

STATE OF FLORIDA  
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
BUREAU OF ADMINISTRATIVE REVIEWS

**GENERAL INFORMATION**

**SUBPOENA/SUBPOENA DUCES TECUM**

Subpoenas are issued for the officers and witnesses identified in documents pursuant to sections 322.2615(2), 322.64(2), and 322.2616(3), Florida Statutes, and pursuant to R. 15A-6.012, F.A.C. If a subpoena duces tecum is requested, it shall be described with particularity and specificity any material to be produced and the relevancy of such material pursuant to R. 15A-6.012(1), F.A.C.

Pursuant to section 92.142, Florida Statute, witness fees are \$5.00 per day plus 6 cents per mile round trip. Section 112.061(7)(a)(d), Florida Statutes, allows public officers, employees and authorized personnel 44.5 cents a mile whenever travel is by privately owned vehicles. Subpoenas should be served pursuant to sections 48.031, 92.141, and 92.142, Florida Statutes.

Written notice, including a copy of the subpoena, must be provided to the individual Assistant State Attorney assigned to the DUI case, or the appropriate state attorney's office if no prosecutor has been assigned to the DUI case pursuant to R. 15A-6.012(5), F.A.C.

Service of subpoenas can be provided by the Sheriff's Office for a nominal fee. The driver is responsible for service of the subpoena, notification to the Office of the State Attorney, and all related expenses.

Proof of service must include: date and time of service; payment of witness fees; name of person who accepted service; certification of service by the person who served the subpoena; and written notice to the appropriate state attorney's office. See, R. 15A-6.012(4), F.A.C.

Subpoena duces tecum items for formal reviews, other than what the officer submitted pursuant to sections 322.2615, 322.2616 and 322.64 to the Bureau of Administrative Reviews office prior to the hearing, will need to be submitted to the hearing officer prior to or brought to the hearing. A copy of the subpoenaed item(s) can be delivered, mailed, or faxed to the hearing officer at least one hour prior to the hearing date and time unless brought to the hearing in person. The petitioner or the petitioner's attorney will need to make arrangements and pay any costs to obtain subpoena duces tecum items, manuals, cumbersome items, or DVDs from the law enforcement agency. Discovery subpoenas will not be issued.

Videos are to be copied to a DVD and be certified as a true and correct copy by the law enforcement agency, prior to it being submitted to the hearing officer. If the video is to be viewed at the hearing, all parties must have the ability to view the video at the time of the hearing in their respective offices.

