

# Rule 1.090 Time

**(a) Computation.** Computation of time shall be governed by Florida Rule of Judicial Administration 2.514.

**(b) Enlargement.** When an act is required or allowed to be done at or within a specified time by order of court, by these rules, or by notice given thereunder, for cause shown the court at any time in its discretion (1) with or without notice, may order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made and notice after the expiration of the specified period, may permit the act to be done when failure to act was the result of excusable neglect, but it may not extend the time for making a motion for new trial, for rehearing, or to alter or amend a judgment; making a motion for relief from a judgment under rule 1.540(b); taking an appeal or filing a petition for certiorari; or making a motion for a directed verdict.

**(c) Unaffected by Expiration of Term.** The period of time provided for the doing of any act or the taking of any proceeding shall not be affected or limited by the continued existence or expiration of a term of court. The continued existence or expiration of a term of court in no way affects the power of a court to do any act or take any proceeding in any action which is or has been pending before it.

**(d) For Motions.** A copy of any written motion which may not be heard ex parte and a copy of the notice of the hearing thereof shall be served a reasonable time before the time specified for the hearing.

## RULE 1.100. PLEADINGS AND MOTIONS

**(a) Pleadings.** There must be a complaint or, when so designated by a statute or rule, a petition, and an answer to it; an answer to a counterclaim denominated as such; an answer to a crossclaim if the answer contains a crossclaim; a third-party complaint if a person who was not an original party is summoned as a third-party defendant; and a third-party answer if a third-party complaint is served. If an answer or third-party answer contains an affirmative defense and the opposing party seeks to avoid it, the opposing party must file a reply containing the avoidance. No other pleadings will be allowed.

**(b) Motions.** An application to the court for an order must be by motion which must be made in writing unless made during a hearing or trial, must state with particularity the grounds for it, and must set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion. All notices of hearing must specify each motion or other matter to be heard.

**(c) Caption.**

**(1)** Every pleading must have a caption containing the name of all of the parties, the name of the court, the file number, and a designation identifying the party filing it.

**(2)** Every motion, order, judgment, or other document must have a caption containing the name of the court, the case number, the name of the first party on each side with an appropriate indication of other parties, and a designation identifying the party filing it and its nature or the nature of the order, as the case may be.

**(3)** In any in rem proceeding, every pleading, motion, order, judgment, or other document must have a caption containing the name of the court, the case number, the style “In re” (followed by the name or general description of the property), and a designation of the person or entity filing it and its nature or the nature of the order, as the case may be.

**(4)** In an in rem forfeiture proceeding, the style must be “In re forfeiture of” (followed by the name or general description of the property).

**(5)** All documents filed in the action must be styled in such a manner as to indicate clearly the subject matter of the document and the party requesting or obtaining relief.

**(d) Civil Cover Sheet.** A civil cover sheet (form 1.997) must be completed and filed with the clerk at the time an initial complaint or petition is filed by the party initiating the action. If the cover sheet is not filed, the clerk must accept the complaint or petition for filing; but all proceedings in the action must be abated until a properly executed cover sheet is completed and filed. The clerk must complete the civil cover sheet for a party appearing pro se.

**(e) Motion in Lieu of Scire Facias.** Any relief available by scire facias may be granted on motion after notice without the issuance of a writ of scire facias.