

**DIVISION CV-E GUIDELINES  
REGARDING  
COMPULSORY MEDICAL EXAMINATIONS**

CONDUCTED PURSUANT TO *FLA. R. CIV. P.* 1.360(a)(1)(A)  
AND IF ORDERED 1.360(a)(1)(B), AS WELL AS 1.360(b) AND 1.390(b)& (c)<sup>1</sup>

In order to assist counsel for all parties seeking to invoke the privileges and protections afforded under Fla. R. Civ. P. 1.360, the Court herein addresses the most frequently disputed matters that are brought before the Court.

The examination under the Rule is a Compulsory Examination and not an Independent Examination. The physician or healthcare provider was not chosen by the Court. The examination must not be referred to during the actual examination or in front of the jury as an “independent medical exam” or “court ordered medical exam.”

**Request for, Objections to and Hearings on**

Requests for an examination must set forth the time, place, manner, conditions, and scope of the examination as well as the name of and the qualifications of the person conducting the examination with specificity. **If examinations under these rules are requested such written request should be made no later than 150 days before the pretrial date to allow time for objections, hearings on same and an opportunity to reset the examination.** Objections to “Examination of Persons” under *Fla. R. Civ. P.* 1.360(a)(1)(A) must be filed no later than 30 days from the written request assuming service of process has occurred at least 15 days prior to the request being served. The objections must state the specific reasons for the objections. A hearing must be immediately requested on any objection filed. Failure to set the objection for immediate hearing will be deemed an “Abandonment of the Request” under the rules.

Examinations sought under *Fla. R. Civ. P.* 1.360(a)(1)(B) [non-physical condition] must be obtained with an order from this Court, or with a written agreement of all parties in the form of an agreed order submitted to this Court. Please make certain the time, place, manner, conditions and scope of the examination as well as the name of and the qualifications of the person conducting the examination are set forth with specificity. *See Maddox v. Bullard*, 141 So. 3d 1264 (Fla. 5<sup>th</sup> DCA July 11, 2014) [Order on psychological examination reversed because specifics were not set forth in the order including the “manner, conditions or scope of the examination thereby, in effect, giving the psychologist ‘carte blanche’ ...”]. A form *Order Regarding Rule 1.360 Examination* is

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<sup>1</sup> These “Guidelines” are published to assist trial counsel with issues that routinely come before the Civil Courts involving expert examinations of injured parties and discovery of those expert opinions. Counsels are not precluded from filing the appropriate motions and obtaining a hearing before the Court on a particular case should the facts of that case, in good faith, suggest that these standard provisions should not control.