

By Senator Jones

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1 A bill to be entitled
2 An act relating to post-trial counseling services for
3 jurors; creating s. 40.61, F.S.; creating a post-trial
4 counseling program for jurors in each judicial
5 circuit; providing the program's purpose; requiring
6 the Office of the State Courts Administrator to
7 provide administrative support for the program;
8 requiring the chief judge of the circuit to administer
9 the program and, in consultation with the Department
10 of Children and Families, take specified actions;
11 requiring the judicial circuit to provide a specified
12 number of counseling sessions at no charge to a juror
13 under certain circumstances; authorizing the judicial
14 circuit to provide a specified number of counseling
15 sessions at no charge to jurors under specified
16 circumstances; authorizing judges to extend jury
17 service for a specified administrative purpose if a
18 juror requests counseling before the conclusion of a
19 trial; providing that certain protections available to
20 a juror during a trial apply during an administrative
21 extension; prohibiting a clerk of the court from
22 releasing the name of a juror who requests post-trial
23 counseling services; providing that a juror who
24 requests post-trial counseling services within a
25 specified timeframe after the conclusion of a trial
26 must be offered a referral to specified providers;
27 requiring the judicial circuits to annually submit, by
28 a specified date, a certain report to the Department
29 of Children and Families; providing an effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

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33 Section 1. Section 40.61, Florida Statutes, is created to
34 read:

35 40.61 Post-trial juror counseling program.—

36 (1) A post-trial juror counseling program is created within
37 each judicial circuit to provide post-trial counseling services
38 to jurors who served in a trial in which a reasonable person
39 would likely experience trauma or distress due to the gravity of
40 the offense or the subject matter. The Office of the State
41 Courts Administrator shall provide administrative support for
42 the program.

43 (2) The chief judge of the circuit shall administer the
44 program and, in consultation with the Department of Children and
45 Families, shall do all of the following:

46 (a) Identify those trials, as described in subsection (1),
47 after which a juror may need counseling services. At a minimum,
48 post-trial counseling services must be offered to jurors who
49 served or were impaneled for a trial relating to:

- 50 1. The killing or attempted killing of another human being.
51 2. Sexual misconduct or offenses.
52 3. The neglect, abuse, or endangerment of minors.

53 (b) Require judges in the circuit to inform jurors of the
54 availability of the program.

55 (c) Make available post-trial counseling services for
56 jurors through a community mental health center or clinic as
57 defined in s. 394.455. Such counseling may be offered through a
58 telehealth provider as defined in s. 456.47.

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59 (3) (a) The judicial circuit shall provide six post-trial
60 counseling sessions at no charge to a juror who requests such
61 counseling before the conclusion of the trial pursuant to
62 paragraph (4) (a).

63 (b) The judicial circuit may provide six post-trial
64 counseling sessions at no charge to a juror who requests such
65 counseling after the conclusion of a trial, but within the 6
66 months after the trial pursuant to paragraph (4) (b).

67 (4) (a) 1. If a judge presides over a trial for which post-
68 trial counseling services are required to be offered and a
69 selected or impaneled juror requests post-trial counseling
70 services before the conclusion of the trial, the judge must
71 extend the jury's service for administrative purposes to
72 accommodate any juror who requests counseling. The extension
73 must provide enough time to allow jurors to seek six counseling
74 sessions.

75 2. The same protections that apply to jurors during a trial
76 apply during an administrative extension.

77 3. The clerk of the court may not release the name of a
78 juror who requests post-trial counseling services.

79 (b) If a juror does not request post-trial counseling
80 services before the conclusion of a trial for which post-trial
81 counseling services are required to be offered, but requests
82 such services within 6 months after such trial concludes, the
83 judicial circuit must offer a referral to the juror for
84 counseling services through a provider who is licensed to
85 provide such services and who has an existing relationship with
86 the Department of Children and Families.

87 (5) By December 31, 2024, and annually by each December 31

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88 thereafter, each judicial circuit shall submit a report to the
89 Department of Children and Families which, at a minimum,
90 includes the number of jurors who requested post-trial
91 counseling services, whether each such juror made the request
92 before or after the conclusion of a trial, the amount of
93 sessions provided in each instance, and the costs incurred by
94 the judicial circuit in connection with the services offered.

95 Section 2. This act shall take effect July 1, 2024.