

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT**

**IN AND FOR POLK COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER 7-2.2**

**JURY MANAGEMENT PROCEDURES**

Chapter 40, Florida Statutes, and Rule 2.050(b), Fla. R. Jud. Admin., vest overall authority and responsibility in chief judges for the management of jury systems in their circuits, and also provide that certain jury management duties will be performed by the clerk of the court unless designated otherwise by the chief judge. To implement the requirements of Chapter 40, Florida Statutes, it is necessary to be more detailed and specific and to designate how certain juror and jury procedures and functions will be carried out. It is therefore,

**ORDERED AND DIRECTED:**

1. That in accordance with Section 40.225, Florida Statutes, the alternative (random computer selection) method of drawing jury venires in Polk County will be utilized pursuant to Local Rule No.2.
2. That the court administrator or the court administrator's designee will determine the number of prospective jurors to be summoned each week for the following month's estimated trial needs. These figures will be determined after the receipt of each trial judge's monthly statement of juror needs and after reviewing prior responses to juror summonses and juror utilization data. The resulting numbers of prospective jurors needed for trials scheduled for the following month will be computer programmed and randomly selected in order that juror summonses can ordinarily be served fourteen (14) days prior to the reporting date.
3. That the clerk of the court will summons prospective petit and grand jurors with a pre-printed summons form that can be utilized by the computer of Management Information Services. The clerk of the court is hereby authorized to serve these summonses by first class mail of the United States Postal Service.
4. That all jurors summoned for all courts and purposes in Polk County will be placed in a jury pool on the first business day of the trial week, from which they will be made available to the courts as needed. When no longer needed by the courts, they will be returned to the jury pool or as advised by the jury manager.
5. That the jury pool will be managed by the clerk of the court and, in carrying out those duties in this respect, the clerk will be required to follow and comply with the jury policies and procedures as determined and prescribed from time to time by the chief judge. See Addendum 1 for jury pool procedures and see Addendum 2 for jury excusal/postponement procedures.
6. That, if any part of this Order or the instructions the jury manager is required to follow, conflicts with the Florida Statutes or the Florida Rules of Court, the provisions of such statute or rule will govern.
7. This Order cancels and supersedes Administrative Order 7-2.1 dated August 20, 1993 and Enclosures 1 and 2.1 attached thereto.

DONE AND ORDERED in Chambers at Bartow, Polk County, Florida, this 30th day of January, 1998.

CHARLES A. DAVIS, JR.

Chief Judge

Distribution:

Each Circuit and County Judge

Richard M. Weiss, Clerk of Courts

Tina Hill, Jury Manager

Don Carney, Bailiff Lieutenant

**JURY POOL PROCEDURES**

**(Addendum 1 to Administrative Order No. 7-2.2)**

1. The chief judge will assign a Polk circuit or county judge to qualify prospective jurors in the jury assembly room on the first working day of each week. This judge will hear requests for excusal and postponement pursuant to Enclosure 2.1 of the Order.
2. Weekly trial schedules for each division will be provided to the jury manager's office no later than Thursday prior to the week of trial.
3. Except as specifically authorized by the chief judge, all juries, both county and circuit, will be selected on the first working day of the week.
4. A Polk circuit civil or county judge needing a jury panel will have his or her judicial assistant make the request of the Deputy Court

Administrator responsible for jury management by 2:00 p.m. the Friday (or last working day) of the week before the panel is needed. The felony trial coordinator will perform this duty for all felony judges and their relief. No panels will normally be available unless requested by the judge's office or felony trial coordinator, depending on who is responsible, by the Friday prior to the jury selection date.

5. In determining panel sizes, consideration will be given to the number of juries to be selected from each panel, the number of peremptory challenges involved, the size of the jury, and special concerns such as pretrial publicity.

If sufficient jurors are not available in the pool to meet the optimal size of all panels, a pr-rata reduction will be made by the Deputy Court Administrator. In the event of a severe shortage of jurors in the pool, the Deputy Court Administrator will consult with the trial judges and chief judge.

6. On qualifying days, no panels will normally be available before 9:30 a.m, due to the time required for orientation and the photocopying of voir dire questionnaires. If a request is made for a panel prior to that time, the jury manager will attempt to honor it, provided that all qualification and orientation has been completed and voir dire questionnaires have been copied. The jury manager will not release jurors for the day until all courtrooms have completed voir dire or have panels sufficient to complete voir dire.

