

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2013-009
(Supersedes Administrative Order S-2006-172)**

JURY MANAGEMENT

It is necessary to update procedures for jury management in this circuit. By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

1. Jury Clerk & Jury Services

The clerk of the court will assign deputy clerks to be designated as “jury clerks.” Jury clerks will comprise the department known as “Jury Services,” located in or near the jury auditorium. Jury clerks will be responsible for: summoning jurors; processing jurors’ requests to be excused; checking in jurors on the automated jury system; assisting in the qualifications of jurors; preparing the jury list after excuses have been determined; making juror assignments to courtrooms; updating payroll; preparing letters of attendance for employers upon jurors’ requests; and preparing paperwork for juror compensation.

2. Jury Duty Judge

Each year the chief judge will enter an administrative order assigning circuit and county judges to consider and act upon requests to be excused from jury service. The judge assigned will be designated as the “jury duty judge.” Jury duty judges may affect changes in weekly assignment dates upon notification to Jury Services.

3. Juror Summonses and Questionnaires

Jury Services will be responsible for summoning jurors approximately five weeks in advance of the actual reporting date. Juror questionnaires will be mailed to prospective jurors with the summons. Supplemental juror questionnaires may be utilized in appropriate cases.

4. Disqualified and Excused Jurors

In order to provide an economical and efficient method of granting requests to be disqualified or excused for those summoned for jury duty, the jury clerk will send to each person summoned for jury service an appropriate form. The form will solicit information to determine whether a person is disqualified or excused from jury service in accordance with section 40.013, Florida Statutes. To be disqualified or excused from jury service, prospective jurors must complete the applicable form and return it to Jury Services along with any supporting documentation.

The jury clerk may excuse a prospective juror prior to the juror reporting for duty for any of the reasons set forth in the following sections of the Florida Statutes: 40.013(1), 40.013(2), 40.013(3), 40.013(4), 40.013(7), 40.013(8) or 40.013(9). If any prospective juror requests to be excused from jury service for a reason set forth in section 40.013(5) or 40.013(6), Florida Statutes, the jury clerk will send such request to the jury duty judge.

Any request to be excused from jury service made to any judge will be directed to the jury duty judge. Any judge may excuse a prospective juror by communicating that request to the jury duty judge. The jury duty judge will honor another judge's decision to excuse and will notify the jury clerk in writing. The jury duty judge may excuse a prospective juror after that juror reports for duty.

5. Qualification of Venire

To assure prospective jurors are qualified under sections 40.01 and 40.013, Florida Statutes, the jury duty judge will qualify all prospective jurors unless the jury duty judge advises the jury clerk to perform the qualifying duty instead. A suggested script for the qualification of a jury venire by the jury duty judge or jury clerk is attached.

6. Scheduling

All administrative judges of subject matter divisions that conduct jury trials will send a yearly schedule of their divisions' designated jury trial weeks to Jury Services.

All jurors will be impaneled on Mondays of each week except for the week of Thanksgiving and any week in December the chief judge may designate. If a holiday falls on a Monday, jurors will be impaneled on the next working day after the Monday holiday.

Judges should make every effort to select all juries needed for the week on Monday. Juries are not to be selected on Tuesdays, Wednesdays, Thursdays, or Fridays except in extraordinary circumstances. Unless specifically reserved by a judge with the approval of the chief judge, no jurors will be available for service in the jury auditorium on Tuesdays, Wednesdays, Thursdays, or Fridays. If it is absolutely necessary for a judge to impanel a jury on a Tuesday, Wednesday, Thursday, or Friday, the judge or the judge's judicial assistant, after approval by the chief judge, must contact Jury Services by Monday with the exact size of the panel the judge wishes to reserve for Tuesday, Wednesday, Thursday or Friday.

7. Jury Panel Sizes

In accordance with Florida Supreme Court Administrative Order AOSC-13, the panel sizes for any jury trial will be as follows:

- | | | |
|----|--|--------------------|
| A. | Death penalty cases | No greater than 50 |
| B. | Other 12-person juries and life felonies | No greater than 40 |

C.	Sexual battery cases with a child	No greater than 30
D.	Sexual battery cases with no child	No greater than 25
E.	Other circuit criminal cases	No greater than 22
F.	Other circuit civil cases	No greater than 22
G.	Domestic violence cases	No greater than 16
H.	Driving under the influence cases	No greater than 16
I.	Other county cases	No greater than 14

The presiding judge may deviate from these panel size guidelines as indicated in the attached table.

