



BETTER JUSTICE FOR FLORIDA

Stopping Poverty from Being a Crime

Background

The inability to pay fines, court fees, and costs associated with various infractions pushes low-income people into further trouble with the law. Nonpayment can lead to further court involvement: additional fees, suspension of a driver license, and even arrest and incarceration.

These practices not only unfairly punish the poor for their poverty, they're counterproductive. They inhibit a person's ability to earn a paycheck with which to pay his or her fines. Offenders who don't have a driver license can't get to work, further impoverishing them and their families – and needlessly escalating their involvement with the criminal justice system.

Proposed Legislation

SB 302 / HB 1017: Penalties and Fees

Filed by Sen. Brandes and Rep. Ingram

Summary

This bill would substantially decrease the number of actions that result in suspended driver licenses and decrease the financial burden of court fees and fines in certain instances. It:

- Requires that a court fee and payment plan not exceed 2% of the individual's annual net income without the consent of the individual.
- Prohibits the clerk of court and collection agency or private attorney from imposing certain additional fees or surcharges.
- Prohibits the suspension of a person's driver license solely for failure to pay a penalty if the person demonstrates to the court that he or she is unable to pay such penalty.
- Requires a court to inquire about a person's ability to pay, at the time certain civil penalties are ordered.
- Reduces the period of time that a driver license is revoked or suspended for certain people convicted of certain drug offenses.
- Removes the punishment of a driver license being revoked or suspended for certain people found guilty of certain alcohol or tobacco offenses.
- Authorizes, rather than requires, the court to direct the Department of Law Enforcement to withhold issuance of or suspend a person's driver license or driving privilege for certain violations.
- Authorizes a judge to convert certain statutory financial obligations into court-ordered obligations to perform community service by reliance upon specified information under certain circumstances.

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