

SUPREME COURT OF FLORIDA

In re: Amendments to Florida Rule of Appellate Procedure 9.130

No. SC2024-1798 · No. SC2024-1798 · Decided March 27, 2025

SUMMARY

The Supreme Court of Florida amended Florida Rule of Appellate Procedure 9.130 to permit interlocutory review of nonfinal orders denying motions under specified Florida Anti-SLAPP statutes. The amendments became effective immediately on March 27, 2025, with comments due by June 10, 2025.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Muñoz; Justice Canady; Justice Labarga; Justice Couriel; Justice Grosshans; Justice Francis; Justice Sasso
JURISDICTION	Supreme Court of Florida
DECIDED	March 27, 2025
DOCKET	SC2024-1798
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding in the Supreme Court of Florida concerning amendments to the Florida Rules of Appellate Procedure.
PRECEDENTIAL VALUE	Published rulemaking opinion establishing an amendment to the Florida Rules of Appellate Procedure.

TOPICS

- interlocutory appeal
- appellate procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- civil procedure
- constitutional law

QUESTIONS PRESENTED

- Whether Florida Rule of Appellate Procedure 9.130 should be amended to permit interlocutory review of nonfinal orders denying motions under Florida's Anti-SLAPP statutes.
- Whether the amendment should become effective immediately.

HOLDINGS

- 1. Florida Rule of Appellate Procedure 9.130 is amended to add subdivision (a)(3)(J), authorizing appeals to the district courts of appeal from nonfinal orders denying motions under sections 718.1224(5), 720.304(4)(c), or 768.295(4), Florida Statutes.
- 2. The amendments to Florida Rule of Appellate Procedure 9.130 become effective immediately upon release of the opinion.

KEY QUOTATIONS

- “We amend the rule to add new subdivision (a)(3)(J) to provide for interlocutory review by appeal of nonfinal orders that deny a motion under one of Florida’s three Anti-SLAPP (Strategic Lawsuits Against Public Participation) statutes.” (at 1)*
- “The amendments become effective immediately on the release of this opinion.” (at 1)*

FACTUAL BACKGROUND

This rulemaking proceeding did not arise from a dispute involving particular litigants or case-specific facts. The Court considered whether to amend rule 9.130 to authorize interlocutory appeals from nonfinal orders denying motions brought under Florida's Anti-SLAPP statutes.

PROCEDURAL HISTORY

The Supreme Court of Florida acted on its own motion to amend Florida Rule of Appellate Procedure 9.130. The Court adopted the amendment immediately, subject to a 75-day period for interested persons to submit comments.

DISPOSITION

other

CASES CITED

- Vericker v. Powell, No. SC2022-1042 (Fla. Mar. 27, 2025)

OPINION

In Re: Amendments to Florida Rule of Appellate Procedure 9.130
PER CURIAM.

Supreme Court of Florida _____ No. SC2024-1798 _____

IN RE: AMENDMENTS TO FLORIDA RULE OF APPELLATE

PROCEDURE 9.130. March 27, 2025 PER CURIAM. For the reasons set out in Vericker v. Powell, No. SC2022-1042 (Fla. Mar. 27, 2025), which issues today, the Court, on its own motion, amends Florida Rule of Appellate Procedure 9.130 (Proceedings to Review Nonfinal Orders and Specified Final Orders).¹ We amend the rule to add new subdivision (a)(3)(J) to provide for

interlocutory review by appeal of nonfinal orders that deny a motion under one of Florida's three Anti-SLAPP (Strategic Lawsuits Against Public Participation) statutes. See §§ 718.1224 (Prohibition against SLAPP suits), 720.304(4) (Right of owners to peaceably assemble; display of flags; SLAPP suits prohibited),

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(d). 768.295 (Strategic Lawsuits Against Public Participation (SLAPP) prohibited), Fla. Stat. (2024). 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 immediately on the release of this opinion. Interested persons have 75 days from the date of this opinion in which to file comments with the Court. 2 It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, 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

2. All comments must be filed with the Court on or before

June 10, 2025, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927. -2-

APPENDIX

RULE 9.130. PROCEEDINGS TO REVIEW NONFINAL ORDERS

AND SPECIFIED FINAL ORDERS

(a) Applicability.

(1)-(2) [No Change]

(3) Appeals to the district courts of appeal of nonfinal

orders are limited to those that: (A)-(G) [No Change] (H) deny a motion to dismiss on the basis of the qualifications of a corroborating expert witness under subsections 766.102(5)-(9), and (12), Florida Statutes; or (I) determine the entitlement of a party to arbitration, confirm or deny confirmation of an arbitration award or partial arbitration award, or modify, correct, or vacate an arbitration award.; or (J) deny a motion under section 718.1224(5), 720.304(4)(c), or 768.295(4), Florida Statutes.

(4)-(5) [No Change]

(b)-(i) [No Change] Committee Notes [No Change] -3-

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