



OPEN LAW SERVICES INSTITUTE  
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OLSI CIVIL LEGAL GUIDE · FLORIDA STATE TRIAL COURTS

# Motion Practice in Florida State Trial Courts

A plain-English walkthrough of how to ask a Florida court to do something — from drafting your motion to the order that ends it — written for self-represented litigants but rigorous enough for new counsel.

JURISDICTION

**Florida State Courts**

AUDIENCE

**Self-Represented &  
New Counsel**

LAST REVIEWED

**June 2026**

READING TIME

**~45 min**

## WHAT THIS GUIDE COVERS

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### IMPORTANT — PLEASE READ

Open Law Services Institute is not a law firm and does not provide legal advice. This guide gives general legal information to help you understand court procedure. It cannot tell you what to do in your specific case, and using it does not create an attorney-client relationship. For advice about your situation, consult a Florida-licensed attorney. Learn more at [www.openlawservices.org](http://www.openlawservices.org).

## START HERE

## Most cases are won or lost on motions — long before trial

A common misconception is that once your case is filed you will soon stand before a judge, tell your story, and get a decision. The reality is very different.

Before you ever explain your side, you will likely have to **file motions** — and **respond to motions** the other side files. Much of civil litigation happens in writing, through these requests, and a case can be decided on them without a trial ever taking place.

**63%**

of Miami civil litigants appeared with no lawyer

**12%**

of cases had counsel on both sides

**37%**

self-represented in consumer & contract cases

Source: one-day civil-justice snapshot, The Florida Bar.<sup>40</sup> If you are representing yourself, you are far from alone — and the rules below are the same ones lawyers follow.

### So what is a motion?

A **motion** is simply a request asking the court to enter an **order** — a ruling that requires or permits something. By rule, an application to the court for an order “must be by motion which must be made in writing ... must state with particularity the grounds for it, and must set forth the relief or order sought.”<sup>1</sup> If you need more time, you can file a **motion for extension of time**; if the court **grants** it, you get the extension; if it **denies** it, you do not.

**PRACTICE POINTER**

In Florida state courts, most motions must be **set for hearing**. The party who files the motion is usually responsible for requesting a hearing date and giving the other side notice of it. Filing a motion is only the first step — getting it heard is a separate job, and one many self-represented litigants forget.

## THE ROAD AHEAD

# Motion practice follows a repeatable, six-stage path

This guide walks each stage in order. You will see this progress bar at the top of each stage so you always know where you are.



## 1 • Draft

Build a motion a judge can actually act on — eight parts, the right legal standard, and (new in 2025) a certificate that you conferred with the other side.

## 2 • File & serve

File through the Florida Courts E-Filing Portal and make sure every other party receives a copy the proper way.

## 3 • Set it for hearing

Coordinate a date, then file a Notice of Hearing telling everyone when, where, and how the hearing will happen.

## 4 • The hearing

Prepare, decide whether you need a court reporter, present your argument and any evidence, and answer the judge's questions.

## 5 • The order

Often you draft the order yourself — an agreed order if everyone agrees, or a proposed order after a contested hearing.

## 6 • Review

If the ruling is wrong and the deadline is short, you may seek appeal or certiorari. These are deadline-driven and unforgiving.

### WATCH OUT • THE 2025 RULES CHANGED A LOT

Effective January 1, 2025, the Florida Supreme Court overhauled the Rules of Civil Procedure — new case-management tracks, a new duty to confer before most motions, proportional discovery, mandatory initial disclosures, and far stricter limits on continuances.<sup>22</sup> Older guides and forms you find online may be out of date. This guide reflects the current rules.



## STAGE 1 · DRAFT THE MOTION

# The eight parts of a motion

If you need the court to do something, you will draft and file a motion. Almost every well-formed motion is built from the same eight building blocks.

**a**

### Title

One line telling the court what the motion is. Always name *who* is filing and *what type* of motion it is — e.g., “Defendant’s Motion for Extension of Time.” Every paper also needs a caption with the court, case number, and parties.<sup>2</sup>

**b**

### Introduction

State specifically what you are asking for. Asking for a two-week extension? Say so up front. It is also wise to name the rule or statute you rely on — most extension requests rest on [Fla. R. Civ. P. 1.090](#).

**c**

### Legal standard

The test the court applies in deciding your motion. This comes purely from the law and should **always cite authority** — the case, statute, or rule the test comes from.

