

RULE 9.340 | MANDATE

(a) Issuance and Recall of Mandate. Unless otherwise ordered by the court or provided by these rules, the clerk of the court must issue such mandate or process as may be directed by the court after expiration of 15 days from the date of an order or decision. A copy thereof, or notice of its issuance, must be served on all parties. The court may direct the clerk of the court to recall the mandate, but not more than 120 days after its issuance.

(b) Extension of Time for Issuance of Mandate. Unless otherwise provided by these rules, if a timely motion for rehearing, clarification, certification, or issuance of a written opinion has been filed, the time for issuance of the mandate or other process will be extended until 15 days after rendition of the order denying the motion, or, if granted, until 15 days after the cause has been fully determined.

(c) Entry of Money Judgment. If a judgment of reversal is entered that requires the entry of a money judgment on a verdict, the mandate will be deemed to require such money judgment to be entered as of the date of the verdict.

Committee Notes

1977 Amendment. This rule replaces former rule 3.15. The power of the court to expedite as well as delay issuance of the mandate, with or without motion, has been made express. That part of former rule 3.15(a) regarding money judgments has been eliminated as unnecessary. It is not intended to change the substantive law there stated. The 15-day delay in issuance of mandate is necessary to allow a stay to remain in effect for purposes of rule 9.310(e). This automatic delay is inapplicable to bond validation proceedings, which are governed by rule 9.330(c).

1984 Amendment. Subdivision (c) was added. It is a re-promulgation of former rule 3.15(a), which was deleted in 1977 as being unnecessary. Experience proved it to be necessary.