8. Reporting and Assignment Procedures

Unless disqualified, excused or otherwise advised by the jury clerk, all jurors should report to the Edgecomb Courthouse auditorium on the second floor on Mondays at 8:00 a.m. or 10:30 a.m., or as otherwise indicated on the jury summons. After jurors have taken the oath and are qualified by the jury duty judge or jury clerk, the jury clerk will assign the jurors to each court as requested.

No judge may request a panel be sent to the courtroom unless there is a case ready to go to trial and all parties are present in the courtroom. Bailiffs will report to the auditorium when instructed by their judges to escort jurors to the assigned courtrooms. Bailiffs must report to the jury auditorium and enter their judge's name on the sign-up sheet, which is located on the front counter in the Jury Services designated work area. Bailiffs may report as early as 7:30 a.m.

Bailiffs must be present in the jury auditorium immediately after the prospective jurors are qualified to enable the jury clerk to fill a panel. Jury Services will fill panels in the order listed on the sign-up sheet as long as the respective bailiff is present. For example, if Bailiff #1 on the sign-up sheet is not present in the auditorium at the time the clerk is filling a panel, but Bailiff #2 is present, then Jury Services will skip Bailiff #1, and then fill the panel for Bailiff #2.

Every judge should attempt to begin voir dire within 30 minutes of the jury panel arriving at the courtroom. If voir dire does not begin within 30 minutes, the judge should consider returning the panel to the jury auditorium for use by other judges.

After a jury is selected in the courtroom, the court clerk will determine from the judge when jurors will be needed again and call or send an e-mail message to the jury clerk in the auditorium to determine if jurors are needed to return to the auditorium. If additional jurors are needed in a courtroom, or if jurors are needed for the selection of another trial, the court clerk will call the jury clerk and request the required number be sent to the courtroom. The bailiff will go to Jury Services and escort jurors to the courtroom. Courtroom clerks will update juror attendance.

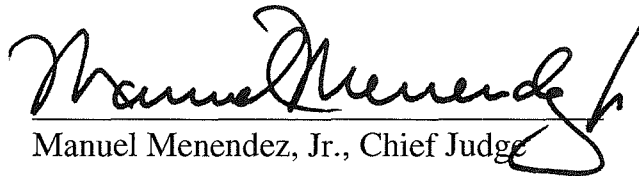
9. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2006-172 (*Jury Management*).

10. Effective Date

This administrative order is effective March 1, 2013.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 8th day of January, 2013.


Manuel Menendez, Jr., Chief Judge

Attachments: Suggested Script for Jury Duty Judge
Panel Size Guidelines

Original to: Pat Frank, Clerk of the Court
Copies to: All Judges
David Gee, Sheriff
Jury Services

PLEDGE OF ALLEGIANCE IS OPTIONAL

SUGGESTED SCRIPT FOR JURY DUTY JUDGE

When the jury duty judge enters the auditorium, the clerk will have the venire rise and they will be sworn and seated. The following script is suggested:

Introduction

“Good Morning. My name is _____ and I am a _____ judge here in the Thirteenth Circuit.

Welcoming Remarks

At this time, I would like to say a few things about jury services. First, it is one of the cornerstones of our system of justice. It is essential that citizens come forward and serve. All of us in the justice system recognize that sometimes it is inconvenient and irritating to serve. We appreciate your presence here today.

Second, some of you are going to have a better experience than others. Some of you will be immediately chosen to serve on a jury and others of you will participate in several jury selection procedures and not be chosen. Many of you will end up sitting around and standing around a lot without understanding what is going on – and why the system is being conducted the way it is. All I can tell you now is that those of us who work in the justice system recognize some of the negative aspects of jury service and we are working continually to minimize and eliminate them. However, a certain amount of waiting is inherent in jury selection and we ask you to be as understanding as possible.

Qualification of Venire

I am now going to ‘qualify’ each of you as prospective jurors which means I will try to ensure you meet certain legal requirements for jury service. I am going to ask you seven questions and request that you answer ‘yes’ or ‘no’ after each one:

1. Are you at least 18 years of age?
2. Are you a citizen of the United States?
3. Are you a legal resident of the state of Florida and Hillsborough County?
4. Are you the governor, lieutenant governor, cabinet officer, clerk of court or judge?
5. Have you ever been convicted of bribery, forgery, perjury, larceny or any other felony and not have had your civil rights restored?
6. Are you under prosecution for any crime at this time?
7. Do you possess a Florida driver’s license or identification card issued by the Department of Highway Safety and Motor Vehicles or have you executed an affidavit indicating you are eligible to serve as a juror?