**d**

### Argument

Where you show the facts of *your* case meet that legal test. For an extension, the test is “good cause,” so give the court real reasons — an unexpected event, the need to investigate, the length or complexity of what you must respond to.

#### WATCH OUT

The **legal standard** and **argument** are different jobs. The standard is the rule the court uses; the argument is why *your* facts satisfy it. Keep them separate and clearly labeled — judges notice when they are blurred together.



## STAGE 1 · DRAFT THE MOTION (CONTINUED)

# Closing the motion: parts (e) through (h)

### e Conclusion

Restate the relief you want. A good habit is to add “*and for such further relief as this Court may deem just and proper,*” which gives the judge room to tailor the order — useful if, at the hearing, you end up asking for three weeks instead of two.

### f Certificate of conferral

States whether you spoke with the opposing party about the relief sought. Since January 1, 2025 this is **required by rule** for most non-dispositive motions — see the next page.<sup>8</sup>

### g Signature block

Where you sign, directly under the certificate of conferral. An electronic signature in the form “/s/ Your Name” is fine.

### h Certificate of service

Tells the court you gave the opposing party a copy, and how. If everyone is on the e-portal, serving through the portal is enough — and you say so here.<sup>21</sup>

## What a signature block looks like

/s/ Your Name Your Full Name, Self-Represented 123 Main Street, City, FL 33000  
yourname@email.com · (305) 555-0123

### PRACTICE POINTER · THE “MEMORANDUM OF LAW”

Some courts mention a *memorandum of law* in support of (or opposition to) a motion. That just means the legal standard and argument. In Florida state courts those sections are usually built into the motion itself — and some judges expressly prohibit a separate memorandum — so if your motion already contains them, you are covered.



## STAGE 1 · THE HEART OF THE MOTION

# Legal standard vs. argument — worked through a motion to dismiss

The clearest way to see the difference is a common motion: a defendant’s motion to dismiss a complaint for failure to state a cause of action.

A defendant may move to dismiss on any of seven enumerated grounds — including lack of jurisdiction, improper venue, insufficient service, and **failure to state a cause of action** — and the grounds “shall be stated specifically and with particularity.”<sup>13</sup>

### The legal standard (from the law)

Whether a complaint states a cause of action is a question of law. The court must “treat the factual allegations of the complaint as true and ... consider those allegations in the light most favorable to the plaintiff.”<sup>15</sup> Critically, the court looks only at the **four corners** of the complaint — “[a] court may not go beyond the four corners of the complaint” and may not weigh affidavits or other proof.<sup>17</sup> Documents you attach to a pleading become part of it for all purposes, and where an attached document contradicts a conclusory allegation, the document controls.<sup>18</sup>

### The argument (from your case)

Here you apply that standard to the specific complaint: identify the cause of action, list its required elements, and show which element the complaint fails to allege facts to support — pointing to the complaint’s own paragraphs (and any attached exhibit) rather than to outside evidence.

#### WATCH OUT · A MOTION TO DISMISS IS NOT A MINI-TRIAL

Because the court is confined to the four corners of the complaint,<sup>16</sup> arguments that “the plaintiff has no proof” or “the witnesses are lying” belong in a motion for summary judgment or at trial — not in a motion to dismiss. Mixing them in is the most common mistake.



## STAGE 1 · NEW IN 2025

## You usually must confer *before* filing — Rule 1.202 NEW 2025

One of the biggest 2025 changes: before filing most non-dispositive motions, the moving party must make a good-faith effort to resolve the issue with the other side first.<sup>8</sup>

The rule requires you to **confer** — by phone, email, or in person — and then include a **certificate of conferral** just above your signature, stating how and when you conferred and whether the other side agrees, disagrees, or did not respond.<sup>9</sup>

### What the certificate should say

CERTIFICATE OF CONFERRAL I certify that prior to filing this motion, I conferred with the opposing party by [telephone / email] on [date], and the opposing party [agrees / disagrees] with the relief requested [or did not respond, despite my efforts on (dates)].

#### PRACTICE POINTER · WHEN CONFERRAL IS NOT REQUIRED

The duty does not apply when **any party is unrepresented**, and it never applies to certain motions — including motions to dismiss, for summary judgment, for judgment on the pleadings, for injunctive relief, and to extend time for initial service.<sup>10</sup> Even so, if you are unsure, it is safer to confer anyway and say so — some judges expect it.

