

By the Committees on Rules; and Judiciary

595-02514-19

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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 the act does not apply to criminal proceedings;
21 providing applicability; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 92.251, Florida Statutes, is amended to
26 read:

27 92.251 Uniform Interstate Foreign Depositions and Discovery
28 Act Law.—

29 (1) SHORT TITLE.—This section may be cited as the "Uniform

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30 Interstate Foreign Depositions and Discovery Act Law."

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

32 (a) "Foreign jurisdiction" means a state other than this
33 state.

34 (b) "Foreign subpoena" means a subpoena issued under
35 authority of a court of record of a foreign jurisdiction.

36 (c) "Person" means an individual, corporation, business
37 trust, estate, trust, partnership, limited liability company,
38 association, joint venture, public corporation, government, or
39 governmental subdivision, agency or instrumentality, or any
40 other legal or commercial entity.

41 (d) "State" means a state of the United States, the
42 District of Columbia, Puerto Rico, the United States Virgin
43 Islands, a federally recognized Indian tribe, or any territory
44 or insular possession subject to the jurisdiction of the United
45 States.

46 (e) "Subpoena" means a document, however denominated,
47 issued under authority of a court of record requiring a person
48 to:

49 1. Attend and give testimony at a deposition;

50 2. Produce and permit inspection and copying of designated
51 books, documents, records, electronically stored information, or
52 tangible things in the possession, custody, or control of the
53 person; or

54 3. Permit inspection of premises under the control of the
55 person.

56 (3) ISSUANCE OF SUBPOENA.—

57 (a) To request issuance of a subpoena under this section, a
58 party from a foreign jurisdiction must submit a foreign subpoena

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59 to a clerk of court in the county in this state in which
60 discovery is sought. A request for the issuance of a subpoena
61 under this act does not constitute an appearance in the courts
62 of this state.

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

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

68 1. Incorporate the terms used in the foreign subpoena; and
69 2. Contain or be accompanied by the names, addresses, and
70 telephone numbers of all counsel of record in the proceeding to
71 which the subpoena relates and of any party not represented by
72 counsel.

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

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

79 (6) APPLICATION TO COURT.—An application to the court for a
80 protective order or to enforce, quash, or modify a subpoena
81 issued by a clerk of court under subsection (3) must comply with
82 the statutes and rules of this state and be submitted to the
83 court in the county in which discovery is to be conducted.

84 (7) UNIFORMITY OF APPLICATION AND CONSTRUCTION.—In applying
85 and construing this uniform act, consideration must be given to
86 the need to promote uniformity of the law with respect to its
87 subject matter among states that enact it.

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

90 ~~(2) Whenever any mandate, writ or commission is issued out~~
91 ~~of any court of record in any other state, territory, district,~~
92 ~~or foreign jurisdiction, or whenever upon notice or agreement it~~
93 ~~is required to take the testimony of a witness or witnesses in~~
94 ~~this state, witnesses may be compelled to appear and testify in~~
95 ~~the same manner and by the same process and proceeding as may be~~
96 ~~employed for the purpose of taking testimony in proceedings~~
97 ~~pending in this state.~~

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

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

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