

# Florida Legal Secretary

Third Edition, Volume 1

---

**Kathleen J. Hill**

Managing Editor: Lisa Dunne

Editor: Adam Pringle

Production Editing by Adam Pringle, Janette Lee, and Amanda Winkler

Contact us at (800) 440-4780 or [www.jamespublishing.com](http://www.jamespublishing.com)

## RELATED PUBLICATIONS

Everett, *Legal Secretary Federal Litigation*  
Everett, *Bankruptcy Courts and Procedures*

---

This publication is intended to provide accurate and authoritative information about the subject matter covered. It is sold with the understanding that the publisher does not render legal, accounting or other professional services. If legal advice or other expert assistance is required, seek the services of a competent professional.

Persons using this publication in dealing with specific legal matters should exercise their own independent judgment and research original sources of authority and local court rules.

The publisher and the author make no representations concerning the contents of this publication and disclaim any warranties of merchantability or fitness for a particular purpose.

We view the publication of this work as the beginning of a dialogue with our readers. Periodic revisions to it will give us the opportunity to incorporate your suggested changes. Call us at (714) 755-5450 or send your comments to:

Revision Editor  
James Publishing  
3505 Cadillac Ave., Suite P-101  
Costa Mesa, CA 92626

Copyright © 2013  
James Publishing, Inc.  
ISBN 1-58012-040-7 2 Volume Set

First edition, 4/83  
Second edition, 5/87  
Third edition, 1/99  
Revision 1, 4/00  
Revision 2, 10/00  
Revision 3, 6/01  
Revision 4, 10/01  
Revision 5, 3/02  
Revision 6, 10/02  
Revision 7, 6/03  
Revision 8, 1/04  
Revision 9, 11/04

Revision 10, 9/05  
Revision 11, 7/06  
Revision 12, 6/07  
Revision 13, 11/07  
Revision 14, 12/08  
Revision 15, 6/09  
Revision 16, 12/09  
Revision 17, 8/10  
Revision 18, 6/11  
Revision 19, 1/12  
Revision 20, 10/12  
Revision 21, 6/13

# Acknowledgments

To my parents, Donald and Martha Jones, who taught me independence, optimism, and an appreciation of life. They stood by me, right or wrong, regardless of their own problems, and gave me love and moral support through everything I tried to accomplish.

To Frank (1942-2005), the father of my children, who encouraged me to start this book “way back when.”

To my children—Frank, Martha, and Cheryl—who put up with late nights, long weekends, a cluttered home, and leftovers—especially Martha for covering the office, helping me type supplements, and helping me “put everything together”; Frank Jr. for being the best son a mother could ever have and bringing his wife Linda and my granddaughter, Elizabeth, into my life; and Cheryl (1972-2008), my fun-loving baby daughter and a great mom to my grandchildren.

To my best friend and husband, Brendan Slattery (1942-2008), for his help and encouragement, for playing “devil’s advocate,” and most of all for listening and being there—my best friend since 1962.

To my publisher, Jim Pawell, for working so closely with me—via long distance. He offered me the encouragement I needed to write this Guide, continue the supplements, and not be (too) late on the deadlines. And to Ward Miller—my editor—for keeping me straight!

My parents, children, ex-husband, Brent, and friends always believed in me and encouraged me to fight for what I believe in, to appreciate hard work, and to strive for the best.

To all of you, THANK YOU!

Kathleen J. Hill, PLS, CP, FRP

# About the Author

Kathleen J. Hill, PLS, CLA, FRP, is a paralegal for the General Counsel, State of Florida Department of Management Services. Previously she was the President of Paralegal & Attorney Service Bureau, Inc. and owned and managed Capitol Services in Tallahassee, Florida. Both companies specialized in providing a full complement of attorney services for attorneys nationwide. Kathleen specializes in litigation.

Kathi received a B.S. degree in mass communications from Florida State University in 1970. She was certified as a PLS (Professional Legal Secretary) in November 1976 and a CLA (Certified Legal Assistant) in January 1977. She was a member of the Advisory Board for the Legal Assisting Program at Tallahassee Community College. She is past-president of Florida Legal Assistants, Inc. and has served as an officer, board member, and committee chair for both FLA, Inc. and the National Association of Legal Assistants, Inc. She is a past president of Tallahassee Legal Secretaries Association (TLSA) and a past member of the Advisory Board for Professional Legal Assistants, Inc. (PLA).

Her writing credits include *Florida Legal Secretary Filing Directory* (Shepard’s/McGraw-Hill) and articles for *Legal Assistant Today* (“Ethics and the Free-Lance Legal Assistant”), *Facts and Findings* (NALA), *In Brief* (FLA, Inc.), and *Res Ipsa Loquitur* (TLSA). She also wrote *Working with the Legislative Process* (Capitol Services), edited and assisted in writing portions of the *CLA Study Guide* (D&S Publishing & Florida Legal Assistants, Inc.), and assisted in editing the “Law Office Management” chapter of the *Manual for Legal Assistants* (West Publishing).

---

# Table of Contents

## 1. Real Estate

### §100 Introduction

- §101 Classifications of Property
- §102 History
- §103 Source of Title in Florida
- §104 Locating the Property
  - §104.1 Government Survey
    - Map: Florida Map with Survey Lines and Section Chart
    - Chart: Structure of Congressional Townships
  - §104.2 Metes and Bounds
  - §104.3 Maps and Plats
- §105 Official or Public Records
  - §105.1 Generally
  - §105.2 Uniform Real Property Electronic Recording Act Definitions
  - §105.3 Validity of Electronic Documents
  - §105.4 Recording of Electronic Documents
- §106 Conveyances of Real Property
  - §106.1 General
  - §106.2 Conveyance by an Individual
  - §106.3 Conveyance Executed by a Corporation
  - §106.4 Conveyances to or by a Partnership
  - §106.5 Conveyance Between Husband and Wife; Homestead
  - §106.6 Conveyance by Trustee
  - §106.7 Prohibition Against Transfer Fee Covenants
    - §106.7.1 Policy
    - §106.7.2 Definitions
    - §106.7.3 Prohibition
- §107 Florida Uniform Statutory Rule Against Perpetuities
  - §107.1 Statement of the Rule
  - §107.2 Exclusions From Statutory Rule Against Perpetuities
  - §107.3 Application
  - §107.4 Construction
  - §107.5 Reformation
- §108 Florida Land Trusts
  - §108.1 Ownership Vests in Trustee
  - §108.2 Beneficiaries
    - §108.2.1 Claims
    - §108.2.2 Land Trust Beneficiaries
  - §108.3 Personal Property
  - §108.4 Successor Trustee
  - §108.5 Trustee as Creditor
  - §108.6 Trustee Liability
- §109 Taxation of Real Property
  - §109.1 Property Assessment Generally
  - §109.2 Homestead Property Tax Exemption
    - §109.2.1 Additional Homestead Exemption for the Elderly
    - §109.2.2 Exemption for Certain Permanently and Totally Disabled Veterans and for Surviving Spouses of Veterans
    - §109.2.3 Exemption for Disabled Veterans Confined to Wheelchairs
    - §109.2.4 Exemption for Totally and Permanently Disabled Persons
    - §109.2.5 Additional Homestead for First-Time Florida Homesteader
    - §109.2.6 Discounts for Disabled Veterans

§109.3	Valuation of Homestead Property
§109.4	Non-Homestead Property
§109.5	Administrative and Judicial Review of Property Taxes
§109.5.1	Administrative Review
§109.5.1.1	Objections to Assessments
§109.5.1.2	Filing Fees, Disposition, Waiver
§109.5.1.3	Partial Payment of Taxes; Proceedings Before the Value Adjustment Board
§109.5.1.4	Hearing Procedures; Rules
§109.5.1.5	Special Magistrates; Property Evaluators
§109.5.1.6	Appeals
§109.5.2	Judicial Actions
§109.5.2.1	Jurisdiction and Venue
§109.5.2.2	Parties
§109.5.2.3	Costs; Interest on Unpaid Taxes; Penalty
§109.5.2.4	Injunction Against Tax Sales
§109.5.3	Presumption of Correctness of Assessment
<b>§110</b>	<b>Right of Owners</b>
§111	Estates
§112	Concurrent Ownership of Property
§112.1	Joint Tenancy
§112.2	Tenancy in Common
§112.3	Tenancy by the Entirety
§113	Limitations and Restrictions on Property
§113.1	Zoning Regulations
§113.2	Building Codes
§113.3	Deed Restrictions
§113.4	Eminent Domain
§114	Easements
§115	Private Property Rights Protection Act
§115.1	Definitions
§115.2	Procedure
§115.2.1	Administrative Proceedings
§115.2.2	Circuit Court Procedures
§116	Disclaimer of Property Interest
§116.1	General
§116.2	Definitions
§116.3	Power to Disclaim
§116.4	Delivery or Filing
§116.5	Rules for the Disclaimer of an Interest in Property
§116.5.1	General Rules
§116.5.2	Disclaimer of Rights of Survivorship in Jointly Held Property
§116.5.3	Disclaimer of Property Held as Tenancy by the Entirety
§116.5.4	Disclaimer of Power of Appointment or Other Power Not Held in a Fiduciary Capacity
§116.5.5	Disclaimer by Appointee, Object, or Taker in Default of Exercise of Power of Appointment
§116.5.6	Disclaimer of Power Held in Fiduciary Capacity
§116.5.7	Tax Qualified Disclaimer
§116.6	Recording of Disclaimer Relating to Real Estate
§116.7	When Disclaimer Is Permitted, Barred, or Limited
§117	Marketable Record Title to Real Property
§117.1	Definitions
§117.2	Exceptions to Marketability

- §117.3 Notice
  - §117.3.1 Effect of Notice
  - §117.3.2 Contents of Notice, Recording, and Indexing
- §118 Adverse Possession
  - §118.1 Under Color of Title
  - §118.2 Without Color of Title
- §120 The Real Estate Transaction**
- §121 Generally
  - §121.1 Classifications of Real Estate Sales
  - §121.2 Record of Conveyances of Real Estate
    - §121.2.1 Generally
    - §121.2.2 Requirements for Recording Real Estate Documents
    - §121.2.3 Uniform Real Property Electronic Recording Act
      - §121.2.3.1 Definitions
      - §121.2.3.2 Validity of Electronic Documents
  - §121.3 Use of Social Security Numbers
- §122 Option and Contract for Sale
  - §122.1 Option
  - §122.2 Contract for Sale
  - §122.3 Disclosure of Ad Valorem Taxes to Prospective Purchaser of Residential Property
  - §122.4 Coastal Property Disclosure
  - §122.5 Deposits for Purchase of Property
    - §122.5.1 Definitions
    - §122.5.2 Notice to Buyer of Right to Have Deposit Placed in Escrow
    - §122.5.3 Escrow Accounts; Withdrawals
    - §122.5.4 Right to Interest; Use of Escrowed Funds; Surety Bond or Loan
    - §122.5.5 Release of Deposit Monies
  - §122.6 Typing the Contract
  - §122.7 Procedure
- §123 Title Search/Examination or Title Insurance
  - §123.1 Clearing the Defects
  - §123.2 Procedure
- §124 Homeowners' Associations—Prior to Closing
  - §124.1 Generally
    - §124.1.1 Definitions
    - §124.1.2 Purpose and Scope of Homeowners' Association
    - §124.1.3 Association Powers and Duties
    - §124.1.4 Architectural Control Covenants; Owner Improvements; Rights and Privileges
    - §124.1.5 Assessments and Charges
    - §124.1.6 Payment for Assessments; Liens
  - §124.2 Disclosure to Prospective Purchasers
  - §124.3 Publication of False and/or Misleading Information
- §125 Prior to Closing
  - §125.1 Additional Agreements/Disclosures Prior to Closing
  - §125.2 Radon Gas
  - §125.3 Other Notices/Agreements
  - §125.4 Obtaining Information for Closing Statement
- §126 Typing Real Property Descriptions
- §127 Deed
  - §127.1 Preparation
  - §127.2 Short Forms of Acknowledgments
    - §127.2.1 Individual Acting in His Own Right
    - §127.2.2 For a Corporation
    - §127.2.3 For a Partnership
    - §127.2.4 For an Individual Acting as a Principal by an Attorney in Fact
    - §127.2.5 By Any Public Officer, Trustee, or Personal Representative
  - §127.3 Acknowledgments by Members of the Armed Forces and Their Spouses

	§127.4	Procedure
	§127.5	Contract for Deed
§128		Mortgage and Promissory Note
	§128.1	Parties
	§128.2	Promissory Note
	§128.3	Mortgage
	§128.4	Forms of Mortgages
	§128.4.1	Fixed Rate
	§128.4.2	Adjustable Rate
	§128.4.3	Balloon Mortgage
	§128.4.4	Reverse Mortgage
	§128.5	Preparation of Note and Mortgages
	§128.5.1	Preparation of the Mortgage—for the Mortgagee
	§128.5.2	Preparation of the Mortgage—for the Mortgagor
	§128.6	Procedure
	§128.7	Mortgage Fraud
	§128.7.1	Mortgage Fraud Generally
	§128.7.2	Effect on Property Assessments
§129		Transfers of Real Estate Interests to or by a Custodian or Trustee of an IRA or Qualified Plan
<b>§130</b>		<b>Steps for Closing Real Property Transactions</b>
	§130.1	Introduction
	§130.2	Real Estate Settlement Procedures Act (RESPA)
§131		Preparation by Seller's Attorney
§132		Preparation by Buyer's Attorney
§133		Fees and Expenses at Closing
	§133.1	Recording Fees
	§133.2	Searching and Other Fees
	§133.3	Taxes on Instruments
	§133.3.1	Conveyances
	§133.3.2	Obligations to Pay Money
	§133.3.3	Non-Recurring Tax on Documents
	§133.4	Realtor/Broker's Commission
	§133.5	Attorneys' Fees
	§133.6	Abstracts
	§133.7	Other Fees/Expenses
§134		Closing Statement
	§134.1	General Breakdown of "Who Pays What"
	§134.2	Procedure
§135		Closing Papers
	§135.1	Items to Be Obtained by Buyer at Closing
	§135.2	Items to Be Obtained by Seller at Closing
	§135.3	Release of Mortgage
	§135.3.1	Definitions
	§135.3.2	Certificate of Release
	§135.3.3	Recording
	§135.3.4	Effect of Certificate of Release
	§135.3.5	Liability of Title Insurer
	§135.4	Other Forms Which May Be Required Prior to or After Closing
§136		Title Insurance
§137		Summary of Procedure for Real Estate Closings
§138		Assignment of Mortgage
§139		Cancellation of Mortgage
<b>§140</b>		<b>Homeowners' Associations</b>
	§140.1	Purpose and Scope of Homeowners' Association
	§140.2	Definitions
§141		Association Powers and Duties
	§141.1	Generally
	§141.2	Association Records