#### WATCH OUT · SKIPPING CONFERRAL CAN SINK YOUR MOTION

“Failure to comply with the requirements of this rule may result in an appropriate sanction, including denial of a motion without prejudice.”<sup>11</sup> Do not skip the certificate.



## STAGE 1 · DEADLINES

# Computing time — and asking for more of it

Most motion deadlines are counted in days. Get the counting wrong and you can miss a deadline you did not know had moved.

### How to count days

When counting a deadline, you **exclude the day that starts the clock**, count every intervening day, and if the last day falls on a weekend or legal holiday, the deadline rolls to the next business day.<sup>5</sup> For periods **shorter than seven days**, weekends and holidays in the middle are skipped. And when you were served by mail or e-mail, **five days are added** to your response time.<sup>6</sup>

### Asking for more time

The court may extend a deadline for **good cause** if you ask *before* it expires, or for **excusable neglect** if you ask *after* it has already passed.<sup>4</sup> A defendant served with a complaint generally has **20 days** to respond,<sup>12</sup> so an extension motion is one of the first things many litigants file.

#### WATCH OUT · DEADLINES YOU CANNOT EXTEND

Rule 1.090 does not allow extensions for motions for new trial, rehearing, to alter a judgment, for relief from judgment under Rule 1.540(b), or for a notice of appeal or certiorari petition.<sup>7</sup> These are jurisdictional. The 30-day deadline to appeal, in particular, cannot be saved by the five-day mailing rule.



## STAGE 1 · TEMPLATE

# Sample: Motion for Extension of Time

Here is how the eight parts fit together in a simple motion. Replace every highlighted field with your own information.

TEMPLATE	Fill in the highlighted fields — do not file as-is
IN THE CIRCUIT COURT OF THE <u>ELEVENTH</u> JUDICIAL CIRCUIT IN AND FOR <u>MIAMI-DADE</u> COUNTY, FLORIDA	
<u>PLAINTIFF NAME</u> , Plaintiff,	Case No.: <u>2026-CA-000000</u> Division: <u>XX</u>
v.	
<u>DEFENDANT NAME</u> , Defendant.	
<b>DEFENDANT’S MOTION FOR EXTENSION OF TIME</b>	
<p><b>Introduction.</b> Defendant <u>NAME</u>, appearing without counsel, respectfully moves this Court under Florida Rule of Civil Procedure 1.090 for a <u>14-day</u> extension of time to respond to the Complaint, and states:</p>	
<p><b>Legal standard.</b> Rule 1.090(b) permits the Court to extend time for good cause shown. <u>[Add any supporting authority you rely on.]</u></p>	
<p><b>Argument.</b> Good cause exists because <u>[briefly explain – e.g., the Complaint is lengthy and you need time to gather documents and investigate the facts].</u></p>	
<p><b>Conclusion.</b> Defendant requests a <u>14-day</u> extension, through <u>DATE</u>, and for such further relief as this Court may deem just and proper.</p>	
<p>Certificate of Conferral: This motion seeks an extension of time and the movant is self-represented; conferral is not required under Fla. R. Civ. P. 1.202(c). <u>[Or describe your conferral.]</u></p>	
<p>/s/ <u>Your Name Your Full Name</u>, Self-Represented <u>Address · Email · Phone</u></p>	
<p>Certificate of Service: I certify that on <u>DATE</u> a copy of this motion was served on all parties via the Florida Courts E-Filing Portal.</p>	



## STAGE 1 · TEMPLATE

## Sample: Motion to Dismiss

Notice how the **legal standard** states the four-corners rule, while the **argument** lists the claim's elements and shows which one is missing — using only the complaint, never outside evidence.

## TEMPLATE

Fill in the highlighted fields — do not file as-is

### DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO STATE A CAUSE OF ACTION

**Introduction.** Defendant **NAME** moves under Florida Rule of Civil Procedure 1.140(b)(6) to dismiss the Complaint because it fails to state a cause of action for **[claim]**, and states the following grounds with particularity:

**Legal standard.** A motion to dismiss tests only the legal sufficiency of the complaint; the Court accepts well-pleaded facts as true, views them in the light most favorable to the plaintiff, and looks solely within the four corners of the complaint. **[Cite Siegle; Barbado.]**

**Argument.** To state a claim for **[claim]**, a plaintiff must allege (1) **element**, (2) **element**, and (3) **element**. The Complaint fails to allege facts showing **[the missing element]** because **[explain, citing the complaint's own paragraphs]**.

