

SUPREME COURT OF FLORIDA

In re: Amendment to Florida Rule of Appellate Procedure 9.130

In re: Amendment to Florida Rule of Appellate Procedure 9.130, 324 So. 3d 459 (Fla. 2022) (Fla. 2022) · No. SC21-129

SUMMARY

The Florida Supreme Court adopted an amendment to Florida Rule of Appellate Procedure 9.130, adding new subdivision (a)(3)(G) to authorize interlocutory appeals of nonfinal orders that grant or deny a motion for leave to amend a complaint to assert a claim for punitive damages. The rule change, effective April 1, 2022, expands the limited categories of appealable nonfinal orders and replaces the prior practice of seeking certiorari review. A dissenting opinion argued that the amendment would cause unnecessary delays in civil litigation and that existing confidentiality orders adequately protect financial privacy during discovery.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Canady; Polston; Lawson; Muñoz; Couriel; Grosshans
JURISDICTION	Florida
DOCKET	SC21-129
DISPOSITION	approved
PRECEDENTIAL VALUE	binding

TOPICS

- appellate procedure
- civil procedure
- torts

PRACTICE AREAS

- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether Florida Rule of Appellate Procedure 9.130 should be amended to authorize interlocutory appeals of nonfinal orders granting or denying leave to amend a complaint to assert a claim for punitive damages.

HOLDINGS

1. New subdivision (a)(3)(G) is added to rule 9.130 to authorize appeals of nonfinal orders that grant or deny a motion for leave to amend to assert a claim for punitive damages.

KEY QUOTATIONS

“After reviewing the proposal, considering the comments and response filed, and having had the benefit of oral argument, we adopt the proposed amendment to rule 9.130. Specifically, new subdivision (a)(3)(G) is added to authorize appeals of nonfinal orders that grant or deny a motion for leave to amend to assert a claim for punitive damages.”

“The unfortunate consequence of this drastic change in appellate procedure will be unnecessary and unwarranted delays in civil actions with claims for punitive damages.”

“No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.”

FACTUAL BACKGROUND

The Florida Bar's Appellate Court Rules Committee proposed an amendment to Florida Rule of Appellate Procedure 9.130 following a referral from the Florida Supreme Court asking the Committee to propose rule amendments providing for interlocutory appeal of nonfinal orders granting or denying leave to amend a complaint to assert a claim for punitive damages. The Committee published the proposal for comment, received comments, and filed its report. The Court also published the proposal for comment and received three comments before hearing oral argument. The rule change was adopted over a dissent that argued it would cause unnecessary delays in civil actions and that privacy concerns in financial discovery could be addressed by confidentiality orders.

PROCEDURAL HISTORY

The Florida Bar's Appellate Court Rules Committee filed a report proposing an amendment to Florida Rule of Appellate Procedure 9.130 to provide for interlocutory appeal of nonfinal orders granting or denying leave to amend a complaint to assert a claim for punitive damages. The proposal was published for comment, and after oral argument, the Supreme Court of Florida adopted the amendment.

DISPOSITION

approved

CASES CITED

- In re: Amendment to Florida Rule of Appellate Procedure 9.130, In re Amendment to Florida Rule of Civil Procedure 1.280, 324 So. 3d 459 (Fla. 2021)