- 
- §141.3 Board of Directors
  - §141.4 Association Members
  - §141.5 Meetings of Members
    - §141.5.1 Quorum; Amendments
    - §141.5.2 Annual and Special Meetings
    - §141.5.3 Notice
    - §141.5.4 Right to Speak
    - §141.5.5 Adjournment
    - §141.5.6 Proxy Voting
    - §141.5.7 Elections
    - §141.5.8 Recording
  - §141.6 Budget
  - §141.7 Financial Reporting
  - §142 Prohibited Clauses in Association Documents
  - §143 Architectural Control Covenants; Owner Improvements; Rights and Privileges
  - §144 Assessments and Charges
    - §144.1 Generally
    - §144.2 Guarantees of Common Expenses
    - §144.3 Payment for Assessments
    - §144.4 Liens
    - §144.5 Foreclosure for Assessments
  - §150 Foreclosure of Mortgages, Agreements for Deed, and Statutory Liens**
    - §150.1 General
    - §150.2 Procedures Prior to Action
  - §151 Parties
  - §152 Venue
  - §153 Complaint and Notice of *Lis Pendens*
    - §153.1 Complaint
    - §153.2 Notice of *Lis Pendens*
  - §154 Service of Process
  - §155 Order to Show Cause; Entry of Final Judgment
  - §156 Default
    - Chart: Location of Military Personnel Records
  - §157 Summary Judgment
  - §158 Judicial Sale of Property
    - §158.1 Final Judgment
    - §158.2 Publication of Sale
    - §158.3 Conduct of the Sale
    - §158.4 Certification of Sale
    - §158.5 Disbursement of Funds
      - §158.5.1 Definitions
      - §158.5.2 Disbursement
      - §158.5.3 Surplus Trustee
      - §158.5.4 Sale or Assignment of Surplus Funds
    - §158.6 Foreclosure Fraud—Violations Involving Homeowners During Foreclosure Proceedings
      - §158.6.1 Policy
      - §158.6.2 Definitions
      - §158.6.3 Prohibited Acts
      - §158.6.4 Agreement for Foreclosure-Related Rescue Services
      - §158.6.5 Foreclosure-Rescue Transactions
      - §158.6.6 Rebuttable Presumption
  - §159 Right of Redemption



---

<b>§160</b>	<b>Landlord/Tenant</b>
§161	General
§162	Nonresidential Tenancies
§162.1	Tenancy at Will; Duration
§162.2	Tenancy at Sufferance; Holding Over After Term
§162.3	Right of Possession Upon Default or Abandonment
§162.4	Liens for Rent
§162.5	Distress for Rent
§162.6	Causes for Removal of Tenant
§162.7	Failure of Landlord to Maintain or Repair; Right to Withhold Rent
§162.8	Removal of Tenant
§162.9	Waiver of Right to Proceed With Eviction
§163	Residential Tenancies
§163.1	General
§163.2	Definitions
§163.3	Rent; Duration of Tenancies
§163.4	Leases; Rental Agreements
	§163.4.1 Elements of the Lease
	§163.4.2 Procedure
§163.5	Remedies
	§163.5.1 Termination of Rental Agreement
	§163.5.2 Termination of Tenancy With Specific Duration
	§163.5.3 Termination of Tenancy Without Specific Term
	§163.5.4 Termination of Rental Term by Military Personnel
	§163.5.5 Tenant Holding Over
	§163.5.6 Choice of Remedies Upon Breach or Termination by Tenant
§163.6	Prohibited Practices by Landlord
§163.7	Abandonment of Personal Property by Tenant
§164	Right of Action for Possession; Procedure
	§164.1 Complaint
	§164.2 Service of Process
	§164.3 Procedure
§165	Defenses to Action for Rent or Possession
§166	Injunctive Orders
§167	Disbursement of Funds in Registry of the Court
§168	Issuance of the Writ of Possession
§169	Award of Possession and Money Judgment
<b>§170</b>	<b>Glossary of Terms for Real Estate</b>

## 2. Business Organizations

<b>§200</b>	<b>Introduction</b>
	§200.1 Generally
	§200.2 Florida Business Coordination Act
§201	Types of Business Organizations
§202	Business Organization Checklist
§203	Financing of Business Enterprise
§204	Registration of Trade/Service Mark
	§204.1 Definitions
	§204.2 Requirements for Registration
	§204.3 Application for and Filing Registration
	§204.4 Use by Related Companies
	§204.5 Certification of Registration
	§204.6 Duration and Renewal
	§204.7 Assignments; Changes of Name

	§204.8	Cancellation
	§204.9	Dilution
	§204.10	Fees
	§204.11	Procedure
§205	Business	Income Taxes
	§205.1	Corporate Tax Generally
	§205.2	Definitions
	§205.3	Tax Imposed
	§205.4	Net Income and Adjusted Net Income
	§205.5	Exemption
§206	One-Stop	Business Registration Portal
§207	Local	Business Tax Act
	§207.1	Definitions
	§207.2	Local Business Taxes Generally
<b>§210</b>	<b>Corporations</b>	
	§211	Generally
	§211.1	Advantages of Corporate Form
	§211.2	Definitions
	§211.3	Role of Legal Secretary
§212	Forming	the Corporation
	§212.1	General
		Chart: Regulations Applicable to Businesses
	§212.2	Choosing the State of Incorporation
	§212.3	Who May Incorporate in Florida
	§212.4	Corporate Name
	§212.4.1	Domestic Corporation Name Requirements
	§212.4.2	Registration of Name of Foreign Corporation: Application, Renewal and Revocation
	§212.5	Schedule of Fees and Taxes
	§212.6	Attorney Service Bureaus
	§212.7	Pre-Organization Agreement
	§212.8	Corporations for Profit
	§212.8.1	Introduction
	§212.8.2	Filing Documents With the Secretary of State
	§212.8.3	Effective Time and Date of Document; Correcting Filed Documents
	§212.8.4	Domestic Profit Corporations—Articles of Incorporation
	§212.8.5	Qualification of Foreign Corporations
	§212.8.6	Domestication of a Foreign Corporation
	§212.8.7	Registered Agent; Registered Office
	§212.8.8	Duties of Registered Agent
	§212.9	Non-Profit Corporations
	§212.9.1	General
	§212.9.1.1	Definitions
	§212.9.2	Filing Requirements
	§212.9.3	Effective Date of Documents
	§212.9.4	Corporate Name
	§212.9.5	Articles of Incorporation
	§212.9.6	Application for Certificate of Authority of Foreign Non-Profit Corporation
	§212.9.7	Domestication of Foreign Not-for-Profit Corporations
	§212.9.8	Members
	§212.9.8.1	Generally
	§212.9.8.2	Resignation, Termination, Expulsion, and Suspension of Members
	§212.9.8.3	Transfer of Membership Interests
	§212.9.9	Registered Office and Registered Agent
	§212.9.10	Correcting Filed Documents

§212.10	Professional Service Corporations/Professional Limited Liability Companies
§212.10.1	General
§212.10.2	Who May Form Professional Entities
§212.10.3	Limitations
§212.10.4	Liability of Officers, Agents, Employees, Shareholders, Members, Corporation, or Limited Liability Company
§212.10.5	Disqualification of Member/Shareholder
§212.10.6	Name of Professional Entity
§212.10.7	Formation
§212.11	Certificate of Status
§212.12	Procedure
§213	Organizational Meeting of Directors
§213.1	General
§213.2	Notice
§213.3	Bylaws
§213.4	Organizational Meetings
§213.5	Corporate Shares; Stock Certificates
§213.5.1	Corporate Shares
§213.5.2	Form and Content of Certificates
§213.5.3	Restrictions on Transfer of Shares and Other Securities
§213.5.4	Shareholder Preemptive Rights
§213.5.5	Corporation's Acquisition of Its Own Shares
§213.5.6	Role of Legal Secretary
§213.6	Subscription Agreements
§213.7	Organization Meeting of the Board of Directors for Not-for-Profit Corporation
§213.8	Procedure
§214	Amendment, Restatement, and Mergers
§214.1	Amendments to Articles of Incorporation
§214.1.1	General
§214.1.2	Contents of Amendment—Profit Corporation
§214.1.3	Amendment of Certificate of Authority (Foreign Corporation)
§214.1.4	Amendment; Quorum—Non-Profit Corporations
§214.1.5	Procedure
§214.2	Restatement of Articles
§214.2.1	Profit Corporations
§214.2.2	Non-Profit Corporations
§214.3	Mergers and Share Exchanges
§214.3.1	Mergers
§214.3.2	Share Exchange
§214.3.3	Merger of Subsidiary Corporation
§214.3.4	Merger of Non-Profit Corporations
§214.3.5	Merger of Domestic Corporation and Other Business Entity
§214.3.6	Articles of Merger or Share Exchange
§214.3.7	Articles of Merger for Corporations and Other Entities
§214.3.8	Plan of Merger
§214.3.9	Effect of Merger
§214.4	Conversions
§214.4.1	Conversion of Domestic Corporation into Another Business Entity
§214.4.2	Certificate of Conversion
§214.4.3	Effect of Conversion
§214.4.4	Conversion of Another Business Entity to a Domestic Corporation
§214.5	Corporate Powers
§214.5.1	For-Profit Corporations
§214.5.2	Not-for-Profit Corporations
§214.5.3	Sale of Corporate Assets—Corporation for Profit
§214.5.4	Sale of Corporate Assets—Not-for-Profit Corporation

- 
- §214.6 Shareholder's Appraisal Rights of Corporate Shares
    - §214.6.1 Definitions
    - §214.6.2 Right of Shareholders to Appraisal
    - §214.6.3 Assertion of Rights by Nominees and Beneficial Owners
    - §214.6.4 Notice of Appraisal Rights
    - §214.6.5 Notice of Intent to Demand Payment
    - §214.6.6 Appraisal Notice and Form
    - §214.6.7 Perfection of Rights; Acceptance of Corporation's Offer; Right to Withdraw
    - §214.6.8 Court Action
    - §214.6.9 Limitation on Corporate Payment
  - §214.7 Financial Statements for Shareholders
  - §214.8 Other Reports to Shareholders
  - §215 Meeting of Shareholders
    - §215.1 Annual Meetings
    - §215.2 Special Meetings
    - §215.3 Court-Ordered Meetings
    - §215.4 Notice of Meetings
    - §215.5 Waiver of Notice
    - §215.6 Record Date
    - §215.7 Shareholders' List for Meetings
    - §215.8 Action by Shareholders Without a Meeting
    - §215.9 Shareholder Agreements
    - §215.10 Proxies
    - §215.11 Voting for Directors; Cumulative Voting
    - §215.12 Voting Trusts
  - §216 Board of Directors
    - §216.1 Generally
    - §216.2 Resignation or Removal of Director
    - §216.3 Meetings of Board of Directors
  - §217 Role of Legal Secretary
    - §217.1 General
    - §217.2 Corporate Calendar or Tickler System
    - §217.3 Corporate Meetings Generally
    - §217.4 Meeting Notebook
    - §217.5 Notice of Corporate Meetings
    - §217.6 Reserving and Preparing Corporate Meeting Room
    - §217.7 Meeting Agenda
    - §217.8 Attending the Corporate Meeting
    - §217.9 Minutes
  - §218 Uniform Business Report (Annual Report)
  - §219 Dissolution, Withdrawal, and Reinstatement of Corporations
    - §219.1 Voluntary Dissolution of Domestic Corporations
      - §219.1.1 Revocation of Dissolution
      - §219.1.2 Effect of Dissolution
      - §219.1.3 Known Claims Against Dissolved Corporation
      - §219.1.4 Unknown Claims Against Dissolved Corporations
    - §219.2 Administrative Dissolution of Domestic Corporation
      - §219.2.1 Procedure for and Effect of Administrative Dissolution
      - §219.2.2 Reinstatement Following Administrative Dissolution
    - §219.3 Withdrawal and Revocation of Certificate of Authority of Foreign Corporation
      - §219.3.1 Withdrawal of Foreign Corporation
      - §219.3.2 Revocation of Authority to Transact Business
      - §219.3.3 Application for Reinstatement for Foreign Corporation

	§219.4	Judicial Dissolution
	§219.4.1	Grounds
		§219.4.1.1 For-Profit Corporations
		§219.4.1.2 Corporations Not for Profit
	§219.4.2	Venue and Procedure
	§219.4.3	Judgment
	§219.4.4	Alternative Remedies
	§219.4.5	Provisional Director
	§219.4.6	Election to Purchase in Lieu of Dissolution
<b>§220</b>		<b>General Partnerships</b>
	§221	Revised Uniform Partnership Act
	§221.1	Definitions
	§221.2	Partnership as an Entity
	§222	Formation of a Partnership
	§223	Pre-Partnership Agreements
	§223.1	Procedure
	§224	General Partnership Agreement
	§224.1	Checklist for Partnership Agreement
	§224.2	Effect of Partnership Agreement; Nonwaivable Provisions
	§224.3	Procedure for Partnership Agreement
	§225	Execution, Filing, and Recording of Partnership Registration and Other Statements
	§225.1	Statement of Partnership Authority
	§225.2	Statement of Denial
	§225.3	Fees
	§225.4	Knowledge and Notice
	§225.5	Partnership Property
	§226	Partner's Rights, Responsibilities and Liabilities
	§226.1	Partnership/Partner's Liability
	§226.2	Partner's Rights and Duties
	§226.3	General Standards of Partner's Conduct
	§226.4	Partner's Transferable Interest
	§226.5	Dissociation
		§226.5.1 Events Causing Partner's Dissociation
		§226.5.2 Purchase of Dissociated Partner's Interest
		§226.5.3 Dissociated Partner's Power to Bind and Liability to Partnership
		§226.5.4 Dissociated Partner's Liabilities to Others
		§226.5.5 Statement of Dissociation
	§226.6	Actions by Partnership and Partners
	§226.7	Continuation of Partnership Beyond Definite Term or Particular Undertaking
	§227	Conversions and Merger
	§227.1	Conversions
		§227.1.1 Generally
		§227.1.2 Action on Plan of Conversion by Converting Partnership
		§227.1.3 Filings Required for Conversion; Effective Date
		§227.1.4 Effect of Conversion
	§227.2	Merger of Partnerships
		§227.2.1 Generally
		§227.2.2 Action on Plan of Merger by Constituent Partnership
		§227.2.3 Filings Required; Effective Date
		§227.2.4 Effect of Merger
	§227.3	Limited Liability Partnership
		§227.3.1 Annual Report
	§228	Dissolution of Partnership
	§228.1	Causes for Dissolution and Winding Up of Partnership Business
	§228.2	After Dissolution