**Conclusion.** Defendant requests that the Court dismiss the Complaint, and for such further relief as this Court may deem just and proper.

Certificate of Conferral: Conferral is not required for a motion to dismiss under Fla. R. Civ. P. 1.202(c).

/s/ **Your Name Your Full Name**, Self-Represented

Certificate of Service: I certify that on

**DATE** a copy was served on all parties via the Florida Courts E-Filing Portal.

#### PRACTICE POINTER

List the elements of the claim in your argument, then address them one by one. A judge can grant a motion far more easily when you have mapped the law to the complaint element-by-element.



## STAGE 2 · FILE & SERVE

# Filing — and making sure everyone gets a copy

Once your motion is ready, file it through the **Florida Courts E-Filing Portal** ([myflcourtagency.com](https://myflcourtagency.com)). When you reach the service list, **select every other party**. Documents filed through the portal are served using the portal’s e-service function, which transmits a copy to each address on the service list, and service is complete on filing.<sup>19</sup>

### Serving by e-mail outside the portal

If you serve by e-mail, the rule is specific: the subject line must begin with “SERVICE OF COURT DOCUMENT” followed by the case number, and the body must contain the case style, the document title, and your name and phone number. Service by e-mail is complete when sent.<sup>20</sup>

#### WATCH OUT · PARTIES NOT ON THE PORTAL

Sometimes a party is not registered and their email will not appear on the service list. You must then send that party a copy yourself — by email if you have one, otherwise by U.S. mail — and say so in your certificate of service. If you already filed without doing this, file a one-page certificate of service that explains exactly how every party received the motion.

### The certificate of service

Your certificate must state the date, the recipients and their service addresses, and the method.<sup>21</sup> If everyone is on the portal, a single sentence saying you served all parties via the portal is enough.



## STAGE 2 · TEMPLATE

## Sample: Stand-alone Certificate of Service

Use this one-page filing to fix service if you realize, after filing, that a party was not properly served — or any time you serve different parties different ways.

## TEMPLATE

Fill in the highlighted fields — do not file as-is

### CERTIFICATE OF SERVICE

I certify that on **DATE**, a true and correct copy of **[document title]** was served on all parties as follows:

Via the Florida Courts E-Filing Portal:

**Name / email of each registered party**

Via e-mail (party not registered on the portal):

**Name / email**

Via U.S. Mail (no e-mail available):

**Name / mailing address**

/s/ **Your Name** **Your Full Name**, Self-Represented **Address · Email · Phone**

### PRACTICE POINTER

Keep proof. Save the portal's e-service confirmation, your "sent" emails, and any mailing receipts. If service is ever questioned, that paper trail is what protects you.



## STAGE 3 · SET IT FOR HEARING

# Getting your motion decided — with or without a hearing

Filing a motion does not mean the court will see it, let alone rule on it. Your next job is to get it *decided* — which sometimes means a hearing, and sometimes does not.

### Will there even be a hearing?

Not every motion needs one. Many courts decide routine, **non-evidentiary** motions “**on the papers**” — the judge reads the motion and any response and rules in a written order, with no hearing at all. Whether that happens depends on the motion, the judge’s individual procedures, and your local rules. Some judges decide most non-evidentiary motions on the papers; others want every motion set for hearing. Read the judge’s procedures before you assume either.<sup>25</sup>

#### PRACTICE POINTER · ASKING FOR A RULING ON THE PAPERS

If your motion is simple or unopposed, you can ask the court to rule without a hearing. State in the motion that you request a ruling “on the papers” or “without oral argument,” and after the response deadline passes, a brief, polite note to the judicial assistant asking the court to consider the unopposed motion is often enough. Always confirm the judge’s preferred method first.

### If a hearing is needed: how long, and what kind?

Two questions shape it: **how much time** the hearing will need, and whether it is **evidentiary** (will witnesses or exhibits be presented?). Those answers decide whether it fits a short motion calendar or must be specially set — and how you coordinate it, covered next.

#### WATCH OUT · CHECK BEFORE YOU SET

Always check three things first: the **judge’s procedures**, any **case management order** in your case, and any special **division rules**. Under the 2025 case-management rules, deadlines are strictly enforced and the parties “may not unilaterally extend” them.<sup>28</sup>



### STAGE 3 · SET IT FOR HEARING (CONTINUED)

## Coordinating a date — and what to do if they won't respond

### Coordinating a date

Check the judge's available hearing times, then offer the other side options. A good practice is to offer **at least six options** across **three different days** over **two weeks**, give them about **72 hours** to confirm, and follow up on day two and day three.

