

The Florida Bar's Appellate Court Rules Committee (Committee) has submitted to the Florida Supreme Court an out-of-cycle report proposing amendments to Florida Rule of Appellate Procedure 9.130 (Proceedings to Review Non-Final Orders and Specified Final Orders). The Committee proposes the amendments in response to a request by the Court, in Keck v. Eminisor, 104 So. 3d 359 (Fla. 2012), that the Committee propose an amendment to rule 9.130 consistent with the Court's holding in that case that "an order denying summary judgment based on a claim of individual immunity under section 768.28(9)(a) is subject to interlocutory review where the issue turns on a question of law."

The Court invites all interested persons to comment on the proposed amendments, which are reproduced in full below, as well as online at <http://www.floridasupremecourt.org/decisions/proposed.shtml>. All comments must be filed with the Court on or before November 14, 2013, with a certificate of service verifying that a copy has been served on the Committee Chair, Eduardo I. Sanchez, 99 N.E. 4th Street, Suite 800, Miami, Florida 33132-2131, eduardo.i.sanchez@usdoj.gov, and on the Bar Staff Liaison to the Committee, Heather Telfer, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, htelfer@flabar.org, 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. The Committee Chair has until December 5, 2013, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Portal in accordance with In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a non-lawyer or a lawyer not licensed to practice in Florida, the comment must be electronically filed via e-mail in accordance with In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004). Electronically filed documents must be submitted in Microsoft Word 97 or higher. 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; no additional copies are required or will be accepted.

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO FLORIDA RULE OF APPELLATE PROCEDURE 9.130, CASE NO. SC13-1493

RULE 9.130.

**PROCEEDINGS TO REVIEW NON-FINAL
ORDERS AND SPECIFIED FINAL ORDERS**

(a) Applicability.

(1) – (2) [No Change]

(3) Appeals to the district courts of appeal of non-final orders are limited to those that

(A) – (B) [No Change]

(C) determine

(i) the jurisdiction of the person;

(ii) the right to immediate possession of property, including but not limited to orders that grant, modify, dissolve or refuse to grant, modify, or dissolve writs of replevin, garnishment, or attachment;

(iii) the right to immediate monetary relief or child custody in family law matters;

(iv) the entitlement of a party to arbitration, or to an appraisal under an insurance policy;

(v) that, as a matter of law, a party is not entitled to workers' compensation immunity;

(vi) that a class should be certified;

(vii) that, as a matter of law, a party is not entitled to absolute or qualified immunity in a civil rights claim arising under federal law;

(viii) that a governmental entity has taken action that has inordinately burdened real property within the meaning of section 70.001(6)(a), Florida Statutes;~~or~~

(ix) the issue of forum non conveniens;

(x) that, as a matter of law, a party is not entitled to immunity under section 768.28(9), Florida Statutes; or

(xi) that, as a matter of law, a party is not entitled to any immunity from suit not otherwise addressed in this rule.

(D) [No Change]

(4) – (6) [No Change]

(b) – (h) [No Change]

Committee Notes

[No Change]