- 
- §228.3 Statement of Dissolution
  - §228.4 Settlement of Accounts and Contributions Among Partners
  - §228.5 Procedure
  - §229 Joint Venture
    - Checklist for Joint Venture
    - §229.1 Procedure
  - §230 Limited Partnerships**
    - §231 General
      - §231.1 Knowledge and Notice
      - §231.2 Powers, Nature, Purpose and Duration
      - §231.3 Definitions
    - §232 Formation of a Limited Partnership
      - §232.1 General
      - §232.2 Fees and Costs
      - §232.3 Name
      - §232.4 Partnership Agreement
    - §233 Certificate of Limited Partnership
      - §233.1 General
      - §233.2 Content of Certificate of Limited Partnership
      - §233.3 Registered Agent or Office
        - §233.3.1 General
        - §233.3.2 Service of Process
      - §233.4 Records Required to Be Kept by the Limited Partnership
      - §233.5 Filing With the Department of State
        - §233.5.1 General
        - §233.5.2 Correcting Filed Record
        - §233.5.3 Liability for Filing False Record
        - §233.5.4 Certificate of Status
      - §233.6 Signing of Records
      - §233.7 Procedure
    - §234 Amendment, Restatement, and Cancellation of Certificate
      - §234.1 Amendment or Restatement of Certificate
      - §234.2 Certificate of Dissolution; Statement of Termination
      - §234.3 Procedure
    - §235 Conducting the Business of a Limited Partnership
      - §235.1 General
      - §235.2 General Partners
        - §235.2.1 General
        - §235.2.2 Management Rights of General Partner and Approval Rights of Other Partners
        - §235.2.3 General Standards of Conduct for General Partner
      - §235.3 Limited Partners
        - §235.3.1 General
        - §235.3.2 Right of Limited Partner and Former Limited Partner to Information
        - §235.3.3 Limited Duties of Limited Partners
      - §235.4 Contributions and Distributions
        - §235.4.1 Contributions
        - §235.4.2 Sharing of Profits, Losses, and Distributions
        - §235.4.3 Distributions
      - §235.5 Dissociation
        - §235.5.1 Dissociation as Limited Partner
        - §235.5.2 Dissociation as General Partner
        - §235.5.3 Procedure
    - §236 Foreign Limited Partnerships
      - §236.1 Registration of Foreign Limited Partnership
      - §236.2 Activities Not Constituting Transacting Business in Florida
      - §236.3 Amending Certificate of Authority

	§236.4	Cancellation of Certificate of Authority
	§236.5	Procedure
§237		Conversions and Mergers
	§237.1	Definitions
	§237.2	Conversions
	§237.3	Mergers
	§237.4	Restrictions on Approval of Conversions and Mergers
	§237.5	Liability of General Partner After Conversions or Merger
§238		Annual Report (Uniform Business Reports), Dissolution, Revocation, Reinstatement
	§238.1	Uniform Business Report (Annual Report)
	§238.2	Dissolution
	§238.2.1	Generally
	§238.2.2	Administrative Dissolution
	§238.2.3	Revocation of Certificate of Authority
	§238.2.4	Reinstatement Following Administrative Dissolution
	§238.2.5	Appeal From Denial of Reinstatement
	§238.2.6	Revocation of Dissolution
	§238.3	Winding Up
	§238.4	Procedure
<b>§240</b>		<b>The Limited Liability Company</b>
§241		General
	§241.1	Definitions
	§241.2	Powers of a Limited Liability Company
§242		Fees and Costs
§243		Forming the Limited Liability Company
	§243.1	Company Name
	§243.2	Articles of Organization
	§243.2.1	Domestic Limited Liability Company
	§243.2.2	Foreign Limited Liability Company
	§243.3	Execution of Certificate or Statement
	§243.4	Filing Requirements
	§243.5	Effect of Filing and Issuance of Time Date Endorsement
	§243.6	Registered Office and Registered Agent
§244		Post-Organization
	§244.1	Amendments to or Restatements of Articles of Organization
	§244.1.1	Florida Domestic Limited Liability Company
	§244.1.2	Foreign Limited Liability Company
	§244.2	Correcting Articles of Organization Filed of Record
	§244.3	Change of Registered Office or Registered Agent
	§244.4	Service of Process
	§244.4.1	Service of Process on Domestic Limited Liability Company
	§244.4.2	Service of Process; Notice or Demand on Foreign Limited Liability Company
	§244.5	Records to Be Kept; Right to Information
	§244.6	Contributions to Capital and Liability for Contribution
	§244.7	Management of the Company
	§244.7.1	General Standards for Members and Managing Members
	§244.7.2	Liability for Members, Managing Members, and Managers
	§244.7.3	Indemnification of Members, Managers, Managing Members, Officers, Employees and Agents
§245		Operations of Limited Liability Company
	§245.1	Operating Agreement
	§245.2	Addition of Additional Members
	§245.3	Voting by Members and Managers
	§245.4	Agency of Members and Managers
	§245.5	Delegation of Rights and Powers to Manage
	§245.6	Membership Termination Upon Bankruptcy

- 
- §245.7 Limited Liability Company Property
  - §245.8 Sharing of Profit and Losses; Distributions and Impairment of Capital; Liability on Wrongful Distribution
  - §245.9 Membership in a Limited Liability Company
    - §245.9.1 Assignment of Member's Interest
    - §245.9.2 Right of Assignee to Become Member
    - §245.9.3 Withdrawal of a Member
    - §245.9.4 Deceased or Incompetent Member; Dissolved or Terminated Member
  - §246 Merger of Limited Liability Company
    - §246.1 Plan of Merger
    - §246.2 Action on Plan of Merger
    - §246.3 Articles of Merger
    - §246.4 Effect of Merger
    - §246.5 Rights of Dissenting Members
    - §246.6 Conversion of Entities to a Limited Liability Company
    - §246.7 Conversion of Domestic Limited Liability Company into Another Business Entity
    - §246.8 Action on Plan of Conversion
    - §246.9 Certificate of Conversion
    - §246.10 Effect of Conversion
  - §247 Uniform Business Report
  - §248 Dissolution of Limited Liability Company
    - §248.1 Revocation of Dissolution
    - §248.2 Claims Against Dissolved Limited Liability Company
    - §248.3 Effect of Dissolution
    - §248.4 Distribution of Assets Upon Dissolution
    - §248.5 Articles of Dissolution
    - §248.6 Administrative Dissolution
      - §248.6.1 Procedure for and Effect of Administrative Dissolution
      - §248.6.2 Reinstatement Following Administrative Dissolution
      - §248.6.3 Appeal From Denial or Reinstatement
    - §248.7 Judicial Dissolution
  - §249 Withdrawal of Foreign Limited Liability Company
    - §249.1 Revocation of Authority to Transact Business
      - §249.1.1 Grounds for Revocation
      - §249.1.2 Procedure for Revocation
    - §249.2 Application for Reinstatement
    - §249.3 Appeal From Revocation
  - §250 Registered Limited Liability Partnerships**
    - §251 Formation
      - §251.1 Statement of Qualification
      - §251.2 Name of Limited Liability Partnership
    - §252 Uniform Business Report
    - §253 Foreign Limited Liability Partnership
      - §253.1 Law Under Which the Foreign Limited Liability Partnership is Formed
      - §253.2 Statement of Foreign Qualification
      - §253.3 Effect of Failure to Qualify
      - §253.4 Activities Not Constituting Transacting Business
    - §254 Limited Liability Limited Partnership
  - §260 Sole Proprietorships**
    - §261 General
    - §262 Formation of a Sole Proprietorship
    - §263 Termination of Sole Proprietorship
  - §270 Common Law Declarations of Trust**
    - §271 Filing the Declaration of Trust
    - §272 Qualification with the Department of Banking and Finance
    - §273 Issuance of Certain Units, Shares, Certificates or Other Security
    - §274 Merger Into Wholly Owned Subsidiary Corporation



<b>§280</b>	<b>Fictitious Name Statute</b>
§281	Generally
	§281.1 Introduction
	§281.2 Definitions
	§281.3 Prohibition and Legal Designation of Entity
§282	Registration and Renewal
	§282.1 Registration
	§282.2 Renewal
	§282.3 Effect of Registration
§283	Exemptions From Fictitious Name Filing
§284	Fees
§285	Penalties
§286	Procedure
<b>§290</b>	<b>Glossary</b>

### 3. Civil Litigation

<b>§300</b>	<b>Introduction</b>
§301	The Role of the Legal Secretary in Civil Litigation
	§301.1 The Initial Client Interview
	§301.2 The Client's Rights
	§301.3 The New Client File
	§301.4 Setting Up the Tickler System
	§301.5 Procedure
§302	Jurisdiction and Venue
	§302.1 Jurisdiction
	§302.2 Venue
§303	Parties
§304	Limitation of Actions
	§304.1 Generally
	§304.2 When Limitations Tolloed
	§304.3 Specific Limitations Other Than for Recovery of Real Property
	§304.4 Limitations on Real Property
	§304.4.1 Adverse Possession
	§304.4.2 Tax Deeds
	§304.4.3 Encumbrances
	§304.5 Other Specific Limitations
	§304.5.1 Actions to Collect Taxes
	§304.5.2 Taxes Under FS §72.011
	§304.5.3 Death of a Person Served by Publication
	§304.5.4 Roads Presumed to Be Dedicated
§305	Computation of Time
§306	Court Requirements for Filing
	§306.1 Fees and Costs
	§306.1.1 Circuit Court
	§306.1.2 County Court
	§306.1.3 Other Fees
	§306.1.4 Sheriff's Fees and Costs
	§306.1.5 Mandatory Monetary Assessments
	§306.2 Filing Documents With the Court
	§306.2.1 Documents Generally
	§306.2.2 Electronic Filing
	§306.2.3 Exceptions
	§306.2.4 Service
	§306.2.5 Accessibility
§307	Indigence

- 
- §308 Attorneys
    - §308.1 Persons Employed by the Court
    - §308.2 Stipulations
    - §308.3 Appearance of Attorney
    - §308.4 Signature of Attorneys and Parties
    - §308.5 Termination of Appearance by Attorney
    - §308.6 Foreign Attorneys
  - §309 Rules Time Chart
  - §310 The Complaint**
    - §311 Introduction
    - §312 County Court
    - §313 Form for Complaint
      - §313.1 Generally
        - §313.1.1 Caption
        - §313.1.2 Minimum Requirements
      - §313.2 Civil Cover Sheet
      - §313.3 Attaching Copy of Cause of Action and Exhibits
      - §313.4 Pleading Special Matters
      - §313.5 Class Actions
        - §313.5.1 Pleading Requirements
        - §313.5.2 Class Action Procedure
        - §313.5.3 Condominium Associations
        - §313.5.4 Mobile Homeowners' Associations
      - §313.6 Constitutional Challenge to State Statute, or County or Municipal Charter, Ordinance or Franchise; Notice by Party
      - §313.7 Amendment to Complaint
      - §313.8 Amended and Supplemental Pleadings
      - §313.9 Procedure
        - Checklist: Preparing Pleadings
    - §314 Venue
    - §315 Choice of Forum
      - §315.1 Definitions
      - §315.2 Grounds for Dismissal
      - §315.3 Stipulations
      - §315.4 Waiver of Automatic Stipulation
    - §316 Complex Litigation
    - §317 Filing Documents
    - §318 Attorney Fees; Sanctions; Service of Motions; Damages for Delay
  - §320 Process**
    - §321 Personal Service
      - §321.1 Generally
      - §321.2 Service of Process
      - §321.3 Service on a Minor or Other Incompetent
      - §321.4 Service on State Prisoners
      - §321.5 Service on Partnerships and Limited Partnerships
      - §321.6 Service on Agents of Nonresidents Doing Business in Florida
      - §321.7 Service on Corporations
      - §321.8 Service on Public Agencies and Officers
      - §321.9 Service on the State
      - §321.10 Service on Statutory Agents for Certain Persons
      - §321.11 Personal Service Outside of Florida
      - §321.12 Service of Foreign Process
      - §321.13 Time Limit
      - §321.14 Persons Authorized to Serve Process
      - §321.15 Return of Service

§322	Service by Publication (Constructive Service)
§322.1	Generally
§322.2	Sworn Statement
§322.3	Notice of Action
§322.4	Procedure
§323	Service of Process by Mail
§324	Service and Filing of Pleadings, Orders, and Documents
§324.1	Generally
§324.2	Service by Electronic Mail (E-mail)
§324.2.1	Service on Attorneys
§324.2.2	Service on Parties Not Represented by Attorney
§324.3	Time of Service
§324.4	Format of E-Mail for Service
§324.5	Service by Other Means
§324.6	Service of Orders
§324.7	Filing
§324.8	Certificate of Service
§325	Filing and Service Information
§325.1	Circuit Directory
§325.2	Directory of Clerks and Sheriffs
<b>§330</b>	<b>Responsive Pleadings</b>
§331	Answer
§331.1	Form
§331.2	Computing Time
§331.3	Failure to Deny
§331.4	Affirmative Defenses
§331.4.1	Examples of Wording for Affirmative Defenses
§331.5	Service of Answer
§331.6	Procedure
§332	Counterclaim
§333	Crossclaim
§334	Third Party Practice
§335	Defenses Generally/Motions
§335.1	Time Limits
§335.2	Presentation of Defenses
§335.3	Notice of Hearing
§335.4	Procedure
§336	Default
§336.1	Procedure
<b>§340</b>	<b>Discovery</b>
§341	Introduction
§341.1	Scope of Discovery
§341.2	Discovery of Experts
§341.3	Claims of Privilege or Protection of Trial Preparation Materials
§341.4	Protective Orders
§341.5	Inadvertent Disclosure of Privileged Materials
§341.6	Supplementing Responses
§341.7	Limitations on Discovery of Electronically Stored Information
§341.8	Subpoenas for Obtaining Documentary Evidence
§342	Depositions
§342.1	Generally
§342.1.1	Before Action
§342.1.2	Pending Appeal
§342.1.3	Persons Authorized to Take Depositions

