

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 7095      PCB JDC 16-01      Juror Costs  
**SPONSOR(S):** Appropriations Committee; Judiciary Committee, Metz  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Judiciary Committee	18 Y, 0 N	Aziz	Havlicak
1) Appropriations Committee	22 Y, 0 N, As CS	McAuliffe	Leznoff

### SUMMARY ANALYSIS

Prior to 2008, state general revenue funds were used to pay juror and witness payments, as well as juror meals and lodging. Each clerk of court prepared quarterly estimates of the needed funds for the Office of State Courts Administrator. Based on these estimates, state funding was distributed to each clerk of courts. In 2008, the Legislature amended the law to require the clerk of the courts to pay those costs.

This bill would transfer the costs of juror payments, juror meals and lodging, and related personnel costs back to the state. This bill provides that each clerk of court and the Clerks of Court Operations Corporation will prepare quarterly estimates of the needed funds for the Justice Administrative Commission and, based on these estimates, state funding will be distributed to each clerk of courts.

The bill provides guidance for paying prorated shares to counties in the event that the appropriation is insufficient.

The estimated cost of juror payments, juror meals and lodging, and juror related personnel costs for Fiscal Year 2016-2017 is \$11.7 million. This bill will have an annual negative impact on general revenue funds in that amount. The states' clerk of the courts will see a recurring decrease in expenditures in that amount. The necessary appropriation to the Justice Administrative Commission will be included in the FY 2016-17 House proposed General Appropriation Act.

The bill provides an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

In 1998, Florida voters approved Revision 7 to Article V of the State Constitution, which required the state to pay certain costs in the judicial system that had previously been county responsibilities. These changes were effective July 1, 2004. To that end, the Legislature defined the elements of the state courts system and assigned funding responsibilities to the state and local governments. State government began paying additional operational costs such as court appointed counsel. County governments continued to pay for facilities, communications, and security for the court system entities. The constitutional amendment also required the 67 county clerks of court to fund their offices using revenues derived from service charges, court costs, filing fees and fines assessed in civil and criminal proceedings. In 2004, s. 28.35, F.S., was amended to require the clerks to pay the payment of jurors and witnesses and the processing of jurors.<sup>1</sup> In 2008, the statute was amended to clarify that the clerks were responsible for paying for juror meals and lodging as well as juror and witness payments.<sup>2</sup>

Prior to 2008, state general revenue funds were used to pay juror and witness payments, as well as juror meals and lodging. Each clerk of court prepared quarterly estimates of the needed funds for the Office of State Courts Administrator. Based on these estimates, state funding was distributed to each clerk of courts. In 2008, the Legislature amended the law to require the clerk of the courts to pay those costs from filing fees, service charges, court costs and fines.<sup>3</sup>

Section 28.35, F.S., currently authorizes the clerks to pay for juror meals and lodging as well as juror and witness payments from filing fees, service charges, costs and fines. Chapter 40, F.S, provides for the management and operations of the state jury system. The chapter specifies that the clerk of the court is responsible for paying for juror payments and meals and lodging.

##### **Effect of the Bill**

This bill would transfer the responsibility for the costs of juror payments, juror meals and lodging, and related personnel costs back to the state.

This bill amends s. 28.35, F.S., to remove the authorization of the clerks to pay for juror payments and meals and lodging from filing fees, service charges, costs and fines. The bill amends s. 40.29, F.S., to provide that each clerk of court will prepare quarterly estimates of the funds needed to compensate jurors for payments and meals and lodging for the Justice Administrative Commission and, based on these estimates, state funding will be distributed to each clerk of courts. The Clerks of Court Operations Corporation will prepare quarterly estimates of the funds needed to compensate for jury related personnel costs.

The bill also amends s. 40.31, F.S., to provide that if the amount of the appropriation is not sufficient to fund such jury costs during the fiscal year, the Justice Administrative Commission may apportion the funds to the clerks and any deficit would be paid by warrant. Likewise, in a deficit situation the clerks would pay jurors by certificate of the amount of compensation still due. This procedure mirrors current law in respect to witness payments. Sections 40.24, 40.32, 40.33, and 40.34, F.S., are amended to conform to the provisions of the bill.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 28.35, F.S., relating to the Clerks of Court Operations Corporation.

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<sup>1</sup> Ch. 2004-265, Laws of Fla.

<sup>2</sup> Ch. 2008-111, Laws of Fla.

<sup>3</sup> *Id.*

Section 2. Amends s. 40.24, F.S., relating to the clerk's compensation and reimbursement policy.

Section 3. Amends s. 40.29, F.S., relating to payment of due process costs.

Section 4. Amends s. 40.31, F.S., relating to the Justice Administrative Commission.

Section 5. Amends s. 40.32, F.S., relating to payments to jurors and witnesses.

Section 6. Amends s. 40.33, F.S., relating to deficiency of funds for payment.

Section 7. Amends s. 40.34, F.S., relating to clerk's payroll.

Section 8. Provides and effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

This bill does not appear to have any impact on state revenues.

#### **2. Expenditures:**

The estimated cost of juror payments, juror meals and lodging and juror related personnel costs for Fiscal Year 2016-2017 is \$11.7 million. This bill will have an annual negative impact on general revenue funds in that amount. The necessary appropriation to the Justice Administrative Commission will be included in the FY 2016-17 House proposed General Appropriation Act.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

This bill does not appear to have any impact on local government revenues.

#### **2. Expenditures:**

The estimated cost of juror payments, juror meals and lodging, and juror related personnel costs for Fiscal Year 2016-2017 is \$11.7 million. The states' clerk of the courts will see a recurring decrease in expenditures in that amount.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

#### **1. Applicability of Municipality/County Mandates Provision:**

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill does not appear to create the need for rulemaking or rulemaking authority.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On February 9, 2016, the House Appropriations Committee adopted one amendment to the bill and one technical amendment to that amendment. The amendment clarifies the jury related personnel costs will be paid by the state and that the Clerks of Court Operations Corporation will forward to the Justice Administrative Commission a quarterly estimate of jury related personnel costs necessary to pay each clerk of the circuit court personnel costs related to jury management.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute.