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OLSI CIVIL LEGAL GUIDE · FLORIDA STATE TRIAL COURTS

Defending a Civil Case in Florida

You have been sued. This guide walks the defense of a Florida civil case in order — from the 20-day clock and the motion to dismiss, through the answer and affirmative defenses, to counterclaims and avoidances. For self-represented litigants, rigorous enough for new counsel.

JURISDICTION	AUDIENCE	LAST REVIEWED
Florida State Courts	Self-Represented & New Counsel	June 2026

READING TIME

~50 min

WHAT THIS GUIDE COVERS

IMPORTANT — PLEASE READ

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

START HERE

Defending a case is a sequence, not a single event

Being sued does not mean rushing to tell your story to a judge. It means responding, correctly and on time, to a complaint — in a fixed order set by the rules.

When you are served with a complaint, you do not simply write a letter saying you disagree. You must file a **responsive pleading** — either a motion attacking the complaint, or an **answer** that admits or denies each allegation and raises your **affirmative defenses**. You may also have your own claims to bring back against the plaintiff, called **counterclaims**.

Each of these has its own deadline, its own rules, and its own traps. The biggest mistakes happen at the very start — missing the 20-day clock, or filing an answer that accidentally gives up defenses you could have raised.

WATCH OUT · THE 2025 RULES CHANGED CIVIL PRACTICE

Effective January 1, 2025, Florida overhauled its Rules of Civil Procedure — mandatory case-management tracks, a duty to confer before many motions, proportional discovery, and initial disclosures. Rule 1.140 itself was not restructured, but the surrounding deadlines are tighter. Older forms may be out of date.

PRACTICE POINTER · CALENDAR THE DEADLINE FIRST

The moment you are served, write down the response deadline — generally 20 days — and work backward. Everything else in this guide depends on not blowing that first clock.

THE ROAD AHEAD

Defending follows a repeatable, six-stage path

This guide walks each stage in order. The progress bar at the top of each stage page shows where you are.

1 THE CLOCK — 2 MOTION TO DISMISS — 3 THE ANSWER — 4 DEFENSES — 5 COUNTERCLAIMS — 6 REPLY

1 · The clock

Know your response deadline — generally 20 days from service — and what tolls it.

2 · Motion to dismiss

Decide whether to attack the complaint first under Rule 1.140(b): jurisdiction, venue, service, or failure to state a cause of action.

3 · The answer

If you do not dismiss, answer the complaint — admitting, denying, or stating you lack knowledge of each allegation.

4 · Defenses

Plead your affirmative defenses with ultimate facts — statute of limitations, comparative fault, release, and the rest of the playbook.

5 · Counterclaims

Identify and bring any compulsory counterclaim, plus permissive counterclaims and crossclaims, or risk waiving them.

6 · Reply

Where needed, reply to a counterclaim or plead an avoidance that defeats an affirmative defense raised against you.

WATCH OUT · ORDER MATTERS — SOME STEPS CANNOT BE UNDONE

You generally must raise certain defenses — personal jurisdiction, venue, defects in process or service — in your **first** motion or answer, or they are waived. Filing the wrong thing first, or filing an answer too soon, can cost you defenses permanently.

STAGE 1 · THE CLOCK

The clock starts: 20 days from service

The single most important number in defending a case is your response deadline. Get it wrong and you can lose by default before you ever argue the merits.

The basic deadline

You must serve a response — an answer or a Rule 1.140 motion — within **20 days** after service of the original process and the complaint.[1] The State and its agencies get more time (40 days, or 30 days in sovereign-immunity cases).

What stops (tolls) the clock

Filing a Rule 1.140 **motion** tolls your answer deadline: if the motion is denied, the answer is due within **10 days**; if a more definite statement is ordered, within 10 days of its service.[2] But two motions do **not** toll — a motion for judgment on the pleadings (Rule 1.140(c)) and a motion to strike redundant or scandalous matter (Rule 1.140(f)).[2]

WATCH OUT · E-MAIL SERVICE DOES NOT ADD FIVE DAYS

Service is generally by e-mail, which does **not** add the old five-day "mailbox" period. Only service by U.S. mail adds time. Assume 20 days from service unless you confirm mail service applies.

PRACTICE POINTER · IF YOU NEED MORE TIME, ASK BEFORE IT RUNS

The court may extend a deadline for good cause if you ask **before** it expires, and for excusable neglect if you ask after. A short motion for extension of time is one of the most common first filings.

STAGE 2 · MOTION TO DISMISS

Rule 1.140(b): the seven enumerated defenses

Before answering, you may move to dismiss on any of seven grounds — and the grounds must be "stated specifically and with particularity."[3]

1 **Lack of subject-matter jurisdiction**

Whether the court has authority over this *type* of case. Never waivable — can be raised any time, even on appeal.

2 **Lack of personal jurisdiction**

Whether the court has authority over *you*. Analyzed under the two-step Venetian Salami test. Waivable.

3 **Improper venue**

Whether the case is in the right county. A motion to transfer is the usual vehicle. Waivable.

4 **Insufficiency of process**

A defect in the summons itself — wrong name, missing seal. Strict compliance required. Waivable.

5 **Insufficiency of service of process**

A defect in how the papers were delivered to you. A motion to quash usually leads to re-service, not dismissal. Waivable.

6 **Failure to state a cause of action**

The complaint, taken as true, still does not state a legal claim. Judged on the "four corners." Preserved longer.

7 **Failure to join indispensable parties**

Someone who must be in the case is missing. Preserved for later assertion.

PRACTICE POINTER · RAISE THEM TOGETHER

Rule 1.140(g) requires you to consolidate — raise every available 1.140 defense in your **first** motion. You cannot file a second motion later based on a defense you could have raised the first time.

STAGE 2 · MOTION TO DISMISS

Jurisdiction, venue, and service — how they work

Three of the seven defenses come up constantly. Each has its own burden-shifting routine.

Personal jurisdiction — the two-step test

Under *Venetian Salami*, the court asks: (1) do the complaint's facts bring the case within Florida's long-arm statute; and (2) does the defendant have enough **minimum contacts** with Florida to satisfy due process.[4] You file a motion supported by affidavit; the burden then shifts to the plaintiff to refute it by sworn proof. Conflicting affidavits require an evidentiary hearing.

Venue

Venue is about the right *county* — generally where the defendant resides, where the cause accrued, or where the property is. You allege improper venue; the plaintiff then bears the burden of proving venue is proper. A motion to **transfer** is the preferred vehicle, reviewed for abuse of discretion.[5]

Service of process

A defect in *how* you were served — not following the substituted-service or corporate-service statutes — supports a **motion to quash**. That usually leads to re-service within the time allowed, not outright dismissal.[6]

> **WATCH OUT · ASKING FOR OTHER RELIEF CAN WAIVE PERSONAL JURISDICTION**
>
> If you seek **affirmative relief** from the court before raising lack of personal jurisdiction, you can waive it. Raise jurisdiction first, by itself if necessary — do not bundle it behind requests that submit you to the court's authority.

STAGE 2 · MOTION TO DISMISS

Failure to state a cause of action — the four corners

The most common motion to dismiss argues that, even if everything in the complaint were true, it still would not add up to a legal claim.

Whether a complaint states a cause of action is a **question of law**. The court must treat the factual allegations as true and view them in the light most favorable to the plaintiff.[7] Critically, the court looks **only at the four corners of the complaint** — it may not weigh affidavits or outside evidence.[7] Documents attached to the complaint become part of it, and where an attached document contradicts a conclusory allegation, the document controls.

To win, you identify the cause of action, list its required elements, and show which element the complaint fails to allege facts to support — pointing to the complaint's own paragraphs, never to outside proof.

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

Because the court is confined to the four corners, arguments that "the plaintiff has no proof" or "the witnesses are lying" belong in summary judgment or at trial — not in a motion to dismiss. Mixing them in is the most common mistake.