- §342.2 Oral Depositions
  - §342.2.1 Generally
  - §342.2.2 Oral Depositions by Videotape/Telephone
  - §342.2.3 Witness Review of Oral Deposition
  - §342.2.4 Exhibits; Filing
  - §342.2.5 Failure to Attend or Serve Subpoena
  - §342.2.6 Procedure
- §342.3 Depositions on Written Questions
  - §342.3.1 Generally
  - §342.3.2 Procedure
- §342.4 Deposition of Expert Witnesses
- §342.5 Subpoenas for Taking Deposition
  - §342.5.1 Procedure
- §342.6 Use of Depositions in Court Proceedings
  - §342.6.1 Use of Deposition
  - §342.6.2 Effect of Taking/Using Depositions
  - §342.6.3 Effect of Errors or Irregularities
- §342.7 Role of the Legal Secretary
- §343 Interrogatories
  - §343.1 Generally
  - §343.2 Procedure for Use
  - §343.3 Form, Service and Filing
  - §343.4 Option to Produce Records
  - §343.5 Use at Trial
  - §343.6 Procedure
- §344 Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes
  - §344.1 Form
  - §344.2 Production of Documents and Things Without Deposition
  - §344.3 Procedure
- §345 Request for Admissions
  - §345.1 Effect of Admission
  - §345.2 Procedure
- §346 Examination of Persons
- §347 Motion for Order Compelling Discovery
- §348 Demand for Jury Trial
- §349 Other Actions Which May Be Taken Before Trial
  - §349.1 General/Florida Practice Requirements/Signatures on Pleadings
    - §349.1.1 Stipulations
    - §349.1.2 Appearance of Attorney
    - §349.1.3 Termination of Appearance of Attorney
    - §349.1.4 Procedure
    - §349.1.5 Notices to Persons With Disabilities
  - §349.2 Dismissal of Actions
    - §349.2.1 Voluntary Dismissal
    - §349.2.2 Involuntary Dismissal
    - §349.2.3 Costs
    - §349.2.4 Failure to Prosecute
    - §349.2.5 Procedure
- §350 Before Trial**
  - §351 Summary Judgment
    - §351.1 Procedure
  - §352 Pretrial Procedure
    - §352.1 Case Management Conference
    - §352.2 Pretrial Conference
    - §352.3 Notice
    - §352.4 Pretrial Order

§353	Continuance of Proceedings
§354	Settlement
§354.1	Proposals for Settlement
§354.2	Procedure After Settlement
§355	Mediation
§355.1	General
§355.2	Mediation Process
§355.3	Exclusions from Mediation
§355.4	Mediation Procedure
§355.5	Court-Ordered Mediation
§355.6	Completion of Mediation
§355.7	Voluntary Binding Arbitration and Voluntary Trial Resolution
§355.8	Mediation Confidentiality and Privilege Act
§355.8.1	Definitions
§355.8.2	Duration
§355.8.3	Confidentiality; Privilege
§356	Court-Ordered Arbitration
§356.1	Non-Binding Arbitration
§356.2	Voluntary Binding Arbitration and Voluntary Trial Resolution
§357	Expedited Trials
§358	Disqualification of Trial Judge
<b>§360</b>	<b>Trial</b>
§361	Setting the Case for Trial
§361.1	Procedure
§362	Trial by Jury
	Checklist: Jury Chart
§363	Working With the Attorney Before and During Trial
§363.1	Before Trial
§363.2	During Trial
§364	Jury Instructions
§365	Verdicts and Final Judgments
§365.1	Verdicts
§365.1.1	Jury Verdicts
§365.1.2	Motion for Directed Verdict
§365.2	Final Judgment
§365.3	Final Disposition Form
§366	Judgments
§366.1	Generally
§366.1.1	Interest
§366.1.2	When a Judgment Becomes a Lien
§366.2	Declaratory Judgments
§366.2.1	Parties
§366.2.2	Jury Trials
§366.2.3	Supplemental Relief
§366.3	Enforcement of Final Judgments
§366.3.1	Procedure
§366.4	Satisfaction or Discharge
§366.4.1	Satisfaction of Judgments and Decrees
§366.4.2	Discharge in Bankruptcy
§366.4.3	Property Exempt from Judgment
§367	Judgments, Orders, and Decrees; Lien on Personal Property
§367.1	Generally
§367.2	Content, Recording and Indexing of Judgment Lien Certificate
§367.3	Duration and Continuation of Judgment Liens
§367.4	Effect of Judgment Lien
§367.5	Amendment, Correction, Termination, Release, Assignment
§367.5.1	Amendment, Termination, Release of Judgment Lien Record
§367.5.2	Correction of Judgment Lien Record

- 
- §367.6 Effect of Recorded Judgment Lien on Writs of Execution Previously Delivered to a Sheriff
  - §367.7 Fees and Costs
  - §368 Enforcement of Foreign Judgments
    - §368.1 Generally
      - §368.1.1 Recording and Status of Foreign Judgments
      - §368.1.2 Notice of Recording
      - §368.1.3 Stay of Enforcement
    - §368.2 Uniform Foreign Money Judgment Recognition Act
      - §368.2.1 Definitions
      - §368.2.2 Recognition and Enforcement
      - §368.2.3 Grounds for Nonrecognition
      - §368.2.4 Personal Jurisdiction
      - §368.2.5 Stay in Case of Appeal
  - §369 Injunctions
    - §369.1 Procedure
  - §370 Post-Trial**
    - §371 Motions for New Trial, Rehearing, Amendment of Judgment
      - §371.1 Procedure
    - §372 Relief from Judgment, Decrees or Orders
    - §373 Executions and Final Process
      - §373.1 Generally
        - §373.1.1 Discovery in Aid of Execution
        - §373.1.2 Process on Behalf of and Against Persons Not Parties
        - §373.1.3 Deposits in the Registry of the Court
      - §373.2 Executions Generally
      - §373.3 Stay of Illegal Writs
      - §373.4 Claim of Third Party
      - §373.5 Execution Sales
        - §373.5.1 Notice
        - §373.5.2 Time Date and Place of Sale
        - §373.5.3 Mandamus to Force Levy and Sale
      - §373.6 Monies Collected
        - §373.6.1 Payment to Execution Creditor
        - §373.6.2 Failure of Officer to Pay Over Monies Collected
      - §373.7 Supplementary Proceedings
    - §374 Attachment
      - §374.1 Generally
      - §374.2 Grounds for Attachment
        - §374.2.1 When Debt Is Due
        - §374.2.2 When Debt Is Not Due
        - §374.2.3 Attachment in Aid of Foreclosure
      - §374.3 Procuring the Attachment
        - §374.3.1 Motion for Writ of Attachment
        - §374.3.2 Attachment Bond
      - §374.4 Writ of Attachment
        - §374.4.1 Levy in Other Counties
        - §374.4.2 Levy on Property Removed from County Pending Levy
      - §374.5 Return/Replevy of Property
        - §374.5.1 Return of Property
        - §374.5.2 Replevy
        - §374.5.3 Sale of Perishables; Custody of Attached Property
      - §374.6 Dissolution of Attachment
      - §374.7 Judgments
    - §375 Replevin
      - §375.1 Generally
      - §375.2 Complaint

---

§375.3	Order to Show Cause
§375.3.1	Contents
§375.3.2	Hearing
§375.3.3	Waiver
§375.4	Prejudgment Writ of Replevin
§375.5	Writ of Replevin
§375.6	Judgment
§375.6.1	Judgment for Plaintiff
§375.6.2	Judgment for Defendant
§376	Garnishment
§376.1	Exemption of Wages from Garnishment
§376.1.1	Definitions
§376.1.2	Exemption
§376.1.3	Proceedings for Exemption
§376.2	Issuance of Writ
§376.2.1	Before Judgment
§376.2.2	After Judgment
§376.2.3	Continuing Writ of Garnishment Against Salary or Wages
§376.3	Writ of Garnishment
§376.3.1	Service of Garnishee’s Answer and Notice of Right to Dissolve Writ
§376.3.2	Effect of Writ
§376.3.3	Reply
§376.4	Dissolution of Writ
§376.5	Judgment
§376.5.1	Before Judgment — Effect of Judgment for Defendant
§376.5.2	Before Judgment — Discharge
§376.5.3	Default Judgment
§376.5.4	Judgment
§376.5.5	Execution on Garnishee’s Refusal to Surrender Property
§376.6	Third Parties
§376.7	Compensation to Garnishee; Amount Retained by Garnishee
§376.8	Attorney’s Fees, Costs, Expenses
§377	Setting Apart Homestead and Exemptions
§377.1	Designation of Homestead
§377.1.1	Before Levy
§377.1.2	After Levy
§377.2	Survey of Property
§377.3	Exempting Other Property
§377.3.1	Leaseholds
§377.3.2	Personal Property; Inventory
§377.4	Exemption of Wages from Garnishment
§377.5	Other Exemptions
§377.5.1	Life Insurance Policies
§377.5.2	Wages or Unemployment Compensation Due Deceased Employee; Disability Income
§377.5.3	Pension, Retirement, Profit-Sharing Benefits
§377.5.4	Prepaid College Trust Fund or Medical Savings Account
§377.5.5	Other Individual Property
§380	<b>Miscellaneous Proceedings</b>
§381	Florida False Claims Act ( <i>Qui Tam</i> )
§381.1	Generally
§381.1.1	Definitions
§381.1.2	Liability
§381.1.3	Limitation of Actions
§381.1.4	Burden of Proof
§381.2	Civil Actions for False Claims

- 
- §381.3 Rights of Parties
  - §381.4 Exemptions to Civil Actions
  - §381.5 Awards to Plaintiffs Bringing Action
  - §381.6 Expenses and Attorneys' Fees and Costs
  - §382 Change of Name
    - §382.1 Adults
    - §382.2 Minors
  - §383 Florida Vexatious Litigant Law
    - §383.1 Definitions
    - §383.2 Procedure
  - §384 Sealing Civil Court Records
    - §384.1 Definitions
    - §384.2 Exemptions
    - §384.3 Request to Make Records in Noncriminal Cases Confidential
    - §384.4 Judicial Review of Denial of Access Request
  - §385 Involuntary Civil Commitment for Sexually Violent Predators
    - §385.1 Generally
    - §385.2 Venue and Transfer of Action
    - §385.3 Computation of Time
    - §385.4 Service of Process
    - §385.5 Service of Pleadings and Papers
    - §385.6 Pleadings and Motions
      - §385.6.1 Pleadings Generally
      - §385.6.2 Motions
    - §385.7 Appointment of Counsel
    - §385.8 Probable Cause Hearing
      - §385.8.1 Adversarial Probable Cause Hearing
      - §385.8.2 After a Finding of Probable Cause
      - §385.8.3 Continuance of Trial
    - §385.9 Discovery
      - §385.9.1 General
      - §385.9.2 Trial Preparation
        - §385.9.2.1 Expert Witnesses
        - §385.9.2.2 Claims of Privilege or Protection of Trial Preparation Materials
        - §385.9.2.3 Protective Orders
        - §385.9.2.4 Supplementing of Responses
      - §385.9.3 Depositions
        - §385.9.3.1 Generally
        - §385.9.3.2 Videotaping Depositions
        - §385.9.3.3 Examination, Cross Examination, Terminating or Limiting Examination
        - §385.9.3.4 Witness Review of Deposition
        - §385.9.3.5 Filing the Deposition and Exhibits
        - §385.9.3.6 Use of Deposition(s) in Court Proceedings
        - §385.9.3.7 Depositions of Expert Witnesses
      - §385.9.4 Failure to Make Discovery; Sanctions
    - §385.10 Subpoena
    - §385.11 Demand for Jury Trial
    - §385.12 Trial by Jury
    - §385.13 Post-Commitment Proceedings
    - §385.14 Post-Judgment Habeas Corpus
    - §385.15 Appeal
  - §386 Public Access to Judicial Records
    - §386.1 Definitions
    - §386.2 Confidential and Exempt Records
    - §386.3 Request to Determine Confidentiality of Trial Court Records in Noncriminal Cases
    - §386.4 Procedure



§387	Minimization of the Filing of Sensitive Information
§387.1	Limitation of Court Filings
<b>§390</b>	<b>Summary Proceedings/Small Claims Court</b>
§391	Introduction — Applicable Rules of Court
§392	Commencement of Action
§392.1	Statement of Claim
§392.1.1	Procedure
§392.2	Process and Venue
§392.2.1	Procedure
§392.3	Service and Filing of Pleadings and Documents Other than Statement of Claim
§392.4	Filing Documents
§392.5	Filing Fees
§393	Responsive Pleadings
§393.1	Defensive Pleadings
§393.2	Counterclaims/Setoffs, Jurisdictional Transfers
§393.3	Third-Party Complaints
§394	Appearance; Defensive Pleadings; Trial Date
§395	Before Trial
§395.1	Dismissal of Actions
§395.2	Continuances
§395.3	Settlement
§395.4	Summary Judgment
§396	Trial
§397	Post-Trial
§397.1	Default
§397.2	Motion for New Trial
§397.3	Relief from Judgment or Order
§398	Executions

#### 4. Family Law

<b>§400</b>	<b>Dissolution of Marriage</b>
§400.1	Definitions
§401	Role of Legal Secretary in Dissolution of Marriage
§402	Jurisdiction in Dissolution
§402.1	Uniform Child Custody Jurisdiction Act (UCCJA)
§403	Venue and Choice of Forum
§403.1	Venue
§403.2	Choice of Forum
§403.2.1	Definitions
§403.2.2	Grounds for Dismissal
§403.2.3	Stipulations
§403.2.4	Waiver of Automatic Stipulation
§404	Grounds
§405	Simplified Dissolution of Marriage
§406	Requirements for Filing Documents
§406.1	Documents Generally
§406.2	Electronic Filing
§406.3	Exceptions
§406.4	Service
§406.5	Accessibility
§406.6	Signatures of Attorneys and Parties
§406.7	Notices to Persons With Disabilities
§406.8	Computation of Time
§406.9	Documents Supporting Action or Defense
§407	Attorneys
§408	Issues in Dissolution of Marriage
§408.1	Alimony

