

Amendments to Rule of Civil Procedure 1.530 (Motions for New Trial and Rehearing; Amendments of Judgments) and Florida Family Law Rule of Procedure 12.530 (Motions for New Trial and Rehearing; Amendments of Judgments)

The Florida Supreme Court, on its own motion, recently amended Florida Rule of Civil Procedure 1.530 (Motions for New Trial and Rehearing; Amendments of Judgments) 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 Civil Procedure 1.530 and Fla. Family Law Rule of Procedure 12.530*, No. SC22-756 (Fla. Aug. 25, 2022). The amendments clarify that filing a motion for rehearing is required to preserve an objection to insufficient trial court findings in a final judgment order.

The Court invites all interested persons to comment on the amendments, which are reproduced in full below and online at www.floridasupremecourt.org/SC22-756. All comments must be filed with the Court on or before November 8, 2022, 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.

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL PROCEDURE 1.530 AND FLORIDA FAMILY LAW RULE OF PROCEDURE 12.530, CASE NO. SC22-756

FLORIDA RULES OF CIVIL PROCEDURE

**RULE 1.530. MOTIONS FOR NEW TRIAL AND REHEARING;
AMENDMENTS OF JUDGMENTS**

(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, 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) – (g) [NO CHANGE]

Committee Notes

[NO CHANGE]

Court Commentary

1984 Amendment. [NO CHANGE]

2022 Amendments. The amendment to subdivision (a) does not address or affect, by negative implication, any other instance in which a motion for rehearing is or might be necessary to preserve an issue for appellate review.

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, 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

2022 Amendments. The amendment to subdivision (a) does not address or affect, by negative implication, any other instance in which a motion for rehearing is or might be necessary to preserve an issue for appellate review.