

**Condensed Test Specifications
Florida-Prepared Portion of the General Bar Examination**

Florida Rules of Criminal Procedure

(Areas that will be emphasized are in bold and italics; the remaining areas will be tested less frequently)

1. Scope, Purpose, and Construction
 - 1.1. Scope
 - 1.2. Purpose and Construction
 - 1.3. State and Prosecuting Attorney Defined
2. General Provisions
 - 2.1. Service and Filing of Pleadings and Papers, and Documents
 - 2.2. Computation of Time
 - 2.3. Enlargement of Time
 - 2.4. Time for Service of Motions and Notice of Hearing
 - 2.5. Additional Time After Service by Mail, When Permitted, or E-Mail
 - 2.6. Nonverification of Pleadings
 - 2.7. Pleading Captions
 - 2.8. ***Providing Counsel to Indigents***
 - 2.9. Minimum Standards for Attorneys in Capital Cases
 - 2.10. Duties of State Attorney; Criminal Intake

3. Preliminary Proceedings
 - 3.1. Committing Judge
 - 3.2. ***Arrest Warrant***
 - 3.3. ***Notice to Appear***
 - 3.4. ***First Appearance***
 - 3.5. ***Pretrial Release***
 - 3.6. ***Pretrial Detention***
 - 3.7. ***Pretrial Probable Cause Determinations and Adversary Preliminary Hearings***
 - 3.8. ***Time for Filing Formal Charges***
 - 3.9. ***Indictments; Informations***
 - 3.10. Joinder of Offenses and Defendants
 - 3.11. ***Consolidation of Related Offenses***
 - 3.12. ***Severance of Offenses and Defendants***
 - 3.13. Timeliness of Defendant's Motion; Waiver

4. Arraignments and Pleas
 - 4.1. **Arraignment**
 - 4.2. **Pleas**
 - 4.3. **Plea Discussions and Agreements**
 - 4.4. **Acceptance of Guilty or Nolo Contendere Plea**
 - 4.5. **Presence of Defendant**
5. Pretrial Motions and Defenses
 - 5.1. **Pretrial Motions**
 - 5.2. **Speedy Trial**
 - 5.3. Notice of Alibi
 - 5.4. Emergency Rule
 - 5.5. Expert Testimony of Mental Mitigation During Penalty Phase of Capital Trial; Notice and Examination by State Expert
 - 5.6. **Incompetence to Proceed; Procedure for Raising the Issue**
 - 5.7. **Competence to Proceed; Scope of Examination and Report**
 - 5.8. **Competence to Proceed; Hearing and Disposition**
 - 5.9. Continuing Incompetency to Proceed; Except Incompetency to Proceed With Sentencing; Disposition
 - 5.10. Incompetency to Proceed to Sentencing; Disposition

- 5.11. Effect of Adjudication of Incompetency to Proceed; Psychotropic Medication
- 5.12. ***Insanity at Time of Offense or Probation or Community Control Violation; Notice and Appointment of Experts***
- 5.13. ***Judgment of Not Guilty by Reason of Insanity; Disposition of Defendant***
- 5.14. Commitment of a Defendant Found not Guilty by Reason of Insanity
- 5.15. Conditional Release
- 6. ***Discovery***
- 7. Substitution of judge
- 8. Change of Venue
- 9. The Trial
 - 9.1. ***Accused as Witness***
 - 9.2. ***Right to Trial by Jury***
 - 9.3. ***Waiver of Jury Trial***
 - 9.4. Number of Jurors
 - 9.5. Alternate Jurors
 - 9.6. List of Prospective Jurors
 - 9.7. Challenge to Panel

- 9.8. ***Voir Dire Examination, Oath, and Excusing of Member***
- 9.9. ***Time for Challenge***
- 9.10. ***Exercise of Challenges***
- 9.11. ***Manner of Challenge***
- 9.12. Determination of Challenge for Cause
- 9.13. Effect of Sustaining Challenge
- 9.14. ***Peremptory Challenge***
- 9.15. Oath of Trial Jurors
- 9.16. Witness Attendance and Subpoenas
- 10. Conduct of Trial; Jury Instructions
 - 10.1. ***Regulation and Separation of Jurors***
 - 10.2. ***Motion for Judgment of Acquittal***
 - 10.3. ***Jury Instructions***
 - 10.4. Selection of Foreperson of Jury
 - 10.5. ***Materials to the Jury Room***
 - 10.6. ***Jury Request to Review Evidence or for Additional Instructions***
 - 10.7. ***Recall of Jury for Additional Instructions***
 - 10.8. ***Jury Not Recallable to Hear Additional Evidence***

