

# Rule 5.080. Discovery and Subpoena

**(a) Adoption of Civil Rules.** The following Florida Rules of Civil Procedure shall apply in all probate and guardianship proceedings:

- (1) Rule 1.280, general provisions governing discovery.
  - (2) Rule 1.290, depositions before action or pending appeal.
  - (3) Rule 1.300, persons before whom depositions may be taken.
  - (4) Rule 1.310, depositions upon oral examination.
  - (5) Rule 1.320, depositions upon written questions.
  - (6) Rule 1.330, use of depositions in court proceedings.
  - (7) Rule 1.340, interrogatories to parties.
  - (8) Rule 1.350, production of documents and things and entry upon land for inspection and other purposes.
  - (9) Rule 1.351, production of documents and things without deposition.
  - (10) Rule 1.360, examination of persons.
  - (11) Rule 1.370, requests for admission.
  - (12) Rule 1.380, failure to make discovery; sanctions.
  - (13) Rule 1.390, depositions of expert witnesses.
  - (14) Rule 1.410, subpoena.
  - (15) Rule 1.451, taking testimony.
- (b) Limitations and Costs.** In order to conserve the assets of the estate, the court has broad

discretion to limit the scope and the place and manner of the discovery and to assess the costs, including attorneys' fees, of the discovery against the party making it or against 1 or more of the beneficiaries of the estate or against the ward in such proportions as the court determines, considering, among other factors, the benefit derived therefrom.

**(c) Application.** It is not necessary to have an adversary proceeding under rule 5.025 to utilize the rules adopted in subdivision (a) above. Any interested person may utilize the rules adopted in subdivision (a).