

SUPREME COURT OF FLORIDA

In Re: Amendments to the Florida Rules of Appellate Procedure

No. SC22-1785, Supreme Court of Florida (March 16, 2023)

SUMMARY

The Florida Supreme Court adopted amendments to Appellate Rules 9.190, 9.400, and 9.440, effective July 1, 2023. Rule 9.190(d) was streamlined by cross-referencing Rule 9.400 for attorneys’ fees motions in administrative appeals, eliminating separate requirements. Rule 9.400(b) was updated to tie the deadline for attorneys’ fees motions in discretionary review proceedings to the filing of jurisdictional briefs. Rule 9.440 was amended to clarify that termination of limited appearance uses form 9.900(n) and to permit attorney withdrawal without a court order when substitution is by another attorney in the same firm or agency.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	MUÑIZ, C.J.; CANADY; POLSTON; LABARGA; COURIEL; GROSSHANS; FRANCIS
JURISDICTION	Florida
DECIDED	March 16, 2023
DOCKET	SC22-1785
DISPOSITION	other
PROCEDURAL POSTURE	Original proceeding for rule amendment pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1).
PRECEDENTIAL VALUE	Published
PARTIES	The Florida Bar's Appellate Court Rules Committee

TOPICS

- appellate procedure
- civil procedure

PRACTICE AREAS

- Appellate Practice
- Civil Procedure

QUESTIONS PRESENTED

1. Whether to adopt proposed amendments to Florida Rules of Appellate Procedure 9.190, 9.400, and 9.440.

HOLDINGS

1. The Court adopts the amendments as proposed by the Committee.

KEY QUOTATIONS

“First, rule 9.190(d) (Attorneys’ Fees) is amended by deleting stated requirements for the filing of motions for attorneys’ fees in administrative appeals and seeking review of orders on such motions and replacing those requirements with a reference to the requirements articulated in rule 9.400.”

“Next, rule 9.400(b) (Attorneys’ Fees) is amended to tie the deadline to file a motion for attorneys’ fees in a discretionary review proceeding to the filing of the parties’ jurisdictional briefs.”

“Finally, rule 9.440 is amended by revising subdivision (c) (Scope of Representation) to state that the form in rule 9.900(n) (Notice of Termination of Limited Appearance) is to be used for a notice of termination of limited appearance.”

FACTUAL BACKGROUND

The Florida Bar's Appellate Court Rules Committee proposed amendments to Florida Rules of Appellate Procedure 9.190, 9.400, and 9.440. The Committee and the Board of Governors of The Florida Bar unanimously approved the amendments. The Committee published the proposed amendments for comment, and no comments were received. The Court adopted the amendments as proposed.

DISPOSITION

other

CASES CITED

- In re Amends. to Fla. R. App. P. 9.120 & 9.210, 307 So. 3d 626 (Fla. 2020)
- In re Amends. to Fla. R. Jud. Admin.—2020 Regular-Cycle Report, 310 So. 3d 374 (Fla. 2021)

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