PRACTICE POINTER · MAP THE ELEMENTS ONE BY ONE

List each element of the claim, then show — element by element — which one the complaint fails to support. A judge can grant a motion far more easily when you have done that mapping.

STAGE 2 · MOTION TO DISMISS

Consolidation, waiver, and the related motions

Rule 1.140 contains tight waiver rules and a few specialized motions that often travel with a motion to dismiss.

Consolidation and waiver

Rule 1.140(g) requires you to raise all available 1.140 defenses together in your first motion. Rule 1.140(h)(1) **waives** the defenses of personal jurisdiction, venue, and insufficiency of process or service if not raised by motion or in the answer. Rule 1.140(h)(2) **preserves** failure to state a cause of action, failure to state a legal defense, and failure to join indispensable parties for later assertion. Subject-matter jurisdiction may be raised at any time.[8]

More definite statement, strike, and sham

A motion for a **more definite statement** (Rule 1.140(e)) attacks a pleading so vague you cannot respond — it tolls the answer deadline. A motion to **strike** (Rule 1.140(f)) removes redundant, immaterial, or scandalous matter — it does **not** toll. A verified motion to strike a pleading as a **sham** (Rule 1.150) — meaning indisputably false — requires an evidentiary hearing.[9]

> WATCH OUT · SOME MOTIONS DO NOT BUY YOU TIME
>
> A motion to strike under Rule 1.140(f) and a motion for judgment on the pleadings under Rule 1.140(c) do **not** toll your answer deadline. If you file only one of those, your answer is still due on the original clock.

TEMPLATE

Sample: motion to dismiss

Notice how the legal standard states the four-corners rule, while the argument lists the claim's elements and shows which one is missing — using only the complaint.

TEMPLATE · MOTION TO DISMISS — Fill in the highlighted fields — do not file as-is

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

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

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

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

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

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

/s/ Your Name · Self-Represented

PRACTICE POINTER · NO CONFERRAL NEEDED — BUT BE SPECIFIC

Motions to dismiss are exempt from the Rule 1.202 conferral duty, but the grounds still must be stated "with particularity." Name the exact claim and the exact missing element.

1 THE CLOCK · 2 MOTION TO DISMISS · 3 THE ANSWER · 4 DEFENSES · 5 COUNTERCLAIMS · 6 REPLY

STAGE 3 · THE ANSWER

The answer: admit, deny, or state you lack knowledge

If you do not (or cannot) dismiss the complaint, you answer it. The answer responds to every allegation and is where your defenses live.

You must "state in short and plain terms" your defenses to each claim and **admit or deny** each averment — or, if you are genuinely without knowledge, **say so**, which operates as a denial.[10] Best practice is to respond paragraph by paragraph, matching the complaint's numbering. A blanket "general denial" is allowed only when you truly intend, in good faith, to controvert everything.

Florida is a **fact-pleading** jurisdiction: pleadings must allege **ultimate facts**, not evidence or bare legal conclusions.[10]

WATCH OUT · THE DEEMED-ADMITTED RULE

Averments that require a response (other than the amount of damages) are **admitted** if you do not deny them.[11] A paragraph you skip is treated as conceded. Respond to every numbered allegation.

PRACTICE POINTER · MATCH THE COMPLAINT PARAGRAPH FOR PARAGRAPH

Number your responses to mirror the complaint. "Admitted," "Denied," or "Without knowledge, therefore denied" — one line per allegation — leaves nothing accidentally admitted.

STAGE 4 · DEFENSES

Affirmative defenses must now plead ultimate facts

An affirmative defense does not just deny the claim — it raises new matter that defeats the claim even if the plaintiff's allegations are true.

An affirmative defense **admits** the cause of action but **avoids** it by raising some new matter — statute of limitations, release, accord and satisfaction, comparative fault, and the like.[12] You bear the burden of **both pleading and proving** the defense, and failing to plead it generally waives it (subject to amendment).