If after 72 hours and two follow-ups you still have no confirmation, check whether the court allows you to **set the hearing unilaterally**. Many circuits and judges have a specific procedure for this, often requiring proof of your coordination attempts; review it carefully before setting.

If there is no such procedure, contact the **judicial assistant** and explain that the parties could not agree on a date, or set the matter on the next **motion calendar** — a short, non-evidentiary calendar (often five minutes) whose purpose may simply be to set a longer hearing.

#### PRACTICE POINTER · UNIFORM MOTION CALENDAR ETIQUETTE

Local rules govern the details. In Miami-Dade, for example, each party may set only one five-minute motion per case on the Uniform Motion Calendar, courtesy copies are emailed to the section in Word (not PDF), and the email subject line should contain only the hearing date.<sup>26</sup> Read your circuit's administrative order before you set.



## STAGE 3 · TEMPLATE

# The Notice of Hearing

A complete notice states the motion’s full title and filing date, the hearing date/time, the location (or link and credentials), the judge, your signature, and a certificate of service.

## TEMPLATE · NOTICE OF HEARING

Fill in the highlighted fields — do not file as-is

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY,  
FLORIDA

PLAINTIFF v. DEFENDANT

Case No.: 2026-CA-000000

## NOTICE OF HEARING

PLEASE TAKE NOTICE that Defendant’s Motion for Extension of Time, filed DATE, will be heard before the Honorable JUDGE NAME on DATE at TIME, at [courtroom address OR “via Zoom at the link below”].

[If virtual] Join: [link] · Meeting ID: [ ] · Passcode: [ ]

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact [ADA Coordinator, address, phone, email] at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing or voice impaired, call 711.

/s/ Your Name

Certificate of Service: I certify that on DATE a copy was served on all parties via the Florida Courts E-Filing Portal.

### PRACTICE POINTER · THE ADA NOTICE IS MANDATORY

Florida rule requires an accommodations notice on every notice and process that compels appearance, in **bold 14-point** Bookman Old Style or Arial.<sup>27</sup> The standard language is reproduced above — do not omit it.



## STAGE 4 · THE HEARING

# Preparing for — and appearing at — the hearing

### Before the hearing

Re-read your motion and the other side’s response. Prepare a short, organized outline: the relief you want, the legal standard, and your two or three best points. Decide whether you need a **court reporter** — if you might appeal, a transcript is often essential, because without a record an appellate court usually cannot review what happened.

### Submitting materials and evidence

Many judges want a hearing binder or a set of exhibits delivered in advance — check the judge’s procedures for how and when. If the hearing is evidentiary, bring your exhibits in order, with copies for the judge and each party, and be ready to lay a foundation for each one.

#### PRACTICE POINTER · COURTROOM ETIQUETTE

Arrive early. Dress neatly. Address the judge as “Your Honor,” stand when you speak, do not interrupt, and direct your argument to the judge rather than to the other party. Bring three copies of anything you hand up.

### What happens at the hearing

The moving party usually speaks first, the other side responds, and the moving party may briefly reply. The judge may ask questions — answer them directly. Many judges rule from the bench; others take the matter under advisement and rule later in a written order.



## STAGE 5 · THE ORDER

# Agreed orders and proposed orders

An order is how the court’s decision becomes official. Often you will draft the order yourself for the judge to sign — either as an **agreed order** (when the parties agree) or a **proposed order** you submit after a contested hearing.

### WATCH OUT · WHEN AN AGREED ORDER IS NOT ALLOWED

Under the 2025 case-management rules, the parties may submit an agreed order to extend a deadline only if the extension “does not affect the ability to comply with the remaining dates in the case management order.”<sup>28</sup> If moving one deadline would ripple into others, you must move to amend the case management order instead.

### WATCH OUT · YOU CANNOT CONTINUE A TRIAL BY AGREEMENT

Continuances of trial are “disfavored and should rarely be granted.”<sup>29</sup> Every continuance motion — even an agreed one — must state the basis, when it became known, and a proposed trial date, and must be signed by the **party**, not just the lawyer. A trial cannot be continued by agreed order.

After a contested hearing, the judge may ask you to submit a **proposed order** reflecting the ruling. It looks like an agreed order but without the “agreed as to form” signatures — and you serve a copy on the other side, who may object to its form.



