

AMENDED LOCAL RULE NO. 2

SELECTION OF JURORS BY COMPUTER IN POLK COUNTY

WHEREAS, the present method of selecting jurors can be expedited without additional expense or loss of the quality of random selection by the use of the electronic computer now available for use by Polk County, and

WHEREAS, the source of such selection is from the Department of Highway Safety and Motor Vehicles which is in computer compatible format and under the custody and control of the Clerk of the Circuit Court of Polk County, it is therefore

RESOLVED that the Rules of the Tenth (10th) Judicial Circuit for procedure in all courts of Polk County in which jury trials are held shall be amended to include this additional Rule adopting the following alternative plan for the selection of persons for grand jury or petit jury service:

1. Equipment

(a) The equipment used in jury selection is a Compaq Proliant 6000 computer located in the secured computer room of the Management Information Systems (MIS) department of Polk County.

2. Alternative Method of Selecting Venire

(a) The source from which names shall be taken is the data file that is created from the list received from the Department of Highway Safety and Motor Vehicles (DHSMV) and names of individuals which the Clerk may add to the list as authorized by §40.011(1), Fla. Stat. in every year hereafter, by the first week of January or as soon thereafter as practicable, the DHSMV will deliver to the Polk County MIS a computerized listing of names and addresses from their database. The Clerk is authorized to merge names of all individuals who have previously filed an affidavit pursuant to §40.011(1), Fla. Stat. into the data file that is created from each new DHSMV computerized listing. The Clerk will protect the listing and tapes from further writing and keep them securely stored.

(b) If the entire data file is not used as the final jury list from which venires are selected, then the Chief Judge or his designee, with the aid and assistance of the Clerk and MIS, shall select enough prospective jurors for the year by lot and at random from the list received from the DHSMV and names of individuals which the Clerk may add to the list as authorized by §40.011(1), Fla. Stat. using the method described in Attachment A.

(c) The Clerk or the Office of the Court Administrator shall cause jury venires to be selected from the final certified jury data file programmed into the MIS computer using the method described in Attachment A in accordance with directions received from the Chief Judge or his designee.

STATE OF FLORIDA
COUNTY OF POLK
CERTIFICATE

I hereby certify that the majority of the judges authorized to conduct jury trials in Polk County, Florida has consented to the use of the electronic system, which is described in Attachment A, and requests approval for the use of such system in Polk County, Florida by the Supreme Court of Florida as required by §40.225, Fla. Stat.

DATED this 15th day of March, 2001.

CHARLES B. CURRY

Chief Judge

Tenth Judicial Circuit

**ATTACHMENT A
RANDOM NUMBER GENERATOR METHOD**

Each November the Department of Highway Safety and Motor Vehicles (DHSMV) generates a computer tape of all persons in their system that reside in Polk County and mails this to the MIS department. This tape is loaded to the Clerk of Court's server, with each person being assigned a sequential, unique number starting with the number one and ending with the maximum number of records in the file.

These numbers will remain unchanged for the entire year. No records will be deleted from this file. However, the Clerk or MIS may add to the file according to §40.011(1), Fla. Stat. The maximum number of records at the time a venire is selected is used in the formula and stored in the computer for that specific venire, along with the initial seed

value.

INITIATING THE SELECTION PROCESS

Each time a venire is to be drawn, the Clerk or the Office of the Court Administrator will initiate the computer selection. The computer will begin the process of randomly selecting jurors using the KISS Random Number Generator Formula outlined in Attachment B, skipping the names of persons who a) have been adjudicated mentally incompetent; b) have been convicted of a felony and not had their civil rights restored; c) are deceased according to the records furnished by the Department of Health and Rehabilitative Services; d) have been permanently excused; or e) have reported as a prospective juror in Polk County within one year before the first day for which the person is being considered for jury service. The process will repeat until the number of jurors requested has been selected.