

SUPREME COURT OF FLORIDA

In re Amendments to Florida Rules of Appellate Procedure

1 So. 3d 166 (Fla. 2009) · No. SC08-2357 · Decided January 29, 2009

SUMMARY

The Supreme Court of Florida amended Florida Rules of Appellate Procedure 9.110 and 9.360 to conform to 2008 legislation concerning filing fees for cross-appeals, joinder notices, and certain intervenor motions. The amendments also clarified filing-copy requirements and the timing and manner of filing notices, and became effective immediately upon release of the opinion.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Quince, C.J.; Wells, J.; Pariente, J.; Lewis, J.; Canady, J.; Polston, J.; Anstead, Senior Justice
JURISDICTION	Florida
DECIDED	January 29, 2009
DOCKET	SC08-2357
DISPOSITION	other
PROCEDURAL POSTURE	The Florida Bar's Appellate Court Rules Committee filed an out-of-cycle report proposing amendments to the Florida Rules of Appellate Procedure to conform the rules to 2008 legislation. The Supreme Court of Florida reviewed the proposed amendments and adopted them.
PRECEDENTIAL VALUE	binding
PARTIES	The Florida Bar's Appellate Court Rules Committee

TOPICS

- appellate procedure
- appellate jurisdiction
- civil procedure
- joinder

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should amend Florida Rules of Appellate Procedure 9.110 and 9.360 to conform to chapter 2008-111, Laws of Florida.
2. What procedural requirements should govern filing fees, copies, service, and filing deadlines for notices of appeal, cross-appeal, and joinder.

HOLDINGS

1. The Supreme Court of Florida adopted the proposed amendments to rules 9.110 and 9.360 to conform the appellate rules to the statutory changes enacted in chapter 2008-111, Laws of Florida.
2. Rule 9.110 was amended to require an original and one copy of a notice of appeal or cross-appeal, accompanied by any filing fees prescribed by law, and to clarify that a cross-appeal must be filed in the same manner as a notice of appeal.
3. Rule 9.360(a) was amended to require an original and one copy of a notice of joinder, accompanied by any filing fees prescribed by law, and to clarify the permissible filing deadlines for joinder in appellate and original proceedings.

KEY QUOTATIONS

“After considering the Committee's proposals and reviewing the relevant legislation, we amend the rules as proposed by the Committee.” (167)

“These amendments shall become effective immediately upon the release of this opinion.” (167)

FACTUAL BACKGROUND

The Florida Legislature enacted chapter 2008-111, Laws of Florida, effective July 1, 2008, requiring filing fees for cross-appeals and certain joinder notices or intervenor motions. The Florida Bar's Appellate Court Rules Committee submitted an out-of-cycle report proposing conforming amendments to rules 9.110 and 9.360. The Supreme Court reviewed the legislation and proposals and adopted amendments concerning filing fees, copies, service, and filing deadlines.

PROCEDURAL HISTORY

The Rules Committee proposed amendments to Florida Rules of Appellate Procedure 9.110 and 9.360 in response to chapter 2008-111, Laws of Florida. The Florida Bar's Board of Governors approved the proposals by a vote of thirty-nine to zero. The Supreme Court of Florida considered the proposals and relevant legislation, amended the rules as proposed, and made the amendments effective immediately, subject to a sixty-day period for public comments.

DISPOSITION

other