

By email only

April 28, 2020

The Honorable Charles T. Canady
Chief Justice
The Supreme Court of Florida

Dear Chief Justice Canady:

We write today to ask you to issue guidance to the courts addressing the fines, fees, and court costs imposed in criminal, delinquency, and non criminal traffic cases. The impacts of COVID-19 public health crisis are, and will continue to be, unprecedented. As you commented in your March 24th video address, "The pandemic is now affecting everyone. We are living our lives in a way that none of us would have contemplated a few short weeks ago. And none of us can count on things getting easier any time soon." We agree - both short and long term solutions are needed.

There is an urgent need for guidance to the courts specifically relating to the financial implications of COVID-19 on those who owe court fines, fees, and costs. We know that families who were already struggling will be hit the hardest by the layoffs, wage cuts, and health issues stemming from the pandemic. They had difficulty paying fines and fees before the COVID-19 crisis, and their limited financial resources are now even more depleted. But they are not alone. Millions of Floridians are out of work and unable to meet their basic expenses. Mitigating the effects of COVID-19 is a high priority in the Florida State Courts System and addressing fines and fees must be included as part of the mitigation efforts.

Given the current State of Emergency and the deepening economic impacts of the public health crisis in the state, including the substantial loss of income hindering Floridian's ability to pay for rent, food, utilities, and other necessities, through the information provided above, we encourage the Courts to consider the hardship on low income communities as relating to court fines and fees including the following:

- An automatic extension of time for any deadline imposed for the payment of fines and/or costs imposed in circuit and county criminal cases and non criminal traffic violations, including on payments due under a payment plan, starting March 1, 2020 and for a minimum period of 120 days after the State of Emergency is lifted.
- An immediate moratorium on judgment execution or payment default, eliminating late fees and driver's license suspensions for unpaid fines, fees, and costs, starting March 1, 2020 and for a minimum period of 120 days after the State of Emergency is lifted.
- Encourage the Clerks of Court to stop the referral of cases to private collection firms, and encourage Clerks of Court to recall previously referred cases and remove the collections fee. Clerks of Court should direct private collections companies under contract in their jurisdiction to immediately cease collection efforts and delay collections for 120 days after the State of Emergency is lifted.

- Encourage Clerks of Court to compromise, settle, or release debts pursuant to their authority under Fla. Stat. § 938.30(9).
- As court proceedings return, for Judges to consider a person's precarious financial circumstance and waive or reduce fines.
- Jurisdictions should proactively and widely communicate any changes made in their fines and fees policies.

In order to mitigate the economic crisis triggered by the pandemic, more than 130 organizations across the country have called for a [nationwide moratorium](#) on the assessment and collection of juvenile fees and fines. Juvenile fines have been shown to cause family stress and economic destabilization; during this economic crisis they will be even more harmful to vulnerable youth. We urge you to issue guidance on the following:

- Suspend assessment of all juvenile fees and fines.
- Write-off all outstanding juvenile fees and fines and discharge, vacate, or declare as satisfied all liens, fee agreements, and judgments.
- Stop the referral of cases to private collection firms, and encourage Clerks of Court to recall previously referred cases and remove the collections fee.
- Stop all interest accrual, financial penalties, and juvenile or criminal legal system consequences for nonpayment or late payment of juvenile fees and fines
- Vacate arrest warrants for failure to pay fees and fines.
- Notify youth and families of new policies and procedures suspending fees and fines.

A handful of Chief Judges in Florida have implemented Administrative Orders to address fines, fees, and driver's license suspensions. As you know, the financial impacts of COVID-19 are impacting individuals in every part of Florida and consistency across the state is necessary for these measures to provide the economic reprieve that is intended.

- [2nd Judicial Circuit](#) Authorizes Clerks of Court to postpone driver license suspensions for non-court ordered sanctions in all civil traffic cases for the duration of the public health emergency.
- [7th Judicial Circuit](#) Directs the Clerks of Court to cease issuance of D-6 driver license suspensions.
- [10th Judicial Circuit](#) Authorizes Clerks of Court to grant a one time request for an extension of time to pay fines and costs imposed by county courts in criminal cases for a period of 30 days; for non-criminal traffic violations, payment may be extended for a period of 60 days.
- [5th Judicial Circuit](#) Prohibits the Clerk of Court from issuing D-6 license suspensions or defaulting anyone on civil or criminal traffic violations until further order of the Court.
- [17th Judicial Circuit](#) Prohibits Clerk of Court from issuing a D-6 license suspension or default any defendant on any civil traffic infraction; allows the clerk to grant a one time request for an extension of time for the payment of fines and/or costs imposed in circuit and county criminal cases and non criminal traffic violations

State Supreme Court Chief Justices around the country have been proactive in addressing fines and fees payments and Florida must provide clear guidance to ensure that individuals are able to develop a financial plan as Florida continues to deal with the impacts of COVID-19.

[Delaware](#) Chief Justice Collins J. Seitz, Jr. suspended the active collection of payment in all criminal, civil and traffic assessments (excluding child support).

[Idaho](#) Chief Justice Roger Burdick ordered show cause dockets for payment of fines and court costs continued for 60 days.

[Kentucky](#) Chief Justice John D. Minton Jr. ordered show cause dockets for payment of fines and court costs continued for 60 days.

[Maine](#) Chief Justice Robert E. Mullen extended the deadline for payment of fines, restitution and court fees and also vacated outstanding warrants for unpaid fines and fees.

[Montana](#) Chief Justice Mike McGrath authorized courts to delay time payments.

[North Carolina](#) Chief Justice Cheri Beasley extended payment due dates for orders entered in a criminal or infraction case prior to April 6, 2020 for 90 days and prohibited courts from reporting a failure to comply to the DMV for purposes of license suspension.

[Oregon](#) Chief Justice Martha L. Waters allows state courts to suspend or waive late fees until 60 days after the end of the state of emergency.

You have the power to make clear that the court does not expect anyone to go without food, shelter, or electricity because they could not pay their fines and fees – and that Florida courts will not penalize them for prioritizing their basic needs.

Sincerely,

Ashley Thomas, Fines and Fees Justice Center
Jessica Feierman, Juvenile Law Center
Vicky Basra, Delores Barr Weaver Policy Center
Jaffe S. Pickett, Florida Rural Legal Services
Roy Miller, The Children's Campaign
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Cc:

Justice Ricky Polston
Justice Jorge Labarga
Justice Alan Lawson
Justice Carlos G. Muñiz
Chris Hart, CEO, Florida Court Clerks and Comptrollers
Florida Clerks of Court