

2017 WL 727748
Supreme Court of Florida.

IN RE: AMENDMENTS TO the FLORIDA
RULES OF CIVIL PROCEDURE—FORM 1.983
(PROSPECTIVE JUROR QUESTIONNAIRE).

No. SC16–996

|
[February 23, 2017]

Original Proceeding—Florida Rules of Civil Procedure

Attorneys and Law Firms

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Jeffrey R. Smith, Vero Beach, Florida, Responding with Comments

PER CURIAM.

*1 The Court has for consideration amendments to [Florida Rule of Civil Procedure Form 1.983](#) (Prospective Juror Questionnaire) proposed by The Florida Bar's Civil Procedure Rules Committee (Committee).¹ The Board of Governors of The Florida Bar approved the Committee's proposals, which we adopt with the modifications and additional amendment explained below.

The more significant amendments proposed in the Committee's out-of-cycle report² add directions to the parties and to the court on the minimization of sensitive information on the prospective juror questionnaire, as required by [Florida Rule of Judicial Administration 2.425\(a\)\(2\)](#), and revise question 13 on the questionnaire to conform to [section 40.013\(4\), Florida Statutes \(2016\)](#),

which provides for the excusal of expectant mothers and certain parents, upon request. The Committee proposes additional amendments to the form in its response to a comment by Indian River County Clerk of Circuit Court and Comptroller Jeffrey R. Smith, who suggests several changes to the form. One of the Committee's additional proposals is intended to conform question 8 on the questionnaire with [section 40.013\(2\)\(b\), Florida Statutes \(2016\)](#), which provides for the excusal of full-time federal, state, or local law enforcement officers and such entities' investigative personnel. The Committee also proposes several amendments to the summons language under the signature line on the form, the most significant of which revises that language to reflect that the clerk of court, not the sheriff, summons jurors, consistent with [section 40.23\(1\), Florida Statutes \(2016\)](#).

After considering the Committee's report, the comment, and the response, we adopt the amendments to question 13 (expectant mothers and parents), the revisions to the summons language, and the grammatical and stylistic changes proposed by the Committee. However, we modify the proposed directions at the top of the form to direct “attorneys and pro se litigants” to redact the month and date of the prospective juror's birth before filing a copy of the form, consistent with [rule 2.425\(a\)\(2\)](#). See [In re Implementation of Comm. on Privacy & Court Records Recommendations](#), 78 So.3d 1045, 1049–50 (Fla. 2011) (explaining that [Florida Rule of Judicial Administration 2.425](#) provides the procedures for minimizing the amount of sensitive personal information included in documents being filed with the court and [Florida Rule of Judicial Administration 2.420](#) governs the procedures for determining the confidentiality of information after it has been filed, and recognizing that under [rule 2.425](#), it is the filer (attorney or pro se litigant) who must not file or must truncate or redact sensitive personal information listed in the rule before a document is filed with the court). We also modify the proposed amendments to question 8 (law enforcement officers and investigative personnel) consistent with [section 40.013\(2\)\(b\)](#), which allows full-time federal, state, or local law enforcement officers and such entities' investigative personnel, who otherwise would be excused from jury service, to “choose to serve.” Finally, we amend the note about the caption at the end of the form to reference the “authority charged by law with the selection of prospective jurors,” consistent with [Florida Rule of Civil Procedure 1.431\(a\)\(1\)](#), rather than the currently

referenced “jury-selecting authority such as ‘Board of County Commissioners of Leon County, Florida,’ or ‘Pinellas County Jury Commission.’ ” See §§ 40.001; 40.011, Fla. Stat. (2016) (providing that the clerk of the circuit court is responsible for the processing of jurors, including the qualifications and the generation of juror candidate lists).

*2 Accordingly, we amend the Florida Rules of Civil Procedure as set forth in the appendix to this opinion. New language is indicated by underscoring; deletions are indicated by struck-through type. The amendments shall become effective immediately upon the release of this opinion.

It is so ordered.

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, and POLSTON, JJ., concur.

LAWSON, J., did not participate.

Attachment

APPENDIX

FORM 1.983. PROSPECTIVE JUROR QUESTIONNAIRE

DIRECTIONS TO ATTORNEYS AND PRO SE LITIGANTS: Before you file a copy of this form, redact the month and date of the prospective juror's birth in question #3, but retain the year of birth. Fla. R. Jud. Admin. 2.425(a)(2).

QUESTIONNAIRE FOR PROSPECTIVE JURORS

1. Name (print)
 (first) (middle) (last)
2. Residence address
 (street and number)

 (city) (zip)
3. Date of birth
 Sex Occupation
4. Do you understand the English language?

 (yes) (no)
5. Do you read and write the English language?

 (yes) (no)
6. Have you ever been convicted of a crime(s) and not restored to your civil rights?

 (yes) (no)

If "yes," state the nature of the crime(s), the date of the conviction(s), and the name of the court(s) in which you were convicted.

7. Are there any criminal charges pending against you of which you are aware?

 (yes) (no)
 If "yes," state the nature of the charge(s) and the name of the court(s) in which the case(s) is pending.

8. Are you a bonded deputy sheriff? FULL-TIME LAW ENFORCEMENT OFFICERS AND LAW ENFORCEMENT INVESTIGATIVE PERSONNEL ONLY. Section 40.013(2)(b), Florida Statutes, provides that "[a]ny full-time federal, state, or local law enforcement officer or such entities' investigative personnel shall be excused from jury service unless such persons choose to serve." Do you choose to serve?

 (yes) (no)
9. List any official executive office you now hold with the federal, state, or county government.

10. Is your hearing good?
 (yes) (no)
 Is your eyesight good?
 (yes) (no)
 (The court may require a medical certificate.)
11. Do you have any other physical or mental disability that would interfere with your service as a juror?

 (yes) (no)
 If "yes," state the nature:
 (The court may require a medical certificate.)
12. Do you know of any reason(s) why you cannot serve as a juror?

 (yes) (no)
 If "yes," state the reason(s):
13. MOTHERS AND EXPECTANT MOTHERS AND PARENTS ONLY—Florida law provides that expectant mothers and mothers with children under 18 years of age residing with them shall be exempt from jury duty upon their request. Section 40.013(4), Florida Statutes, provides that "[a]ny expectant mother and any parent who is not employed full time and who has custody of a child under 6 years of age, upon request, shall be excused from jury service." Do you want to be exempt/excused under this provision?

 (yes) (no)
 If "yes," what are the ages of your children?

Signature

This is not a summons for jury duty. If your name is later drawn for jury service, you will be summoned by the sheriff/clerk of court by registered mail or in person.

NOTE: This form does not use a caption as shown in form 1.901. It may be headed with the designation of the jury selecting authority such as "Board of County Commissioners of Leon County, Florida," or "Pinellas County Jury Commission," authority charged by law with the selection of prospective jurors.

All Citations

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Footnotes

[1](#) We have jurisdiction. [See art. V, § 2\(a\), Fla. Const.](#)

[2](#) [See Fla. R. Jud. Admin. 2.140\(e\).](#)

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