

# Florida Supreme Court Opens the Door to New Class of Interlocutory Appeals

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**David A. Karp**

On January 23, 2020, the Florida Supreme Court changed the Florida Rules of Appellate Procedure to create a new class of interlocutory appeals and expand the right to bring other appeals from nonfinal orders.

The court amended Rule 9.120(a)(3) to allow appeals from the nonfinal orders that deny motions asserting entitlement to absolute or qualified immunity in civil rights claims arising under federal law. This change, effective immediately, impacts section 1983 and other claims brought against government actors — and allows for an immediate appeal on threshold immunity questions.

The change also enlarges the right to bring appeals from nonfinal order denying motions that assert sovereign immunity and immunity under Florida Statutes section 768.28(9). The court removed the requirement that orders must “determine that, as a matter of law, a party is not entitled” to immunity. That language spawned debates about whether one-sentence trial court orders made such determinations.

The change shows once again that the new majority on the Florida Supreme Court is willing to rethink — and rewrite — existing rules and precedents.

Carlton Fields’ Appellate Practice and Trial Support Group can help you evaluate whether this new rule opens the door to an immediate appeal.

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