- 
- §408.2 Equitable Distribution of Marital Assets and Liabilities
    - §408.2.1 Distribution of Retirement Plans
    - §408.2.2 Determination of Entitlement to Setoffs or Credits upon Sale of Marital Home
  - §408.3 Support of Children; Parenting and Time-Sharing
    - §408.3.1 Parenting Plan
    - §408.3.2 Child Parenting and Time-Sharing (Visitation)
    - §408.3.3 Grandparent Visitation
    - §408.3.4 Child Support
      - §408.3.4.1 Generally
      - §408.3.4.2 Insurance
    - §408.3.5 Child Support Guidelines; Retroactive Child Support
    - §408.3.6 Court-Ordered Electronic Communications
    - §408.3.7 Parenting Coordination
    - §408.3.8 Restrictions on Visitation or Other Contact
  - §408.4 Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
    - §408.4.1 UCCJEA Generally
    - §408.4.2 Definitions
    - §408.4.3 Application to Indian Tribes and International Application
    - §408.4.4 Notice; Appearance and Limited Immunity
    - §408.4.5 Communication and Cooperation Between Courts
    - §408.4.6 Jurisdiction
    - §408.4.7 Notice; Opportunity to be Heard; Joinder
    - §408.4.8 Simultaneous Proceedings
    - §408.4.9 Inconvenient Forum
    - §408.4.10 Information to be Submitted to the Court
    - §408.4.11 Appearance of the Parties and Child
  - §408.5 Child Custody Enforcement Under the Hague Convention
    - §408.5.1 Registration of Child Custody Determination
    - §408.5.2 Simultaneous Proceedings
    - §408.5.3 Expedited Enforcement; Service of Petition and Order
    - §408.5.4 Hearing and Order
    - §408.5.5 Warrant to Take Physical Custody of the Child
    - §408.5.6 Costs, Fees, and Expenses
    - §408.5.7 Role of State Attorney and Law Enforcement Officers
    - §408.5.8 Appeals
  - §408.6 Visitation
    - §408.6.1 Generally
  - §409 Temporary Custody of Minor Children by Extended Family
    - §409.1 General
    - §409.2 Who May Petition; Jurisdiction
    - §409.3 Petition, Notice and Hearing
    - §409.4 Order Granting Temporary or Concurrent Custody
  - §410 Petition**
    - §411 Special Allegations
    - §412 Preparing the Petition
    - §413 Civil Cover Sheet
    - §414 Procedure
    - §415 Indigence
      - §415.1 Procedure
    - §416 Mandatory Disclosure
      - §416.1 Time for Production of Documents
        - §416.1.1 Temporary Financial Hearings
        - §416.1.2 Initial and Supplemental Pleadings
      - §416.2 Disclosure Requirements for Temporary Financial Relief
      - §416.3 Parties' Disclosure Requirements for Initial or Supplemental Proceedings

---

	§416.4	Duty to Supplement Disclosure
	§416.5	Sanctions
	§416.6	Extensions of Time for Compliance
	§416.7	Objections to Mandatory Disclosure
	§416.8	Certificate of Compliance
	§416.9	Place of Production
	§416.10	Financial Affidavits in Enforcement and Contempt Proceedings
	§416.11	Procedure
§417		Uniform Child Custody Jurisdiction and Enforcement Act Affidavit
	§417.1	Procedure
§418		Injunctions and Eviction
	§418.1	Procedure
§419		Notice of Social Security Number
<b>§420</b>		<b>Service of Process</b>
	§421	Personal Service
	§421.1	Generally
	§421.2	Service of Process
	§421.3	Service on State Prisoners
	§421.4	Personal Service Outside of Florida
	§421.5	Persons Authorized to Serve Process
	§421.6	Return of Service
	§421.7	Procedure
	§422	Constructive Service
	§422.1	Procedure
	§422.2	Parent Locator Service
	§423	Service of Process by Mail
	§424	Service of Pleadings, Orders, and Documents
	§424.1	Service Generally
	§424.2	Service by Electronic Mail (E-Mail)
	§424.2.1	Service on Attorneys
	§424.2.2	Service on Parties Not Represented by Attorney
	§424.3	Time of Service
	§424.4	Format of Email for Service
	§424.5	Service by Other Means
	§424.6	Service of Orders
	§424.7	Filing
	§424.8	Certificate of Service
	§425	Acceptance
<b>§430</b>		<b>Responsive Pleadings</b>
	§431	Answer
	§432	Waiver
	§433	Counterclaim
	§433.1	Procedure
	§434	Default
	§434.1	Procedure
		Chart: Location of Military Personnel Records
<b>§440</b>		<b>Reserved</b>
<b>§450</b>		<b>Before the Final Hearing</b>
	§451	Marriage Settlement Agreements
	§451.1	Procedure
	§452	Discovery in General
	§452.1	Introduction
	§452.1.1	Discovery of Experts
	§452.1.2	Claims of Privilege or Protection of Trial Preparation Materials
	§452.1.3	Protective Orders
	§452.1.4	Confidentiality of Records and Proceedings

- 
- §452.2 Subpoenas Generally
  - §453 Specific Discovery
    - §453.1 Depositions
      - §453.1.1 Generally
      - §453.1.2 Persons Authorized to Take Depositions
      - §453.1.3 Oral Depositions
      - §453.1.4 Videotaped/Telephonic Depositions
      - §453.1.5 Witness Review of Oral Depositions
      - §453.1.6 Exhibits
      - §453.1.7 Depositions on Written Questions
      - §453.1.8 Filing Depositions
      - §453.1.9 Deposition of Expert Witnesses
      - §453.1.10 Failure to Attend or Serve Subpoenas
      - §453.1.11 Use of Depositions in Court Proceedings
      - §453.1.12 Subpoenas for Deposition
      - §453.1.13 Role of Legal Secretary
      - §453.1.14 Procedure
    - §453.2 Reserved
    - §453.3 Interrogatories
      - §453.3.1 Procedure
    - §453.4 Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes
      - §453.4.1 Form
      - §453.4.2 Production of Documents and Things Without Deposition
      - §453.4.3 Procedure
    - §453.5 Request for Admissions
      - §453.5.1 Procedure
    - §453.6 Examination of Persons
    - §453.7 Evaluation of Minor Child
    - §453.8 Social Investigation and Recommendations Regarding a Parenting Plan
    - §453.9 Supplementing Responses
    - §453.10 Order Compelling Discovery
  - §454 Other Actions Which May Be Taken Before Trial
    - §454.1 Stipulations
    - §454.2 Appearance of Attorney
    - §454.3 Termination of Appearance of Attorney
    - §454.4 Procedure
  - §455 Appointment of Guardian Ad Litem
    - §455.1 Appointment
    - §455.2 Qualifications
    - §455.3 Powers and Authority
  - §456 Parenting Courses
  - §457 Pretrial Procedure
    - §457.1 Case Management Conference
    - §457.2 Setting the Case for Trial
    - §457.3 Pretrial Conference
    - §457.4 Notice
    - §457.5 Dismissal of Action
    - §457.6 Pretrial Order
  - §458 Referral to General and/or Special Magistrate
    - §458.1 General Magistrate
    - §458.2 Special Magistrates
  - §459 Mediation of Contested Issues
    - §459.1 General
    - §459.2 Mediation Process
    - §459.3 Referral
    - §459.4 Appointment of Mediator
    - §459.5 Procedures

---

<b>§460</b>	<b>Final Hearing</b>
§461	Uncontested Dissolution Action
§462	Contested
§463	Final Disposition Form
§464	Role of Legal Secretary After Final Judgment
<b>§470</b>	<b>Post-Judgment</b>
§471	Motions for Rehearing, Amendment of Judgment
§472	Modification
§472.1	Support, Maintenance or Child Support
§472.2	Temporary Time-Sharing and Child Support Modification Due to Military Service
§472.3	Parental Relocation
§472.3.1	Definitions
§472.3.2	Relocation by Agreement
§472.3.3	Petition to Relocate
§472.3.4	Objection to Relocation
§472.3.5	Temporary Order
§472.3.6	Factors in Determining Contested Relocation
§472.3.7	Order Regarding Relocation
§472.3.8	Applicability of Statute
§472.4	Procedure
§473	Enforcement and Modification of Support, Maintenance, Alimony Agreements or Orders and Visitation
§473.1	Generally
§473.2	Central Governmental Depository
§473.3	Income Deduction Order
§473.4	Civil Contempt in Support Matters
§473.5	Visitation
§473.6	Suspension of Driver's Licenses and Motor Vehicle Registrations
§473.7	Writs
§473.8	Violation of Parenting Plan
§474	Discovery in Aid of Execution
<b>§480</b>	<b>Miscellaneous Proceedings</b>
§481	Separate Maintenance
§482	Simplified Dissolution of Marriage
§483	Domestic Violence
§483.1	Domestic Violence Generally
§483.1.1	Definitions
§483.1.2	Batterers' Intervention Program
§483.1.3	Minimum Term of Imprisonment
§483.1.4	Role and Duties of Law Enforcement
§483.1.5	Role of the Prosecutor
§483.1.6	Role of the Judiciary
§483.2	Petition for Injunction Against Domestic Violence
§483.2.1	Fees and Costs
§483.2.2	Petition
§483.3	Injunction for Protection Against Domestic Violence
§483.3.1	Temporary Injunction
§483.3.2	Final Injunction
§483.4	Foreign Protection Orders
§483.5	Violation of Injunction
§483.6	Repeat Violence or Dating Violence
§483.6.1	Generally
§483.6.2	Definitions
§483.6.3	Procedure
§483.7	Unlawful Action Against Employees Seeking Protection
§483.7.1	Definitions
§483.7.2	Employer Actions
§483.7.3	Confidentiality

- 
- §483.8 Procedure
  - §484 Uniform Interstate Family Support Act
    - §484.1 Definitions
    - §484.2 Jurisdiction
      - §484.2.1 Nonresidents
      - §484.2.2 Procedures Regarding Nonresidents
      - §484.2.3 Simultaneous Proceedings in Another State
      - §484.2.4 Continuing Exclusive Jurisdiction
      - §484.2.5 Enforcement and Modification of Support Order
      - §484.2.6 Child Support Orders
      - §484.2.7 Child Support Orders for Multiple Obligees
      - §484.2.8 Credit for Payments
    - §484.3 General Application
      - §484.3.1 Florida Law
      - §484.3.2 Initiating Tribunals
      - §484.3.3 Responding Tribunals
      - §484.3.4 Pleadings
      - §484.3.5 Nondisclosure of Information
      - §484.3.6 Special Rules
    - §484.4 Support Orders
    - §484.5 Enforcement and Modification of Support Orders
      - §484.5.1 Effect of Registration
      - §484.5.2 Notice of Registration
      - §484.5.3 Procedure to Contest Validity
      - §484.5.4 Procedure to Contest Registration
      - §484.5.5 Registration of Order
  - §485 Premarital Agreements
    - §485.1 Generally
    - §485.2 Content of Premarital Agreement
    - §485.3 Enforcement
  - §490 Adoption**
    - §491 General
      - §491.1 Definitions
      - §491.2 Duty of Adoption Entity to Prospective Adoptive Parents
      - §491.3 Adoptee's Right to Continued Communication or Contact With Siblings
      - §491.4 Fees
      - §491.5 Disclosure by Adoption Entity
        - §491.5.1 Required Disclosure
        - §491.5.2 Acknowledgment of Disclosure
      - §491.6 Abandoned Newborns
      - §491.7 Designation as Guardian
      - §491.8 Statute of Repose (Limitation of Actions)
      - §491.9 Who May Be Adopted; Who May Adopt
        - §491.9.1 Generally
        - §491.9.2 Grandparents' Right to Notice
        - §491.9.3 Residency Requirements
    - §492 Adoption Procedure—Prior to Petition for Adoption
      - §492.1 Consent to Adoption; Affidavit of Non-Paternity
        - §492.1.1 Action by an Unmarried Biological Father to Establish Parental Rights
        - §492.1.2 Persons Required to Consent; Affidavit of Non-Paternity
        - §492.1.3 Waiver of Venue
        - §492.1.4 Execution of Consent to Adoption or Affidavit of Non-Paternity
        - §492.1.5 Procedure
      - §492.2 Termination of Parental Rights Pending Adoption
        - §492.2.1 Jurisdiction
        - §492.2.2 Venue
        - §492.2.3 Petition

	§492.2.4	Notice and Service; Diligent Search
	§492.2.5	Hearing
	§492.2.6	Grounds for Terminating Parental Rights Pending Adoption
	§492.2.7	Finding of Abandonment
	§492.2.8	Dismissal with Prejudice
	§492.2.9	Judgment Terminating Parental Rights
	§492.2.10	Relief From Judgment
	§492.3	Report to the Court; At-Risk Placement
	§492.4	Preliminary Home Study
	§492.5	Procedure [Reserved]
§493		Petition for Adoption or Declaratory Statement
	§493.1	Declaratory Statement; Fees and Costs
	§493.2	Petition for Adoption
	§493.3	Procedure
§494		Adoption Proceedings—After Filing Petition for Adoption
	§494.1	Notice of Hearing on Petition
	§494.1.1	Service of Process
	§494.1.2	Procedure
	§494.2	Final Home Investigation
	§494.3	Affidavit of Expenses and Receipts
	§494.4	Case Management and Pretrial Conference
	§494.5	Information to Be Submitted to the Court
	§494.6	Hearing and Judgment of Adoption
	§494.7	Application for New Birth Record
	§494.8	Effect of Judgment of Adoption
	§494.9	Recognition of Foreign Judgments
§495		Confidentiality of Adoption Proceedings
§496		Registry of Adoption Information and State Information Center
	§496.1	State Registry of Adoption Information
	§496.2	State Adoption Information Center
§497		Prohibited Acts; Preplanned Adoption Agreement; Sanctions
	§497.1	Prohibited Acts
	§497.2	Preplanned Adoption Agreement
	§497.2.1	Definitions
	§497.2.2	Adoption Agreement/Arrangement
	§497.3	Sanctions
§498		Determination of Parentage
	§498.1	General
	§498.2	Establishment of Paternity
	§498.2.1	Children Born Out of Wedlock
	§498.2.2	Mother Under 16 Years of Age
	§498.2.3	Criminal Penalties for False Statements of Paternity
	§498.3	Hearings and Court Orders for Support
	§498.4	Filing of Location Information
	§498.5	Attorney's Fees, Suit Money, and Costs
	§498.6	Default of Support Payments
	§498.7	Scientific Testing to Determine Paternity
	§498.8	Disestablishment of Paternity or Termination of Child Support Obligation

## 5. Estate Planning and Administration

### §500 Introduction

§501		Power of Attorney/Power of Appointment
	§501.1	Power of Attorney
	§501.1.1	Generally
	§501.1.2	Definitions
	§501.1.3	Agent

