

STORAGE NAME: h0377s1.flc

DATE: April 8, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
FAMILY LAW AND CHILDREN
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 377

RELATING TO: Juries

SPONSOR(S): Committee on Family Law and Children and Representative Bronson

STATUTE(S) AFFECTED: Sections 40.24 F.S. and 40.013 F.S.

COMPANION BILL(S): S 172 (S)

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

(1) FAMILY LAW AND CHILDREN YEAS 5 NAYS 0

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I. SUMMARY:

This bill allows each judicial circuit to permit jurors to donate their compensation to a non-profit organization specified by the certified guardian ad litem program or to a domestic violence shelter in the circuit for the juror's county of residence as enumerated by the clerk. If the compensation is donated to an organization specified by the guardian ad litem program, it must be expended on services for children for whom guardians ad litem have been appointed.

This bill prohibits using any donations received through action of the bill to reduce or offset the amount of compensation that the guardian ad litem program or domestic violence shelter would otherwise receive from the state.

The bill provides for the duties of the clerk of the court and guidelines regarding the expenditures of any donated money.

The bill will allow persons 70 years of age or older to be permanently excused from jury duty upon written request. The bill provides that such persons may subsequently be included in future jury lists upon written request.

The bill provides an effective date of October 1, 1997.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 40.24 F.S. provides for the compensation of jurors. Jurors who are regularly employed and who continue to receive regular wages while serving as a juror are not entitled to receive compensation for the first three days of juror service. Jurors who are not regularly employed or who do not continue to receive regular wages while serving as a juror are entitled to receive \$15 per day for the first three days of juror service. Any juror who serves more than three days is entitled to \$30 per day for the fourth day and for each subsequent day of service. Jurors are not reimbursed for travel or other out-of-pocket expenses.

A guardian ad litem is a person appointed by the court to act as a representative of a child and in the best interest of the child, in certain civil and criminal proceedings. Guardians ad litem may be appointed under Chapter 61 (Dissolution of Marriage; Support; Custody), Chapter 415 (Protection from Abuse; Neglect; and Exploitation), and Chapter 914 (Witness; Criminal Proceedings).

Guardian ad litem programs are currently funded through general revenue at both the state and county level. In some communities, non-profit corporations are set up, pursuant to 26 U.S.C. 501(c)(3), by volunteers for the purpose of fundraising. These corporations collect funds privately that are used for the benefit of children in the guardian ad litem program for such things as hearing aids, boy scout dues, and counseling. However, these organizations also receive a portion of the money paid to The Florida Bar by attorneys who wish to provide payment in lieu of doing pro bono representation. These funds from the Florida Bar must be used for legal services only.

Under section 40.01, jurors are chosen from "the male and female persons at least 18 years of age who are citizens of this state and who are registered electors of their respective counties." However, section 40.013 requires that, upon request, persons 70 years of age or older be excused from jury service. This request must be repeated each time the juror is summoned for duty.

B. EFFECT OF PROPOSED CHANGES:

This bill will authorize each judicial circuit to permit jurors to donate their jury service fee, upon conclusion of juror service, to a non-profit organization specified by the certified guardian ad litem program or to a domestic violence shelter in the circuit for the juror's county of residence as enumerated by the clerk. In circuits that elect to allow jurors to donate their fees, the clerk of court will be required to ensure that all jurors are given written notice of this option at the conclusion of the jury service.

Any guardian ad litem program receiving donations of juror compensation will be required to expend the money on services for children for whom guardians ad litem have been appointed. The bill does not specify how the funds must be used by domestic violence shelters. The funds collected through such juror donations may not be used to reduce or offset the amount of compensation that the programs would otherwise receive from the state.

The bill will allow persons 70 years of age or older to be permanently excused from jury duty upon written request. The bill provides that such persons may subsequently be included in future jury lists upon written request.

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?

In circuits that elect to allow jurors to donate, the clerk of court will have to develop administrative procedures for implementing the plan. The clerk will be responsible for accounting for and reporting on the amounts donated. The clerk will also be responsible for ensuring that the amounts donated are forwarded to the appropriate recipient. The clerk will be required to provide jurors who chose to donate with a list of domestic violence shelters in the circuit for the juror's county of residence.

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

In circuits that elect to allow jurors to donate, non-profit organizations designated by certified guardian ad litem programs and domestic violence shelters would be entitled to receive jury fees specifically donated to them by jurors. However, no juror would be required to donate the jury compensation and no circuit would be required to adopt the donation program.

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?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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

The costs of implementing and operating this legislation are insignificant. However, the beneficiaries, Guardian Ad Litem programs and domestic violence shelters, pay nothing towards these costs.

4. Individual Freedom:

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:

- (1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION RESEARCH:

Section 1. Amends section 40.24 to provide that persons 70 years of age or older may be permanently excused from jury service upon request. Authorizes such excused persons to be included in future jury lists upon written request if they otherwise meet the qualifications for jury service.

Section 2. Amends section 40.013 to provide that in circuits which elect to allow jurors to donate their jury service fee upon conclusion of juror service, each juror may irrevocably donate all of the juror's compensation to a non-profit organization specified by the certified guardian ad litem program or a domestic violence shelter in the circuit for the juror's county of residence as enumerated by the clerk. Prohibits the funds collected pursuant to this section from being used to reduce or offset the amount of compensation which the guardian ad litem program would otherwise receive from the state. Requires the clerk of the court to ensure that, upon conclusion of service, all jurors are given written notice that they have the option to donate their compensation, and that the applicable program specified by the guardian ad litem program or the domestic violence shelter receives all funds donated by the jurors. Requires guardian ad litem programs that receive juror donations to expend the moneys on services for children for whom guardians ad litem have been appointed.

Section 3. Provides an effective date of October 1, 1997.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Unknown.

2. Recurring Effects:

Unknown.

3. Long Run Effects Other Than Normal Growth:

Unknown.

4. Total Revenues and Expenditures:

According to the State Courts Administrator's office, a total of 231,885 jurors were compensated for jury service in FY 1995-96, for a total payment of \$4,809,255.

191,151 of these jurors were paid the initial \$15 daily jury compensation in FY 1995-96, for total expenditures of \$2,867,295. Jurors are eligible to receive the \$15 daily compensation during the first three days of jury service if they are not regularly employed or do not continue to receive regular wages while serving jury duty.

Only 40,732 jurors were paid the subsequent \$30 compensation, for total expenditures of \$1,221,960. All jurors who serve more than 3 days are entitled to receive the \$30 daily compensation on the fourth day of jury service.

No information is available as to how many of the 20 judicial circuits will choose to make the system available or as to how many jurors will choose to donate their compensation if allowed to do so.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Unknown.

2. Recurring Effects:

Unknown.

3. Long Run Effects Other Than Normal Growth:

Unknown.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

D. FISCAL COMMENTS:

None

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Three amendments were adopted by the Committee on Family Law and Children on April 4, 1997, and enrolled into the committee substitute for House Bill 377.

Amendment #1: Amends section 40.013 F.S. to allow a person 70 years of age or older to be permanently excused from jury service upon written request. Provides that such excused persons may be included in future jury lists upon written requests if they continue to meet the statutory juror qualifications.

Amendment #2: Adds that the clerk must provide jurors notice of the opportunity to donate juror compensation "at the conclusion of their service."

Amendment #3: Adds that domestic violence shelters shall be "enumerated by the clerk."

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VII. SIGNATURES:

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