7. When panels are formed by the jury manager and are ready to proceed to the courtrooms, the jury manager will provide the escorting bailiff with a listing of these prospective jurors and three copies of their completed questionnaires. Bailiffs will report to the pool to escort jurors to the assigned courtrooms. The bailiff escorting the panel to the courtroom will hand the questionnaires to the courtroom clerk for delivery to the presiding judge.

8. After a jury has been selected in the courtroom, the trial judge shall notify the jury manager. Pursuant to Florida law, a juror will be selected for only one trial.

9. All jurors are to be returned to the jury pool immediately after they are dismissed by the trial judge, unless otherwise notified by the jury manager through the courtroom clerk or bailiff.

10. All copies of the voir dire questionnaires must be returned to the jury manager when voir dire is completed.

11. The courtroom clerk will give jurors who are seated on a trial a written notice with instructions on when to return for trial and directions for calling the code-a-phone the night before trial.

12. No jurors may be excused during the week by the individual trial judge, unless requested to do so by the jury manager.

13. Sworn jurors will be identified by a juror's badge provided by the jury manager. The trial judge should instruct sworn jurors to wear these badges when in all public places during the course of the trial.

14. Telephone numbers of jurors and prospective jurors are to be held in confidence by the jury manager and other court personnel at all times.

15. At the conclusion of their service, the trial clerk shall provide jurors with information

informing them of their option to donate the compensation received for jury service to a Guardian ad Litem or Domestic Violence Shelter program.

## **IN THE TENTH JUDICIAL CIRCUIT COURT**

### **IN AND FOR POLK COUNTY, FLORIDA**

#### **JUROR EXCUSAL/POSTPONEMENT PROCEDURES**

##### **(Addendum 2 to Administrative Order No. 7-2.2)**

TO: The Polk County Clerk of Court Jury Manager

In order to impartially and uniformly implement the letter and intent of Chapter 40, Florida Statutes, relating to persons disqualified or excused from jury service, or who have their service postponed, the jury manager of Polk County is authorized and ordered to strictly adhere to the hereinafter set forth guidelines for disqualifications, excusals and postponements of jurors and in so doing is acting with the full authority of and as an extension of the Court.

To the extent possible, all requests for exemptions, excuses and postponements should be handled by mail or telephone prior to reporting and should not require a personal appearance. This relieves the juror of having to make an unnecessary trip to the courthouse and ensures the Court of a more accurate estimate of the number of jurors to expect on the reporting date.

When jury venires are selected, disqualifications and excusals shall be handled as set forth in the following three categories:

#### **1. LEGAL DISQUALIFICATIONS FOR PROSPECTIVE JURORS**

A. Non-residents of the state of Florida

B. Any person under the age of (18) years.

C. The governor, lieutenant governor, any cabinet officer, clerk of court or judge.

D. Any person who is under prosecution for any crime, or who has been convicted in this state, any federal court, or any other state, territory, or country of bribery, forgery, perjury, larceny, or any other offense that is a felony in this state or which if it had been committed in this state would be a felony, unless the person's civil rights have been restored.

E. Any person interested in the issue to be tried.

F. Any person who does not possess a driver's license or identification card issued by the Florida Department of Highway Safety and Motor Vehicles or who has not executed an affidavit certifying eligibility to serve as a juror.

The jury manager shall automatically excuse, as legally disqualified to serve as a juror, any person described above.

## 2. EXCUSAL GRANTED UPON REQUEST

A. Expectant mothers or parents who are not employed full-time with a child under six (6) years of age living with them.

B. Any persons seventy (70) years of age or older. A person seventy (70) years of age or older may also be permanently excused from jury service upon written request.

C. Any person who is responsible for the care of a person who, because of mental illness, mental retardation, senility, or other physical or mental incapacity, is incapable of caring for himself or herself.

D. A person who was summoned and who reported as a prospective juror in any court in that person's county of residence within one (1) year before the first day for which the person is being considered for jury service. Such a person is exempt from jury service for one (1) year from the last day of service.

## 3. REQUESTS FOR EXCUSAL TO BE DETERMINED BY THE PRESIDING JUDGE OR ANY AVAILABLE JUDGE

A. A person may be excused from jury service upon a showing of hardship, extreme inconvenience, or public necessity.

B. A presiding judge, or any available judge, may, in his or her discretion, excuse a practicing attorney, a practicing physician, or a person who is physically infirm from jury service, except that no person shall be excused from service on a civil trial solely on the basis that the person is deaf or hearing impaired, if that person wishes to serve, unless the presiding judge makes a finding that consideration of the evidence to be presented requires auditory discrimination or that the timely progression of the trial will be considerably affected thereby. However, nothing in this subsection shall affect a litigant's right to exercise a peremptory challenge.