

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 13, 1998 Revised: _____

Subject: Grand Juries

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Dugger</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 950 increases the maximum number of grand jurors from 18 to 21 persons. Thus, under the bill, just as the pool of grand jurors will be larger for purposes of maintaining the statutorily required quorum of 15, it will also be larger for purposes of obtaining the concurrence necessary for issuing an indictment (12).

This bill substantially amends the following section of the Florida Statutes: 905.01.

II. Present Situation:

Chapter 905, F.S., prescribes the powers and duties of grand juries and the statewide grand jury. Section 905.01, F.S., requires that the grand jury consist of at least 15, but no more than 18 persons. If a juror, for good cause, is not able to complete the term of the grand jury, the chief judge of any circuit court may provide for that juror's replacement.

The term of a grand jury coincides with the statutorily prescribed terms of each circuit court in ss. 26.22-26.365, F.S. Each circuit court is required to have at least two regular terms, generally fall and spring, in each county of the circuit every year. The terms of the grand juries in these circuits is about six months. Some circuits have a winter term as well, including the First Judicial Circuit and the Fifteenth Judicial Circuit. The grand juries in these circuits convene for four-month terms.

However, the term of a grand jury can be extended by the circuit court, upon petition of the state attorney or the grand jury foreperson, for a period of time not exceeding 90 days. This extension is only authorized for the express purpose of allowing the grand jury to conclude specified investigative matters which were started during the original term. s. 905.095, F.S.

Although the actual meeting schedule for a grand jury varies with each circuit, grand jurors in the Seventeenth Judicial Circuit, for example, usually meet for two days each week during the six-month term. It has been reported that because the maximum number of jurors is 18, only three jurors can be excused from service on a day-to-day basis without losing the required quorum of 15 members, which results in the grand jury session being postponed. Over an extended six-month term, it is not uncommon for grand jurors to request to be excused for such reasons as illness, job conflicts, or unexpected emergencies.

Although s. 905.01, F.S., requires the presence of 15 to 18 persons to convene a grand jury, s. 905.23, F.S., requires the concurrence of 12 grand jurors to issue an indictment.

III. Effect of Proposed Changes:

Senate Bill 950 increases the maximum number of grand jurors from 18 to 21 persons. The minimum number of persons serving on a grand jury remains at 15. By increasing the maximum number of grand jurors, it should make it easier to maintain the required quorum of 15 because more jurors can be temporarily excused without causing the grand jury to be postponed. Similarly, just as the pool of grand jurors will be larger for purposes of maintaining the required quorum, it will also be larger for purposes of obtaining the concurrence necessary for issuing an indictment (12 jurors).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Any fiscal impact resulting from additional costs of grand jury service for three more jurors will be minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
