

PREFACE TO THE 2026 EDITION

My objective in writing this book was to provide a comprehensive source of information about the legal and practical aspects of civil practice in Florida. The book addresses not only the Florida Rules of Civil Procedure and the cases interpreting the rules, but also many other important topics not addressed in the rules. I hope that the material presented here will enable lawyers and judges to find answers to questions on civil practice, that it will serve as a good starting point for the analysis of new issues, and that it will be useful in legal education, as well.

The book is divided into three parts; the first includes fourteen chapters on subjects of general applicability in civil practice; the second contains thirteen chapters relating exclusively to civil trials; and the third includes four chapters on civil remedies. The material within each part of the book has been organized in a way that is intended to simplify and expedite legal research. The first paragraph of each section provides a summary of the most important points about that section. As the information is developed within the section, it becomes progressively more detailed. All of the footnotes have bold faced subject matter headings so that they can be identified rapidly. I have followed this approach consistently, in the hope that it will enable those who use the book to obtain the correct answer as quickly as possible. A lawyer who has a general idea where to look may be able to find a case on point merely by scanning the footnote headings without reading the text. A more detailed analysis is available in the text for those who wish to examine the point more fully.

This edition covers all of the significant rule revisions since the publication of the previous edition, including the following:

- Rule 1.200. Case management. A complete overhaul of the case management rule, providing for separate case track assignments and changes to the procedures relating to case management conferences and pretrial conferences.
- Rule 1.202. Motions. A new rule requiring the parties to confer with one another prior to filing certain motions and to include a certificate stating the position of the opposing party on the motion.
- Rule 1.510(c)(5). Summary judgment. A revision to the summary judgment rule changing the time for the nonmoving party to submit a response and supporting materials from 20 days after service of the motion for summary judgment to 40 days after service of the motion.

- Rule 1.280. Discovery. Several important revisions of the discovery rule including a new provision that requires the unilateral disclosure of certain information prior to a discovery request by the opposing party.
- Rule 1.440. Setting Trials. A complete revision of the prior practice of setting cases for trial based on the state of the pleadings. Under the new procedure, an actual or projected trial date is set early in the process and then modified only if necessary.
- Rule 1.460. Continuances. A complete revision of the rule on continuances. The new version of the rule sets forth more specific requirements and more detailed procedures all of which are designed to reduce continuances.
- Rule 2.215(g)(2). Timely Rulings. A new rule allowing a party to file a notice with the court if a matter has been pending without a ruling for 60 days.

The Florida Supreme Court made language changes in many other rules last year and these changes are shown here, as well.

This edition also includes the customary coverage of new court decisions on the subject of appellate practice. More than 200 new cases have been addressed in the text or in the notes.

I am grateful to Ellen Gwynn for her invaluable assistance with the research and writing of this edition. She offered many helpful suggestions and her contributions have greatly improved the quality of the book.

A reference work such as this is never really finished. As always, I welcome suggestions for the material to be included in the next edition.

Philip J. Padovano

Tallahassee, 2025