

CHAPTER 2019-13

Committee Substitute for Senate Bill No. 7006

An act relating to the Uniform Interstate Depositions and Discovery Act; amending s. 92.251, F.S.; revising a short title; defining terms; requiring a party to submit a foreign subpoena to a clerk of court in this state for the issuance of a subpoena in this state; requiring the clerk of court to promptly issue a subpoena for service upon the person to whom the foreign subpoena is directed; providing requirements for the subpoena; requiring that the service of the subpoena be served in compliance with the laws of this state and the Florida Rules of Civil Procedure; specifying that laws and rules governing compliance with subpoenas apply to subpoenas issued pursuant to the act; requiring that applications challenging a subpoena issued pursuant to the act comply with the statutes and rules of this state and be submitted to a specified court; providing for the uniform construction and application of the act; specifying that the act does not apply to criminal proceedings; providing applicability; providing an effective date.

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

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

92.251 Uniform Interstate Foreign Depositions and Discovery Act Law.

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

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

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

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

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

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

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

1. Attend and give testimony at a deposition;

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

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

(3) ISSUANCE OF SUBPOENA.—

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

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

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

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

2. Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

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

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

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

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

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

~~(2)—Whenever any mandate, writ or commission is issued out of any court of record in any other state, territory, district, or foreign jurisdiction, or~~

~~whenever upon notice or agreement it is required to take the testimony of a witness or witnesses in this state, witnesses may be compelled to appear and testify in the same manner and by the same process and proceeding as may be employed for the purpose of taking testimony in proceedings pending in this state.~~

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

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

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

Approved by the Governor April 26, 2019.

Filed in Office Secretary of State April 26, 2019.