

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.

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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.

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]