

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: SB 738

INTRODUCER: Senator Harrell

SUBJECT: Jury Service

DATE: December 9, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ravelo	Cibula	JU	Pre-meeting
2.			ED	
3.			RC	

I. Summary:

The bill allows students who are 18 to 21 years of age to be excused from jury service upon request if they are enrolled as a full-time student at a high school, state university, private post-secondary educational institution, Florida College Institution, or career center.

The bill does not affect jury service for those students older than 21 years of age.

The bill takes effect July 1, 2020.

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 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

¹ Section 40.011, F.S.

² Section 40.01, F.S.

³ Section 40.011, F.S.

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

The Legislature has adopted a “one day” or “one trial” rule for jury service, where a prospective juror must either participate in one trial or one day of initial reporting for jury service.⁶ Generally, the average trial lasts about 3 days.⁷

Disqualification or Excusal from Jury Service

Certain individuals may be disqualified from jury service based on Florida law. Others must be excused from service upon request, and still others may be excused at the discretion of a judge.⁸

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;⁹
- The Governor, Lieutenant Governor, Cabinet officer, clerk of court, or judge;¹⁰
- Any person interested in any issue to be tried;¹¹
- 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;¹²
- 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;¹³ 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.¹⁴

Individuals 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;¹⁵
- 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;¹⁶

⁴ Section 40.225, F.S.

⁵ Section 40.23, F.S.

⁶ Section 40.41, F.S.

⁷ The Florida Bar, *Consumer Pamphlet: Handbook for Jurors*, <https://www.floridabar.org/public/consumer/pamphlet016/> (last visited Nov 25, 2019).

⁸ [Fla. R. Crim. P. 3.300](#)

⁹ Section 40.013(1), F.S.

¹⁰ Section 40.013(2)(a), F.S.

¹¹ Section 40.013(3), F.S.

¹² Section 40.013(9), F.

¹³ Section 40.013(10), F.S.

¹⁴ Fla. R. Civ. P. 1.431(c)(3).

¹⁵ Section 40.013(2)(b), F.S.

¹⁶ 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.

- Any expectant mother and any parent who is not employed full time and who has custody of a child under 6 years of age;¹⁷ and
- A person 70 years of age or older.¹⁸

Persons who may be excused include:

- A practicing attorney, a practicing physician, or a person who is physically infirm from jury service;¹⁹ and
- A person showing of hardship, extreme inconvenience, or public necessity.²⁰

Demographics of Students

Nationally, about 39 percent of College and University students are enrolled part time, and 37 percent of students are 25 years of age or older.²¹ In the fall of 2015, 35 percent of Florida's public college students were enrolled full-time and the average age of the students was 25 years of age.²²

Each state university in Florida publishes its own student body statistics.²³ Florida State University students, for example, have an average age of 22.6, and 18 percent were enrolled part time in 2018. For that same year, the average graduate student at Florida State was 29.3 years of age.²⁴ At the University of Central Florida, 22 percent of students are older than 25 years of age, and the average age is 22.²⁵

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.²⁶ Many students attend college or a university outside of their county of residence and may request to postpone their jury summons due to their academic requirements. Florida law allows a person to request excusal on the basis of being a student; although, it is at the discretion of the Judge. A person may postpone his or her jury summons, but for no longer than 6 months after the original summoning date.²⁷

¹⁷ Section 40.013(4), F.S.

¹⁸ Section 40.013(8), F.S. 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.

¹⁹ *Id.*

²⁰ Section 40.013(6), F.S.

²¹ National Center for Education Statistics, *Back to school statistics*, <https://nces.ed.gov/fastfacts/display.asp?id=372> (last visited Nov 25, 2019).

²² Florida Department of Education, *Facts at a Glance*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/facts-at-a-glance.shtml> (last visited Nov 26, 2019).

²³ State University System of Florida, *University Fact Books*, <https://www.flbog.edu/universities/key-university-info/university-fact-books/> (last visited Nov 26, 2019).

²⁴ Office of Institutional Research - Florida State University, *2018-2019 Fact Book*, <https://www.ir.fsu.edu/factbook.aspx> (last visited Nov 26, 2019).

²⁵ University of Central Florida, *UCF Facts 2019-2020*, <https://www.ucf.edu/about-ucf/facts/> (last visited Nov 25, 2019).

²⁶ Section 40.01, F.S.

²⁷ Section 40.23, F.S.

Some states, such as, Georgia²⁸ North Carolina,²⁹ Michigan,³⁰ and South Carolina³¹ currently excuse students from jury selection during the period of time that the student is enrolled and taking classes or exams. Georgia, however, only excuses students who are enrolled out of the state. Texas allows students of public or private post-secondary institutions to be excused, without any age or full-time status requirement.³²

III. Effect of Proposed Changes:

The bill allows students who are 18 to 21 years of age to be excused from jury service upon request if they are enrolled as a full-time student at a high school, state university, private post-secondary educational institution, Florida College Institution, or career center.

The bill does not affect jury service for those students older than 21 years of age.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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.

²⁸ Ga. Code § 15-12-1.1 (2014)

²⁹ N.C. Gen. Stat. § 9-6 (b)(1)

³⁰ MSA § 600.1335

³¹ SC Code Ann. §14-7-845

³² Tex. Gov. Code § 62.106

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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.)

None.

B. Amendments:

None.