

RULE 9.170 | APPEAL PROCEEDINGS IN PROBATE AND GUARDIANSHIP CASES

(a) Applicability. Appeal proceedings in probate and guardianship cases will be as in civil cases, except as modified by this rule.

(b) Appealable Orders. Except for proceedings under rule 9.100 and rule 9.130(a), appeals of orders rendered in probate and guardianship cases will be limited to orders that finally determine a right or obligation of an interested person as defined in the Florida Probate Code. Orders that finally determine a right or obligation include, but are not limited to, orders that:

- (1) determine a petition or motion to revoke letters of administration or letters of guardianship;
- (2) determine a petition or motion to revoke probate of a will;
- (3) determine a petition for probate of a lost or destroyed will;
- (4) grant or deny a petition for administration under section 733.2123, Florida Statutes;
- (5) grant heirship, succession, entitlement, or determine the persons to whom distribution should be made;
- (6) remove or refuse to remove a fiduciary;
- (7) refuse to appoint a personal representative or guardian;
- (8) determine a petition or motion to determine incapacity or to remove rights of an alleged incapacitated person or ward;
- (9) determine a motion or petition to restore capacity or rights of a ward;
- (10) determine a petition to approve the settlement of minors' claims;
- (11) determine apportionment or contribution of estate taxes;
- (12) determine an estate's interest in any property;



- (13) determine exempt property, family allowance, or the homestead status of real property;
- (14) authorize or confirm a sale of real or personal property by a personal representative;
- (15) make distributions to any beneficiary;
- (16) determine amount and order contribution in satisfaction of elective share;
- (17) determine a motion or petition for enlargement of time to file a claim against an estate;
- (18) determine a motion or petition to strike an objection to a claim against an estate;
- (19) determine a motion or petition to extend the time to file an objection to a claim against an estate;
- (20) determine a motion or petition to enlarge the time to file an independent action on a claim filed against an estate;
- (21) settle an account of a personal representative, guardian, or other fiduciary;
- (22) discharge a fiduciary or the fiduciary's surety;
- (23) grant an award of attorneys' fees or costs;
- (24) deny entitlement to attorneys' fees or costs; or
- (25) approve a settlement agreement on any of the matters listed above in (b) (1)-(b) (24) or authorizing a compromise under section 733.708, Florida Statutes.

(c) Record; Alternative Appendix. An appeal under this rule may proceed on a record prepared by the clerk of the lower tribunal or on appendices to the briefs, as elected by the parties within the time frames set forth in rule 9.200(a)(2) for designating the record. The clerk of the lower tribunal must prepare a record on appeal in accordance with rule 9.200 unless the appellant directs that no record should be prepared; a copy of such direction must be served on the court when it is served on the clerk of the lower tribunal. Any other party may direct the clerk to prepare a record in accordance with rule 9.200; a copy of such direction must be served on the court when it is served on the clerk of the



lower tribunal. If no record is prepared under this rule, the appeal must proceed using appendices under rule 9.220.

(d) Briefs. The appellant's initial brief, accompanied by an appendix as prescribed by rule 9.220 (if applicable), must be served within 70 days of filing the notice of appeal. Additional briefs must be served as prescribed by rule 9.210.

(e) Scope of Review. The court may review any ruling or matter related to the order on appeal occurring before the filing of the notice of appeal, except any order that was appealable under this rule. Multiple orders that are separately appealable under rule 9.170(b) may be reviewed by a single notice if the notice is timely filed as to each such order.