The July 2024 ultimate-facts requirement

As of July 1, 2024, an affirmative defense must contain **"a short and plain statement of the ultimate facts."** Boilerplate defenses — a bare list of labels with no facts — are now expressly subject to being stricken.[13]

WATCH OUT · BOILERPLATE DEFENSES GET STRUCK

Listing "statute of limitations, waiver, estoppel, unclean hands" with no supporting facts no longer works. Each affirmative defense needs a sentence or two of ultimate facts explaining why it applies to **this** case.

PRACTICE POINTER · PLEAD DEFENSES YOU CAN ACTUALLY SUPPORT

Raise the defenses that fit your facts and state the facts behind each. A focused set of well-pleaded defenses beats a long list of labels a court will strike.

STAGE 4 · DEFENSES

The common affirmative-defense playbook

These are the workhorse defenses a Florida defendant should consider for almost any civil case. Plead the ones that fit — with ultimate facts.

A Statute of limitations

The claim was filed too late. Negligence is now **two years** post-HB 837; written contracts five; oral contracts and most torts four.

B Comparative negligence

Post-HB 837, a plaintiff more than **50% at fault** is barred (medical negligence excepted); fault is apportioned, including to nonparties.

C Release / accord & satisfaction

The claim was settled or discharged — a signed release, or payment accepted in full satisfaction.

D Res judicata / collateral estoppel

The claim, or an issue within it, was already decided in a prior case between the parties.

E Waiver / estoppel / laches

The plaintiff gave up the right, induced your reliance, or sat on the claim to your prejudice.

F Failure of condition precedent / pre-suit notice

A required step — statutory pre-suit notice, a contractual condition — was not met before filing.

> **PRACTICE POINTER · RUN THE SOL CHECK ON EVERY CLAIM**
>
> Statute of limitations is the highest-value defense and the easiest to miss. Check the accrual date and the applicable period for **each** claim — especially negligence claims now governed by the shortened two-year period.

STAGE 4 · DEFENSES

Statute of limitations and the HB 837 changes

A 2023 tort-reform act reshaped several defenses that recur across the playbook. Knowing the current numbers is essential.

The shortened negligence clock

HB 837 cut the general negligence statute of limitations from four years to **two years** for causes of action accruing after March 24, 2023.[14] Written-contract claims remain five years; oral contracts and many other torts remain four.

Modified comparative negligence

HB 837 also converted Florida from *pure* to **modified** comparative negligence: a plaintiff found **more than 50% at fault** recovers nothing (medical-negligence claims are excepted).[15] Fault can still be apportioned to nonparties.

WATCH OUT · RETROACTIVITY IS PROVISION-SPECIFIC

The HB 837 changes do not all apply the same way. The shortened SOL applies to causes accruing after the effective date; other provisions turn on when the action was filed. Check which rule governs your specific claim before relying on the change.

PRACTICE POINTER · PAIR THE SOL DEFENSE WITH THE ACCRUAL DATE

When you plead statute of limitations, state the ultimate facts: when the claim accrued and which period applies. “The negligence claim accrued on [date] and the two-year period under section 95.11(4)(a) expired before suit” is far stronger than a bare label.

TEMPLATE

Sample: answer and affirmative defenses

Respond to each numbered allegation, then state each affirmative defense with the ultimate facts the 2024 rule now requires.

TEMPLATE · ANSWER & AFFIRMATIVE DEFENSES — Fill in the highlighted fields — do not file as-is

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

Defendant NAME answers the Complaint as follows:

Answer.1. Admitted.2. Denied.3. Without knowledge, therefore denied. `[continue, one response per numbered paragraph]`

Affirmative Defenses.

First Affirmative Defense (Statute of Limitations). The `[negligence]` claim accrued on `[date]` and the `[two-year]` period expired before suit was filed.

Second Affirmative Defense (Comparative Fault). Any damages were caused by `[the plaintiff's / a nonparty's]` own fault, specifically `[state the facts]`.

