

MEMORANDUM

TO: Chief Judges for each Judicial Circuit
Trial Court Administrators for each Judicial Circuit

FROM: Grant Slayden, Senior Court Operations Consultant

SUBJECT: Local Rules for Jury Selection

DATE: December 31, 1997

The following information is in response to questions by trial court administrators prompted by the letter sent by Chief Justice Kogan, dated December 18, 1997, concerning jury local rules:

Local rules submitted by each court in compliance with section 40.225, Florida Statutes, are for the purpose of identifying and getting approval for an alternative method of drawing a jury venire. If the current local rule correctly identifies the alternative method of drawing a jury venire being used by a court, then that local rule does not need to be amended and subsequently approved by the Supreme Court. If the current local rule does not correctly identify the alternative method of drawing a jury venire being used by a court, then that local rule needs to be amended and subsequently approved by the Supreme Court. It is the opinion of the OSCA that any statements in a local rule regarding the 'old' Supervisor of Elections source list are irrelevant to the purpose of the local rule, are pre-empted by statute, and do not require the submission of an amended local rule to the Supreme Court. Notwithstanding this opinion, trial courts are encouraged to submit an amended local rule, but are advised to omit any reference to the source list if they do so.

As a reminder, prospective jurors summoned for duty after January 1, 1998, should be drawn from the Florida Department Highway Safety and Motor Vehicles list of names, in accordance with the provisions of sections 40.01 and 40.011, Florida Statutes. During the transition period, jury staff may choose to screen prospective jurors by asking the additional question, "Do you possess a driver's license or identification card issued by the Department of Highway Safety and Motor Vehicles or have you executed an affidavit requesting to be added to the list of possible jurors?" Special attention might also be paid to the standard questions concerning felony convictions, U.S. citizenship, and legal residence within the county.

Questions may be directed to Steve Nevels at (850) 488-8623 or Suncom 488-8623.

/gcs