

Committee on Judiciary

CS/SB 7006 — Uniform Interstate Depositions and Discovery Act

by Rules Committee and Judiciary Committee

This bill (Chapter 2019-13, L.O.F.) replaces Florida’s Uniform Foreign Depositions Law with the Uniform Interstate Depositions and Discovery Act (Act). The act, which has been adopted by 41 other states and U.S. territories, is aimed at streamlining the process of “discovering” or obtaining evidence in another state for use in a civil lawsuit. For example, if a Georgia resident is involved in a traffic collision in Florida with a Florida resident, under the act, the Florida resident will be able to subpoena (or issue a summons to) the Georgia driver to provide testimony through a deposition, produce documents or photos, or permit inspection of the vehicle without having to hire a Georgia attorney or submit to a Georgia court.

Essentially, the act provides a streamlined, administrative process among the United States and U.S. territories by which a clerk of court can administratively “domesticate” a subpoena issued by another state court. Under the act, once an out-of-state attorney or party files a subpoena with the clerk of court in the Florida county where discovery is sought, the clerk of court must promptly issue a Florida subpoena as a ministerial act. The out-of-state attorney or party is not subject to the jurisdiction of the Florida courts based on the issuance of the domesticated subpoena *unless* the subpoena is challenged by the Florida resident receiving the subpoena or the out-of-state attorney or party seeks to modify or enforce the subpoena. The same is true for a Florida attorney or party seeking discovery in a different state or U.S. Territory that has also adopted the act. This means that a Florida resident seeking discovery from a Georgia resident need not hire a Georgia attorney or submit to the jurisdiction of Georgia courts before issuing a subpoena to the Georgia resident.

Notably, the act has been adopted by Georgia, and both Georgia and Florida have specified that the act does *not* apply to discovery in criminal cases.

These provisions were approved by the Governor and take effect July 1, 2019.

Vote: Senate 37-0; House 115-0