

STORAGE NAME: h3419s1.cjc

DATE: March 7, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CIVIL JUSTICE AND CLAIMS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3419

RELATING TO: Jury Districts

SPONSOR(S): Rep. Minton

COMPANION BILL(S): SB 552 (Similar)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CIVIL JUSTICE & CLAIMS YEAS 8 NAYS 0
- (2) CRIMINAL JUSTICE APPROPRIATIONS
- (3)
- (4)
- (5)

I. SUMMARY:

CS/HB 3419 amends Section 40.015(1), F.S., to provide for an additional optional means of creating jury districts in judicial circuits containing only one county upon the request of the board of county commissioners to the chief judge of the judicial circuit. The board of county commissioners, in making such request, would be required to assume the capital and operational costs associated with the creation of the jury district.

There would be no fiscal impact to the state. There would be a fiscal impact to any county requesting the creation of a jury district under the provisions of this bill; however, the request is voluntary on the part of the board of county commissioners, and the actual costs are dependent upon the nature and extent of capital improvements and operational use of the facility.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

There are twenty judicial circuits in Florida. Five of the judicial circuits contain only one county: Dade (11th); Hillsborough (13th); Palm Beach (15th); Monroe (16th); and, Broward (17th).

Section 40.015(1), F.S., authorizes the chief judge of a judicial circuit, with the approval of a majority of the circuit court judges of that circuit, to create jury districts in any county with a population exceeding 50,000, and one or more locations in addition to the county seat at which the county court or circuit court sits and holds jury trials. Jury districts under the provisions of the statute have been typically created by administrative order issued by the chief judge. Three judicial circuits currently have jury districts. The Sixth Judicial Circuit has three jury districts in Pinellas County, created for Clearwater, St. Petersburg, and North Clearwater, and two jury districts in Pasco County created for Dade City and New Port Richey. The Sixteenth Judicial Circuit has three jury districts in Monroe County created for Plantation Key, Marathon, and Key West. The Eighteenth Judicial Circuit has three jury districts in Brevard County created for Melbourne, Titusville, and Viera.

The purpose of jury districts is to reduce substantial travel time and expenses for potential jurors in large counties. In 1989, the Florida Supreme Court upheld the constitutionality of section 40.015(1), F.S., but further held that a jury district created in Palm Beach County unconstitutionally excluded a significant portion of the county's minority population. Spencer v. State, 545 So. 2d 1352 (Fla. 1989). Section 40.015(2), F.S., now requires that in determining the boundaries of a jury district, the board shall avoid the exclusion of any cognizable group. The statute further provides that a jury district shall contain at least 6,000 registered voters. Effective January 1, 1998, potential jurors are to be selected from lists of eligible drivers provided to the clerks of the court by the Department of Highway Safety and Motor Vehicles. Section 40.011, F.S.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 3419 provides for an additional optional means of creating a jury district in a judicial circuit containing only one county. The bill provides that the board of county commissioners may request the chief judge of the judicial circuit to create a jury district for each additional courthouse location, so long as the board agrees to assume the capital and operational costs associated with the creation of the jury district. Upon the request of the board, the chief judge shall create the jury district, subject to the remaining requirements for setting the boundaries of the jury district as set forth in section 40.015(2), F.S. The bill also amends section 40.015(2), F.S., to state that each jury district must contain in excess of 6,000 licensed drivers which conforms the bill to current law which changed from registered voters to licensed drivers for selection of potential jurors, effective January 1, 1998.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill is optional in respect to allowing a county to assume the responsibility for creating an additional jury district.

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

A county electing to create a jury district assumes all costs associated with the jury district.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

The bill could assist persons called as potential jurors by saving travel time and expenses.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 40.015, F.S.

E. SECTION-BY-SECTION RESEARCH:

See Section B, above.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

A county may incur costs associated with capital improvements of courthouses at jury district locations.

2. Recurring Effects:

A county electing to create jury districts may incur recurring expenses in maintaining facilities for juries at jury district courthouse locations.

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

There are potential savings in travel time and expenses for potential jurors.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The provisions of HB 3419 are voluntary and do not require a county to assume any additional Article V costs.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

The bill allows more flexibility in resolving problems for potential jurors in large counties.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Civil Justice and Claims Committee adopted one conforming amendment reflecting the change to licensed drivers from registered voters for selection of potential jurors.

STORAGE NAME: h3419s1.cjc

DATE: March 7, 1998

PAGE 8

VII. SIGNATURES:

COMMITTEE ON CIVIL JUSTICE AND CLAIMS:

Prepared by:

Legislative Research Director:

Richard Hixson