

By the Committee on Judiciary

590-01171A-19

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1 A bill to be entitled
2 An act relating to the Uniform Interstate Depositions
3 and Discovery Act; amending s. 92.251, F.S.; revising
4 a short title; defining terms; requiring a party to
5 submit a foreign subpoena to a clerk of court in this
6 state for the issuance of a subpoena in this state;
7 requiring the clerk of court to promptly issue a
8 subpoena for service upon the person to whom the
9 foreign subpoena is directed; providing requirements
10 for the subpoena; requiring that the service of the
11 subpoena be served in compliance with the laws of this
12 state and the Florida Rules of Civil Procedure;
13 specifying that laws and rules governing compliance
14 with subpoenas apply to subpoenas issued pursuant to
15 the act; requiring that applications challenging a
16 subpoena issued pursuant to the act comply with the
17 statutes and rules of this state and be submitted to a
18 specified court; providing for the uniform
19 construction and application of the act; specifying
20 that a subpoena may only be issued pursuant to this
21 act if the foreign jurisdiction that issued the
22 foreign subpoena has adopted the Uniform Interstate
23 Depositions and Discovery Act or a substantially
24 similar measure; specifying that the act does not
25 apply to criminal proceedings; providing
26 applicability; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 92.251, Florida Statutes, is amended to
 31 read:

32 92.251 Uniform Interstate Foreign ~~Depositions and Discovery~~
 33 Act Law.—

34 (1) SHORT TITLE.—This section may be cited as the “Uniform
 35 Interstate Foreign ~~Depositions and Discovery Act Law~~.”

36 (2) DEFINITIONS.—As used in this section, the term:

37 (a) “Foreign jurisdiction” means a state other than this
 38 state.

39 (b) “Foreign subpoena” means a subpoena issued under
 40 authority of a court of record of a foreign jurisdiction.

41 (c) “Person” means an individual, corporation, business
 42 trust, estate, trust, partnership, limited liability company,
 43 association, joint venture, public corporation, government, or
 44 governmental subdivision, agency or instrumentality, or any
 45 other legal or commercial entity.

46 (d) “State” means a state of the United States, the
 47 District of Columbia, Puerto Rico, the United States Virgin
 48 Islands, a federally recognized Indian tribe, or any territory
 49 or insular possession subject to the jurisdiction of the United
 50 States.

51 (e) “Subpoena” means a document, however denominated,
 52 issued under authority of a court of record requiring a person
 53 to:

54 1. Attend and give testimony at a deposition;

55 2. Produce and permit inspection and copying of designated
 56 books, documents, records, electronically stored information, or
 57 tangible things in the possession, custody, or control of the
 58 person; or

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59 3. Permit inspection of premises under the control of the
60 person.

61 (3) ISSUANCE OF SUBPOENA.—

62 (a) To request issuance of a subpoena under this section, a
63 party from a foreign jurisdiction must submit a foreign subpoena
64 to a clerk of court in the county in this state in which
65 discovery is sought. A request for the issuance of a subpoena
66 under this act does not constitute an appearance in the courts
67 of this state.

68 (b) When a party submits a foreign subpoena to a clerk of
69 court in this state, the clerk, in accordance with that court's
70 procedure, shall promptly issue a subpoena for service upon the
71 person to which the foreign subpoena is directed.

72 (c) A subpoena pursuant to paragraph (b) shall:

- 73 1. Incorporate the terms used in the foreign subpoena; and
74 2. Contain or be accompanied by the names, addresses, and
75 telephone numbers of all counsel of record in the proceeding to
76 which the subpoena relates and of any party not represented by
77 counsel.

78 (4) SERVICE OF SUBPOENA.—A subpoena issued by a clerk of
79 court under subsection (3) must be served in compliance with the
80 laws of this state and the Florida Rules of Civil Procedure.

81 (5) DEPOSITION, PRODUCTION, AND INSPECTION.—The laws and
82 rules of this state govern and apply to all subpoenas issued
83 under subsection (3).

84 (6) APPLICATION TO COURT.—An application to the court for a
85 protective order or to enforce, quash, or modify a subpoena
86 issued by a clerk of court under subsection (3) must comply with
87 the statutes and rules of this state and be submitted to the

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88 court in the county in which discovery is to be conducted.

89 (7) UNIFORMITY OF APPLICATION AND CONSTRUCTION.—In applying
90 and construing this uniform act, consideration must be given to
91 the need to promote uniformity of the law with respect to its
92 subject matter among states that enact it. Subpoenas may only be
93 issued pursuant to this section if the foreign jurisdiction that
94 issued the foreign subpoena has adopted the Uniform Interstate
95 Depositions and Discovery Act or a substantially similar measure
96 that applies to civil proceedings.

97 (8) INAPPLICABILITY TO CRIMINAL PROCEEDINGS.—This act does
98 not apply to criminal proceedings.

99 ~~(2) Whenever any mandate, writ or commission is issued out~~
100 ~~of any court of record in any other state, territory, district,~~
101 ~~or foreign jurisdiction, or whenever upon notice or agreement it~~
102 ~~is required to take the testimony of a witness or witnesses in~~
103 ~~this state, witnesses may be compelled to appear and testify in~~
104 ~~the same manner and by the same process and proceeding as may be~~
105 ~~employed for the purpose of taking testimony in proceedings~~
106 ~~pending in this state.~~

107 ~~(3) This section shall be so interpreted and construed as~~
108 ~~to effectuate its general purposes to make uniform the law of~~
109 ~~those states which enact it.~~

110 Section 2. This act applies to requests for discovery in
111 all proceedings pending or commenced on or after July 1, 2019.

112 Section 3. This act shall take effect July 1, 2019.