

Supreme Court of Florida

No. SC2026-0579

IN RE: AMENDMENTS TO FLORIDA RULE OF APPELLATE PROCEDURE 9.400.

October 1, 2026

PER CURIAM.

The Florida Bar’s Appellate Court Rules Committee filed a report proposing amendments to Florida Rule of Appellate Procedure 9.400 (Costs and Attorneys’ Fees).¹ We published the proposed amendments and received no comments. Having considered the Committee’s proposal, we hereby adopt the amendments to rule 9.400 as proposed.

Subdivision (b)(4) of rule 9.400 currently describes the procedures by which fee motions are to be served “in proceedings in which the court renders an order of dismissal.” This subdivision is amended to replace current language that refers to rendition of a

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

dismissal with language referring to issuance of a disposition.

The Court hereby amends the Florida Rules of Appellate 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 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 9.400. COSTS AND ATTORNEYS' FEES

(a) [No Change]

(b) **Attorneys' Fees.** With the exception of motions filed under rule 9.410(b), a motion for attorneys' fees must state the grounds on which recovery is sought and must be served not later than:

(1) – (3) [No Change]

(4) in any proceedings in which the court ~~renders an order of dismissal~~issues a disposition before the otherwise applicable deadline for filing a motion for attorneys' fees has expired, not later than 7 days after ~~rendition of the order of dismissal~~the issuance of that disposition.

The assessment of attorneys' fees may be remanded to the lower tribunal. If attorneys' fees are assessed by the court, the lower tribunal may enforce payment.

(c) [No Change]

Committee Notes

1977 Amendment - 2018 Amendment. [No Change]