

By Senator Constantine

22-01287-10

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1 A bill to be entitled

2 An act relating to the management and operation of a
3 jury system in a circuit court; amending s. 40.001,
4 F.S.; authorizing the chief judge of a circuit court
5 to assign certain duties to the court administrator
6 which are otherwise assigned to the clerk of court by
7 law; amending s. 40.02, F.S.; authorizing the chief
8 judge of a circuit court to designate the court
9 administrator to perform certain duties relating to
10 the selection of jurors if funding is received from
11 any source for that purpose; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 40.001, Florida Statutes, is amended to
17 read:

18 40.001 Chief judge; authority; duties.—The chief judge of
19 each judicial circuit is vested with overall authority and
20 responsibility for the management, operation, and oversight of
21 the jury system within his or her circuit. Notwithstanding any
22 law to the contrary, the chief judge may assign to the court
23 administrator the duties specified in this chapter and chapter
24 905 relating to the operation and management of the jury system.
25 ~~However, in accordance with this chapter and chapter 905,~~ the
26 clerk of the circuit court shall perform the duties ~~has specific~~
27 ~~responsibilities~~ regarding the processing of jurors, including,
28 but not limited to, qualifications, summons, selection lists,
29 reporting, and compensation of jurors, which are not assigned to

22-01287-10

20102208__

30 the court administrator. The clerk of the circuit court may
31 contract with the chief judge for the court's assistance in the
32 provision of services to process jurors. The chief judge may
33 also designate to the clerk of the circuit court additional
34 duties that are consistent with established uniform standards of
35 jury management practices and that the Supreme Court may adopt
36 by rule or issue through administrative order.

37 Section 2. Section 40.02, Florida Statutes, is amended to
38 read:

39 40.02 Selection of jury lists.—

40 (1) The chief judge of each circuit, or a circuit judge in
41 each county within the circuit who is designated by the chief
42 judge, shall request the selection of a jury list in each county
43 within the circuit during the first week of January of each
44 year, or as soon thereafter as practicable. The chief judge or
45 the chief judge's designee shall direct the clerk of the court
46 to select at random a sufficient number of names, with their
47 addresses, from the list of persons who are qualified to serve
48 as jurors under the provisions of s. 40.01 and to generate a
49 list of at least ~~not fewer than~~ 250 persons to serve as jurors,
50 which list shall be signed and verified by the clerk of the
51 court as having been selected as aforesaid. A circuit judge in a
52 county to which he or she has been assigned may request
53 additional jury lists as necessary to prevent the jury list from
54 becoming exhausted. When the annual jury list is prepared
55 pursuant to the request of a chief judge or the chief judge's
56 designee, the lists prepared the previous year shall be
57 withdrawn from further use. If, notwithstanding this provision,
58 some names are not withdrawn, such error or irregularity does

22-01287-10

20102208__

59 ~~shall~~ not invalidate any subsequent proceeding or jury. The fact
60 that any person ~~se~~ selected was ~~had been~~ on a former jury list
61 or had served as a juror in any court at any time is ~~shall~~ not
62 ~~be~~ grounds for challenge of such person as a juror. If any
63 person so selected is ~~shall be~~ ascertained to be disqualified or
64 incompetent to serve as a juror, such disqualification does
65 ~~shall~~ not affect the legality of such list and is not ~~or be~~
66 cause to ~~of~~ challenge ~~to~~ the array of any jury chosen from such
67 list, but any person ascertained to be disqualified to serve as
68 a juror is ~~shall be~~ subject to challenge for cause, as defined
69 by law. The lists, although they may be defective or irregular
70 in form or other formal requirement, or in the number or
71 qualification of the persons so named, shall be the lists from
72 which the names of persons for jury service are to be drawn as
73 prescribed by law.

74 (2) The clerk of the court is ~~shall be~~ responsible for
75 preserving the security of the jury lists.

76 (3) The clerk of the court shall perform the duties set
77 forth in this section and in ss. 40.221, 40.23, and 40.231 in
78 counties having an approved, computerized jury selection system,
79 the provisions of any special law or general law of local
80 application to the contrary notwithstanding. However, the chief
81 judge may designate the court administrator to perform these
82 duties if funding is obtained from any source for this purpose
83 ~~the county provides funding to the court administrator to~~
84 ~~provide the personnel and other costs associated with jury~~
85 ~~services.~~

86 Section 3. This act shall take effect July 1, 2010.