

[G] | HOW DO I SUBPOENA A WITNESS OR OBJECT TO A SUBPOENA?

If you need the testimony of a person who has knowledge of matters concerning your case, you should ask that person to attend the hearing and testify. If the witness will not attend voluntarily, you should request a subpoena by calling the Deputy Clerk at (850) 488-9675, extension 111, or by mailing the Deputy Clerk a request in writing. Registered e-filers are able to obtain subpoenas through the eALJ link located on DOAH's website. A subpoena is a legal document which orders a person to appear at the hearing and to give testimony. You should find out as soon as possible whether you will need to subpoena anyone. You will be sent subpoena forms signed by the Judge which show the name and number of the case, but otherwise are in blank. Fill out each form as instructed and then have the subpoenas served either by an authorized process server or by the Sheriff's Office. The subpoena should be served immediately in order to give the witness time to get ready for the hearing. You must include a witness fee with the subpoena. The fee is \$5 per day plus 6 cents a mile for actual mileage. See § 92.142, Fla. Stat. Expert witnesses generally require payment of an expert witness fee. No fees need be tendered to witnesses who are employees of the state. Read the instructions on the back of the subpoena and make sure that the person who serves the subpoena executes the affidavit on the reverse side.

A person who is subpoenaed and feels that his or her presence at the hearing is unnecessary or unfair (e.g., due to short notice), can object by filing a Motion to Quash the Subpoena. The Judge will consider the objection and decide whether that person must obey the subpoena. Other questions about the subpoena, such as whether you have to be there exactly at the time specified, should be directed to the person who requested the subpoena (his/her name and telephone number are on the subpoena in the bottom left corner).