To be qualified as a prospective juror, each of you should have answered ‘yes’ to the questions concerning age, citizenship and residency status. You should have answered ‘no’ to the questions concerning being under prosecution and being convicted without having had your

civil rights restored. If you have a question concerning your answer to any of these questions, please come up to the clerk after I have been excused. She will arrange for me to answer your questions privately.

You have now been sworn as a venire. Later, you will be sworn as a member of a panel. If you are chosen to serve, you will then be sworn as a juror. Thus, you will be doing a lot of swearing over the next few days (laugh). I hope that your swearing will be as I have described and not at the system.

Limitation on Use of Communication Devices

On a more serious note, many of you have cell phones, smart phones, computers and other electronic devices. Even though you have not yet been selected as a juror, there are some strict rules that you must follow about using your cell phones, electronic devices and computers. You must not use any device to search the Internet or to find out anything related to any cases in the courthouse.

Between now and when you have been discharged from jury duty by the judge, you must not provide or receive any information about your jury service to anyone, including friends, co-workers, and family members. You may tell those who need to know where you are that you have been called for jury duty. If you are picked for a jury, you may tell people that you have been picked for a jury and how long the case may take. However, you must not give anyone any information about the case itself or the people involved in the case. You must also warn people not to try to say anything to you or write to you about your jury service or the case. This includes face-to-face, phone or computer communications.

In this age of electronic communication, I want to stress that you must not use electronic devices or computers to communicate about this case, including tweeting, texting, blogging, e-mailing, posting information on a website or chat room, or any other means at all. Do not send or accept any messages, including e-mail and text messages, about your jury service. You must not disclose your thoughts about your jury service or ask for advice on how to decide any case.

After you are called to the courtroom, the judge will give you specific instructions about these matters. A judge will tell you when you are released from this instruction. All of us are depending on you to follow these rules, so that there will be a fair and lawful resolution of every case.

Conclusion

So with that said, I hope that after you've completed your jury service you will look upon it as being a positive contribution to our system of justice. I hope that when you describe your service to friends, family and co-workers you'll do so in a favorable light. As I mentioned earlier, the right to be judged by a jury of one's peers is a cornerstone of our system of justice. It is important that when these friends, family and co-workers are summoned that they, too, come forward as you have and provide jury service with a positive attitude.

Thank you."

(Modified – January 2013)

Panel Size Guidelines

Panel Size Guidelines for Typical Cases			Guidelines for Exempted Cases**
Case Type	Guideline	Acceptable Deviations* (with approval of presiding judge)	
Death penalty cases	No greater than 50	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	Jury Panel Size to be Established by the Presiding Judge and Parties (Prompt notification to jury managers will be required.)
Other 12 person juries (criminal or civil) and life felonies	No greater than 40	Plus 3 for each additional defendant/party; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Sexual battery cases w/ child	No greater than 30	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Sexual battery cases no child	No greater than 25	Plus 3 for each additional defendant; or Plus 3 for lengthy trials; or Plus 3 for high profile trials; or Plus 3 for extraordinary circumstances.	
Other circuit criminal cases	No greater than 22	Plus 2 for each additional defendant; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Other circuit civil cases	No greater than 22	Plus 2 for each additional party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Domestic violence cases	No greater than 16	Plus 2 for each additional party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Driving under the influence cases	No greater than 16	Plus 2 for each additional defendant; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	
Other county cases	No greater than 14	Plus 2 for each additional defendant/party; or Plus 2 for lengthy trials; or Plus 2 for high profile trials; or Plus 2 for extraordinary circumstances.	

*These deviations from the guidelines must be approved by the presiding judge. Deviations may be cumulative given case specifics. However, such deviations should not exceed 20 jurors above the guideline. Lengthy trials are those predicted to last more than five days. High profile trials are those receiving a significant amount of publicity as determined by the presiding judge. Extraordinary circumstances are any other factors that may impact the voir dire process as determined by the presiding judge.

**Exemptions may be granted for complex, lengthy, or high profiles cases as determined by the presiding judge.

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