

[F] | DO I HAVE THE RIGHT TO SEE INFORMATION HELD BY THE OTHER PARTIES TO MY CASE?

The right to find out about another party's case is called "discovery." Discovery in DOAH hearings is governed by the Florida Rules of Civil Procedure which can be found in any law library and on the Internet. However, the rules are highly technical and you may require assistance from an attorney in properly preparing your discovery request. In general, the rules permit you to inquire into the contentions of other parties by asking them written questions, called "interrogatories"; by questioning them and prospective witnesses before the hearing by taking their deposition; or by requiring them to produce pertinent documents. You can require witnesses to appear for the taking of a deposition in the county in which they reside by a subpoena issued by the Judge upon request.

Ordinarily, you can receive most of the information you need simply by requesting the attorney for the agency proposing to take action to provide you with relevant documents concerning your case. Usually, you can also review the agency's file on the matter at the agency's office and obtain copies of documents in the file. If a party refuses to provide information after you have made a proper discovery request, or if you receive a request for discovery from the other party that you believe is unfair, you may file a motion to have the Judge determine the appropriateness of the discovery request.

Remember that there are time limits to responding to discovery requests under the Rules of Civil Procedure and if you do not receive a response to your request within the applicable time periods, you must file a Motion to Compel. The Judge will make a ruling on the motion after the other party has had an opportunity to respond in writing. If a hearing is held on the motion, it will generally be by telephone conference call.