Third Affirmative Defense. `[Defense + ultimate facts.]`

/s/ Your Name · Self-Represented

Certificate of Service: served on all parties via the Florida Courts E-Filing Portal on DATE.

WATCH OUT · EVERY DEFENSE NEEDS FACTS

Under the July 2024 amendment, each affirmative defense must include a short, plain statement of ultimate facts. A bare label with no facts can be stricken.

STAGE 5 · COUNTERCLAIMS

Counterclaims and crossclaims — Rule 1.170

Defending is not only about resisting the plaintiff. If you have your own claims, the rules decide which you must bring now — and which you may lose if you do not.

Compulsory counterclaims

A counterclaim is **compulsory** if it "arises out of the transaction or occurrence" that is the subject of the plaintiff's claim, analyzed under a **logical-relationship** test.[16] Failing to plead a compulsory counterclaim **waives** it — you cannot bring it in a later, separate suit. A narrow exception allows a counterclaim in **recoupment** even if a separate action would be time-barred.

Permissive counterclaims and crossclaims

A **permissive** counterclaim (one unrelated to the plaintiff's claim) is not waived if you omit it. **Crossclaims** against a co-party are always permissive — useful for indemnification or contribution.[17]

WATCH OUT · OMITTING A COMPULSORY COUNTERCLAIM FORFEITS IT

If your claim against the plaintiff arises from the same events, raise it **now** as a compulsory counterclaim. Leave it out and you generally lose the right to bring it at all.

PRACTICE POINTER · ASK: SAME TRANSACTION OR OCCURRENCE?

For every grievance you have against the plaintiff, ask whether it grows out of the same facts as their claim. If yes, it is almost certainly compulsory — plead it with your answer.

STAGE 6 · REPLY

Reply and avoidances — Rule 1.100(a)

The last responsive pleading is the reply. You rarely need one — but when you do, leaving it out can forfeit a winning argument.

A **reply** is required only in three situations: to answer a counterclaim denominated as such, when the court orders one, or to assert an **avoidance** to an affirmative defense.[18]

What an avoidance is

An avoidance is **new matter** that defeats an affirmative defense — for example, equitable tolling or fraudulent concealment to defeat a statute-of-limitations defense, or unconstitutionality to defeat a statutory cap. You do **not** need to reply merely to deny a defense's allegations; those are automatically "deemed denied or avoided." But where an avoidance **must** be pleaded and is not, it is **waived** as a basis for defeating the defense.[18]

WATCH OUT · PLEAD AVOIDANCES OR LOSE THEM

If the plaintiff raises an affirmative defense against your counterclaim — say, statute of limitations — and you have a tolling argument, you generally must **plead it** as an avoidance. An unpleaded avoidance can be waived.

PRACTICE POINTER · YOU NEED NOT REPLY JUST TO DISAGREE

Failure to file a reply is **not** an admission of an affirmative defense — the defense is at issue automatically. Reply only when you are asserting genuine new matter that defeats the defense.

KNOW YOUR OPPONENT

Knowing the elements you must defend against

You cannot defend a claim you do not understand. Knowing each element is what separates a simple denial from a winning affirmative defense.

1 **Negligence**

Duty, breach, proximate causation, and damages. The Standard Jury Instructions are the best free starting point for the elements.

2 **Breach of contract**

A valid contract, a material breach, and resulting damages.

3 **Fraud**

A false statement of material fact, knowledge of falsity, intent to induce reliance, and injury from actual reliance.

4 **Unjust enrichment**

A benefit conferred, knowledge and retention of it, and inequity — precluded where an express contract covers the subject.

5 **Foreclosure**

Standing at filing and the missed payments; the five-year clock can run from each missed payment.

PRACTICE POINTER · PULL THE STANDARD JURY INSTRUCTION FOR EACH COUNT

The Florida Standard Jury Instructions (Civil) list the elements of common claims for free. Pull the instruction for each count against you, then build a grid: which element can you challenge factually (a denial), and which can you defeat with new matter (an affirmative defense)?