## STAGE 5 · TEMPLATE

## Sample: Agreed Order

Use an agreed order when everyone consents and the change does not disturb the rest of the case-management schedule.

**TEMPLATE · AGREED ORDER**

Fill in the highlighted fields — do not file as-is

**AGREED ORDER ON [MOTION TITLE]**

THIS CAUSE came before the Court on [Motion], and the parties having agreed, it is ORDERED AND ADJUDGED that:

1. The motion is GRANTED. [State exactly what changes – e.g., the deadline to respond is extended through DATE.]

DONE AND ORDERED in [County], Florida.

\_\_\_\_\_  
[Judge Name], Circuit Judge

Agreed as to form and substance:

/s/ Your Name    /s/ Opposing Party / Counsel

**PRACTICE POINTER · SUBMIT IT THE WAY THE JUDGE WANTS**

Most circuits require proposed and agreed orders in **Microsoft Word**, submitted through the portal's proposed-order routing feature or e-mailed to the judicial assistant, with every recipient's e-mail listed. Check the judge's procedures for the exact method.



## STAGE 5 · TEMPLATE

## Sample: Proposed Order

Submit a proposed order after a contested hearing when the judge asks for one. Serve a copy on the other side so they can object to its *form* (not re-argue the merits).

## TEMPLATE · PROPOSED ORDER

Fill in the highlighted fields — do not file as-is

### ORDER ON [MOTION TITLE]

THIS CAUSE came before the Court on [Motion], and the Court, having considered the motion, any response, and argument of the parties, and being otherwise fully advised, it is ORDERED AND ADJUDGED that:

1. The motion is [GRANTED / DENIED]. [State the ruling.]

DONE AND ORDERED in [County], Florida.

[Judge Name], Circuit Judge

Copies furnished to: [all parties on the service list].

#### WATCH OUT

A proposed order should capture **exactly** what the judge ruled — no more, no less. Adding relief the judge did not grant is a common way to draw an objection or have the order rejected.



## STAGE 6 · REVIEW

# If the ruling is wrong: appeal and certiorari

Review is deadline-driven and unforgiving. The clock usually runs from *rendition* — when the signed, written order is filed — and the five-day mailing rule does not extend it.

### Final vs. non-final orders

You may appeal a **final** order (one that ends the case) within **30 days** of rendition.<sup>30</sup> Only certain **non-final** orders may be appealed before the case ends — the rule lists them, including orders on venue, personal jurisdiction, injunctions, and arbitration — again within 30 days.<sup>31</sup>

### Certiorari

For an order that is neither final nor on the non-final list, your remedy may be a petition for **certiorari**, filed within 30 days.<sup>32</sup> The standard is demanding: a “departure from the essential requirements of law” causing harm that cannot be repaired on later appeal — “something more than a simple legal error.”<sup>34</sup> This is often how an improper discovery order is reviewed, because once privileged information is disclosed, the harm cannot be undone.<sup>42</sup>

#### PRACTICE POINTER · KNOW YOUR STANDARD OF REVIEW

Appellate courts review some rulings *de novo* (fresh) — like a dismissal for failure to state a cause of action<sup>15</sup> — and others only for *abuse of discretion*, meaning the ruling stands unless “no reasonable [judge] would take the view adopted by the trial court.”<sup>35</sup> Knowing which applies tells you how steep your climb is.

## SPECIAL TOPIC

## Disclosing AI use in your filings NEW 2026

If you use a generative-AI tool to help research or draft a filing, Florida courts increasingly require you to say so — and to certify that you checked the work.

**Statewide.** Effective **June 15, 2026**, every person who signs a filing must certify that “the legal authorities identified exist and are accurately cited.”<sup>36</sup> This rule grew out of cases where AI tools invented fake citations.

**By circuit.** Several circuits go further and require an explicit AI-use disclosure on the face of the filing. In Miami-Dade, anyone who uses a generative-AI tool to prepare a filing “must disclose such use on the face of the filing” and certify that all assertions and citations were independently verified.<sup>37</sup> Broward requires a similar verification certificate.<sup>38</sup> Other circuits have their own orders, and at least one judge requires a certification *even when no AI was used*.

### PRACTICE POINTER · A SAFE DEFAULT CERTIFICATION

If you used AI and are unsure what your court requires, include a short certification such as: “I certify that I used a generative AI tool in preparing this filing and that I have independently verified all factual assertions and legal citations for accuracy.” The Florida Bar permits lawyers to use AI but requires them to protect confidentiality and verify every output.<sup>39</sup>

### WATCH OUT · YOU OWN EVERY WORD

Disclosing AI use does not shift responsibility. If a brief cites a case that does not exist, the signer is accountable — courts have sanctioned filers for exactly this. Always confirm that every case and quote is real before you file.

