

**STORAGE NAME:** h3271.cjc

**DATE:** March 12, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON**

**BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3271

**RELATING TO:** Grand Juries

**SPONSOR(S):** Representative Lippman

**COMPANION BILL(S):** SB 950 by Senator Campbell

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

- (1) Civil Justice & Claims YEAS 7 NAYS 0
  - (2) Crime & Punishment
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

HB 3271 amends s. 905.01(1), F.S. to increase the maximum number of persons serving on a grand jury from 18 to 21 grand jurors. The bill also makes a technical, grammatical change to the statute.

The bill has a minimal fiscal impact resulting from compensation paid to the additional grand jurors.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 905.01(1), F.S. provides that a grand jury shall consist of not fewer than 15 persons and not more than 18 persons. Section 905.23, F.S. provides that an indictment shall not be found without the concurrence of 12 grand jurors. Grand jurors are subject to the same qualifications as petit jurors, and selected in the same manner. Section 40.013, F.S. Grand jurors are also compensated in the same manner as petit jurors. Section 40.24, F.S. An elected public official is not eligible to serve as a member of a grand jury. Section 905.01(1), F.S. State attorneys have reported difficulties in convening grand juries at times due to absences and excusals of grand jurors.

B. EFFECT OF PROPOSED CHANGES:

HB 3271 amends s. 905.01(1), F.S. to increase the maximum number of grand jurors from 18 to 21 persons. The bill also makes a grammatical correction to the provision disqualifying elected public officials. The bill does not change the requirement that 12 grand jurors must concur for finding an indictment.

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?

N/A

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

N/A

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

N/A

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?

N/A

4. Individual Freedom:

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

N/A

- 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:

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(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 905.01(1), F.S.

E. SECTION-BY-SECTION RESEARCH:

See Section II, 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:

Section 40.24, F.S. provides that jurors who are regularly employed and continue to receive regular wages shall not be entitled to juror compensation for the first three days of service. Jurors who are not employed, or who are employed but not compensated for jury service receive \$15 per day for the first three days of service. Each juror who serves more than three days receives \$30 per day for each day of service in excess of three days. Jurors do not receive additional reimbursement for travel or other out-of-pocket expenses. Section 40.24(5), F.S. The increase of the maximum number of grand jurors from 18 to 21 will have a minimal fiscal impact for the additional costs of juror service. The amount will be dependent on the number of days in which a grand jury is convened.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

Minimal and indeterminate, see section III, A 2., above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

See Secion III, A 2., above.

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

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

N/A

V. COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON :

Prepared by:

Legislative Research Director:

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Richard Hixson

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