

Rule 9.170. Appeal Proceedings in Probate and Guardianship Cases

(a) Applicability. Appeal proceedings in probate and guardianship cases shall 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 shall 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) grant or deny a petition for administration pursuant to section 733.2123, Florida Statutes;
- (4) grant heirship, succession, entitlement, or determine the persons to whom distribution should be made;
- (5) remove or refuse to remove a fiduciary;
- (6) refuse to appoint a personal representative or guardian;
- (7) determine a motion or petition to restore capacity;
- (8) determine apportionment or contribution of estate taxes;
- (9) determine an estate's interest in any property;
- (10) make distributions to any beneficiary;
- (11) determine entitlement to elective share;
- (12) determine amount and order contribution in satisfaction of elective share;
- (13) determine a motion or petition for enlargement of time to file a claim against an estate;
- (14) determine a motion or petition to strike an objection to a claim against an estate;

(15) determine a motion or petition to extend the time to file an objection to a claim against an estate;

(16) determine a motion or petition to enlarge the time to file an independent action on a claim filed against an estate;

(17) settle an account of a personal representative, guardian, or other fiduciary;

(18) discharge a fiduciary or the fiduciary's surety;

(19) **award attorneys' fees or costs;**

(20) approve a settlement agreement on any of the matters listed above in (1) – (19) or authorizing a compromise pursuant to 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)(3) for designating the record. The clerk of the lower tribunal shall prepare a record on appeal in accordance with rule 9.200 unless the appellant directs that no record shall be prepared. However, any other party may direct the clerk to prepare a record in accordance with rule 9.200. If no record is prepared under this rule, the appeal shall proceed using appendices pursuant to rule 9.220.

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

(e) Scope of Review. The court may review any related ruling occurring before the filing of the notice, 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.

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Rule 9.110. Appeal Proceedings to Review Final Orders of Lower Tribunals and Orders Granting New Trial in Jury and Non-Jury Cases

(a) Applicability. This rule applies to those proceedings that

(1) invoke the appeal jurisdiction of the courts described in rules 9.030(a)(1), (b)(1)(A), and (c)(1)(A);

~~(2) seek review of orders entered in probate and guardianship matters that finally determine a right or obligation of an interested person as defined in the Florida Probate Code;~~

~~(3)~~ (2) seek review of administrative action described in rules 9.030(b)(1)(C) and (c)(1)(C); and

~~(4)~~ (3) seek review of orders granting a new trial in jury and non-jury civil and criminal cases described in rules 9.130(a)(4) and 9.140(c)(1)(C).

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