

By Senator Smith

5-13-02

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A bill to be entitled
An act relating to jurors; amending s. 40.01,
F.S.; providing for jurors to be taken from
registered electors, rather than from persons
possessing a driver's license or identification
card; amending s. 40.011, F.S.; deleting
provisions requiring the Department of Highway
Safety and Motor Vehicles to send lists of
persons in the departmental database to the
clerks of court; amending s. 40.022, F.S.,
relating to purging jury selection lists, to
conform to the amendment made by this act;
amending s. 98.095, F.S.; providing for voter
lists to be used for jury selection; amending
s. 322.20, F.S.; deleting a requirement that
the department provide certain information to
the courts; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 40.01, Florida Statutes, is amended
to read:

40.01 Qualifications of jurors.--Jurors shall be taken
from the male and female persons at least 18 years of age who
are citizens of the United States and legal residents of this
state and who are registered electors of their respective
~~counties and who possess a driver's license or identification~~
~~card issued by the Department of Highway Safety and Motor~~
~~Vehicles pursuant to chapter 322~~ or who have executed the
affidavit prescribed in s. 40.011.

1 Section 2. Subsection (1) of section 40.011, Florida
2 Statutes, is amended to read:

3 40.011 Jury lists.--

4 (1) ~~On or before January 1, 1993, and each year~~
5 ~~thereafter by January 1, the Department of Highway Safety and~~
6 ~~Motor Vehicles shall deliver to the clerk of the circuit court~~
7 ~~in each county a list of names, along with mailing addresses~~
8 ~~and dates of birth, of each person 18 years of age or older~~
9 ~~whose name appears in the department database and whose~~
10 ~~address is in that county. By January 1, 1992, the department~~
11 ~~shall begin the process of identifying persons whose names~~
12 ~~appear in the department database who are not citizens of the~~
13 ~~United States and legal residents of this state for the~~
14 ~~purpose of jury selection. By January 1, 1998, the department~~
15 ~~database list delivered to the clerk of the circuit court in~~
16 ~~each county may include only the names of persons who are~~
17 ~~citizens of the United States and legal residents of Florida~~
18 ~~and whose address is in that county and who are 18 years of~~
19 ~~age or older. The clerk of the circuit court shall add to the~~
20 ~~list of prospective jurors the name of any person who is 18~~
21 ~~years of age or older and who is a citizen of the United~~
22 ~~States and a legal resident of Florida and who indicates a~~
23 ~~desire to serve as a juror, but whose name does not appear on~~
24 ~~the list of registered voters ~~department database list~~, by~~
25 ~~requiring such person to execute an affidavit at the office of~~
26 ~~the clerk.~~

27 Section 3. Subsection (1) of section 40.022, Florida
28 Statutes, is amended to read:

29 40.022 Clerk to purge jury selection lists;
30 restoration.--

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1 (1) Each clerk of the circuit court shall, upon
2 receipt of the list of registered voters ~~persons in the~~
3 ~~department database from the Department of Highway Safety and~~
4 ~~Motor Vehicles~~ and at least once each month thereafter, purge
5 the jury selection lists of the names of those persons:

- 6 (a) Adjudicated mentally incompetent;
7 (b) Convicted of a felony; or
8 (c) Deceased.

9 Section 4. Subsection (2) of section 98.095, Florida
10 Statutes, is amended to read:

11 98.095 County registers open to inspection; copies.--

12 (2) The information provided by the supervisor
13 pursuant to this section shall be furnished only to:

14 (a) The courts for the purpose of jury selection;

15 (b)~~(a)~~ Municipalities;

16 (c)~~(b)~~ Other governmental agencies;

17 (d)~~(c)~~ Candidates, to further their candidacy;

18 (e)~~(d)~~ Registered political committees, registered
19 committees of continuous existence, and political parties or
20 officials thereof, for political purposes only; and

21 (f)~~(e)~~ Incumbent officeholders, to report to their
22 constituents.

23
24 Such information shall not be used for commercial purposes.

25 No person to whom a list of registered voters is made
26 available pursuant to this section, and no person who acquires
27 such a list, shall use any information contained therein for
28 purposes which are not related to elections, political or
29 governmental activities, voter registration, ~~or~~ law
30 enforcement, or jury selection.

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1 Section 5. Subsection (9) of section 322.20, Florida
2 Statutes, is amended to read:

3 322.20 Records of the department; fees; destruction of
4 records.--

5 (9) The department may, upon application, furnish to
6 any person, from the records of the Division of Driver
7 Licenses, a list of the names, addresses, and birth dates of
8 the licensed drivers of the entire state or any portion
9 thereof by age group. ~~In addition, the department may furnish~~
10 ~~to the courts, for the purpose of establishing jury selection~~
11 ~~lists, the names, addresses, and birth dates of the persons of~~
12 ~~the entire state or any portion thereof by age group having~~
13 ~~identification cards issued by the department.~~Each person who
14 requests such information shall pay a fee, set by the
15 department, of 1 cent per name listed, except that the
16 department shall furnish such information without charge to
17 ~~the courts for the purpose of jury selection or to any state~~
18 ~~agency or to any state attorney, sheriff, or chief of police.~~
19 Such ~~court~~,state agency, state attorney, or law enforcement
20 agency may not sell, give away, or allow the copying of such
21 information. Noncompliance with this prohibition shall
22 authorize the department to charge the noncomplying ~~court~~,any
23 state agency, state attorney, or law enforcement agency the
24 appropriate fee for any subsequent lists requested. The
25 department may adopt rules necessary to implement this
26 subsection.

27 Section 6. This act shall take effect October 1, 2002.
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SENATE SUMMARY

Provides that jurors will be selected from electors, and not from the list of persons holding driver's licenses or Department of Highway Safety and Motor Vehicles identification cards.