

Supreme Court of Florida

No. SC2024-0975

IN RE: AMENDMENTS TO FLORIDA RULES OF CIVIL PROCEDURE – 2024 LEGISLATION.

August 29, 2024

PER CURIAM.

In response to recent legislation, The Florida Bar’s Civil Procedure Rules Committee has filed a “fast-track” report proposing amendments to Florida Rule of Civil Procedure Form 1.983 (Prospective Juror Questionnaire).¹ The amendments reflect changes to section 40.013, Florida Statutes (2023), made by chapter 2024-122, Laws of Florida, which went into effect on July 1, 2024. *See* ch. 2024-122, §§ 1-2, Laws of Fla.

The Executive Committee of The Florida Bar’s Board of Governors unanimously approved the Committee’s proposal. The Committee did not publish its proposal before filing it with the

1. We have jurisdiction. *See* art. V, § 2(a), Fla. Const.; *see also* Fla. R. Gen. Prac. & Jud. Admin. 2.140(e).

Court. After considering the Committee’s proposal and the relevant legislation, we amend the Florida Rules of Civil Procedure as proposed by the Committee.

First, question 14 is added to Form 1.983 to address the exemption found in new section 40.013(12), Florida Statutes (2024). See ch. 2024-270, § 1, Laws of Fla. This new question asks potential jurors whether they want to be excused from jury service if they are a woman who has given birth within the 6 months before the reporting date on the jury summons.

Next, questions 15 and 16 are added to determine whether potential jurors wish to be excused from jury service because they are a caregiver as described in section 40.013(10), Florida Statutes (2024), or a full-time student between 18 and 21 years of age as described in section 40.013(11), Florida Statutes (2024). These amendments were proposed by the Committee after a full review of the statute after the most recent changes, though subsections (10) and (11) were not amended in the most recent legislative update.

Finally, question 11 is amended to add the phrase “mental illness, intellectual disability, senility, or other physical or mental incapacity.” This additional language is found in section 40.013(9),

Florida Statutes (2024), and clarifies what constitutes a physical or mental disability that would interfere with jury service. The statute also refers to a “written statement” from a doctor to support the claim, so the phrase “medical certificate” found in question 11 is replaced with “written statement from a physician.”

Accordingly, the Florida Rules of Civil Procedure are amended as reflected 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. Because the amendments were not published for comment prior to their adoption, interested persons shall have 75 days from the date of this opinion in which to file comments with the Court.²

2. All comments must be filed with the Court on or before November 12, 2024, with a certificate of service verifying that a copy has been served on the Committee Chair, Cosme Caballero, Deutsch Blumberg & Caballero, P.A., 100 Biscayne Boulevard, Suite 2802, Miami, FL 33132, ccaballero@deutschblumberg.com, and on the Bar Staff Liaison to the Committee, Heather Telfer, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, rules@floridabar.org, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. The Committee Chair has until December 3, 2024, to file a response to any comments filed with the Court. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal). If filed by a

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS, FRANCIS, and SASSO, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Civil Procedure

Cosme Caballero, Chair, Civil Procedure Rules Committee, Miami, Florida, Joshua E. Doyle, Executive Director, The Florida Bar, Tallahassee, Florida, and Heather Savage Telfer, Bar Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927.

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. Gen. Prac. & 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 and not restored to your civil rights?

.....
(yes) (no)

If "yes," state the nature of 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. 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 physical or mental disability (mental illness, intellectual disability, senility, or other physical or mental incapacity) that would interfere with your service as a juror?

.....
(yes) (no)

If "yes," state the nature:

.....

(The court may require a ~~medical certificate~~written statement from a physician.)

12. Do you know of any reason(s) why you cannot serve as a juror?

.....
(yes) (no)

If "yes," state the reason(s):

.....

.....

13. EXPECTANT MOTHERS AND PARENTS ONLY: Section 40.013(4), Florida Statutes, provides that "[a]ny expectant mother and 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 excused under this provision?

.....
(yes) (no)

If "yes," what are the ages of your children?

.....

14. NEW MOTHERS ONLY: Section 40.013(12), Florida Statutes, provides that "[a] woman who has given birth within the 6 months before the reporting date on a summons for jury service shall be excused upon request." Do you want to be excused under this provision?

.....
(yes) (no)

15. CAREGIVER: Section 40.013(10), Florida Statutes, provides that "[a]ny person who is responsible for the care of a person who, because of

mental illness, intellectual disability, senility, or other physical or mental incapacity, is incapable of caring for himself or herself shall be excused from jury service upon request.” Do you want to be excused under this provision?

.....
(yes)

.....
(no)

If “yes,” state the reason(s):

.....

16. FULL-TIME STUDENTS: Section 40.013(11), Florida Statutes, provides that “[u]pon request, a full-time student between 18 and 21 years of age, inclusive, who is attending high school or any state university, private postsecondary educational institution, Florida College System institution, or career center shall be excused from that specific summons for jury service.” Do you want to request to be excused under this provision?

.....
(yes)

.....
(no)

If “yes,” what is the name of your school?

.....

Signature

This is not a summons for jury duty. If your name is later drawn for jury service, you will be summoned by clerk of court by mail.

NOTE: This form does not use a caption as shown in form 1.901. It may be headed with the designation of the authority charged by law with the selection of prospective jurors.