## BEFORE YOU FILE

## A quick pre-filing checklist

- My motion has all eight parts, in order.
- My legal standard cites authority; my argument ties my facts to that standard.
- If required, my certificate of conferral (Rule 1.202) is above my signature.
- I selected every party on the e-portal service list (and served anyone not registered).
- I checked the judge's procedures and any case management order before setting a hearing.
- My Notice of Hearing states the motion, date filed, date/time, location or link, and judge.
- I included the bold 14-point ADA accommodations notice.
- If I used AI, I disclosed it and verified every citation.

### Where to find Florida law — for free

You do not need a paid service to research Florida law. These official, free sources cover almost everything in this guide:

[Florida Rules of Civil Procedure — floridabar.org/rules](https://floridabar.org/rules)

[Florida Statutes — flsenate.gov/Laws/Statutes](https://flsenate.gov/Laws/Statutes)

[Court opinions — flcourts.gov](https://flcourts.gov)

[Florida Courts Help / DIY Florida](#)

[Court forms — forms.justia.com/florida](https://forms.justia.com/florida)

[Free case law — Google Scholar](#)

#### PRACTICE POINTER · ALWAYS VERIFY LOCALLY

Rules and procedures change, and every circuit and judge has local requirements. Before each filing, confirm the current rule, your circuit's administrative orders, and the judge's individual procedures. For more OLSI guides and resources, visit [www.openlawservices.org](https://www.openlawservices.org).

## SOURCES &amp; AUTHORITIES

# Endnotes

Every legal proposition in this guide is grounded in the authorities below, cited in Bluebook form and verified against official Florida sources as of June 2026.

- 1 Fla. R. Civ. P. 1.100(b) (2026), [floridabar.org/rules/ctproc](http://floridabar.org/rules/ctproc). [↗](#)
- 2 Fla. R. Civ. P. 1.100(c) (2026). [↗](#)
- 3 Fla. R. Civ. P. 1.100(d) (2026) (clerk completes the civil cover sheet for a party appearing pro se). [↗](#)
- 4 Fla. R. Civ. P. 1.090(b) (2026) (extension for good cause before expiration; excusable neglect after). [↗](#)
- 5 Fla. R. Gen. Prac. & Jud. Admin. 2.514(a) (2026) (computing time). [↗](#)
- 6 Fla. R. Gen. Prac. & Jud. Admin. 2.514(b) (2026) (5 added days after service by mail or e-mail). [↗](#)
- 7 Fla. R. Civ. P. 1.090(b)(2) (2026) (no extension for new trial, rehearing, alteration of judgment, rule 1.540(b) relief, notice of appeal, or certiorari petition). [↗](#)
- 8 Fla. R. Civ. P. 1.202 (2025) (conferral prior to filing non-dispositive motions); adopted by *In re Amendments to Florida Rules of Civil Procedure*, 386 So. 3d 117 (Fla. 2024), eff. Jan. 1, 2025. [↗](#)
- 9 Fla. R. Civ. P. 1.202(b) (2025) (required certificate-of-conferral language). [↗](#)
- 10 Fla. R. Civ. P. 1.202(c) (2025) (exemptions, including where any party is unrepresented and for motions to dismiss, for summary judgment, for judgment on the pleadings, and for injunctive relief). [↗](#)
- 11 Fla. R. Civ. P. 1.202(d) (2025). [↗](#)
- 12 Fla. R. Civ. P. 1.140(a)(1) (2026) (20 days to serve a responsive pleading after service of process). [↗](#)
- 13 Fla. R. Civ. P. 1.140(b) (2026) (seven enumerated defenses; grounds stated with particularity). [↗](#)
- 14 Fla. R. Civ. P. 1.140(h) (2026) (waiver of certain defenses not timely raised). [↗](#)
- 15 *Siegle v. Progressive Consumers Insurance Co.*, 819 So. 2d 732, 734–35 (Fla. 2002). [↗](#)
- 16 *Susan Fixel, Inc. v. Rosenthal & Rosenthal, Inc.*, 842 So. 2d 204, 206 (Fla. 3d DCA 2003) (consideration limited to the four corners of the complaint). [↗](#)
- 17 *Barbado v. Green & Murphy, P.A.*, 758 So. 2d 1173, 1174 (Fla. 4th DCA 2000). [↗](#)
- 18 Fla. R. Civ. P. 1.130(a)–(b) (2026) (instruments attached to a pleading are part of it for all purposes). [↗](#)
- 19 Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1) (2026) (e-service through the portal; service complete on filing). [↗](#)
- 20 Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(2)(C) (2026) (e-mail service format; complete when sent). [↗](#)
- 21 Fla. R. Gen. Prac. & Jud. Admin. 2.516(f) (2026) (certificate-of-service requirements). [↗](#)

