IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT IN AND FOR BREVARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: <u>12-22-B</u> SUPERSEDES 05-13-B

## IN RE: JURY – FAILURE TO APPEAR FOR JURY DUTY

WHEREAS, it is necessary for the Judicial Branch of Government to provide trials by jury in both civil and criminal cases as guaranteed by the Constitution of the United States of America, and the Constitution of the State of Florida.

WHEREAS, the Clerk of the Courts issues summons according to law to citizens selected for jury service during each scheduled trial period of the circuit and county courts;

WHEREAS, in the recent past, a significant percentage of citizens receiving summons failed to respond to the summons for various reasons and in the past, the summons have not been enforced.

WHERAS, the percentage of prospective jurors not responding to the summons has made it difficult to provide adequate jury pools for trials scheduled for the response period;

WHEREAS, Section 40.23(3), Florida Statutes provides for a fine and/or contempt of court penalties for failure to respond to a jury summons without sufficient excuse;

WHEREAS, it is deemed necessary to enforce jury summons to secure the right to a trial by jury to all our citizens in Brevard County.

IT IS ORDERED:

1. Commencing March 1, 2005, any prospective juror who has not been previously excused from service and who fails to report to the jury qualification location set out in the summons shall be issued an Order to Show Cause to appear before a judge to explain the reason why that person did not appear. Any person who is duly summoned to attend as a juror in any court and who fails to attend without any sufficient excuse may be required to pay a fine not to exceed \$100.00 as provided in Section 40.23(3), which fine may be imposed by the court and, in addition, such failure may be considered a contempt of court.

Those who appear shall be rescheduled for jury service at a later date. Persons failing to appear pursuant to the Order to Show Cause may also be fined as provided in Section

40.23(3). The amount of any fine will be discretionary with the trial judge. Further, those who fail to appear may be summoned to appear individually for a contempt of court sanction. Forms are attached which may be used as they now appear or may be modified by the judges at a judges meeting.

2. The Clerk of the Court shall provide the forms properly completed except for the amount of the fine in Orders of Contempt and shall promptly submit them for the judge to sign. The Clerk shall serve the Orders after being signed, on each Respondent by any means allowed by law to serve juror summons. The judge may issue orders vacating any order entered upon receiving information of an excuse sufficient to excuse the prospective jurors' attendance at the initial appearance date or at the Order to Show Cause hearing.

DONE AND ORDERED this 25th day of June, 2012.

## CHARLES ROBERTS CHARLES ROBERTS ACTING CHIEF JUDGE

Distribution: All Circuit and County Judges (Brevard County) Court Administration (Brevard and Seminole Counties) Clerk of Court (Brevard County) State Attorney (Brevard County) Public Defender (Brevard County) Sheriff (Brevard County) Bar Association (Brevard County) Law Library (Brevard County)

BREVARD COUNTY,	JRT, EIGHTEENTH JUDICIAL CIR FLORIDA URT, BREVARD COUNTY, FLORI		<b>CASE NUMBER</b> 05	-
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IN RE: JUROR SUMMO	INS			
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	, 20to show			
held in contempt of	this Court's Order (Summons) ar	id if in conter	npt, what sanctions or	punishment
should be imposed l	by the Court for your failure to ap	pear as autho	prized by Section 40.23	3(3), Florida
Statutes (2002). If	you fail to appear, you may be a	rrested for co	ntempt and/or a monet	ary penalty
imposed by the Cou	rt.			
DONE AND ORDERED BREVARD COUNTY,				DATE
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You,	You,	RE: JUROR	SUMMON	IS				
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