- §501.1.3.1 Agent's Duties
    - §501.1.3.2 Authority of Agent
    - §501.1.3.3 Liability of Agent
    - §501.1.3.4 Reimbursement and Compensation of Agent
    - §501.1.3.5 Resignation
  - §501.1.4 Banks and Other Financial Institutions
  - §501.1.5 Acceptance and Reliance Upon Power of Attorney; Refusal to Accept Power of Attorney
    - §501.1.5.1 Acceptance and Reliance Upon Power of Attorney
    - §501.1.5.2 Refusal to Accept Power of Attorney
  - §501.1.6 Notice
  - §501.1.7 Judicial Relief; Conflicts of Interest
  - §501.1.8 Termination or Suspension of Power of Attorney or Agent's Authority; Revocation
    - §501.1.8.1 Termination or Suspension
    - §501.1.8.2 Revocation of Power of Attorney
  - §501.1.9 Effect on Existing Powers of Attorney
- §501.2 Powers of Appointment
  - §501.2.1 Method of Release
  - §501.2.2 Property Held in Trust
  - §501.2.3 Effect of Release
  - §501.2.4 Validation of Prior Releases
  - §501.2.5 Effect of Release on Title to Property
- §502 Health Care Advance Directives, Health Care Surrogate, and Life-Prolonging Procedures (Living Will)
  - §502.1 Definitions
  - §502.2 Advance Directives
  - §502.3 Pain Management and Palliative Care
  - §502.4 Transfer of a Patient
  - §502.5 Falsification, Forgery, or Willful Concealment, Cancellation or Destruction of Directive; Revocation or Amendment
  - §502.6 Review of Decision of Surrogate/Proxy
  - §502.7 Amendment or Revocation
  - §502.8 Effect on Insurance
  - §502.9 Health Care Facilities and Providers
- §503 Health Care Surrogate
  - §503.1 Capacity of Principal; Procedure
  - §503.2 Responsibilities of Surrogate
- §504 Life-Prolonging Procedures; Living Will
  - §504.1 Introduction
  - §504.2 Procedure
  - §504.3 Absence of Living Will
  - §504.4 Determination of Patient Condition
- §505 Absence of Advance Directives
  - §505.1 Persistent Vegetative State
  - §505.2 The Proxy
- §506 Nick Oelrich Gift of Life Act (Anatomical Gift Act)
  - §506.1 Definitions
  - §506.2 Who May Be a Donor
  - §506.3 Authorized Donees and Purposes for Which Gifts May Be Made
  - §506.4 Manner of Making Anatomical Gifts
  - §506.5 Organ and Tissue Donor Registry
  - §506.6 Amendment or Revocation of Anatomical Gift
  - §506.7 Rights and Duties at Death
  - §506.8 Procedure



---

§507	Procedure Generally
§508	Expedited Judicial Intervention Concerning Medical Treatment Procedures
	§508.1 Petition
	§508.2 Notice
	§508.3 Hearing
<b>§510</b>	<b>Wills and Codicils</b>
§511	Requirements of a Will
	§511.1 Execution of the Will
	§511.2 Self-Proof of Will
	§511.3 Who May Be a Witness
§512	Writing the Will
	§512.1 Estate Plan Data Sheet
	§512.2 Devises to Trustee
	§512.3 Separate Writing Identifying Tangible Property Devises
§513	Will Format
§514	Typing the Will
	§514.1 Procedure
§515	The Codicil
	§515.1 Procedure
§516	Revocation of Will or Codicil
§517	Construction of Wills and Codicils
	§517.1 Generally
	§517.2 Simultaneous Death Law
	§517.3 Antilapse; Deceased Devisee; Class Gifts
	§517.4 Change in Securities; Accessions; Nonademption
	§517.5 Ademption by Satisfaction
§518	Contractual Arrangements Relating to Death
	§518.1 Agreements Concerning Succession
	§518.2 Waiver of Spousal Rights
§519	Florida Uniform Disclaimer of Property Interests Act
	§519.1 Definitions
	§519.2 Power to Disclaim
	§519.3 Delivery or Filing
	§519.4 Disclaimer of Interest in Property
	§519.5 Disclaimer of Rights of Survivorship in Jointly Held Property
	§519.6 Disclaimer of Property Held as Tenancy by the Entirety
	§519.7 Disclaimer of Power of Appointment or Other Power Not Held in a Fiduciary Capacity
	§519.8 Disclaimer by Appointee, Object, or Taker in Default of Exercise of Power of Appointment
	§519.9 Disclaimer of Power Held in Fiduciary Capacity
	§519.10 Tax Qualified Disclaimer
	§519.11 Disclaimer Barred or Limited
	§519.12 Recording of Disclaimer Relating to Real Estate
<b>§520</b>	<b>Trusts</b>
§521	Types of Trusts
	§521.1 The Testamentary Trust
	§521.2 The Irrevocable Living Trust
	§521.3 The Revocable Living Trust
	§521.4 The Reverter Trust
§522	Trusts
	§522.1 Generally
	§522.1.1 Definitions
	§522.1.2 Knowledge
	§522.1.3 Default and Mandatory Rules

- 
- §522.1.4 Principal Place of Administration
  - §522.1.5 Methods and Waiver of Notice
  - §522.1.6 Others Treated as Qualified Beneficiaries
  - §522.1.7 Non-Judicial Settlement Agreements
  - §522.2 Judicial Proceedings
    - §522.2.1 Role of the Court
    - §522.2.2 Jurisdiction and Venue
    - §522.2.3 Proceedings for Review of Employment of Agents and Review of Compensation of Trustee and Trust Employees
  - §522.3 Representation
  - §523 Creation, Modification, and Termination of Trust
    - §523.1 Creation of a Trust
      - §523.1.1 Generally
      - §523.1.2 Foreign Trusts; Formalities for Revocable Trusts
    - §523.2 Trust Purposes
      - §523.2.1 Charitable Purposes
      - §523.2.2 Trust for Care of Animal
      - §523.2.3 Non-Charitable Trust Without a Determined Beneficiary
    - §523.3 Modification, Reformation, Combination and Division of Trusts
      - §523.3.1 Modification
      - §523.3.2 Reformation
      - §523.3.3 Combination and Division of Trusts
      - §523.3.4 Limited Judicial Construction of Irrevocable Trust with Federal Tax Provisions
    - §523.4 Revocable Trusts
  - §524 Creditors' Claims, Spendthrift and Discretionary Trusts
    - §524.1 Spendthrift Provisions
    - §524.2 Discretionary Trusts
    - §524.3 Creditors' Claims Against Settlor
    - §524.4 Trustee's Duty to Pay Expenses and Obligations
    - §524.5 Notice of Trust
    - §524.6 Overdue Distribution
  - §525 Trustees
    - §525.1 Generally
    - §525.2 Duties and Powers of Trustee
      - §525.2.1 Duties and Powers Generally
      - §525.2.2 Duty of Loyalty
      - §525.2.3 Duty to Inform and Account
      - §525.2.4 Trust Accountings
      - §525.2.5 Discretionary Powers; Tax Savings
      - §525.2.6 Administration Pending Outcome of Contest or Other Proceeding
    - §525.3 Specific Powers of Trustee
    - §525.4 Liability of Trustee; Attorneys' Fees
      - §525.4.1 Remedies and Damages for Breach of Trust
      - §525.4.2 Attorneys' Fees
    - §525.5 Trustee's Power to Invade Principal in Trust
    - §525.6 Distribution on Termination of Trust
    - §525.7 Liability of Trustee and Rights of Persons Dealing With Trustee
      - §525.7.1 Limitations on Proceedings Against Trustees
      - §525.7.2 Event Affecting Administration/Distribution
      - §525.7.3 Exculpation of Trustee
      - §525.7.4 Beneficiary's Consent, Release, Ratification
      - §525.7.5 Limitation on Personal Liability of Trustee
      - §525.7.6 Protection of Person Dealing With Trustee
      - §525.7.7 Certification of Trust
      - §525.7.8 Improper Distribution of Payment; Liability of Distributee

---

§526	Charitable Trusts
§526.1	Definitions
§526.2	Powers and Duties of Trustee
§526.3	Power to Amend Trust Instrument
§526.4	Release
§526.5	Protections Afforded to Certain Charitable Trusts and Organizations
§527	Trust Investments
§528	Legal Secretary's Role in Trust Preparation
§529	Procedure
<b>§530</b>	<b>Estate Administration</b>
§531	General
§531.1	Introduction
§531.2	Definitions
§531.3	Evidence of Death or Status
§531.4	Pleadings, Motions, and Verification of Documents
§531.5	Venue of Probate Proceedings
§531.6	Suspension of Statutes of Limitations
§531.7	Effect of Divorce, Dissolution, or Invalidity of Marriage on Disposition of Certain Assets at Death
§531.7.1	Definitions
§531.7.2	Distribution of Assets
§531.7.3	Applicability
§531.8	Intestate Succession
§531.8.1	Adopted Persons and Persons Born Out of Wedlock
§531.8.2	Escheat
§531.9	Termination of Parental Rights
§531.10	Killer Not Entitled to Inherit
§531.11	Spousal Rights Procured by Fraud, Duress, or Undue Influence
§531.12	Appointment of an Administrator or Guardian ad Litem
§531.13	Appointment of a Curator
§531.14	Fees and Costs
§531.15	Limitations for Court Filings
§531.16	Filing Documents With the Court
§531.16.1	Documents Generally
§531.16.2	Electronic Filing
§531.16.3	Exceptions
§531.16.4	Service
§531.16.5	Accessibility
§531.17	Computation of Time
§531.18	Minimization of the Filing of Sensitive Information
§531.18.1	Limitation of Court Filings
§532	Attorneys
§532.1	Persons Employed by the Court
§532.2	Appearance of Attorney
§532.3	Termination of Appearance of Attorney
§532.4	Foreign Attorneys
§532.5	Signature of Attorneys and Parties
§532.6	Role of Attorney in Probate
§533	Production and Proof of Wills
§533.1	General
§533.1.1	Procedure
§533.2	Proof of Will by Commission
§533.2.1	Procedure
§533.3	Establishment and Probate of Lost or Destroyed Will

- 
- §534 Filing Evidence of Death
  - §535 Probate of Wills Without Administration
    - §535.1 Probate of Wills Without Administration
    - §535.2 Disposition of Personal Property Without Administration
  - §536 Adversary Proceedings
    - §536.1 Notice and Procedure
    - §536.2 Caption for Adversary Hearing
    - §536.3 Discovery
  - §537 Notice and Representation
    - §537.1 Formal Notice
      - §537.1.1 Procedure
    - §537.2 Informal Notice
      - §537.2.1 Procedure
    - §537.3 Notice of Civil Action or Ancillary Administration
    - §537.4 Waiver and Consent
      - §537.4.1 Procedure
    - §537.5 Request for Notice and Copies
      - §537.5.1 Procedure
    - §537.6 Effect of Notice
    - §537.7 Representation
    - §537.8 Time
  - §538 Miscellaneous Estate Procedures
    - §538.1 Caveat Proceedings
      - §538.1.1 Procedure
    - §538.2 Safe Deposit Box
      - §538.2.1 Petition for Order Authorizing Search of Safe Deposit Box
      - §538.2.2 Procedure
    - §538.3 Arbitration of Disputes
    - §538.4 Revocation of Probate
  - §539 Florida Uniform Disposition of Community Property Rights at Death
    - §539.1 Perfection of Title
    - §539.2 Purchaser for Value or Lender, Creditors' Rights
  - §540 Elective Share**
    - §540.1 General
    - §540.2 Definitions
    - §540.3 Pretermitted Spouse and Children
  - §541 Property Entering into Elective Estate
    - §541.1 Exclusions and Overlapping Application
    - §541.2 Valuation of the Elective Estate
    - §541.3 Amount of Elective Share
  - §542 Sources from Which Elective Share Payable; Abatement
  - §543 Liability of Direct Recipients and Beneficiaries
  - §544 Valuation of Property Used to Satisfy Elective Share
    - §544.1 Definitions
    - §544.2 Value of Property
  - §545 Effect of Election on Other Interests
    - §545.1 Protection of Payors and Other Third Parties
  - §546 Election
    - §546.1 Who May Exercise Right of Election
    - §546.2 Time of Election; Extensions; Withdrawal
  - §547 Order of Contribution; Personal Representative's Duty to Collect Contribution
  - §548 Procedure for Election
    - §548.1 Election by Attorney-in-Fact or Guardian of the Property of Surviving Spouse
    - §548.2 Procedure
    - §548.3 Procedure to Determine Amount of Elective Share and Contribution

---

<b>§550</b>	<b>Reserved</b>	
<b>§560</b>	<b>Summary Administration</b>	
§561	Requirements for Summary Administration	
	§561.1 Venue	
	§561.2 Filing Death Certificate	
§562	Petition for Summary Administration	
	§562.1 Who May File	
	§562.2 Contents of Petition	
	§562.3 Procedure	
§563	Claims of Creditors	
	§563.1 Notice to Creditors	
	§563.2 Proof of Claim	
§564	Summary Administration Hearing	
§565	Summary Administration Distribution	
§566	Role of the Legal Secretary	
<b>§570</b>	<b>Formal Administration</b>	
§571	Introduction	
	§571.1 General	
	§571.2 Service and Filing of Pleadings, Orders, and Documents	
	§571.2.1 Generally	
	§571.2.2 Service by Electronic Mail (E-mail)	
	§571.2.3 Service on Attorneys	
	§571.2.4 Service on Parties Not Represented by Attorney	
	§571.2.5 Time of Service	
	§571.2.6 Format of E-Mail for Service	
	§571.2.7 Service by Other Means	
	§571.2.8 Service of Orders	
	§571.2.9 Filing	
	§571.2.10 Certificate of Service	
	§571.3 Service of Orders	
	§571.4 Filing Death Certificate	
	§571.5 Time	
	§571.6 Effect of Probate	
	§571.7 Suspension of Statute of Limitations in Favor of Personal Representative	
	§571.8 Determination of Beneficiaries	
	§571.9 Costs and Attorney's Fees	
	§571.10 General and Special Magistrates	
§572	Requirements for Formal Administration	
§573	Petition for Formal Administration	
	§573.1 Who May File	
	§573.2 Venue	
	§573.3 Probate of Will	
	§573.4 Contents of Petition	
	§573.5 Role of the Legal Secretary	
	§573.5.1 Procedure	
	§573.6 Notice and Representation	
	§573.6.1 Procedure	
	§573.7 Waiver and Consent/Request for Notice	
	§573.7.1 Procedure	
	§573.8 Representation	
§574	Appointment of Personal Representative; Issuance of Letters	
	§574.1 Order Admitting Will to Probate and Appointment of Personal Representative	
	§574.2 Appointment of Personal Representative	
	§574.2.1 Preference in Appointment of Personal Representative	
	§574.2.2 Persons Not Qualified	

