

Supreme Court of Florida

No. SC2022-0756

**IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL
PROCEDURE 1.530 AND FLORIDA FAMILY LAW RULE OF
PROCEDURE 12.530.**

April 27, 2023

PER CURIAM.

Previously in this case and on our own motion, we amended Florida Rule of Civil Procedure 1.530 (Motions for New Trial and Rehearing; Amendments of Judgments; Remittitur or Additur) and Florida Family Law Rule of Procedure 12.530 (Motions for New Trial and Rehearing; Amendments of Judgments) to clarify that filing a motion for rehearing is required to preserve an objection to insufficient trial court findings in a final judgment order.¹ *In re Amendments to Fla. Rule of Civil Procedure 1.530 and Fla. Family Law Rule of Procedure 12.530*, 346 So. 3d 1161 (Fla. 2022).

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; Fla. R. Gen. Prac. & Jud. Admin. 2.140(d).

Because the amendments were not published for comment prior to their adoption, we gave interested parties 75 days in which to file comments on the amendments. Four comments were received.

Having considered the comments filed, we further amend rules 1.530 and 12.530 by replacing “sufficiency of a trial court’s findings in the final judgment” in subdivision (a) (Jury and Non-Jury Actions) of both rules with “failure of the trial court to make required findings of fact.” This change makes both rules applicable to all orders, not just final judgments, and makes clear that the rules apply only when a judge is required to make specific findings of fact and not when a party seeks to make other challenges to a trial court’s order.

Accordingly, we amend the Florida Rules of Civil Procedure and Florida Family Law Rules of Procedure as reflected in the appendix to this opinion. New language is indicated by underscoring and deleted language is indicated by struck-through type. The amendments shall become effective immediately upon the release of this opinion.

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS,
and FRANCIS, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER
THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Civil Procedure and Florida
Family Law Rules of Procedure

Landis V. Curry III, Chair, Civil Procedure Rules Committee,
Tampa, Florida, Joshua E. Doyle, Executive Director, The Florida
Bar, Tallahassee, Florida, and Heather Savage Telfer, Bar Liaison,
The Florida Bar, Tallahassee, Florida; Dennis W. Moore, Interim
Executive Director, and Sara Elizabeth Goldfarb, Statewide Director
of Appeals, on behalf of the Statewide Guardian ad Litem Office,
Tallahassee, Florida; Ariadne FitzGerald, Lyndsey E. Siara, Jennifer
Latta, Melissa Anne Foss, Miranda Margolis, and Christian
Mairena, Tampa, Florida; and Yosef Kudan of Stok Kon +
Braverman, Fort Lauderdale, Florida,

Responding with comments

APPENDIX

FLORIDA RULES OF CIVIL PROCEDURE

RULE 1.530. MOTIONS FOR NEW TRIAL AND REHEARING; AMENDMENTS OF JUDGMENTS; REMITTITUR OR ADDITUR

(a) Jury and Non-Jury Actions. A new trial may be granted to all or any of the parties and on all or a part of the issues. To preserve for appeal a challenge to the ~~sufficiency of a trial court's findings in the final judgment~~failure of the trial court to make required findings of fact, a party must raise that issue in a motion for rehearing under this rule. On a motion for a rehearing of matters heard without a jury, including summary judgments, the court may open the judgment if one has been entered, take additional testimony, and enter a new judgment.

(b) – (h) [NO CHANGE]

Committee Notes

[NO CHANGE]

Court Commentary

[NO CHANGE]

FLORIDA FAMILY LAW RULES OF PROCEDURE

RULE 12.530. MOTIONS FOR NEW TRIAL AND REHEARING; AMENDMENTS OF JUDGMENTS

(a) Jury and Non-Jury Actions. A new trial or rehearing may be granted to all or any of the parties and on all or a part of the issues. To preserve for appeal a challenge to the ~~sufficiency of a trial court's findings in the final judgment~~failure of the trial court to make required findings of fact, a party must raise that issue in a motion for rehearing under this rule. On a motion for a rehearing of matters heard without a jury, including summary judgments, the

court may open the judgment if one has been entered, take additional testimony, and enter a new judgment.

(b) – (h) [NO CHANGE]

Court Commentary

[NO CHANGE]