

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2008-33-Gen

ADMINISTRATIVE ORDER AS TO JURY MANAGEMENT SYSTEM

(a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “develop an administrative plan for the efficient and proper administration of all courts within that circuit.”

(b) In order to ensure that the Florida jury management system continues to operate in a manner that guarantees the constitutional right to trial by jury and simultaneously optimizes citizen jurors’ valuable time, the Chief Justice of the Florida Supreme Court established a Work Group on Standards for Jury Panel Sizes on September 22, 2004.

(c) On June 9, 2006, the Chief Justice implemented an Administrative Order to effectuate the recommendations of the Work Group.

(d) In accordance with the June 9, 2006 Supreme Court Administrative Order, the Chief Judge of the Seventeenth Judicial Circuit shall continue to have primary responsibility for ensuring the effective and efficient operations of the jury management system within the Circuit. Moreover, the Chief Judge has implemented the measures provided hereinafter.

(e) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered as follows:

- (1) For purposes of determining the maximum number of jurors to summon, the Circuit shall comply with the panel size guidelines indicated in the attached table.
- (2) The presiding judge of any trial may deviate from the panel size guidelines as indicated in the attached table. Deviations from the panel size guidelines may be for the purposes of addressing cases when there are additional criminal case defendants or civil case parties, lengthy trials, high profile trials, or for other extraordinary circumstances.
- (3) For the purposes of addressing exceptionally rare cases, the presiding judge may exempt complex, lengthy, or high profile cases from the panel size guidelines.
- (4) The presiding judge and trial attorneys should determine early in the process the number of prospective jurors to summon and when the jurors will be needed.
- (5) Prompt notification of the number of prospective jurors to summon and when the jurors will be needed must be provided to the Clerk’s jury manager. To preserve priority, this notice must be provided to the jury room on the approved form and be physically clocked in no later than 3:00 p.m. the business day before the panel is desired, except as provided in paragraph 11(B) below.
- (6) The new guidelines for panel sizes should be used by the presiding judge, trial attorneys, jury managers, and others as a tool for determining the number of

prospective jurors to summon and report for jury duty. The new guidelines should not, however, be used as the sole determining factor to limit the number of jurors being sent to a courtroom for voir dire.

- (7) Collaboration and communication between the presiding judge, trial attorneys, jury managers, and all other relevant persons associated with the management of cases and jurors is the most important factor in ensuring an ample supply of jurors is available at the courthouse the day of jury selection while eliminating or at least minimizing inconvenience to our citizen jurors. Delays, continuances, mistrials, or unnecessarily inconveniencing our citizens due to a failure to collaborate or share information are unacceptable.
- (8) If any judge determines during voir dire that a juror does not have an “adequate comprehension of English to serve fairly on the jury,”¹ and the judge so indicates on the returned juror card, the jury room must dismiss the juror and may not send the juror for use as part of another venire.
- (9) If a panel is not retrieved by the presiding judge within one hour of the time specified in paragraph 5 above, the panel shall be released back to the general jury pool. If the presiding judge thereafter determines that a panel is needed for that day, the presiding judge may request a panel pursuant to the “conflicts” provision of paragraph 12(E) hereinafter.
- (10) In the unusual case when a presiding judge needs to hold a panel of sworn jurors out of the courtroom for longer than one hour, the presiding judge may return the venire to the jury room for the comfort of the jurors.
- (11) In accordance with the Supreme Court Administrative Order, the Seventeenth Judicial Circuit establishes the following guidelines for “exempted” cases (complex, lengthy, or high profile cases and those requiring large venires):
 - (A) Whether a case is deemed “complex, lengthy, or high profile” shall be determined by the presiding judge of the trial.
 - (B) To preserve priority, any judge desiring a venire of 40 or more must submit the request in writing to the jury room on the approved form at least 30 days prior to the date needed.
 - (C) Except for capital cases, any judge needing a venire of 50 or more may empanel such a venire only on Wednesdays or Thursdays.
 - (D) Upon consultation between the presiding judge and the Chief Judge on a given case, the Chief Judge, upon consultation with the jury room, may exempt a given case from the requirements of subparagraphs 11(B) and (C) above.
- (12) Conflicts. In the event an insufficient number of venire are available on a day, the jury room is to provide venire to judges based on the following priority:
 - (A) speedy trials within the “window of recapture”;
 - (B) the judge who submitted the earlier request;
 - (C) trials involving persons in custody;
 - (D) trials involving witnesses from outside the tri-county area;
 - (E) the judge who failed to comply with paragraphs 5, 11(B), or 11(C).

¹ *Cook v. State*, 542 So.2d 964, 970 (Fla. 1989).

If the conflict is still not resolved based on this schedule of priorities, the jury room shall contact the Chief Judge to resolve the conflict.

(13) The guidelines and standards set forth herein shall be implemented immediately.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on February 14, 2008.

s/Victor Tobin
Victor Tobin, Chief Judge

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.