

Supreme Court of Florida

No. SC2025-2000

IN RE: AMENDMENTS TO FLORIDA RULES OF APPELLATE PROCEDURE 9.020 AND 9.100.

August 27, 2026

PER CURIAM.

The Florida Bar’s Appellate Court Rules Committee filed a report proposing amendments to Florida Rules of Appellate Procedure 9.020 (Definitions) and 9.100 (Original Proceedings).¹ The Court published the proposed amendments for comment, but no comments were received. We adopt the amendments as proposed by the Committee and discuss the more significant amendments below.

First, in rule 9.020, we amend subdivision (e) to define “lower tribunal” as “[t]he court, judge, agency, officer, official, board, commission, or body whose order, action, or inaction is the subject

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

of a proceeding under these rules.”

Next, we amend rule 9.100 to move the requirement that a copy of the petition must be served on the official who issued the order that is the subject of the petition to its own new subdivision (b)(2). We also adopt a new subdivision (b)(4) that clarifies that no additional documents must be served on an official who is served under subdivision (b)(2) unless that individual elects to receive such documents by filing a notice of election to receive service. Similarly, we adopt new subdivision (d)(1)(C), which provides that the person issuing an order excluding or granting access to press or public must also not be served with additional documents unless that individual files a notice of election to receive service.

Accordingly, the Florida Rules of Appellate Procedure are amended as set forth in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments become effective October 1, 2026, at 12:01 a.m.

It is so ordered.

COURIEL, C.J., and LABARGA, MUÑIZ, GROSSHANS, FRANCIS, SASSO, 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 Appellate Procedure

Hon. Carrie Ann Wozniak, Chair, Appellate Court Rules Committee,
Lakeland, Florida, Dwayne Antonio Robinson, Past Chair, Appellate
Court Rules Committee, Miami, Florida, Joshua E. Doyle, Executive
Director, The Florida Bar, Tallahassee, Florida, and Heather Savage
Telfer, Staff Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

APPENDIX

RULE 9.020. DEFINITIONS

The following terms have the meanings shown as used in these rules:

(a)-(d) [No Change]

(e) **Lower Tribunal.** The court, judge, agency, officer, official, board, commission, ~~judge of compensation claims~~, or body whose order, action, or inaction ~~is to be reviewed~~ the subject of a proceeding under these rules.

(f)-(k) [No Change]

Committee Notes

[No Change]

Court Commentary

[No Change]

RULE 9.100. ORIGINAL PROCEEDINGS

(a) [No Change]

(b) **Commencement; Parties.**

(1) Filing a Petition. The original jurisdiction of the court must be invoked by filing a petition with the clerk of the court having jurisdiction.

(2) Service of a Petition. If the petition seeks review of an order, the petition must be served on the person(s) that issued the order that is the subject of the petition.

(3) Parties to the Proceeding. ~~The parties to the proceeding will be as follows:~~

(1A) If the petition seeks review of an order entered by a lower tribunal, all parties to the proceeding in the lower tribunal who are not named as petitioners will be named as respondents.

(2B) If the original jurisdiction of the court is invoked to enforce a private right, the proceedings will not be brought on the relation of the state.

(3C) The following ~~officials~~persons must not be named as respondents to a petition, ~~but a copy of the petition must be served on the official who issued the order that is the subject of the petition:~~

(Ai) in petitions for certiorari, judges of lower tribunals ~~must not be named as respondents to petitions for certiorari;~~

(Bii) in petitions for review of quasi-judicial action, individual members of agencies, boards, and commissions of local governments ~~must not be named as respondents to petitions for review of quasi-judicial action;~~ and

(Ciii) for review of nonfinal agency action, officers presiding over administrative proceedings, such as hearing officers and administrative law judges, ~~must not be named as respondents to petitions for review of nonfinal agency action.~~

(4) Service After a Petition. Any person(s) who must be served with the petition under subdivision (b)(2), but who must not be named as a respondent under subdivision (b)(3)(C), must not be served with other documents filed in the proceeding, unless the person(s) files a notice of election to receive service. This subdivision does not preclude the court or the clerk from serving any document or order.

(c) [No Change]

(d) **Orders Excluding or Granting Access to Press or Public.**

(1) (A) A petition to review an order excluding the press or public from, or granting the press or public access to, any proceeding, any part of a proceeding, or any records of the judicial branch, must be filed in the court as soon as practicable following rendition of the order to be reviewed, if written, or announcement of the order to be reviewed, if oral, but no later than 30 days after rendition of the order.

