

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.

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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
 28 Discovery Act Law.—

29 (1) SHORT TITLE.—This section may be cited as the "Uniform
 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,
58 a party from a foreign jurisdiction must submit a foreign
59 subpoena to a clerk of court in the county in this state in
60 which discovery is sought. A request for the issuance of a
61 subpoena under this act does not constitute an appearance in the
62 courts of this state.

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

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

68 1. Incorporate the terms used in the foreign subpoena;

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; and

73 3. Be issued in accordance with the issuing court's rules
74 and procedures.

75 (4) SERVICE OF SUBPOENA.—A subpoena issued by a clerk of

76 court under subsection (3) must be served in compliance with the
77 laws of this state and the Florida Rules of Civil Procedure.

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

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

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

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

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

100 ~~(3) This section shall be so interpreted and construed as~~

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101 | ~~to effectuate its general purposes to make uniform the law of~~
102 | ~~those states which enact it.~~

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

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