

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Judiciary

BILL: CS/SB 760

INTRODUCER: Judiciary Committee and Senator Harrell

SUBJECT: Jury Service

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Farach	Cibula	JU	Fav/CS
2.			ED	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 760 allows a person who is 18 to 21 years of age to be excused from jury service upon request if the person is actively enrolled as a full-time student in high school or at a Florida College System institution, state university, private postsecondary educational institution, or career center.

The bill takes effect July 1, 2019.

II. Present Situation:

Background on Jury Selection

Potential jurors are selected randomly from a list of names provided quarterly to the clerk of the circuit court by the Florida Department of Highway Safety and Motor Vehicles.¹ Jurors must be 18 years of age or older, citizens of the United States, and legal residents of Florida and their respective counties, and have a driver license or identification card record on file with the DHSMV.²

There are two ways in which a juror venire or pool may be selected. In the first, a clerk of court may use the names provided by the DHSMV to generate juror candidate lists as necessary to

¹ Section 40.011, F.S.

² Section 40.01, F.S.

ensure a valid and consistent juror selection process.³ In the second, the chief judge of a circuit court or the clerk of the court may request that the Florida Supreme Court approve the use of an automated electronic system as the exclusive manner in which the names of prospective jurors are randomly selected.⁴ A person who is selected for jury service who does not attend court when summoned may be fined up to \$100 and his or her absence may be considered a contempt of the court.⁵

Disqualification or Excusal from Jury Service

Some persons who otherwise satisfy the basic qualifications for jury service such as the age, residency, and citizenship may be statutorily disqualified from jury service. Others must be excused from service upon request, and still others may be excused at the discretion of a judge.

Persons disqualified from jury selection include:

- A person who is under prosecution for a crime or has committed a felony, unless that person's civil rights have been restored;⁶
- The Governor, Lieutenant Governor, Cabinet officer, clerk of court, or judge;⁷
- Any person interested in any issue to be tried;⁸
- Any person who, because of mental illness, intellectual disability, senility, or other physical or mental incapacity, is permanently incapable of caring for himself or herself;⁹
- Any 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;¹⁰ and
- Any person who does not possess sufficient knowledge of reading, writing, or arithmetic to understand a civil case, if the civil case requires such knowledge.¹¹

Persons who must be excused upon request include:

- Any full-time federal, state, local law enforcement officer, or investigative personnel, unless such persons choose to serve;¹²
- A person who was summoned and who reported as a prospective juror in any court in that person's county of residence within 1 year before the first day for which the person is being considered for jury service;¹³
- Any expectant mother and any parent who is not employed full time and who has custody of a child under 6 years of age;¹⁴ and

³ Section 40.011, F.S.

⁴ Section 40.225, F.S.

⁵ Section 40.23, F.S.

⁶ Section 40.013(1), F.S.

⁷ Section 40.013(2)(a), F.S.

⁸ Section 40.013(3), F.S.

⁹ Section 40.013(9), F.

¹⁰ Section 40.013(10), F.S.

¹¹ Fla. R. Civ. P. 1.431(c)(3).

¹² Section 40.013(2)(b), F.S.

¹³ Section 40.013(7), F.S. Similarly, rule 1.431(c)(3), provides that a party may challenge a prospective juror for cause if that person has served as a juror in the court in which the person was called within the prior year.

¹⁴ Section 40.013(4), F.S.

- A person 70 years of age or older.¹⁵ A person 70 years of age or older may also be permanently excused from jury service upon written request; however, a person who is permanently excused from jury service may subsequently request, in writing, to be included in future jury lists.¹⁶

Persons who may be excused include:

- A practicing attorney, a practicing physician, or a person who is physically infirm from jury service;¹⁷ and
- A person showing of hardship, extreme inconvenience, or public necessity.¹⁸

Students Selected for Jury Service

Selection for jury service is based upon the person's county of residence as it is listed on his or her driver's license.¹⁹ Many students attend college or a university outside of their county of residence, or request to postpone their jury summons due to fear of falling behind in classes. The Florida Statutes presently allow a person to request excusal on the basis of being a full-time student; although, jurors have the option of postponing their service. A person may postpone his or her jury summons, but for no longer than 6 months after the original summoning date.²⁰ Many Florida courts require that full-time students specify the date of their institution's next break when postponing a summons.

Some states, such as Georgia²¹ and North Carolina,²² currently excuse full-time students from jury selection. Other states may extend the postponement period but do not permit excusal on the basis of being a student.

III. Effect of Proposed Changes:

SB 760 allows a person who is 18 to 21 years of age to be excused from jury service upon request if the person is actively enrolled as a full-time student in high school or at a Florida College System institution, state university, private postsecondary educational institution, or career center.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁵ Section 40.013(8), F.S.

¹⁶ *Id.*

¹⁷ Section 40.013(5), F.S.

¹⁸ Section 40.013(6), F.S.

¹⁹ Section 40.01, F.S.

²⁰ Section 40.23, F.S.

²¹ Ga. Code § 15-12-1.1 (2014)

²² N.C. Gen. Stat. § 9-6 (b)(1)

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The language of the bill specifies that only students aged 18 to 21 may be excused from jury service. However, some full-time students or graduate students may be older than 21. As such, the Legislature may wish to eliminate the age restrictions on a full-time student who may be excused from jury service.

VIII. Statutes Affected:

This bill substantially amends section 40.013 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on April 1, 2019:

The committee substitute changes the order of the school types listed in the bill.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