(B) ~~A copy of t~~The petition must be furnished ~~to~~served on the person (or chairperson of the collegial administrative agency) issuing the order, the parties to the proceeding, and any affected non-parties, as defined in Florida Rule of General Practice and Judicial Administration 2.420.

(C) The person (or chairperson of the collegial administrative agency) issuing the order must not be served with other documents filed in the proceeding, unless the person or chairperson files a notice of election to receive service. This subdivision does not preclude the court or the clerk from serving any document or order.

(2) The court must immediately consider the petition to determine whether a stay of proceedings in the lower tribunal or the order under review is appropriate and, on its own motion or that of any party, the court may order a stay on ~~such~~any conditions as may be appropriate. Any motion to stay an order granting access to a proceeding, any part of a proceeding, or any records of the judicial branch made under this subdivision must include a signed certification by the movant that the motion is made in good faith and is supported by a sound factual and legal basis. Pending the court's ruling on the motion to stay, the clerk of the court and the lower tribunal must treat as confidential those proceedings or those records of the judicial branch that are the subject of the motion to stay.

(3) [No Change]

(e) Petitions for Writs of Mandamus and Prohibition Directed to a Judge or Lower Tribunal. When a petition for a writ

of mandamus or prohibition seeks a writ directed to a judge or lower tribunal, the following procedures apply:

(1) [No Change]

(2) *Parties.* The judge or the lower tribunal is a ~~formal~~ party to the petition for mandamus or prohibition and must be named as such in the body of the petition (but not in the caption).

(3) *Service.* The petition and all other documents filed in the proceeding must be served on all parties, including any judge or lower tribunal who is a ~~formal~~ party to the petition.

(34) *Response.* Following the issuance of an order pursuant to under subdivision (h), the responsibility for responding to a petition is that of the litigant opposing the relief requested in the petition. Unless otherwise specifically ordered, the judge or lower tribunal has no obligation to file a response. The judge or lower tribunal retains the discretion to file a separate response should the judge or lower tribunal choose to do so. The absence of a separate response by the judge or lower tribunal will not be deemed to admit the allegations of the petition.

(f) Review Proceedings in Circuit Court.

(1) [No Change]

(2) *Caption.* The caption must contain a statement that the petition is filed ~~pursuant to~~ under this subdivision.

(3) [No Change]

(4) *Default.* The clerk of the circuit court will not enter a default in a proceeding wherein which a petition has been filed ~~pursuant to~~ under this subdivision.

(g) Petition. The petition must be accompanied by any required filing fee except as provided in rule 9.430 for proceedings by indigents. The caption must contain the name of the court and the name and designation of all parties on each side. The petition

must not exceed 13,000 words if computer-generated or 50 pages if handwritten or typewritten and must contain:

(1)-(4) [No Change]

If the petition seeks an order directed to a lower tribunal, the petition must be accompanied by an appendix as prescribed by rule 9.220, and the petition ~~shall~~must contain references to the appropriate pages of the supporting appendix.

(h)-(k) [No Change]

Committee Notes

1977 Amendment-2020 Amendment. [No Change]

2026 Amendment. Subdivisions (b) and (d) were amended to specify the service requirements of documents in this rule and to conform to amendments to Florida Rule of General Practice and Judicial Administration 2.516 in *In Re: Amendments to Florida Rules of General Practice and Judicial Administration*, 416 So. 3d 242 (Fla. 2025). Subdivision (e) was amended to make clear that, as parties, Florida Rule of General Practice and Judicial Administration 2.516(a) requires service of all documents on judges and lower tribunals in mandamus and prohibition cases.

2026 Note. The 1977 Committee Note states that, as to review of nonfinal agency action under rule 9.100(c)(3), “the right of review guaranteed by [section 120.68(1), Florida Statutes,] is no broader than the generally available common law writ of certiorari, although the statutory remedy would prevent resort to an extraordinary writ.” In *BAM Trading Services, Inc. v. State of Florida, Office of Financial Regulation*, 395 So. 3d 687 (Fla. 1st DCA 2024), the First District Court of Appeal, in an en-banc decision, confirmed that the appellate court’s authority to review nonfinal agency action under section 120.68(1)(b), Florida Statutes, remains limited to those cases in which review of a final agency decision would not provide an adequate remedy. But the scope of review in such cases is broader than it is in certiorari because the grounds for setting aside agency action are in the statute and apply equally to both nonfinal and final agency action. For judicial review of agency action

authorized by statutes outside of the Administrative Procedure Act (currently found at chapter 120, Florida Statutes), the authorizing statute governs the scope of review.

Court Commentary

[No Change]