



## 2021 Bill Highlights

As of 5/3/2021

### **HB 1391 & SB 1926 – Elimination of Fines and Court-related Fees for Juveniles; Children and Young Adults’ Fines and Fees**

**Sponsors:** Representative Davis (D-Jacksonville) & Senator Gibson (D-Jacksonville)

**Outcome:** HB 1391 and SB 1926 died in their first committee.

**Target Population:** Children, their parents/legal guardians, adults eligible for continued care, and those with existing fines and fees from juvenile offenses. Courts, teen courts, certain crime compensation funds and restitution programs.

**Summary:** Cites the act as the “Debt Free Justice for Children Act”. Removes the requirement that children and young adults eligible for continued care need to apply for indigent status to be granted counsel, and automatically grants indigent status without payment of fee. Repeals the requirement for parents or legal guardians to pay for legal fees for children and tax dependent young adults eligible for continued care. Excludes children and certain young adults from receiving consequences if they fail to comply with civil penalties. Exempts children and young adults eligible for continued care from paying the



specified fees, fines, and costs associated with court. Exempts children and certain young adults from having their licenses suspended for failing to comply with the directives of the court within the 30-day period, in non-IV-D cases, failing to comply with the requirements of s. 61.13016 within the period specified, or failing to pay the delinquency fee. Reinstates the licenses of children who have had their license suspended for failing to pay the fees outlined within this section. Removes a child and their parent/guardian's ability to refuse counsel. Requires a legal counsel to be appointed if counsel is not employed by the parent or child. Children, parents/legal guardians who have been appointed counsel are not required to pay fees, costs, attorney costs, and application fee for an indigency determination. Removes the ability to place a lien against a parent even if the child is emancipated or reached the age of majority. Prohibits a judicial circuit's civil citation or similar pre-arrest diversion program from specifying a program fee. Removes the requirement for parents and guardians upon intake to provide the department with identifying information including name, address, date of birth, social security number, driver's license number or identification card number, in order to be charged the cost of care. Requires costs of medical services provided to a child being taken into custody to be paid for by the approved provider with sufficient state or federal funding or compensated by public or private medical insurance. Makes court ordered costs unenforceable and uncollectible by January 1st 2021, the judgment enforcing the costs vacated and discharged by January 1st 2022, voids civil judgments that remain unsatisfied by court costs by July 2021, voids all warrants issued due to a failure of a child to pay or appear for a court date called for court payments by July 1st 2022, and immediately reinstates drivers licenses of juveniles who have had them suspended due to unpaid fines and fees.

### **How the Bills Differ:**

- SB 1926 reenacts multiple statutes that refer to the amended statutes in the bill. HB 1391 does not.



**Impact:** Unpaid fines and fees can have lifelong consequences - often for youthful misbehavior. Florida professionals report children who are unable to pay their fines and fees receive extended probation and placement, can't expunge their records, face civil judgment, and can have their drivers' licenses suspended. This profoundly harms their ability to further their education, maintain jobs, and avoid homelessness.

Fines and fees are costs imposed by the courts. Fines are the punishment for a crime and fees are the cost of using the justice system. Many families of juveniles who have entered the justice system cannot afford to pay these fees, forcing them to prioritize feeding their family over repaying court charges. Being unable to pay your fines and fees can result in drivers license suspensions, inability to obtain record expunction, civil judgment, probation, and continued involvement with the juvenile justice system.

Not only do fines and fees put an unnecessary burden on many already struggling families but there is no indication they work as crime deterrent. In fact, studies show recidivism is higher for juveniles who were unable to pay their fines and fees. These practices also disproportionately impact youth of color and low income children, creating an unfair system based on the ability to pay and worsening racial and economic disparities in Florida. Charging a fee to participate in diversion creates an unfair access to opportunities to stay out of the system between children from different economic backgrounds.

The practice of imposing fines and fees on children isn't helping the state either. Only 11% (\$658K) of nearly \$6.2 million in juvenile fines and fees assessed in 2018 were collected. It is likely the state is spending more on attempting to collect this debt than what is received. The Children's Campaign has worked closely with the Fines and Fees Justice Center, and the Juvenile Law Center to make this legislation a reality. We fully support the removal of administrative barriers that keep children stuck in the juvenile system.



**Effective Date:** July 1st, 2021