## SOURCES &amp; AUTHORITIES (CONTINUED)

## Endnotes

- 1 *In re Amendments to Florida Rules of Civil Procedure*, 386 So. 3d 497 (Fla. 2024), refined, 397 So. 3d 1018 (Fla. 2024), eff. Jan. 1, 2025. [↗](#)

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- 2 Fla. R. Civ. P. 1.200(b) (2025) (assignment to streamlined, general, or complex tracks). [↗](#)

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- 3 Fla. R. Civ. P. 1.200(d)(2) (2025) (required case-management-order deadlines). [↗](#)

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- 4 Fla. R. Civ. P. 1.090(d) (2026) (reasonable-time notice of motions). [↗](#)

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- 5 11th Jud. Cir. Admin. Order No. 09-13-A1 (Fla. 11th Cir. Ct. June 28, 2010) (Uniform Motion Calendar procedures). [↗](#)

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- 6 Fla. R. Gen. Prac. & Jud. Admin. 2.540(c)(1) (2023), eff. July 1, 2023 (mandatory disability-accommodation notice, bold 14-point type). [↗](#)

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- 7 Fla. R. Civ. P. 1.200(e)(1) (2025) (agreed order to extend a deadline permitted only if it does not affect remaining case-management dates). [↗](#)

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- 8 Fla. R. Civ. P. 1.460 (2025) (trial continuances disfavored; party must sign; specified showing required). [↗](#)

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- 9 Fla. R. App. P. 9.110(b) (2026) (30 days from rendition to appeal a final order). [↗](#)

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- 10 Fla. R. App. P. 9.130(a)(3) (2026) (enumerated appealable non-final orders). [↗](#)

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- 11 Fla. R. App. P. 9.100(c) (2026) (certiorari within 30 days of rendition). [↗](#)

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- 12 *Combs v. State*, 436 So. 2d 93, 95–96 (Fla. 1983) (certiorari standard). [↗](#)

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- 13 *Allstate Insurance Co. v. Kaklamanos*, 843 So. 2d 885, 889 (Fla. 2003) (“something more than a simple legal error”). [↗](#)

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- 14 *Canakaris v. Canakaris*, 382 So. 2d 1197, 1203 (Fla. 1980) (abuse-of-discretion standard). [↗](#)

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- 15 Fla. R. Gen. Prac. & Jud. Admin. 2.515(d)(2), eff. June 15, 2026 (certification that cited authorities exist). [↗](#)

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- 16 11th Jud. Cir. Admin. Order No. 26-04 (Fla. 11th Cir. Ct. Jan. 15, 2026) (disclosure of generative-AI use). [↗](#)

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- 17 17th Jud. Cir. Admin. Order No. 2026-03-Gen (Fla. 17th Cir. Ct. rev. May 19, 2026) (AI verification certificate). [↗](#)

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- 18 Fla. Bar Ethics Op. 24-1 (2024) (permissible use of generative AI; duties of confidentiality and verification). [↗](#)

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- 19 *A One-Day Snapshot of Miami’s Lack of Access to Civil Justice*, Fla. Bar News (2017), [floridabar.org](http://floridabar.org). [↗](#)

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- 20 *In re Amendments to Florida Rule of Civil Procedure 1.510*, No. SC2024-0662 (Fla. May 23, 2024) (summary-judgment response due 60 days after service of the motion). [↗](#)

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- 21 *Martin-Johnson, Inc. v. Savage*, 509 So. 2d 1097, 1099–1100 (Fla. 1987) (certiorari review of discovery orders that would let the “cat out of the bag”). [↗](#)

A note on citations: Florida rules are periodically renumbered — the 2025 amendments moved several provisions — so where an older case cites a former subdivision, this guide pins the current numbering. Always confirm the current text of any rule, statute, or case before relying on it.