

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

**ADMINISTRATIVE ORDER NO.:**  
**12-22-B**  
**SUPERSEDES 05-13-B**

**IN RE: JURY – FAILURE TO APPEAR FOR JURY DUTY**

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WHEREAS, it is necessary for the Judicial Branch of Government to provide trials by jury in both civil and criminal cases as guaranteed by the Constitution of the United States of America, and the Constitution of the State of Florida.

WHEREAS, the Clerk of the Courts issues summons according to law to citizens selected for jury service during each scheduled trial period of the circuit and county courts;

WHEREAS, in the recent past, a significant percentage of citizens receiving summons failed to respond to the summons for various reasons and in the past, the summons have not been enforced.

WHEREAS, the percentage of prospective jurors not responding to the summons has made it difficult to provide adequate jury pools for trials scheduled for the response period;

WHEREAS, Section 40.23(3), Florida Statutes provides for a fine and/or contempt of court penalties for failure to respond to a jury summons without sufficient excuse;

WHEREAS, it is deemed necessary to enforce jury summons to secure the right to a trial by jury to all our citizens in Brevard County.

**IT IS ORDERED:**

1. Commencing March 1, 2005, any prospective juror who has not been previously excused from service and who fails to report to the jury qualification location set out in the summons shall be issued an Order to Show Cause to appear before a judge to explain the reason why that person did not appear. Any person who is duly summoned to attend as a juror in any court and who fails to attend without any sufficient excuse may be required to pay a fine not to exceed \$100.00 as provided in Section 40.23(3), which fine may be imposed by the court and, in addition, such failure may be considered a contempt of court.

Those who appear shall be rescheduled for jury service at a later date. Persons failing to appear pursuant to the Order to Show Cause may also be fined as provided in Section

40.23(3). The amount of any fine will be discretionary with the trial judge. Further, those who fail to appear may be summoned to appear individually for a contempt of court sanction. Forms are attached which may be used as they now appear or may be modified by the judges at a judges meeting.

2. The Clerk of the Court shall provide the forms properly completed except for the amount of the fine in Orders of Contempt and shall promptly submit them for the judge to sign. The Clerk shall serve the Orders after being signed, on each Respondent by any means allowed by law to serve juror summons. The judge may issue orders vacating any order entered upon receiving information of an excuse sufficient to excuse the prospective jurors' attendance at the initial appearance date or at the Order to Show Cause hearing.

DONE AND ORDERED this 25th day of June, 2012.

CHARLES ROBERTS  
CHARLES ROBERTS  
ACTING CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard County)  
Court Administration (Brevard and Seminole Counties)  
Clerk of Court (Brevard County)  
State Attorney (Brevard County)  
Public Defender (Brevard County)  
Sheriff (Brevard County)  
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<input type="checkbox"/> IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FLORIDA <input type="checkbox"/> IN THE COUNTY COURT, BREVARD COUNTY, FLORIDA		<b>CASE NUMBER</b> 05 -       -       -       -
DIVISION <input type="checkbox"/> CIVIL <input type="checkbox"/> CRIMINAL <input type="checkbox"/> JUVENILE <input type="checkbox"/> TRAFFIC	ORDER TO SHOW CAUSE <input type="checkbox"/> TITUSVILLE <input type="checkbox"/> VIERA <input type="checkbox"/> MELBOURNE	<b>CLOCK IN</b>
IN RE: JUROR SUMMONS  TO:		

You, \_\_\_\_\_, were served with a summons to appear at \_\_\_\_\_ a.m. at \_\_\_\_\_ Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. You failed to appear without being excused. It is thereupon

ORDERED AND ADJUDGED that you shall appear before the Honorable \_\_\_\_\_ at \_\_\_\_\_, Florida at \_\_\_\_\_ o'clock \_\_\_\_\_.m., on \_\_\_\_\_, 20\_\_\_\_ to show cause if any you can, why you should not be held in contempt of this Court's Order (Summons) and if in contempt, what sanctions or punishment should be imposed by the Court for your failure to appear as authorized by Section 40.23(3), Florida Statutes (2002). If you fail to appear, you may be arrested for contempt and/or a monetary penalty imposed by the Court.

DONE AND ORDERED BREVARD COUNTY, FLORIDA	_____ JUDGE	DATE
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LAW 899  
Rev. 06/2007

- FILE
- PROSPECTIVE JUROR

**BAR CODE LABEL**

<input type="checkbox"/> IN THE CIRCUIT COURT, EIGHTEENTH JUDICIAL CIRCUIT, BREVARD COUNTY, FLORIDA <input type="checkbox"/> IN THE COUNTY COURT, BREVARD COUNTY, FLORIDA		CASE NUMBER 05 - - - -
DIVISION <input type="checkbox"/> CIVIL <input type="checkbox"/> CRIMINAL <input type="checkbox"/> JUVENILE <input type="checkbox"/> TRAFFIC	<b>ORDER FINDING CONTEMPT</b> <input type="checkbox"/> TITUSVILLE <input type="checkbox"/> VIERA <input type="checkbox"/> MELBOURNE	CLOCK IN
IN RE: JUROR SUMMONS  TO:		

You, \_\_\_\_\_, failed to obey a lawful summons issued to you to appear for jury duty on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Florida. This Court issued an Order to Show Cause to Appear before this Court, on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_m., to show cause why you should not be held in civil contempt for not appearing for jury duty as commanded by the summons. You also failed to appear at the hearing to show cause held on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_m.

It is thereupon

ORDERED AND ADJUDGED that, pursuant to Section 40.23, Florida Statutes (2002), you are found to be in willful contempt of court and you shall pay a fine of \$\_\_\_\_\_ to the Clerk of the Circuit Court, Brevard County, Florida, at the Titusville, Merritt Island, Viera or Melbourne Clerk's Office within thirty (30) days from the date of this Order. The fine shall be deposited into the Fine and Forfeiture Fund designated in Section 142.01, Florida Statutes (2002). Should you fail to timely pay the fine Ordered herein, the Court may issue a warrant for your arrest for civil contempt as authorized by Section 40.23, Florida Statutes (2002).

DONE AND ORDERED BREVARD COUNTY, FLORIDA	_____ JUDGE	DATE
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LAW 900  
Rev. 01/2007

- FILE
- PROSPECTIVE JUROR

BAR CODE LABEL