

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #: HB 111

FINAL HOUSE FLOOR ACTION:

SPONSOR(S): Combee and others

117 Y's 0 N's

**COMPANION SB 206
BILLS:**

GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

HB 111 passed the House on February 24, 2016, and subsequently passed the Senate on March 2, 2016. The bill provides an exemption from jury service for certain individuals.

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 an individual who is permanently incapable of caring for himself or herself may 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 was approved by the Governor on March 10, 2016, ch. 2016-52, L.O.F., and will become effective on July 1, 2016.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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.¹ The list contains individuals who are legal residents of the county and possess either a valid Driver's License or Identification Card.² 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.³ An individual can be exempt, disqualified, or excused from jury service for a number of reasons.⁴ 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.⁵
- An individual who is a convicted felon, unless they are restored to civil rights.⁶
- The Governor, Lieutenant Governor, a Cabinet officer, a clerk of court, and judges.⁷
- An individual who has an interest in the case.⁸

Individuals who have served in the past twelve months are exempt.⁹

Individuals who *must* be excused include:

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

Persons who *may* be excused include:

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

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

¹ ss. 40.02(1); 40.011(2), F.S.

² ss. 40.01; 40.01 (2), F.S.

³ s. 40.011(3), F.S.

⁴ s. 40.013, F.S.

⁵ s. 40.013(1), F.S.

⁶ *Id.*

⁷ s. 40.013(2)(a), F.S.

⁸ s. 40.013(3), F.S.

⁹ s. 40.013(7), F.S.

¹⁰ s. 40.013(8), F.S.

¹¹ s. 40.013(4), F.S.

¹² s. 40.013(9), F.S.

¹³ s. 40.013(2)(b), F.S.

¹⁴ s. 40.013(5), F.S.

¹⁵ s. 40.013(6), F.S.

¹⁶ s. 40.013(8), F.S.

Effect of Changes

This bill creates a new exemption 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 from having to serve on a jury in the county. Such a person may apply to the clerk of the court for the exemption by submitting a letter from a physician verifying the permanent incapability.

Records of persons exempt from jury service are kept by the clerk of the court. Because clerks of court are independent of one another, the exemption will only apply in the county in which the individual applied, and thus a new application would be required should the individual move to a different county.

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.

¹⁷ *Id.*

¹⁸ *Id.*