11. The Verdict
 - 11.1. Rendition of Verdict; Reception and Recording
 - 11.2. Polling the Jury
 - 11.3. Judicial Comment on Verdict
 - 11.4. Proceedings on Sealed Verdict
 - 11.5. Determination of Degree of Offense
 - 11.6. Verdict of Guilty Where More Than One Count
 - 11.7. ***Inconsistent Verdicts***
 - 11.8. ***Determination of Attempts and Lesser Included Offenses***
 - 11.9. Verdict in Case of Joint Defendants
 - 11.10. Reconsideration of Ambiguous or Defective Verdict
 - 11.11. When Verdict May Be Rendered
 - 11.12. Disposition of Defendant
 - 11.13. Discharge of Jurors
 - 11.14. Irregularity in Rendition, Reception, and Recording of Verdict

12. Post-Trial Motions

12.1. Court May Grant New Trial

12.2. ***Time for and Method of Making Motions; Procedure;
Custody Pending Hearing***

12.3. ***Grounds for New Trial***

12.4. ***Motion for Arrest of Judgment; Grounds***

12.5. ***When Evidence Sustains Only Conviction of Lesser Offense***

12.6. Sentence Before or After Motion Filed

12.7. Effect of Granting New Trial

13. Judgment

13.1. Judgment Defined

13.2. Rendition of Judgment

13.3. Judgment on Informal Verdict

13.4. Judgment of Not Guilty; Defendant Discharged and Sureties
Exonerated

13.5. ***Post-Trial Release***

13.6. Petition to Seal or Expunge

- 14. Sentence
 - 14.1. Sentence Defined; Pronouncement and Entry; Sentencing Judge
 - 14.2. ***Sentencing Guidelines***
 - 14.3. Sentencing Guidelines (1994)
 - 14.4. Sentencing Guidelines (1994 as amended)
 - 14.5. ***The Criminal Punishment Code***
 - 14.6. Presentence Report
 - 14.7. Presentence Report: When Prepared
 - 14.8. Presentence Report: Disclosure
 - 14.9. Presentence Investigation Disclosure: Parties
 - 14.10. Sentencing Hearing
 - 14.11. Record of the Proceedings
 - 14.12. Issuance of Capias When Necessary to Bring Defendant Before Court
 - 14.13. Procedure When Pardon Is Alleged as Cause for Not Pronouncing Sentence
 - 14.14. Procedure When Nonidentity Is Alleged as Cause for Not Pronouncing Sentence

- 14.15. Procedure When Pregnancy is Alleged as Cause for Not Pronouncing Death Sentence
- 14.16. ***Sentencing Hearing for Capital Cases***
- 14.17. Probation and Community Control
- 14.18. ***Correction, Reduction, and Modification of Sentences***
- 15. Execution of Sentence
 - 15.1. Commitment of Defendant; duty of Sheriff
 - 15.2. Insanity at Time of Execution: Capital Cases
 - 15.3. Hearing on Insanity at Time of Execution: Capital Cases
 - 15.4. Habeas Corpus
- 16. Criminal Contempt
 - 16.1. ***Direct Criminal Contempt***
 - 16.2. ***Indirect Criminal Contempt***
- 17. Post-conviction relief
 - 17.1. ***Motion to Vacate, Set Aside, or Correct Sentence***
 - 17.2. Collateral Relief After Death Sentence has been Imposed and Affirmed on Direct Appeal
 - 17.3. Capital Post-conviction Public Records Production
 - 17.4. ***Motion for Post-conviction DNA Testing***

- 18. Forms
 - 18.1. Standard Jury Instructions
 - 18.2. Forms Related to Judgment and Sentence
 - 18.3. Motion for Post-conviction Relief
 - 18.4. Sentencing Guidelines
 - 18.5. Affidavit, Petition, and Order to Expunge or Seal Forms
 - 18.6. ***Sentencing Guidelines Scoresheet***
 - 18.7. Supplemental Sentencing Guidelines Scoresheet
 - 18.8. Sentencing Guidelines Scoresheet – October 1, 1995
 - 18.9. Supplemental Sentencing Guidelines Scoresheet – October 1, 1995
 - 18.10. Criminal Punishment Code Scoresheet
 - 18.11. Supplemental Criminal Punishment Code Scoresheet
 - 18.12. Forms Related to Capital Post-conviction Records Production