



POLICY 3.752

4-G I recommend that the Board adopt the proposed revised Policy 4.131, entitled "Witness Fees," which will be renumbered as Policy 3.752.

[Contact: Gerald A. Williams, Esq., and Bruce A. Harris, Esq., PX 48500.]

Adoption

CONSENT ITEM

- The Board approved development of this Policy at the first reading on March 28, 2007.
- This Policy, currently in Chapter Four, is being transferred to Chapter Three, as most Policies in Chapter Four will be repealed.
- The substance of the Policy remains the nearly the same. The additional language in section 2 is included from Fla. Stat. § 120.569(2)(k)3.

POLICY 4.131 3.752

WITNESS FEES

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3 1. ~~Witness fees shall be paid by the party at whose instance the witness is~~
4 ~~summoned. Witness fees shall be tendered at the time of service of a subpoena.~~
5 ~~Except in the case of School Board employees, the fees allowed shall be the~~
6 ~~same as those allowed by the Circuit Courts of the State. School Board~~
7 ~~employees who are subpoenaed to appear as a witness in an administrative~~
8 ~~proceeding of the School Board. Board employees shall be entitled to~~
9 ~~compensation for per diem and travel expenses at the rate provided under~~
10 ~~Section Fla. Stat. § 112.061 and Policy 6.01 if travel away from such employee's~~
11 ~~headquarters is required, FS. This section shall not limit the fees of expert~~
12 ~~witnesses.~~

- 13 2. Witness fees shall not be paid to School Board employees summoned as
14 witnesses on behalf of the School Board or Superintendent. Other witnesses
15 appearing pursuant to a subpoena shall be paid such fees and mileage for their
16 attendance as is provided in civil actions in circuit courts of this state. For
17 witnesses who are not public employees, payment of such fees and expenses
18 shall accompany the subpoena.

19 STATUTORY AUTHORITY: Fla. Stat. § 1001.41(2) ~~420.53(1), 230.22~~, FS

20 LAWS IMPLEMENTED: Fla. Stat. § 120.569(2)(k)3 ~~120.57, 120.58~~, FS

21 HISTORY: ~~New~~: 8/4/82 (as 4.131); / /2007 (as 3.752)

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.752 and finds it legally sufficient for development by the Board.

Attorney

Date