

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
06-09-B

IN RE: JURY - ORDER GOVERNING JURY MANAGEMENT

WHEREAS, pursuant to the Chief Justice's Administrative Orders of October 8, 1990 and March 22, 1995, regarding reducing juror compensation costs, a jury management program has been instituted in the Eighteenth Judicial Circuit for The Moore Justice Center only; and

WHEREAS, it is necessary to establish policies to reduce the expenditures of State funds for juror compensation, as well as minimize juror inconvenience; and

WHEREAS, the legislature has amended certain provisions of Chapter 40 of the Florida Statutes;

NOW, THEREFORE, it is ordered that effective May 22, 2006, the policies regarding jury management as outlined below are adopted:

1. ONE DAY OR ONE TRIAL:

Every person summoned for jury duty at The Moore Justice Center shall serve either one day or one trial. The jury summons shall specify in bold print the specific date, day of the week, and time for a juror to report to The Moore Justice Center for jury service. The jury summons shall also notify the juror that he/she must telephone the Brevard County Clerk of the Court the day prior to the day the juror is to report to determine if the juror should report for jury duty the following day.

2. Number of Jurors Summoned:

There shall be juror summons sent to Brevard County residents for every business day that The Moore Justice Center is open for

judicial proceedings in the following manner:

- 300 jurors shall be summoned for Monday of each week;
- 300 jurors shall be summoned for Tuesday of each week;
- 150 jurors shall be summoned for Wednesday of each week;
- 150 jurors shall be summoned for Thursday of each week; and
- 50 jurors shall be summoned for Friday of each week.

There shall be no jury trials scheduled during the week between Christmas and New Year's; however, 50 jurors shall be summoned for the second business day after the Christmas holiday. Therefore, judges who have a speedy trial issue during this period shall have 50 jurors available for a jury trial which shall begin on the second business day after the Christmas holiday. Jury clerks shall be notified by 2:30 P.M. on the first business day after the Christmas holiday that a judge has a speedy trial issue. The jury clerks shall be notified as to the number of jurors needed for the speedy trial case which will commence on the second business day after the Christmas holiday.

3. JURY QUALIFICATIONS:

The jury staff shall be authorized to qualify jurors by administering questions contained in the attached list (Appendix A) and determining qualification based upon the responses of each prospective juror according to sections 40.01 and 40.013, Florida Statutes. The jury clerks shall qualify the jurors each morning. No court reporter will present during juror qualification.

4. EXEMPTIONS:

The jury management staff shall be authorized to grant exemptions as set forth in Appendix B.

All juror hardships shall be addressed with the judge in the courtroom.

5. PRIORITY FOR RELEASING OF JURY PANELS:

The jury panels shall be released to judges on a first-come, first-serve basis, except upon intervention by the Chief Judge, or the Chief Judge's designee on a case-by-case basis. However,

judges who are requesting jury panels on a given day for criminal cases in which the speedy trial period expires on that day shall be provided with jury panels first.

6. PROCEDURE FOR ORDERING JURY VENIRES:

Each judge's judicial assistant shall notify the jury clerks by 2:30 P.M. the day before that the judge needs jurors and the number of jurors needed. Judicial assistants shall notify the jury clerks by 2:30 P.M. on Friday for Monday jury trials.

If a judge knows he/she is going to have a case of notoriety and a large number of jurors will be needed, then the judge's judicial assistant shall inform the jury clerks of this fact at least 4 weeks in advance of trial. If a judge is bringing in a senior judge to aid the judge with the Judge's jury trials, then the Judge's judicial assistant shall notify the jury clerks know as soon as possible. Either of these situations may necessitate more jurors being summoned for a particular day or week.

7. LUNCH:

All jurors summoned to the Viera courthouse who have not been sent to a courtroom by 11:30 A.M. will be sent to lunch by the jury clerks and the jurors will be told to return to the jury assembly room at 1:00 P.M.

DONE AND ORDERED this 28th day of February, 2006.

KERRY I. EVANDER
KERRY I. EVANDER
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard County)
State Attorney
Public Defender
Sheriff (Brevard County)
Bar Association (Brevard County)
Law Library (Brevard County)

APPENDIX A
QUALIFICATION OF JURORS

THE COURT: Ladies and gentlemen, the Court will now examine you as to your qualifications to serve as jurors. If your answer to any of the following four (4) questions would be "YES," please come forward to the bench after I have completed all questions.

1. Have you ever been convicted of any felony, which is a criminal offense punishable by death or imprisonment in the state penitentiary under the laws of the State of Florida, or of any criminal offense in any other state, government or country, which if committed in this state, would be a felony? (unless civil rights have been restored.) Sections 40.013(1) & 775.08, Florida Statutes.
2. Are you now under prosecution for any crime, either a felony or misdemeanor? Sections 40.013(1) & 775.08, Florida Statutes.
3. Are you the Governor, Lieutenant Governor, or a cabinet officer, clerk of court, or a judge? Section 40.013(2), Florida Statutes.
4. Are you a full-time federal, state, or local law enforcement officer or such entities' investigative personnel who wishes to be excused from jury service?

THE COURT: If your answer to any of the following three (3) questions would be "NO," please come forward to the bench after I have completed all questions.

1. Are you 18 years of age or over? Section 40.01, Florida Statutes.
2. Are you a citizen of the State of Florida and a resident of Brevard County? Section 40.01, Florida Statutes.
3. Do you possess a State of Florida driver's license or an identification card issued by the Department of Highway Safety and Motor Vehicles or have you executed an affidavit to apply for jury duty? Sections 40.01 & 40.011(1)(2), Florida Statutes.

APPENDIX B
EXEMPTIONS

Those persons allowed by statute to be excused for jury service upon request.

EXEMPTIONS (As enumerated in Section 40.013, Florida Statutes):

1. No 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 restored to civil rights, shall be qualified to serve as a juror.
- 2 (a) Neither the Governor, nor Lieutenant Governor, nor any Cabinet officer, nor clerk of court, or judge shall be qualified to be a juror.
- 2 (b) Any full-time federal, state, or local law enforcement officer or such entities' investigative personnel shall be excused from jury service unless such persons choose to serve.
3. No person interested in any issue to be tried therein shall be a juror in any cause; but no person shall be disqualified from sitting in the trial of any suit in which the state or any county or municipal corporation is a party by reason of the fact that such person is a resident or taxpayer within the state of such county or municipal corporation.
4. Any expectant mother and any parent who is not employed full time and who has custody of a child under 6 years of age, upon request, shall be excused from jury service.
5. A person who was summoned and who reported as a prospective juror in any court in that person's county of residence within one year before the first day for which the person is being considered for jury service is exempt from jury service for one year from the last day of service.
6. A person 70 years of age or older shall be excused from jury service upon request.
7. 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/herself shall be excused from jury service upon request.