

RULE OF APPELLATE PROCEDURE AMENDMENTS

The Appellate Court Rules Committee, in compliance with Florida Rule of Judicial Administration 2.140, invites comments on proposed amendments within Rule 9.130. Interested persons have until November 30, 2020, to submit any comments, electronically, to Judge Stephanie Ray, Chair of the Appellate Court Rules Committee, at rays@1dca.org, and to Bar attorney liaison, Krys Godwin, at kgodwin@floridabar.org.

RULE 9.130. PROCEEDINGS TO REVIEW NONFINAL ORDERS AND SPECIFIED FINAL ORDERS

(a) Applicability.

(1) This rule applies to appeals to the district courts of appeal of the nonfinal orders authorized herein and to appeals to the circuit court of nonfinal orders when provided by general law. Review of other nonfinal orders in such courts and nonfinal administrative action shall be by the method prescribed by rule 9.100.

(2) Appeals of nonfinal orders in criminal cases shall be as prescribed by rule 9.140.

(3) Appeals to the district courts of appeal of nonfinal orders are limited to those that:

(A) concern venue;

(B) grant, continue, modify, deny, or dissolve injunctions, or refuse to modify or dissolve injunctions;

(C) determine:

(i) the jurisdiction of the person;

(ii) the right to immediate possession of property, including but not limited to orders that grant, modify, dissolve, or refuse to grant, modify, or dissolve writs of replevin, garnishment, or attachment;

(iii) in family law matters:

a. the right to immediate monetary relief;

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b. the rights or obligations of a party regarding child custody or time-sharing under a parenting plan; or

c. that a marital agreement is invalid in its entirety;

(iv) the entitlement of a party to arbitration, or to an appraisal under an insurance policy;

~~(v) that, as a matter of law, a party is not entitled to workers' compensation immunity;~~

(vi) whether to certify a class;

(vii) that a governmental entity has taken action that has inordinately burdened real property within the meaning of section 70.001(6)(a), Florida Statutes;

(viii) the issue of forum non conveniens;

~~(ixviii)~~ that, as a matter of law, a settlement agreement is unenforceable, is set aside, or never existed; or

(ix) that a permanent guardianship shall be established for a dependent child pursuant to section 39.6221, Florida Statutes;

(D) grant or deny the appointment of a receiver, or terminate or refuse to terminate a receivership; or

(E) grant or deny a motion to disqualify counsel;

(F) deny a motion that:

(i) asserts entitlement to absolute or qualified immunity in a civil rights claim arising under federal law;

(ii) asserts entitlement to immunity under section 768.28(9), Florida Statutes; or

(iii) asserts entitlement to sovereign immunity;

(G) grant or deny a motion for leave to amend to assert a claim for punitive damages; or

(H) deny, as a matter of law, a motion that asserts entitlement to workers' compensation immunity.

(4) Orders disposing of motions that suspend rendition are not reviewable separately from a review of the final order; provided that orders granting motions for new trial in jury and nonjury cases are reviewable by the method prescribed in rule 9.110.

(5) Orders entered on an authorized and timely motion for relief from judgment are reviewable by the method prescribed by this rule. Motions for rehearing directed to these orders will not toll the time for filing a notice of appeal.

(b)–(i) [NO CHANGES]