BEFORE YOU ACT

The most damaging traps — and how to avoid them

A handful of mistakes account for most defenses lost on procedure rather than merits. Watch for all of them.

Missing the 20-day clock

Calendar the response deadline the day you are served. A default judgment can end the case before you argue anything.

Answering before raising waivable defenses

Personal jurisdiction, venue, and defects in process or service must be raised by motion or in the answer — or they are waived.

Seeking affirmative relief that waives jurisdiction

Asking the court for other relief before challenging personal jurisdiction can forfeit that challenge.

Omitting a defense from your first 1.140 motion

Rule 1.140(g) bars a second motion on a defense you could have raised the first time. Consolidate them all.

Pleading boilerplate affirmative defenses

Since July 2024, a defense without ultimate facts can be stricken. Give each defense a factual basis.

Forgetting that some motions do not toll

A motion to strike (1.140(f)) or for judgment on the pleadings (1.140(c)) does not extend the answer deadline.

PRACTICE POINTER · VERIFY EVERY CITATION BEFORE YOU SIGN

Under the June 15, 2026 statewide rule, every signer certifies that the legal authorities identified exist and are accurately cited. Open each case and rule in full before you file.

SPECIAL TOPIC

Verifying your authorities before you sign NEW 2026

Defense filings lean heavily on rules and case law — and a statewide rule now makes every signer personally responsible for the accuracy of every citation.

Effective **June 15, 2026**, every person who signs a filing — attorney or self-represented — certifies that **the legal authorities identified exist and are accurately cited.**[19] The rule grew out of cases in which generative-AI tools invented fake citations, and it applies to motions to dismiss, answers, and every other paper you file.

Sanctions for a false certification include reprimand, contempt, striking the filing, dismissal, costs, and attorney's fees.[19] Several circuits go further and require an explicit disclosure on the face of a filing whenever a generative-AI tool was used.

WATCH OUT · YOU OWN EVERY WORD

Disclosing AI use does not shift responsibility. If your motion cites a case that does not exist, you — the signer — are accountable. Confirm that every case, rule subsection, and quotation is real before you file.

PRACTICE POINTER · A SAFE DEFAULT CERTIFICATION

If you used an AI tool and are unsure what your court requires, add: "I certify that I have independently verified all factual assertions and legal citations in this filing for accuracy." Then make sure it is true.

STAGE 3 · THE ANSWER

The 2025 conferral and case-management overlay

Rule 1.140 itself was not rewritten in 2025, but the procedural environment around your response changed in ways that affect timing.

The duty to confer (Rule 1.202)

Before filing most **non-dispositive** motions, the moving party must confer in good faith and file a certificate of conferral.[20] The duty does **not** apply when any party is unrepresented, and it never applies to motions to dismiss, for judgment on the pleadings, for summary judgment, or for injunctive relief. Conferral *is* required for a motion to strike or for a more definite statement.

Case-management deadlines

Cases are now assigned to streamlined, general, or complex tracks, with track assignment and case-management deadlines set early. Initial disclosures are due within 60 days of service, and continuances are “disfavored” and rarely granted.[20]

WATCH OUT · SELF-REPRESENTED? CONFERRAL MAY NOT APPLY — BUT CHECK

The conferral duty is excused when any party is unrepresented. Even so, some judges expect conferral anyway. When in doubt, confer and say so — it costs nothing and avoids a denial without prejudice.

PRACTICE POINTER · READ THE CASE-MANAGEMENT ORDER

Your case-management order, the judge’s procedures, and any division rules control the practical deadlines around your answer. Read all three before you assume the default timeline.

PUTTING IT TOGETHER

A disciplined defense workflow

Run this sequence on every complaint and you will catch the defenses and deadlines that decide most cases.

Calendar the response deadline

Generally 20 days from service. Confirm whether mail service or a State-defendant rule changes it.

Tabulate the counts, statutes, and damages

List every count, pull the matching standard jury instruction, and confirm the elements against a Florida case.

