Witness Fee Policy

Any question about responsibility for payment of witness fees is fully resolved by sections 92.151, and 92.153(2)(c), Florida Statures, which requires that compensation is to be paid to a witness by the party in whose behalf the witness is summoned.

> "Witnesses in all cases, civil and criminal, in all courts, now or hereafter created, and witnesses summoned before any arbitrator or general or special magistrate appointed by the court shall receive for each day's actual attendance $5 and also 6 cents per mile for actual distance traveled to and from the courts. A witness in a criminal case required to appear in a county other than the county of his or her residence and residing more than 50 miles from the location of the trial shall be entitled to per diem and travel expenses at the same rate provided for state employees under section 112.061, Florida Statues, in lieu of any other witness fee at the discretion of the court." (Section 92.151, Florida Statutes)

There is nothing in section 92.142, Florida Statues, that would override those provisions. Additionally, section 29.005(3), Florida Statues, authorizes the State Attorneys to pay witness fees from appropriated funds.

The remittance of this fee should be made payable to DHSMV and submitted to Bureau of Records, MS 89, 2900 Apalachee Parkway, Tallahassee, FL 32399. Please write the words "Witness fee" and the case number in the "for" area of the check.

If you have questions or need additional information please contact the Department's court assist at 850-617-2589 or courtassist@flhsmv.gov.

A SAFER FLORIDA
HIGHWAY SAFETY AND MOTOR VEHICLES

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