

§3.E.03 | CORRECTING OR MODIFYING APPELLATE DECISIONS – CERTIFICATION

A party may attempt to establish a basis for Supreme Court review of a district court decision by filing a motion to certify the issue to the Supreme Court. Florida Rule of Appellate Procedure 9.330(a) includes motions for certification among the kinds of motions that can be filed to seek reconsideration or further review of an appellate decision.¹⁴⁶ The Rule does not require the moving party to state the ground for certification with particularity, as it does for rehearing and clarification,¹⁴⁷ but it is advisable to present a complete statement of the reasons for requesting certification.

The time limitations applicable to motions for rehearing and clarification also apply to motions for certification. Rule 9.330(a) provides that a motion for certification must be filed in the lower appellate court within fifteen days of the decision to be certified for review.¹⁴⁸ A party opposing certification may file a response within ten days of service of the motion.¹⁴⁹

Only one motion for certification is permitted as to a given appellate decision, but filing such a motion does not preclude alternative relief by rehearing or clarification. A motion for certification may be filed as an exclusive remedy or in conjunction with a motion for rehearing or clarification.¹⁵⁰

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Footnotes

¹⁴⁶. Id. 9.330(a).

¹⁴⁷. Id.

¹⁴⁸. Id. The time runs from the original decision and not from a subsequent order denying rehearing. Certification and rehearing are not sequential remedies. *DeBiasi*, 732 S.2d at 16.

¹⁴⁹. Fla. R. App. P. 9.330(a).

¹⁵⁰. Id. 9.330(b).

