

By Senator Rouson

19-00368C-21

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1                                   A bill to be entitled  
2       An act relating to the Council on the Discretionary  
3       Imposition of Criminal Justice and Traffic Fines and  
4       Fees; creating s. 16.6171, F.S.; establishing the  
5       council adjunct to the Department of Legal Affairs;  
6       requiring the department to provide administrative  
7       support to the council; specifying application of law  
8       governing advisory bodies; prescribing the composition  
9       of the council; providing duties of the council;  
10      providing for future repeal; providing an effective  
11      date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Section 16.6171, Florida Statutes, is created to  
16      read:

17       16.6171 Council on the Discretionary Imposition of Criminal  
18      Justice and Traffic Fines and Fees.—

19       (1) The Council on the Discretionary Imposition of Criminal  
20      Justice and Traffic Fines and Fees, a council as defined in s.  
21      20.03(7), is established adjunct to the Department of Legal  
22      Affairs. The department shall provide administrative support to  
23      the council, but the council shall perform its duties and  
24      responsibilities independently of the department. Except as  
25      otherwise provided in this section, the council shall operate in  
26      a manner consistent with s. 20.052.

27       (2) The council is composed of the following members:

28       (a) The chair of the council, appointed by the Attorney  
29      General.

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30 (b) Two members of the Senate, one appointed by the  
31 President of the Senate and one appointed by the Senate Minority  
32 Leader.

33 (c) Two members of the House of Representatives, one  
34 appointed by the Speaker of the House of Representatives and one  
35 appointed by the House Minority Leader.

36 (d) Two public defenders, one from a judicial circuit with  
37 a population of more than 1 million and one from a judicial  
38 circuit with a population of less than 1 million, both appointed  
39 by the president of the board of directors of the Florida Public  
40 Defender Association.

41 (e) Two state attorneys, one from a judicial circuit with a  
42 population of more than 1 million and one from a judicial  
43 circuit with a population of less than 1 million, both appointed  
44 by the president of the executive board of the Florida  
45 Prosecuting Attorneys Association.

46 (f) A Supreme Court justice or a district court of appeal  
47 judge, appointed by the Chief Justice of the Florida Supreme  
48 Court.

49 (g) Two county judges appointed by the president of the  
50 board of directors of the Conference of County Court Judges of  
51 Florida.

52 (h) Two circuit judges appointed by the chair of the  
53 executive committee of the Florida Conference of Circuit Judges.

54 (i) A representative of the Florida Association of Court  
55 Clerks and Comptrollers appointed by the president of the  
56 association.

57 (j) A community member nominated by each of the following  
58 organizations and appointed by the Attorney General:

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- 59       1. Operation New Hope;  
60       2. Florida Rights Restoration Coalition;  
61       3. Southern Legal Counsel;  
62       4. Florida Rural Legal Services;  
63       5. Chainless Change; and  
64       6. