

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 111 Jury Service  
**SPONSOR(S):** Combee and others  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 206

| <b>REFERENCE</b>              | <b>ACTION</b> | <b>ANALYST</b> | <b>STAFF DIRECTOR or BUDGET/POLICY CHIEF</b> |
|-------------------------------|---------------|----------------|----------------------------------------------|
| 1) Civil Justice Subcommittee | 13 Y, 0 N     | King           | Bond                                         |
| 2) Judiciary Committee        | 18 Y, 0 N     | King           | Havlicak                                     |

**SUMMARY ANALYSIS**

Clerks of the Court randomly select citizens to serve in a jury venire. Current law provides numerous grounds by which individuals called for jury duty can be exempt or excused from service.

This bill adds that individuals permanently incapable of caring for themselves can request a permanent exemption from jury duty by submitting a written statement from a doctor verifying the disability.

The bill does not appear to have a fiscal impact on state or local government.

The bill takes effect July 1, 2016.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

The County Clerks of Court select jury venires at random from a list provided to them by the Florida Department of Highway Safety and Motor Vehicles.<sup>1</sup> The list contains individuals who are legal residents of the county and possess either a valid Driver's License or Identification Card.<sup>2</sup> If an individual wishes to serve but is not on the list, that person can submit an affidavit to that effect and be added to the list of potential jurors.<sup>3</sup> An individual can be exempt, disqualified, or excused from jury service for a number of reasons.<sup>4</sup> Disqualified individuals cannot be selected for jury duty even if they wish to serve. They include:

- An individual who is currently being prosecuted for certain crimes.<sup>5</sup>
- An individual who is a convicted felon, unless they are restored to civil rights.<sup>6</sup>
- The Governor, Lieutenant Governor, a Cabinet officer, a clerk of court, and judges.<sup>7</sup>
- An individual who has an interest in the case.<sup>8</sup>

Individuals who have served in the past twelve months are exempt.<sup>9</sup>

Individuals who *must* be excused include:

- A person 70 years of age or older.<sup>10</sup>
- An expectant mother or parent who is not employed full time and who has custody of a child under 6 years of age.<sup>11</sup>
- A 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.<sup>12</sup>
- Full-time law enforcement officers.<sup>13</sup>

Persons who *may* be excused include:

- A practicing attorney, physician, or a person who is physically infirm.<sup>14</sup>
- A person showing hardship, extreme inconvenience, or public necessity.<sup>15</sup>

Currently, only individuals 70 years of age or older can request to be permanently excused.<sup>16</sup> The request must be in writing.<sup>17</sup> Individuals who are permanently excused can also request to be added back into the jury pool as long as they are otherwise qualified.<sup>18</sup>

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<sup>1</sup> ss. 40.02(1); 40.011(2), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> s. 40.011(3), F.S.

<sup>4</sup> s. 40.013, F.S.

<sup>5</sup> s. 40.013(1), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> s. 40.013(2)(a), F.S.

<sup>8</sup> s. 40.013(3), F.S.

<sup>9</sup> s. 40.013(7), F.S.

<sup>10</sup> s. 40.013(8), F.S.

<sup>11</sup> s. 40.013(4), F.S.

<sup>12</sup> s. 40.013(9), F.S.

<sup>13</sup> s. 40.013(2)(b), F.S.

<sup>14</sup> s. 40.013(5), F.S.

<sup>15</sup> s. 40.013(6), F.S.

<sup>16</sup> s. 40.013(8), F.S.

<sup>17</sup> *Id.*

## Effect of Proposed Changes

This bill creates a new exception that allows those who are permanently incapable of caring for themselves due to "mental illness, intellectual disability, senility, or other physical or mental incapacity" to be permanently excused. Such a person can apply to the clerk<sup>19</sup> for the exemption by submitting a letter from a physician verifying the permanent incapability.

### B. SECTION DIRECTORY:

Section 1 amends s. 40.013, F.S., regarding jury service.

Section 2 provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill does not appear to have any impact on state revenues.

#### 2. Expenditures:

The bill does not appear to have any impact on state expenditures.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

The bill does not appear to have any impact on local government revenues.

#### 2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have any direct economic impact on the private sector.

### D. FISCAL COMMENTS:

None.

## **III. COMMENTS**

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

#### 2. Other:

None.

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<sup>18</sup> *Id.*

<sup>19</sup> *see* s. 40.001, F.S.

**B. RULE-MAKING AUTHORITY:**

The bill does not appear to create a need for rulemaking or rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The language of the bill provides that a person *may* be permanently excused upon request. This gives the Clerk the discretion in making the ultimate decision. Compare this bill with the language in s. 40.013(8), F.S., which provides that an individual 70 years of age or older *shall* be permanently excused upon request.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.