

REFORMING FLORIDA'S JUVENILE FEES

BACKGROUND - REASONS FOR REFORM - SOLUTION

BACKGROUND

Florida charges youth and their families a wide range of fees and costs for their involvement in the justice system, regardless of guilt or innocence. These costs include: court administration fees, medical care costs, public defender fees, probation supervision fees, the costs of detention, and surcharges. The immense debt that youth incur on account of these fees obliterates their future prospects while driving them, and their families, deeper into poverty. Young people who are in school and without employment have no means to pay these costs. Most of this debt is entirely uncollectible.

REASONS FOR REFORM

Young people have no means to pay system-involved fees.

The majority of youth and families impacted by the justice system come from poor, marginalized communities where securing even basic necessities is a constant struggle. Florida's own Clerks of Court have repeatedly recognized that youth cannot pay, noting "this group does not have jobs" and "juveniles and their families are historically unable to pay".¹ The accumulation of fee debt can also push young people toward recidivism as they search for any way to earn income to pay these fees.² This cycle of inability-to-pay and punishment for non-payment pushes youth deeper into the juvenile and criminal justice systems and their families deeper into debt.

Revenue collected from fees is not worth the cost to families or the government.

In 2019, only 11% of the \$5.1 million dollars that was assessed against youth was collected — but the financial and emotional cost to families was enormous. Young people are either too young to work, unable to find work, or are in school. Their parents must often make an impossible choice: put food on the table or pay down court debt.

Youth should be focused on education and have limited opportunities to work.

Education is the primary driver in determining future opportunities for young people. Florida requires youth to attend high school through age 18, with limited exceptions. Young people also have limited available hours to work³ which, in turn, makes them less appealing candidates when compared to adults without school commitments. Youth with juvenile records, due to limited expungement opportunities, also have significantly reduced opportunities for employment.

¹ On file with FFJC upon request

² <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison-criminology-study.pdf>

³ <http://www.myfloridalicense.com/DBPR/os/News/documents/ChildLaborFAQs.pdf>

Juvenile fees are especially damaging to foster youth in the delinquency system.

Youth that are in both the dependency and delinquency systems are particularly vulnerable to the harmful impacts of fees. Foster youth do not have financial support from their families or from the Department of Children and Families, which does not help children in its custody with their debt. Nearly 50% of foster children become homeless within 18 months⁴ of aging out of the system. In Florida, from age 18 to 21 these young people can qualify for continuing care only if they meet certain education requirements (which makes holding a full-time job inappropriate and counterproductive).

Juvenile fees exacerbate racial disparities.

Black youth are already disproportionately impacted by system involvement. They are arrested at higher rates, processed into the juvenile and criminal systems at higher rates, transferred to adult court at higher rates, and are more likely to be incarcerated if adjudicated or convicted. In Fiscal Year 2019-2020, Black youth comprised 21% of the population in Florida under 18, but accounted for 50.9% of youth arrests, 53.9% of adjudications, and 66.4% of all transfers to adult courts.

Fee assessment laws should align with the legal age of majority.

Eliminating fees for children up to 18, and 21 for those eligible for extended foster care, aligns with other laws that establish that young people and adults are to be treated differently. Young people below age 18 cannot receive life without parole or death sentences; they cannot vote or be sued; and they cannot serve in the military or on juries. They cannot get a credit card to pay their debts, and even at age 21, can only do so with a parent or family member co-signing.⁵

SOLUTION

The Debt Free Justice for Children Act (HB257/SB428) would eliminate all fees and costs currently imposed on all youth up to age 18 and their families and extend these protections for youth who qualify for extended foster care, up to age 21. The law would also vacate all outstanding fee orders, vacate the related debt, and reinstate driving privileges for those who lost them for failure to pay

LEARN MORE

Contact the Fines and Fees Justice Center Florida State Director, Sarah Couture at scouture@ffjc.us or visit ffjc.us/florida for more information and resources.

⁴ <https://www.fosterfocusmag.com/articles/foster-care-and-homelessness>

⁵https://www.ftc.gov/sites/default/files/documents/statutes/credit-card-accountability-responsibility-and-disclosure-act-2009-credit-card-act/credit-card-pub-l-111-24_0.pdf