

**RULE 9.125 | REVIEW OF TRIAL COURT ORDERS AND JUDGMENTS CERTIFIED BY THE DISTRICT COURTS OF APPEAL AS REQUIRING IMMEDIATE RESOLUTION BY THE SUPREME COURT OF FLORIDA**

**(a) Applicability.** This rule applies to any order or judgment of a trial court that has been certified by the district court of appeal to require immediate resolution by the supreme court because the issues pending in the district court of appeal are of great public importance or have a great effect on the proper administration of justice throughout the state. The district court of appeal may make such certification on its own motion or on suggestion by a party.

**(b) Commencement.** The jurisdiction of the supreme court is invoked on rendition of the certificate by the district court of appeal.

**(c) Suggestion.** Any party may file with the district court of appeal and serve on the parties a suggestion that the order to be reviewed should be certified by the district court of appeal to the supreme court. The suggestion shall be substantially in the form prescribed by this rule and shall be filed within 10 days from the filing of the notice of appeal.

**(d) Response.** Any party may file a response within 10 days of the service of the suggestion.

**(e) Form.** The suggestion shall not exceed 1,300 words if computer-generated or 5 pages if handwritten or typewritten and shall contain all of the following elements:

(1) a statement of why the appeal requires immediate resolution by the supreme court;

(2) a statement of why the appeal:

(A) is of great public importance; or

(B) will have a great effect on the proper administration of justice throughout the state.

(3) a certificate signed by the attorney stating: I express a belief, based on a reasoned and studied professional judgment, that this appeal requires immediate resolution by the supreme court and (a) is of great public importance, or (b) will have a great effect



on the administration of justice throughout the state;  
and

(4) an appendix containing a conformed copy of the order to be reviewed.

**(f) Effect of Suggestion.** The district court of appeal shall not be required to rule on the suggestion and neither the filing of a suggestion nor the rendition by the district court of appeal of its certificate shall alter the applicable time limitations or place of filing. If an order is rendered granting or denying certification, no rehearing shall be permitted.

**(g) Procedure When the Supreme Court of Florida Accepts Jurisdiction.** The jurisdiction of the supreme court attaches on rendition of the order accepting jurisdiction. If the supreme court accepts jurisdiction, it shall so order and advise the parties, the clerk of the district court of appeal, and the clerk of the lower tribunal. The clerk of the court in possession of the record shall electronically transmit the record in the case to the supreme court within 10 days thereafter. The supreme court shall issue a briefing schedule and all documents formerly required to be filed in the district court shall be filed in the supreme court. If the supreme court denies jurisdiction, it shall so order and advise the parties and the clerk of the district court of appeal.

### Committee Notes

**1980 Amendment.** This rule is entirely new and governs all discretionary proceedings to review trial court orders or judgments that have been certified by the district court under rule 9.030(a)(2)(B) to require immediate resolution by the supreme court and to be of great public importance or to have a great effect on the proper administration of justice throughout the state. Final and non-final orders are covered by this rule. Discretionary review of other district court decisions if supreme court jurisdiction exists under rule 9.030(a)(2)(A) is governed by rule 9.120.

Subdivision (b) makes clear that certification by the district court is self-executing.

Subdivision (c) sets forth the manner in which a party may file a suggestion that the order to be reviewed should be certified by the district court to the supreme court and requires the suggestion be filed within 10 days from the filing of the notice of appeal. It is contemplated that suggestions under this rule will be rare. A suggestion should be filed only if, under the peculiar circumstances of a case, all the elements contained in subdivision (e) of the rule are present.

Subdivision (d) provides that any other party may file a response to a suggestion within 5 days of the service of the suggestion.



Subdivision (e) provides for the form of the suggestion. All suggestions must be substantially in this form. The suggestion is limited to 5 pages and must contain (1) a statement of why the appeal requires immediate resolution by the supreme court, and (2) a statement of why the appeal either is of great public importance or will have a great effect on the proper administration of justice throughout the state. The suggestion must be accompanied by an appendix containing a copy of the order to be reviewed. The suggestion also must include a certificate signed by the attorney in the form appearing in the rule.

To ensure that no proceeding is delayed because of this rule, subdivisions (f) and (g) provide that the filing of a suggestion will not alter the applicable time limitations or the place of filing. The district court shall not be required to rule on a suggestion. The parties should follow the time limitations contained in the rule through which jurisdiction of the district court was invoked. See rules 9.100, 9.110, 9.130, and 9.140.

**2020 Amendments.** The page limit for a computer-generated suggestion was converted to a word count.

