therefor. If such an order is appealed and does not state the specific grounds, the~~

~~appellate court shall relinquish its jurisdiction to the trial court for entry of an order specifying the grounds for granting the new trial.~~

(g<u>d</u>) Motion to Alter or Amend a Judgment. A motion to alter or amend the judgment ~~shall~~<u>must</u> be served not later than 15 days after the date of filing of the judgment, except that this rule does not affect the remedies in rule 1.540(b).

(~~h~~<u>e</u>) Motion for Remittitur or Additur.

(1)– (3) [No Change]

Committee Notes

1992 Amendment - 2013 Amendment. [No Change]

<u>2026 Amendment.</u> <u>The amendment reorganizes and simplifies the rule without making substantive changes. Subdivision (a) of the prior version of the rule was confusing because it applied to both motions for new trial and motions for rehearing. The amended rule provides separate subdivisions for each type of motion. The amendment also clarifies that a motion for rehearing can be directed only to a final judgment or final order.</u>

Court Commentary

[No Change]

RULE 7.180. MOTIONS FOR NEW TRIAL <u>AND REHEARING; AMENDMENTS OF JUDGMENTS</u>; TIME FOR; ~~CONTENTS~~

(a) ~~Time.~~<u>Motion for New Trial.</u> <u>In an action tried by a jury to a verdict, a motion for new trial may be granted to all or any of the parties and on all or a part of the issues.</u>

<u>(1) *Time for Motion.*</u> A motion for new trial ~~shall~~<u>must</u> be ~~filed~~<u>served</u> not later than 15 days after return of verdict in a jury action ~~or the date of filing of the judgment in a nonjury action~~. A timely motion may be amended to state new grounds at any time before it is disposed of in the discretion of the court.

(2) *Time for Serving Affidavits.* When a motion for a new trial is based on affidavits, the affidavits must be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

(3) *Order Granting to Specify Grounds.* If the court grants a new trial, the order must state the specific grounds for granting the new trial. If an order granting new trial is appealed and does not state the specific grounds, the appellate court must relinquish its jurisdiction to the trial court for entry of an order specifying the grounds for granting the new trial.

(b) ~~**Determination.** The motion shall set forth the basis with particularity. Upon examination of the motion, the court may find it without merit and deny it summarily, or may grant a hearing on it with notice.~~**Motion for Rehearing.** A motion for rehearing may be directed only to a final judgment or final order.

(1) *Time for Motion.* A motion for rehearing must be served not later than 15 days after the filing of the final judgment or final order. A timely motion may be amended to state new grounds in the discretion of the court at any time before the motion is determined.

(2) *Non-Jury Actions.* 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.

(3) *Necessity of Motion.* To preserve for appeal a challenge to the 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. In a non-jury action, the sufficiency of the evidence to support the judgment may be raised on appeal whether or not the party raising the question has made any objection thereto in the trial court or made a motion for rehearing.

(c) ~~Grounds.~~ ~~All orders granting a new trial shall specify the specific grounds therefor. If such an order is appealed and does not state the specific grounds, the appellate court shall relinquish its jurisdiction to the trial court for entry of an order specifying the grounds for granting the new trial.~~**New Trial or Rehearing on Initiative of Court.** Not later than 15 days after the date of filing of the judgment or within the time of ruling on a timely motion for a rehearing or a new trial made by a party, the court of its own initiative may order a rehearing or a new trial for any reason for which it might have granted a rehearing or a new trial on motion of a party.

(d) Motion to Alter or Amend a Judgment. A motion to alter or amend the judgment must be served not later than 15 days after the date of filing of the judgment, except that this rule does not affect the remedies in rule 7.190(b).

Committee Notes

1972 Amendment - 1984 Amendment. [No Change]

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

(a) ~~Jury and Non-Jury Actions~~Motion for New Trial. ~~A~~In an action tried by a jury to a verdict, a motion for 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 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) Time for Motion.~~(1) *Time for Motion.* A motion for new trial ~~or for rehearing~~ must be served not later than 15 days after the return of the verdict in a jury action ~~or the date of filing of the judgment in a non-jury action~~. A timely motion may be amended to

state new grounds in the discretion of the court at any time before the motion is determined.

~~**(c) Time for Serving Affidavits.**~~(2) *Time for Serving Affidavits.* When a motion for a new trial ~~or rehearing~~ is based on affidavits, the affidavits must be served with the motion. The opposing party has 10 days after such service within which to serve opposing affidavits, which period may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

(3) *Order Granting to Specify Grounds.* If the court grants a new trial, the order must state the specific grounds for granting the new trial. If an order granting new trial is appealed and does not state the specific grounds, the appellate court must relinquish its jurisdiction to the trial court for entry of an order specifying the grounds for granting the new trial.

(b) Motion for Rehearing. A motion for rehearing may be directed only to a final judgment or final order.

(1) *Time for Motion.* A motion for rehearing must be served not later than 15 days after the filing of the final judgment or final order. A timely motion may be amended to state new grounds in the discretion of the court at any time before the motion is determined.

(2) *Non-Jury Actions.* 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.

(3) *Necessity of Motion.* To preserve for appeal a challenge to the 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. In a non-jury action, the sufficiency of the evidence to support the judgment may be raised on appeal whether or not the party raising the question has made

any objection thereto in the trial court or made a motion for rehearing.

(~~d~~c) New Trial or Rehearing ~~O~~on Initiative of Court. Not later than 15 days after entry of judgment or within the time of ruling on a timely motion for a rehearing or a new trial made by a party, the court of its own initiative may order a rehearing or a new trial for any reason for which it might have granted a rehearing or a new trial on motion of a party.

~~**(e) When Motion Is Unnecessary; Non-Jury Case**. When an action has been tried by the court without a jury, the sufficiency of the evidence to support the judgment may be raised on appeal whether or not the party raising the question has made any objection to it in the trial court or made a motion for rehearing, for new trial, or to alter or amend the judgment.~~

(~~f~~d) Hearing on Motion. When any motion for rehearing or new trial is filed, the court must initially make a determination if a hearing on the motion is required. If a hearing is required, the court must provide notice of the hearing on the motion for rehearing or new trial. If the court determines that a hearing is not required, then the court must enter an order granting or denying the motion in accordance with this rule.

~~**(g) Order Granting to Specify Grounds.** All orders granting a new trial or rehearing must specify the specific grounds for it. If such an order is appealed and does not state the specific grounds, the appellate court must relinquish its jurisdiction to the trial court for entry of an order specifying the grounds for granting the new trial or a rehearing.~~

(~~h~~e) Motion to Alter or Amend a Judgment. A motion to alter or amend the judgment must be served not later than 15 days after entry of the judgment, except that this rule does not affect the remedies in rule 12.540(b).

Committee Note

2026 Amendment. The amendment reorganizes and simplifies the rule without making substantive changes. The changes also align the structure of this rule with Rule 1.530. Subdivision (a) of the prior version of the rule was confusing because it applied to both motions for new trial and motions for rehearing. The amended rule provides separate subdivisions for each type of motion. The amendment also clarifies that a motion for rehearing can be directed only to a final judgment or final order.

Court Commentary

2022 Amendments. [No Change]