- 
- §574.2.3 Nonresidents
  - §574.2.4 Trust Companies and Other Corporations and Associations
  - §574.2.5 Address Designation of Personal Representative; Designation of Resident Agent and Acceptance
  - §574.3 Oath of Personal Representative
    - §574.3.1 Procedure
  - §574.4 Bond of Personal Representative
    - §574.4.1 Procedure
  - §574.5 Letters of Administration
  - §574.6 Notice of Administration
    - §574.6.1 Procedure
  - §574.7 Powers and Duties of Personal Representative
  - §574.8 Role of Personal Representative—Protected Homestead Property
  - §574.9 Accountings Other Than Personal Representative’s Final Accounting
  - §574.10 Determination of Beneficiaries and Shares
  - §574.11 Relationship with Attorney
  - §575 Inventory
    - §575.1 General
    - §575.2 Preparation of Inventory
      - §575.2.1 Procedure
  - §576 Creditors’ Claims
    - §576.1 Notice to Creditors; Filing of Claims
    - §576.2 Limitations on Presentation of Claims
    - §576.3 Form and Manner of Presenting Claim
      - §576.3.1 Procedure
    - §576.4 Payment of and Objection to Claims
      - §576.4.1 Procedure for Objection to Claims
    - §576.5 Proof of Claim
      - §576.5.1 Procedure for Payment of Claims
    - §576.6 Order of Payment of Expenses and Obligations
    - §576.7 Compromise
    - §576.8 Execution and Levies
      - §576.8.1 Procedure
    - §576.9 Limitations on Claims Against Estates
  - §577 Special Procedures
    - §577.1 Spouse’s Share of Intestate Estate
    - §577.2 Elective Share
      - §577.2.1 General
      - §577.2.2 Election Procedure
      - §577.2.3 Petition for Dower
      - §577.2.4 Pretermitted Spouse
      - §577.2.5 Procedure
    - §577.3 Protected Homestead Property
      - §577.3.1 Notice of Lien on Protected Homestead
      - §577.3.2 Proceedings to Determine Amount of Lien on Protected Homestead
      - §577.3.3 Notice of Taking Possession of Protected Homestead
      - §577.3.4 *Inter vivos* Transfer of Homestead Property
      - §577.3.5 Procedure
    - §577.4 Exempt Property
      - §577.4.1 Procedure
    - §577.5 Family Allowance
      - §577.5.1 Procedure
    - §577.6 Continuance of Unincorporated Business or Venture
    - §577.7 Sales of Real Property
    - §577.8 Partition for Purposes of Distribution
    - §577.9 Compulsory Payment of Devises or Distributive Interests
    - §577.10 Resignation of Personal Representative



- 
- §601.4 Emergency Court Monitor
  - §601.5 Records of Proceedings
  - §601.6 Hearings
  - §601.7 Fees
  - §601.8 Filing Documents With the Court
    - §601.8.1 Documents Generally
    - §601.8.2 Electronic Filing
    - §601.8.3 Exceptions
    - §601.8.4 Service
    - §601.8.5 Accessibility
  - §601.9 Attorneys
    - §601.9.1 Persons Employed by the Court
    - §601.9.2 Appearance of Attorney
    - §601.9.3 Signature of Attorneys and Parties
    - §601.9.4 Stipulations
    - §601.9.5 Termination of Appearance of Attorney
    - §601.9.6 Foreign Attorneys
  - §601.10 Service and Filing of Pleadings, Orders, and Documents
    - §601.10.1 Generally
    - §601.10.2 Service by Electronic Mail (E-Mail)
    - §601.10.3 Service on Attorneys
    - §601.10.4 Service on Parties Not Represented by Attorney
    - §601.10.5 Time of Service
    - §601.10.6 Format of E-Mail for Service
    - §601.10.7 Service by Other Means
    - §601.10.8 Service of Orders
    - §601.10.9 Filing
    - §601.10.10 Certificate of Service
  - §601.11 Computation of Time
  - §602 Jurisdiction and Venue
  - §603 Types of Guardianship
    - §603.1 Natural Guardian
    - §603.2 Emergency Temporary Guardian
    - §603.3 Standby Guardianship
    - §603.4 Preneed Guardianship
    - §603.5 Foreign Guardianship
    - §603.6 Resident Guardian of Property of Nonresident Incapacitated Person
    - §603.7 Voluntary Guardianship
    - §603.8 Public Guardianship
    - §603.9 Veterans Administration Guardianship
    - §603.10 Professional Guardian
    - §603.11 Guardian Advocate
    - §603.12 Guardian Ad Litem
    - §603.13 Management of Property of Nonresident Ward by Foreign Guardian
  - §604 Selection of Guardians
    - §604.1 Persons Who May be Appointed Guardian of Resident Ward
    - §604.2 Considerations in Appointment of Guardian
    - §604.3 Investigation of Guardians
  - §605 Statute of Limitations
  - §606 Role of Attorney in Guardianship
  - §607 Notice and Filing
    - §607.1 Formal Notice
      - §607.1.1 Service of Formal Notice
      - §607.1.2 Procedure
    - §607.2 Informal Notice



---

	§607.3	Waiver of Notice and Consent
	§607.3.1	Procedure
	§607.4	Request for Notice and Copies
	§607.4.1	Procedure
	§607.5	Effect of Notice
§608		Preneed Guardianship
§609		Expedited Judicial Intervention Concerning Medical Treatment Procedures
	§609.1	Petition
	§609.2	Notice
	§609.3	Hearing
<b>§610</b>		<b>Commencement of Guardianship</b>
§611		Procedures to Determine Incapacity
	§611.1	Petition to Determine Incapacity
	§611.1.1	Procedure
	§611.2	Notice of Petition to Determine Incapacity
	§611.2.1	Procedure
	§611.3	Appointed Counsel
	§611.4	Examining Committee
	§611.5	Hearing on Incapacity
	§611.6	Order Determining Incapacity
	§611.7	Costs and Fees
§612		Appointment of Guardian
	§612.1	Petition for Appointment of Guardian
	§612.2	Petition for Appointment of Emergency Temporary Guardian
	§612.3	Standby Guardian
	§612.3.1	Petition for Appointment of Standby Guardian for Minor
	§612.3.2	Petition for Appointment of Standby Guardian for Incapacitated Person
	§612.3.3	Petition for Confirmation of Standby Guardian
	§612.4	Foreign Guardian
	§612.5	Voluntary Guardian
	§612.6	Guardian Advocate
	§612.6.1	Petition for Appointment
	§612.6.2	Notice
	§612.6.3	Counsel
	§612.6.4	Order
	§612.7	Notice
	§612.8	Procedure
§613		Application for Appointment as Guardian
	§613.1	Credit and Criminal Investigation
§614		Guardian Education Requirements
	§614.1	Professional Guardian Education Requirements
§615		Responses to Petition, Adversary Proceedings, Discovery
	§615.1	Notice and Procedure
§616		Order Appointing Guardian
	§616.1	Procedure
§617		Requirements of Guardian Before Letters are Issued
	§617.1	Oath of Guardian, Designation of Resident Agent and Acceptance
	§617.1.1	Procedure
	§617.2	Bond of Guardian
	§617.2.1	Bond of Professional Guardian
	§617.2.2	Procedure
	§617.3	Depository for Ward's Assets
	§617.3.1	Procedure
§618		Letters of Guardianship
§619		Determination Regarding Alternatives to Guardianship

**§620 Powers, Duties and Responsibilities of the Guardian**

- §621 Introduction
- §622 Powers and Duties of Guardian
  - §622.1 Rights Only with Extraordinary Authority
  - §622.2 Powers of Guardian Upon Court Approval
  - §622.3 Powers of Guardian Without Court Approval
  - §622.4 Petition for Approval of Acts
  - §622.5 Conflicts of Interest; Prohibited Activities; Court Approval; Breach of Fiduciary Duty
- §623 Initial Guardianship Report; Initial Guardianship Plan; Inventory
  - §623.1 Initial Guardianship Report
  - §623.2 Initial Guardianship Plan
  - §623.3 Verified Inventory
  - §623.4 Procedure
- §624 Annual Guardianship Report/Annual Guardianship Plan/Annual Financial Return
  - §624.1 Annual Guardianship Reports
  - §624.2 Annual Guardianship Plan
  - §624.3 Annual Accounting
  - §624.4 Magistrate's Review of Guardianship Accountings and Plans
  - §624.5 Objection to Annual Guardianship Returns
  - §624.6 Simplified Accounting Procedures
  - §624.7 Procedure
- §625 Review of Initial and Annual Reports
  - §625.1 Responsibilities of the Clerk of the Circuit Court
  - §625.2 Judicial Review of Guardianship Reports
  - §625.3 Relief to Be Granted
  - §625.4 Judicial Review of Guardianship
  - §625.5 Magistrates' Review of Guardianship Accountings, Inventories, and Plans
  - §625.6 Reports of Public Guardian
  - §625.7 Inspection of Report
- §626 Other Aspects of Guardianship Administration
  - §626.1 Petition and Notice for Authorization to Act or Approval of Acts
  - §626.2 Payments to Guardian (For Care of Ward)
  - §626.3 Settlement of Claims
    - §626.3.1 Generally
    - §626.3.2 Settlement of Minors' Claims
  - §626.4 Actions by and Against Guardian or Ward
  - §626.5 Continuance of Unincorporated Business or Venture of Ward
  - §626.6 Conveyance of Various Property Rights by Guardian of the Property
  - §626.7 Application of Income of Property of Ward
  - §626.8 Petition for Support of Ward's Dependents
  - §626.9 Change in Ward's Residence
  - §626.10 Petition for Extraordinary Authority
  - §626.11 Production of Property
  - §626.12 Delegation of Authority; Surrogate Guardian
  - §626.13 Annual Appearance of the Guardian
  - §626.14 Subsequently Discovered or Acquired Property
  - §626.15 Procedure Generally

**§630 Reserved****§640 Restoration of Rights/Capacity**

- §641 Restoration of Rights of Person with Developmental Disability
- §642 Restoration of Capacity
  - §642.1 Suggestion of Capacity
  - §642.2 Procedure
  - §642.3 Order of Restoration

<b>§650</b>	<b>Termination of Guardianship</b>
§651	Termination—Resignation or Disqualification of Guardian
§651.1	Resignation/Disqualification
§651.2	Successor Guardian
§651.3	Procedure
§652	Removal of Guardian
§652.1	Reasons for Removal
§652.2	Removal, Accounting, Surrender of Property
§653	Termination—Change of Domicile of Ward
§654	Termination Procedure
§654.1	General
§654.1.1	Petition for Discharge
§654.1.2	Final Reports
§654.1.3	Notice
§654.1.4	Service
§654.1.5	Objections
§654.1.6	Waiver
§654.2	Discharge of Guardian Named as Personal Representative
§654.3	Order of Discharge
§654.4	Disposition of Unclaimed Funds Held by Guardian
§655	Guardian’s and Attorney’s Fees and Expenses
<b>§660</b>	<b>Other Types of Guardianship</b>
§661	Veterans’ Guardianship
§661.1	Generally
§661.2	Definitions
§661.3	Procedure for Commitment of Veteran to United States Department of Veterans Affairs Hospital
§661.4	Appointment of Guardian
§661.4.1	Who May Be Appointed Guardian
§661.4.2	Notice
§661.4.3	Bond of Guardian
§661.5	Duties, Rights, and Powers of Guardian
§661.5.1	Inventory of Ward’s Property
§661.5.2	Annual Guardianship Report
§661.5.3	Receive Moneys from the United States Government
§661.5.4	Petition for Support, or Support and Education of Ward’s Dependents
§661.5.5	Investment of Funds
§661.5.6	Authority to Sell Real Estate
§661.6	Closing Guardianship
§661.6.1	Discharge of Guardian
§661.6.2	Final Settlement of Guardianship
§661.6.3	Appointment of General Guardian; Closing of Veteran’s Guardianship
§661.7	Attorney Fees and Guardianship Compensation
§661.7.1	Attorney’s Fees
§661.7.2	Guardianship Compensation

## 7. Criminal Law

<b>§700</b>	<b>Criminal Law</b>
§701	Introduction
§701.1	Role of Legal Secretary in Criminal Law
§701.2	New Client File
§701.3	Calendar/Docket Control
§701.4	Client Interview

- §702 What Is a Crime?
  - §702.1 Sources of Criminal Law
  - §702.2 Capacity for Crime or Punishment
    - §702.2.1 Minority
    - §702.2.2 Incompetency/Insanity
  - §702.3 Elements of a Crime
  - §702.4 Participation in a Crime
  - §702.5 Classes of Offenses
    - §702.5.1 Felonies
    - §702.5.2 Misdemeanors
  - §702.6 Entrapment
- §703 Criminal Offenses Generally
  - §703.1 Crimes Against the Person
  - §703.2 Crimes Against Property
  - §703.3 Other Classes of Crimes
  - §703.4 Certain Specific Crimes Defined by Statute
    - §703.4.1 Homicide
      - §703.4.1.1 Murder
      - §703.4.1.2 Attempted Felony Murder
      - §703.4.1.3 Murder of a Law Enforcement Officer
      - §703.4.1.4 Manslaughter/Aggravated Manslaughter
      - §703.4.1.5 Vehicular Homicide
      - §703.4.1.6 Vessel Homicide
      - §703.4.1.7 Assisting Self-Murder (Suicide)
      - §703.4.1.8 Commercial Exploitation of Self-Murder
      - §703.4.1.9 Killing of Unborn Quick Child by Injury to Mother
    - §703.4.2 Assault and Battery; Culpable Negligence
      - §703.4.2.1 Assault and Battery
      - §703.4.2.2 Assault and/or Battery on Specific Individuals
      - §703.4.2.3 Culpable Negligence
      - §703.4.2.4 Stalking
      - §703.4.2.5 Loitering or Prowling by Certain Offenders in Close Proximity to Children
- §704 Penalties/Punishment
  - §704.1 Death Penalty/Imprisonment Generally
  - §704.2 Prison Releasee Reoffender
  - §704.3 Career Criminals
    - §704.3.1 Purpose and Policies
    - §704.3.2 Definitions
    - §704.3.3 Habitual Misdemeanor Offender; Habitual Felony Offender or Habitual Violent Felony Offender; Procedure and Sentencing
    - §704.3.4 Three-Time Violent Felony Offender; Procedure and Sentencing
    - §704.3.5 Violent Career Criminal; Procedure and Sentencing
  - §704.4 Additional Considerations in Sentencing
    - §704.4.1 Violent Offenses Committed Against Law Enforcement Officers, Correctional Officers, State Attorneys, Assistant State Attorneys, Justices, or Judges
    - §704.4.2 Wearing a Mask While Committing Offense
    - §704.4.3 Wearing Bulletproof Vest While Committing Certain Offenses
    - §704.4.4 Evidencing Prejudice While Committing Offense (Hate Crime)
    - §704.4.5 Possession or Use of a Weapon; Aggravated Battery
    - §704.4.6 Terrorism
    - §704.4.7 Unlawful Taking, Possession, or Use of Law Enforcement Officer's Firearm
  - §704.5 Fines
  - §704.6 Restitution
    - §704.6.1 Issuance of Income Deduction Order with an Order of Restitution
    - §704.6.2 Enforcement of Income Deduction Orders

