# Florida Rules of Civil Procedure Test Specifications Part A of the General Bar Examination (Published March 2023)

- I. General principles
  - A. Scope and title of Florida Rules of Civil Procedure
  - B. Computation of time
  - C. Privacy and court records
  - D. When civil action commences
  - E. Service of pleadings, motions, and discovery
- II. Jurisdiction, Process, and Choice of Forum
  - A. Jurisdiction
    - 1. Personal jurisdiction
      - a. How to establish personal jurisdiction
      - b. Waiver of personal jurisdiction defense
    - 2. Subject matter jurisdiction
    - 3. Jurisdictional amounts for county and circuit court
  - B. Process
    - 1. Summons
    - 2. Who may serve process
    - 3. How to serve process
    - 4. Service of process by mail
    - 5. Time limit for serving process
  - C. Venue

- 1. Requirements for establishing venue
- 2. Transfers of actions
- D. Forum non conveniens

# III. Pleadings

- A. Complaint
  - 1. General requirements
  - 2. Pleading special matters
  - 3. Documents that must be attached to, or incorporated in, the Complaint

#### B. Answer

- 1. Defenses that must be pled in the Answer
- 2. Defenses that may be raised at any time
- 3. Affirmative defenses
- 4. Effect of failure to deny
- C. Reply
- D. Time limits for serving Answer and Reply
- E. Counterclaims and crossclaims
- F. Demand for jury trial; waiver
- G. Amended and supplemental pleadings
- H. Pleading punitive damage claims
- I. Sham pleadings
- IV. Motions to Dismiss for Failure to State a Claim
  - A. Allegations in Complaint to be taken as true

# B. Limitations on consideration of information beyond the Complaint

#### V. Parties and Joinder

#### A. Parties

- 1. Joinder of plaintiffs or defendants
- 2. Adding or dropping plaintiffs or defendants
- 3. Misjoinder
- 4. Survivor, substitution of parties
- B. Minors or incompetent persons
- C. Class actions
  - 1. Prerequisites for class certification
  - 2. Settlement of class actions
- D. Consolidation or separate trials
- E. Interpleader
- F. Intervention

# VI. Discovery

- A. Methods of discovery and use at trial
  - 1. Interrogatories
  - 2. Requests for production or inspection
  - 3. Oral depositions
  - 4. Depositions on written questions
  - 5. Requests for admissions
  - 6. Examination of persons

- 7. Request for admissions
- 8. Subpoenas
- 9. Form of responses to written discovery requests

#### B. Scope of discovery

- 1. Relevance standard for discovery
- 2. Objections to discovery and protective orders
- 3. Work product protection against discovery
- 4. Third-party discovery
- 5. Expert discovery
  - a. Testifying and non-testifying experts
  - b. Expert interrogatories and disclosures
  - c. Expert depositions
- 6. Electronically stored information
- 7. Supplementation of discovery
- 8. Apex doctrine
- C. Inadvertent disclosure of privileged information
- D. Failure to make discovery, motions to compel, and sanctions
- E. Duty to preserve information
- VII. Case management conferences and pretrial conferences
  - A. Subject matters that can be addressed at case management and pretrial conferences
  - B. Motions for case management and pretrial conferences

## VIII. Summary judgment

#### IX. Dismissal of actions

- A. Voluntary dismissal
- B. Involuntary dismissal
- C. Assessment of costs
- D. Dismissal for failure to prosecute

#### X. Civil trials

- A. Trial juries
  - 1. Voir dire
  - 2. Challenges for cause and peremptory challenges
  - 3. Juror interviews
  - 4. Communication with jurors
  - 5. Juror questions to the court
- B. Setting action for trial
- C. Offers of proof for excluded evidence
- D. Jury instructions
- E. Motion for directed verdict
- F. Motion for new trial
- G. Remittitur and additur

#### XI. Additional motions

- A. Continuances and extensions
- B. Motions in limine
- C. Motions for costs or attorney's fees after judgment

#### XII. Defaults

- A. Clerk's entry of default
- B. Court's entry of default and default judgments
- C. Setting aside default

### XIII. Injunctions

- A. Temporary and preliminary injunctions
- B. Permanent injunctions

#### XIV. Final judgments

- A. Enforcement of final judgments
- B. Discovery in aid of execution
- C. Relief from judgment

# XV. Proposals for settlement and alternative dispute resolution

- A. Proposals for settlement
- B. Mediation
  - 1. Court's power to order mediation
  - 2. Effect of mediation on pending discovery
  - 3. Required appearances at mediation
  - 4. Sanctions for failing to appear at mediation
- C. Appeal of arbitration decision