Decide: motion to dismiss or answer?

Screen all seven Rule 1.140(b) grounds and consolidate every available one into a single motion.

Build the defense grid

Separate factual challenges (denials) from external avoidances (affirmative defenses) and run the SOL check on every claim.

Identify and plead compulsory counterclaims

Anything arising from the same transaction must be raised now, with ultimate facts, or it is waived.

Verify every citation, then sign

Under the June 15, 2026 rule, you certify that each authority exists and is accurately cited.

BEFORE YOU FILE

A quick defense checklist

☐ I calendared the response deadline — generally 20 days from service.

- [ ] I screened all seven Rule 1.140(b) grounds and consolidated them in one motion.
- [ ] I raised personal jurisdiction, venue, and service defects before any other relief.
- [ ] My answer responds to every numbered allegation — nothing left deemed admitted.
- [ ] Each affirmative defense states ultimate facts, not just a label.
- [ ] I ran the post-HB 837 statute-of-limitations check on every claim.
- [ ] I identified and pleaded every compulsory counterclaim.
- [ ] I opened every cited authority in full and verified it before signing.

Where to find Florida law — for free

- Court rules — floridabar.org/rules
- Statutes — leg.state.fl.us/statutes
- Cases — law.justia.com/cases/florida
- Standard Jury Instructions (elements) — floridasupremecourt.org
- Citator-style search — scholar.google.com
- Forms & self-help — help.flcourts.gov

PRACTICE POINTER · ALWAYS VERIFY LOCALLY

Rules and procedures change, and every circuit and judge has local requirements. Before each filing, confirm the current rule, your circuit's administrative orders, and the judge's procedures. For more OLSI guides, visit www.openlawservices.org.

SOURCES & AUTHORITIES

Endnotes

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

1 Fla. R. Civ. P. 1.140(a)(1) (20 days to serve a responsive pleading after service of process); the State and its agencies have 40 days (or 30 days in § 768.28 cases).

2 Fla. R. Civ. P. 1.140(a)(3) (a Rule 1.140 motion tolls the answer deadline; 10 days if denied or after a more definite statement); Fla. R. Civ. P. 1.140(c), (f) (motions for judgment on the pleadings and to strike do not toll).

3 Fla. R. Civ. P. 1.140(b) (seven enumerated defenses; grounds stated specifically and with particularity).

4 *Venetian Salami Co. v. Parthenais*, 554 So. 2d 499, 502 (Fla. 1989) (two-step long-arm and minimum-contacts analysis); § 48.193, Fla. Stat.; *Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945).

5 §§ 47.011, 47.122, Fla. Stat. (venue and discretionary transfer); *PB Prop. Mgmt., Inc. v. Goodman Co., LLC*, 137 So. 3d 1115, 1116 (Fla. 1st DCA 2014) (plaintiff bears burden once improper venue is alleged); *Brown v. Nagelhout*, 84 So. 3d 304, 309 (Fla. 2012).

6 § 48.031, Fla. Stat. (substituted service); §§ 48.061–48.081, Fla. Stat. (corporate, LLC, and partnership service, reorganized by Ch. 2022-190, Laws of Fla.); *Schupak v. Sutton Hill Assocs.*, 710 So. 2d 707, 708 (Fla. 4th DCA 1998); Fla. R. Civ. P. 1.070(j) (time for service).

7 *Siegle v. Progressive Consumers Ins. Co.*, 819 So. 2d 732, 734–35 (Fla. 2002); *Provence v. Palm Beach Taverns, Inc.*, 676 So. 2d 1022, 1024 (Fla. 4th DCA 1996) (four-corners standard); Fla. R. Civ. P. 1.130 (instruments attached to a pleading are part of it).

8 Fla. R. Civ. P. 1.140(g) (consolidation), 1.140(h)(1) (waiver of defenses (b)(2)–(b)(5)), 1.140(h)(2) (preservation of failure to state a cause of action and indispensable parties); *Sun Ins. Co. v. Boyd*, 105 So. 2d 574, 575 (Fla. 1958) (subject-matter jurisdiction may be raised any time).