---

§704.7	Civil Restitution Lien Orders
§704.7.1	Purpose and Policies
§704.7.2	Definitions
§704.7.3	Determination of Damages/Losses
§704.7.4	Enforcement
§704.7.5	Effect of Civil Restitution Lien Order
§704.8	Florida Sexual Predators Act
§704.8.1	Purpose and Policies
§704.8.2	Definitions
§704.8.3	Sexual Predator Criteria
§704.8.4	Registration
§704.8.5	Community and Public Notification
§704.8.6	Residency Restriction for Persons Convicted of Certain Sex Offenses
§704.8.7	Penalties
§704.9	Florida Career Offender Registration Act
§704.9.1	Purpose and Policies
§704.9.2	Definitions
§704.9.3	Criteria for Registration
§704.9.4	Registration
§704.9.5	Removal of Requirement to Register as a Sexual Offender or Sexual Predator in Special Circumstances
§704.9.6	Assisting in Noncompliance
§704.9.7	Community and Public Notification
§704.9.8	Penalties
§704.10	Treatment-Based Drug Court Programs
§704.11	Other Penalties
§704.11.1	General Points
§704.11.2	Registration of Convicted Felons
§704.11.3	Mandatory Monetary Assessments
§704.11.4	Additional Penalties for Drug Offenses
§705	Statute of Limitations—Prosecution of Crimes
§705.1	Generally
§705.2	Time Limitations
§706	Jurisdiction and Venue
§706.1	Jurisdiction
§706.1.1	Special Maritime Jurisdiction
§706.2	Venue
§706.2.1	Place of Trial Generally
§706.2.2	Other Factors Determining Venue
§706.2.3	Transfer from County for Plea and Sentence
§707	Defenses Generally and Rights of the Accused
§707.1	Defenses
§707.2	Rights of the Accused
§708	Traffic Offenses
§708.1	Criminal Traffic Offenses
§708.2	Noncriminal Offenses
§709	DNA Database
§709.1	Definitions
§709.2	Collection of Samples
§709.3	Statewide DNA Database
§709.4	Collection of Samples from Offenders
§709.5	Out-of-State Offenders
§709.6	Samples
§709.7	Court Orders and Costs
§709.8	Offenses and Penalties
§709.9	Procedures for Removal from DNA Database

**§710 From Arrest Through Arraignment**

- §711 General
  - §711.1 Service and Filing of Pleadings, Papers, and Documents
    - §711.1.1 Generally
    - §711.1.2 Service by Electronic Mail (E-Mail)
    - §711.1.3 Service on Attorneys
    - §711.1.4 Service on Parties Not Represented by Attorney
    - §711.1.5 Time of Service
    - §711.1.6 Format of Email for Service
    - §711.1.7 Service by Other Means
    - §711.1.8 Service of Orders
    - §711.1.9 Filing
    - §711.1.10 Certificate of Service
  - §711.2 Filing Documents With the Court
    - §711.2.1 Documents Generally
    - §711.2.2 Electronic Filing
    - §711.2.3 Exceptions
    - §711.2.4 Service
    - §711.2.5 Accessibility
  - §711.3 Public Access to Judicial Records
    - §711.3.1 Definitions
    - §711.3.2 Confidential and Exempt Records
    - §711.3.3 Minimization of Filing Sensitive Information
  - §711.4 Time
    - §711.4.1 Computation of Time
    - §711.4.2 Enlargement of Time
    - §711.4.3 Time for Service of Motions and Notice of Hearing
  - §711.5 Providing Counsel to Indigents
    - §711.5.1 General Points
    - §711.5.2 When Counsel Provided
    - §711.5.3 Determination of Indigency
    - §711.5.4 Duty of Booking Officer
    - §711.5.5 Waiver of Counsel
    - §711.5.6 Withdrawal of Defense Counsel After Judgment and Sentence
    - §711.5.7 Court-Appointed Counsel
    - §711.5.8 Offices of Criminal Conflict and Civil Regional Counsel
  - §711.6 Minimum Standards for Attorneys in Capital Cases
  - §711.7 Presence of Defendant at Proceedings
- §712 Preliminary Proceedings
  - §712.1 Initiation of Process
    - §712.1.1 Arrest with Warrant
    - §712.1.2 Arrest without Warrant
    - §712.1.3 Arrest by Federal Law Enforcement Officers
    - §712.1.4 Notice to Appear
    - §712.1.5 Summons
    - §712.1.6 Rights of Person Arrested
  - §712.2 Search and Seizure at Time of Arrest Without Warrant
    - §712.2.1 Stop and Frisk Law
    - §712.2.2 Search of Person Arrested
    - §712.2.3 Strip Search
  - §712.3 Search/Inspection and Seizure with Warrant
    - §712.3.1 Search and Seizure Procedure Generally
    - §712.3.2 Grounds for Search and Seizure
    - §713.3.3 Search and Seizure of Occupied Private Dwelling
    - §713.3.4 Return of Property Seized
  - §712.4 Inspection Warrants

	§712.5	Other Rights/Duties of Law Enforcement Officers
	§712.5.1	Officer May Summon Assistance
	§712.5.2	Officer May Break into Building
§713		Procedure After Arrest
	§713.1	First Appearance
	§713.2	Pretrial Release
	§713.2.1	Pretrial Release Under the Anti-Murder Act
	§713.2.2	Pretrial Release—Citizens' Right-to-Know
	§713.3	Pretrial Detention
	§713.4	Bail/Bond
	§713.4.1	Bail Generally
	§713.4.2	Setting or Modification of Bail After First Appearance
	§713.4.3	Bail Before Conviction/Revocation
	§713.4.4	Appearance Bonds
	§713.4.5	Bail on Appeal
	§713.4.6	Sureties
	§713.4.7	Money, Bonds, or Guaranteed Arrest Bond Certificates as Bail
	§713.4.8	Surrender/Arrest of Defendant
	§713.4.9	Forfeiture of Bond
	§713.4.10	Remission of Forfeiture
	§713.4.11	Cancelling the Bond
§714		Pretrial Probable Cause Determination and Preliminary Hearings
	§714.1	Nonadversary Probable Cause Determination
	§714.2	Adversary Preliminary Hearing
§715		Formal Charges by Indictment or Information
	§715.1	Grand Jury
	§715.1.1	Generally
	§715.1.2	Who May Be Present During Grand Jury Proceedings
	§715.1.3	Duties of Grand Jury
	§715.1.4	Disclosure of Grand Jury Proceedings
	§715.1.5	Publication of Report or Presentment
	§715.2	Methods of Prosecution
	§715.3	Form of Indictment/Information
	§715.4	Statement of Particulars
§716		Joinder/Severance of Offenses and Defendants; Consolidation of Related Offenses
	§716.1	Joinder of Offenses and Defendants
	§716.2	Consolidation of Related Offenses
	§716.3	Severance of Offenses and Defendants
§717		Arraignment and Pleas
	§717.1	Arraignment
	§717.2	Pleas
	§717.3	Plea Discussions and Agreements
	§717.4	Acceptance of Guilty or Nolo Contendere Plea
	§717.5	Withdrawal of Plea
§718		Role of Legal Secretary
	§718.1	Arrest
	§718.1.1	Procedure
	§718.2	Bond/Pretrial Release
	§718.2.1	Procedure
	§718.3	Probable Cause Determination
	§718.3.1	Procedure
	§718.4	Indictment/Information
	§718.4.1	Procedure
	§718.5	Joinder/Consolidation
	§718.5.1	Procedure

- 
- §718.6 Preliminary Motions to Dismiss Prior to Arraignment
    - §718.6.1 Procedure
  - §718.7 Arraignment/Pleas
  - §720 Pretrial Procedure**
    - §721 Pretrial Motions
      - §721.1 Motions to Dismiss
        - §721.1.1 Procedure
      - §721.2 Motion for Continuance
        - §721.2.1 Procedure
    - §722 Reserved
    - §723 Suppression of Evidence
      - §723.1 Suppression of Evidence in Unlawful Search
      - §723.2 Suppression of Statement, Admission or Confession
      - §723.3 Procedure
    - §724 Deposition to Perpetuate Testimony
      - §724.1 Procedure
    - §725 Speedy Trial
      - §725.1 Procedure
    - §726 Notices Required
      - §726.1 Notice of Alibi
        - §726.1.1 Procedure
      - §726.2 Battered-Spouse Syndrome
      - §726.3 Notice of Intent to Seek Death Penalty
      - §726.4 Notice of Intent to Present Expert Testimony of Mental Mitigation
    - §727 Change of Venue
    - §728 Pretrial Conference
  - §730 Discovery**
    - §731 Generally
      - §731.1 Election of Defendant to Participate in Discovery
        - §731.1.1 Procedure
      - §731.2 Restricted Disclosure
      - §731.3 Matters Not Subject to Discovery
      - §731.4 *In Camera* Proceedings
    - §732 Disclosure to Prosecution
    - §733 Prosecution Discovery Obligation
    - §734 Defense Obligations
    - §735 Discovery Depositions
      - §735.1 Generally
      - §735.2 Depositions Prohibited Absent Court Order
      - §735.3 Transcripts
      - §735.4 Witness Coordinating Office
      - §735.5 Defendant's Physical Presence
      - §735.6 Procedure
    - §736 Protective Orders
    - §737 Compelling Discovery
      - §737.1 Procedure
    - §738 Sanctions
    - §739 Other Motions Which May Arise After Discovery and Before Trial
      - §739.1 Procedure
  - §740 Reserved**
  - §750 Reserved**
  - §760 From Trial to Sentencing**
    - §761 Generally
    - §762 Trial by Jury
      - §762.1 Introduction
      - §762.2 Voir Dire Examination, Oath, and Excusing of Member



---

	§762.3	Challenges
	§762.3.1	Challenge of the Jury Panel
	§762.3.2	Challenge of Individual Members for Cause
	§762.3.3	Peremptory Challenges
§763		Working with the Attorney Before and During Trial
	§763.1	Before Trial
	§763.2	During Trial
§764		Trial Procedure
	§764.1	Standard Jury Instructions
§765		Verdict
§766		Post-Trial
	§766.1	Motions; Procedure; Custody Pending Hearing
	§766.2	Grounds for New Trial
	§766.3	Grounds for Motion for Arrest of Judgment
	§766.4	Conviction Sustains Only Lesser Offense
	§766.5	Effect of Granting New Trial
§767		Post-Trial Release
§768		Petition to Expunge or Seal Criminal Record
	§768.1	Requirements—Certificate of Eligibility and Sworn Statement (Affidavit)
	§768.2	Procedure
<b>§770</b>		<b>Sentencing</b>
	§771	Generally
	§772	Presentence Investigation and Report
	§773	Sentencing Guidelines
	§773.1	Offense Categories
	§773.2	Rules and Definitions
	§773.3	Nonexclusive Factors to Support Departure from Sentencing Guidelines
	§773.3.1	Aggravating Circumstances
	§773.3.2	Mitigating Circumstances
	§773.4	Role of Legal Secretary
	§773.5	Criminal Punishment Code
§774		Concurrent vs. Consecutive Sentences
§775		Sentencing Hearing
§776		Capital Felonies
	§776.1	Aggravating Circumstances
	§776.2	Mitigating Circumstances
§777		Sentence of Death or Life Imprisonment for Capital Drug Trafficking Felonies
	§777.1	Aggravating Circumstances
	§777.2	Mitigating Circumstances
§778		Probation and Community Control
	§778.1	Definitions
	§778.2	When the Court May Impose a Fine or Order Probation or Community Control
	§778.3	Split Sentence of Probation or Community Control and Imprisonment
	§778.4	Administrative Probation
	§778.5	Presentence Investigation Report
	§778.6	Terms and Conditions of Probation
	§778.6.1	Public Service
	§778.6.2	Restitution
	§778.6.3	Residential Treatment
	§778.6.4	Work Programs
	§778.6.5	Education
	§778.6.6	Batterers' Intervention Program
	§778.6.7	Special Conditions
	§778.6.8	Misdemeanor Pretrial Substance Abuse Education and Treatment Intervention Program; Misdemeanor Pretrial Veterans' Treatment Intervention Program

- §778.7 Period of Probation; Early Termination
- §778.8 Violation, Revocation, Modification Generally
  - §778.8.1 Lunsford Act Proceedings
  - §778.8.2 Anti-Murder Act Proceedings
- §778.9 Community Control Programs
- §778.10 Terms and Conditions of Community Control
- §778.11 Misdemeanor Probation Services
- §779 Correction, Reduction and Modification of Sentences
- §780 Post Conviction Relief**
- §781 Motion to Vacate, Set Aside, or Correct Sentence
  - §781.1 Capital Post-Conviction Public Records Production
    - §781.1.1 Definitions
    - §781.1.2 Filing and Service
    - §781.1.3 Action Upon Issuance of Mandate
    - §781.1.4 Action Upon Receipt of Notice or Mandate
    - §781.1.5 Exempt or Confidential Public Records
    - §781.1.6 Demand for Additional Public Records
    - §781.1.7 Cases in Which Mandate Was Issued Prior to October 1, 1998
    - §781.1.8 Limitation on Postproduction Request or Additional Records
    - §781.1.9 Authority of the Court
    - §781.1.10 Scope of Production and Resolution of Production Issues
    - §781.1.11 Destruction of Records Repository Records
- §782 Collateral Relief After Death Warrant Signed
  - §782.1 Appointment of Post-Conviction Counsel
  - §782.2 Preliminary Procedure
  - §782.3 Contents of Motion(s)
  - §782.4 Procedure, Evidentiary Hearing, Disposition
  - §782.5 Case Management Conference; Evidentiary Hearing
  - §782.6 After Evidentiary Hearing
  - §782.7 Rehearing
  - §782.8 Incompetence to Proceed in Capital Collateral Proceedings
  - §782.9 After Death Sentence Signed
  - §782.10 Dismissal of Post-Conviction Proceedings
- §783 Criminal Appeal Reform Act of 1996
  - §783.1 Terms and Conditions of Appeals and Collateral Review
  - §783.2 Time Limitations for Post-Conviction Proceedings in Capital Cases
  - §783.3 Appeal by Defendant
  - §783.4 Collateral Relief
  - §783.5 Appeal by State
  - §783.6 Application for Executive Clemency
- §784 Bail/Bond
- §785 Blood or Other Biological Specimen Testing for DNA Analysis
- §786 Post-Conviction DNA Testing of Evidence
- §787 Appellate Orders
- §790 Miscellaneous**
- §791 Criminal Contempt
  - §791.1 Direct Criminal Contempt
  - §791.2 Indirect Criminal Contempt
- §792 Criminal Maximum Penalties
- §793 Glossary of Terms
- §794 Rules Time Chart

## Table of Authorities

### Index