

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR HERNANDO COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER NO. H-2002-19**

**ORDER PERTAINING TO JURY EXCUSALS  
AND DISQUALIFICATIONS**

In order to impartially and uniformly implement the letter and intent of Chapter 40, Florida Statutes, relating to persons disqualified or excused from jury service, the following guidelines and procedures are hereby set forth for Hernando County. The Jury Clerk for Hernando County is authorized and directed to strictly adhere to the provisions of this Order, and in so doing, shall be acting with the full authority of, and as an extension of, the Court. When jury venires are selected, disqualifications and excusals shall be handled as follows:

1. **LEGAL DISQUALIFICATIONS:** The Jury Clerk shall automatically excuse as legally disqualified to serve as a juror any person described below who provides appropriate proof of said disqualification:

- a. Non-residents of the State of Florida.
- b. Non-residents of the County of Hernando.
- c. Any person not a citizen of the United States.
- d. Any person under the age of eighteen (18) years.
- e. The Governor, Lieutenant Governor, any Cabinet Officer, Clerk of Court, or Judge.
- f. Any person who is under prosecution for any crime, or who has been convicted in this state, any federal court, or in any other state, territory or country, of bribery, forgery, perjury, larceny, or any other offense that is a felony in this state, or which, if it had been committed in this state, would be a felony, unless the person's civil rights have been restored.
- g. Any person interested in any issue to be tried therein, but no person shall be disqualified from sitting in the trial of any suit in which the state or any county or municipal corporation is a party by reason of the fact that such person is a resident or taxpayer within the state, county or municipal corporation.



2. MANDATORY EXCUSALS: The Jury Clerk shall automatically, upon request, excuse any person falling into the following categories, upon presentation of appropriate proof of that person's status:

a. Any expectant mother, and any parent who is not employed full time and who has custody of a child under six (6) years of age.

b. Any person 70 years of age or older.

c. Any person who is responsible for the care of a person who, because of mental illness, mental retardation, senility, or other physical or mental incapacity, is incapable of caring for himself.

d. Any full-time federal, state or local law enforcement officer, or such entities' investigative personnel, unless they choose to serve.

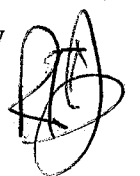
e. Any person who was summoned and reported as a prospective juror in any court in that person's county of residence within one year before the first day for which the person is being considered for jury service is exempt from jury service for one year from the last day of service.

3. DISCRETIONARY EXCUSALS: The Jury Clerk may, at the discretion and under the direction of the Court, and upon request, excuse any person falling into the following categories, upon presentation of appropriate proof of said status:

a. Practicing attorneys and practicing physicians.

b. A person who is physically infirm, except that no person shall be excused from service on a civil trial jury solely on the basis that the person is deaf or hearing impaired, if that person wishes to serve, unless the presiding judge makes a finding that consideration of the evidence to be presented requires auditory discrimination, or that the timely progression of the trial will be considerably affected thereby. Written confirmation by a physician of such condition will be required, or a letter or other evidence of such infirmity will be required if a physician's statement is not available.

c. Any person who can show that excusal from jury service is essential because of hardship, extreme inconvenience, or public necessity. Prospective jurors who request excusal from service because of hardship, extreme inconvenience or public necessity may be excused by the Jury Clerk only after consultation with the Administrative Judge for Hernando County.



4. **POSTPONEMENT OF JURY SERVICE:** The jury service of any person who has been summoned may be postponed by the Jury Clerk for a period not to exceed six (6) months upon written or oral request. The request may specify a date or period of time to which service is to be postponed and, if so, shall be given consideration when the assignment of the postponed date of jury service is made.

5. **RECORDS:** The Jury Clerk shall keep and maintain a record of all requests for jury excusals and disqualifications, the reason being given therefore, any documentation received in connection therewith, and the granting or denial of the request for disqualification or excusal, and shall retain such records for the appropriate time as required pursuant to the state records retention schedule.

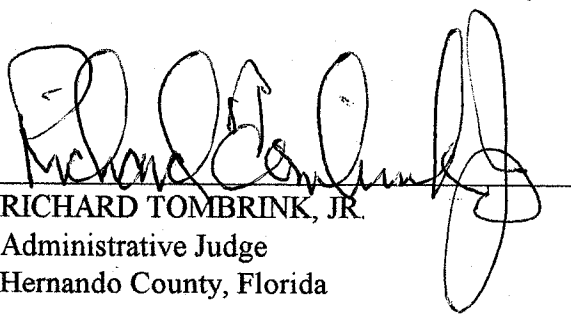
6. **EXEMPTIONS FROM MAILING:** The Jury Clerk shall not be required to summon or mail notices to the following persons, who shall be exempt from jury service in Hernando County:

- a. Persons with an address not in Hernando County.
- b. Any person on active duty military service.

7. **FAILURE TO RESPOND:** Any prospective juror who is summoned to attend as a juror in any court and who fails to attend without requesting excusal or disqualification as set forth above is subject to a fine and to the contempt powers of the Court, pursuant to the provisions of §40.23(3), Florida Statutes. The Clerk of the Court may, if desired, prepare a letter addressed to each such juror, requesting a written explanation for the failure to appear. If such letters are prepared, any responses that appear to be blatant attempts to avoid jury service or to thwart the system shall be forwarded to the Administrative Judge; and the Court shall thereafter take whatever action is appropriate, if any.

8. **APPLICATION:** This Order shall apply to prospective jurors for both Grand Jury and Petit Jury service. This Order shall take effect immediately, and shall supersede and replace A.O. H-96-8, dated February 13, 1996.

**DONE AND ORDERED** in Chambers in Brooksville, Hernando County, Florida, this 6<sup>th</sup> day of September, 2002.

  
RICHARD TOMBRINK, JR.  
Administrative Judge  
Hernando County, Florida