9 Fla. R. Civ. P. 1.140(e) (more definite statement; tolls), 1.140(f) (motion to strike; does not toll), 1.150 (sham pleadings; verified motion and evidentiary hearing); *Cromer v. Mullally*, 861 So. 2d 523, 525 (Fla. 3d DCA 2003).

10 Fla. R. Civ. P. 1.110(c) (answer: admit, deny, or state lack of knowledge); *Goldschmidt v. Holman*, 571 So. 2d 422, 423 (Fla. 1990) (Florida is a fact-pleading jurisdiction — ultimate facts, not evidence or conclusions).

11 Fla. R. Civ. P. 1.110(e) (averments requiring a responsive pleading are admitted if not denied); *Custer Med. Ctr. v. United Auto. Ins. Co.*, 62 So. 3d 1086, 1096–97 (Fla. 2010).

12 Fla. R. Civ. P. 1.110(d) (affirmative defenses); *Tropical Exterminators, Inc. v. Murray*, 171 So. 2d 432, 433 (Fla. 2d DCA 1965) (a defense admits the claim but avoids it); *Hough v. Menses*, 95 So. 2d 410, 412 (Fla. 1957) (defendant bears pleading and proof).

SOURCES & AUTHORITIES

Endnotes

1 Fla. R. Civ. P. 1.110(d), as amended eff. July 1, 2024 (affirmative defenses must contain a short and plain statement of the ultimate facts; boilerplate subject to strike); *Bliss v. Carmona*, 418 So. 2d 1017, 1019 (Fla. 3d DCA 1982).

2 § 95.11(4)(a), Fla. Stat. (two-year negligence SOL post-HB 837, for causes accruing after Mar. 24, 2023); § 95.11(2)(b) (five-year written contracts); § 95.031 (accrual); Ch. 2023-15, Laws of Fla.

3 § 768.81(6), Fla. Stat. (modified comparative negligence; 50% bar; medical negligence excepted); *Fabre v. Marin*, 623 So. 2d 1182 (Fla. 1993) (nonparty fault); § 768.81(3).

4 Fla. R. Civ. P. 1.170(a) (compulsory counterclaims arising from the same transaction or occurrence); *Londono v. Turkey Creek, Inc.*, 609 So. 2d 14, 20 (Fla. 1992) (logical-relationship test); *Allie v. Ionata*, 503 So. 2d 1237, 1239–40 (Fla. 1987) (recoupment exception).

5 Fla. R. Civ. P. 1.170(b) (permissive counterclaims not waived if omitted), 1.170(g) (crossclaims always permissive); § 768.31, Fla. Stat. (contribution).

6 Fla. R. Civ. P. 1.100(a) (when a reply is required; avoidances); *Moore Meats, Inc. v. Strawn*, 313 So. 2d 660, 661 (Fla. 1975) (failure to reply is not an admission; defense is at issue automatically); *Tropical Exterminators*, 171 So. 2d at 432.

7 Fla. R. Gen. Prac. & Jud. Admin. 2.515(d)(2), eff. June 15, 2026 (every signer certifies the legal authorities identified exist and are accurately cited); *In re Representations by Signers of Filings*, No. AOSC26-12 (Fla. May 28, 2026) (sanctions: reprimand, contempt, striking, dismissal, costs, fees).

8 Fla. R. Civ. P. 1.202 (2025) (conferral and certificate before non-dispositive motions; exemptions including where any party is unrepresented and for motions to dismiss, for judgment on the pleadings, summary judgment, and injunctive relief); Fla. R. Civ. P. 1.200 (case-management tracks), 1.280(a) (initial disclosures within 60 days), 1.460 (continuances disfavored); *In re Amendments to Fla. Rules of Civ. Proc.*, 386 So. 3d 497 (Fla. 2024), eff. Jan. 1, 2025.