

IN THE CIRCUIT COURT OF THE
16TH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA IN AND FOR
MONROE COUNTY

LOCAL RULE NUMBER 5

IN RE:

JURY SELECTION

_____:

WHEREAS, Section 40.225, Florida Statutes, authorizes the use of an electronic device as an alternative to other methods authorized by law for obtaining jury venires and further requires that a description of the equipment, methods and mode of operation to be used shall be transmitted to the Chief Justice of the Supreme Court; and

WHEREAS, Local Rule Number 4, on this same subject, was approved by the Supreme Court of Florida on September 19, 1995; and

WHEREAS, the present method of selecting jurors can be expedited in compliance with Sections 40.01 and 40.011, Florida Statutes, without loss of sanctity of random selection by the use of the electronic computer available through the Monroe County Clerk of the Court's Data Processing Department; and

WHEREAS, the source of such selection is a list provided by the Florida Department of Highway Safety and Motor Vehicles (DHSMV) to the clerk of the court in Monroe County which is in computer compatible form and under the custody and control of the Clerk of the Court of Monroe County and to which may be added individuals who have executed the affidavit prescribed in Section 40.011, Florida Statutes;

NOW, THEREFORE, pursuant to the authority conferred by Rule 2.050(e), Fla.R.Jud.Admin., it is

RESOLVED that the Sixteenth Judicial Circuit of Florida (Monroe County) shall utilize the following equipment, methodology and procedures to insure the selection of a random, fair and impartial jury.

Equipment

1. The equipment used in jury selection is an NCR 9832 mainframe computer. However, no later than December 31, 1999, the equipment used in jury selection will be an NCR 4300

server. Both the NCR 9832 mainframe computer and the NCR 4300 server are located in a secured facility under the control of the Data Processing Department for the Clerk of the Court.

Alternative Method of Selecting Venire

1. The source from which names shall be taken is the DHSMV database of persons whose addresses are in Monroe County, a copy of which is provided and certified on a quarterly basis by the DHSMV, and to which has been added a list of individuals who have executed the affidavit prescribed in Section 40.011, Florida Statutes.

2. The Clerk of the Court of Monroe County is designated the official custodian of the computer records of the lists to be used in jury selection and shall ensure they are not accessible to anyone other than those directly involved in selection of venires as herein provided. Deputy Clerks may perform functions of the Clerk of the Court.

3. The Clerk of the Court shall cause Monroe County petit and grand jury venires to be randomly selected from the certified DHSMV list programmed into the computer/server along with the list of individuals who have executed the affidavit prescribed in Section 40.011, Florida Statutes. To achieve this goal, the Clerk of the Court shall develop and employ a random number generator and other procedures in accordance with the random selection process recommended by the Florida State Courts System. (See attached Exhibit A.)

4. The Chief Judge or his/her designee shall determine the number of prospective jurors for each venire.

5. At the direction of the Chief Judge or his/her designee, pursuant to Section 40.221, Florida Statutes, the Clerk of the Court shall draw by random selection from the computerized lists as described in paragraph 1 above, venires of the requested number of prospective jurors. This procedure shall apply to lists of names drawn for potential service as circuit and statewide grand jurors as well. The Jury Clerk shall keep copies of the venires in a secure place. Access to copies of the venires is expressly prohibited without the permission of the Chief Judge. From the list generated, the Clerk of the Court shall print summonses, which shall be mailed in accordance with the applicable statutes.

6. If a prospective juror indicates that he/she is temporarily unable to serve on the date set in the initial summons, the Jury Clerk is authorized, under such circumstances as subscribed by the Chief Judge, to allow the juror to select a date which is convenient to both the juror and the court. Such date for jury duty shall be set within sixty days of the date on the initial summons. Only one such continuance shall be allowed.

Extensions beyond the sixty days, requests for additional continuances, or requests for continuances not specifically proscribed by the Chief Judge must be made in writing to the Chief Judge or a judge designated by the Chief Judge. Information regarding deferral of jury duty shall be entered into the selection system and the postponed juror shall be resummoned for the new designated date.

By virtue of Rule 2.050(e), Fla.R.Jud.Admin., this Local Rule shall be submitted to the Supreme Court for approval and shall become effective on the approval date.

DONE and **SIGNED** in Chambers at Key West, Florida, this 11 day of February, 1999.

Sandra Taylor
Chief Judge

APPROVED by the Supreme Court of Florida on the 23 day of February, 1999.

STATE OF FLORIDA

COUNTY OF MONROE

CERTIFICATE

I hereby certify that the majority of the judges authorized to conduct jury trials in Monroe County, Florida, have consented to the use of the electronic system, which is described in Local Rule No. 5 attached hereto, and requests approval for the use of such system in Monroe County, Florida, by the Supreme Court of Florida, as required by Section 40.225, Florida Statutes.

DATED this 11 day of February, 1999.

Sandra Taylor
Chief Judge
Sixteenth Judicial Circuit