

Supreme Court of Florida

No. SC2024-0127

IN RE: AMENDMENTS TO FLORIDA RULE OF JUVENILE PROCEDURE 8.265.

August 22, 2024

PER CURIAM.

The Florida Bar's Juvenile Court Rules Committee filed a report proposing amendments to Florida Rule of Juvenile Procedure 8.265 (Motion for Rehearing).¹ The Committee approved the proposed amendments by a vote of 16-10-0 and The Florida Bar's Board of Governors unanimously voted to approve the proposed amendments. The Court published the proposal for comment and received one comment in favor of the proposal.

This proposal was filed in light of the Court's prior amendments to Florida Rule of Civil Procedure 1.530 (Motions for New Trial and Rehearing; Amendments of Judgments; Remittitur or

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

Additur) and Florida Family Law Rule of Procedure 12.530 (Motions for New Trial and Rehearing; Amendments of Judgments). *In re Amends. to Fla. Rule of Civ. Proc. 1.530 & Fla. Fam. L. Rule of Proc. 12.530 (Amends. I)*, 346 So. 3d 1161 (Fla. 2022); *see also In re Amends. to Fla. Rule of Civ. Proc. 1.530 & Fla. Fam. L. Rule of Proc. 12.530 (Amends. II)*, 373 So. 3d 1115 (Fla. 2023) (updating the language of the rules after considering comments submitted in response to the prior opinion). The amendments were necessary to “clarify that filing a motion for rehearing is required to preserve an objection to insufficient trial court findings in a final judgment order.” *Amends. I*, 346 So. 3d at 1162.

The Court hereby amends Florida Rule of Juvenile Procedure 8.265 as reflected in the appendix to this opinion. The amendments require that a motion for rehearing be filed with the trial court to preserve for appeal a claim that the trial court failed to make the required findings of fact in the final order. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments to the rule shall become effective January 1, 2025, at 12:01 a.m.

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 Juvenile Procedure

Sarah J. Rumph, Chair, Juvenile Court Rules Committee, Tallahassee, Florida, Cheo A. Reid, Past Chair, Juvenile Court Rules Committee, West Palm Beach, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Michael Hodges, Staff Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

Dennis W. Moore, Interim Executive Director, and Sara Elizabeth Goldfarb, Statewide Director of Appeals, Statewide Guardian ad Litem Office, Tallahassee, Florida,

Responding with comments

APPENDIX

RULE 8.265. MOTION FOR REHEARING

(a) **Basis.** After the court has entered an order, any party may move for rehearing upon one or more of the following grounds:

(1) – (4) [No Change]

(5) the court is without jurisdiction of the proceeding;

or

(6) the judgment is contrary to the law and evidence;

or

(7) the trial court failed to make required findings of fact in the final order.

(b) **Time and Method.**

(1) [No Change]

(2) If the motion is made in writing, it ~~shall~~must be served as provided in these rules for service of other pleadings.

(3) A motion for rehearing ~~shall~~does not toll the time for the taking of an appeal. The court ~~shall~~must rule on the motion for rehearing within 10 days of filing or it is deemed denied.

(4) To preserve for appeal a challenge to the failure of the trial court to make required findings of fact in the final order, a party must raise that issue in a motion for rehearing under this rule.

(c) [No Change]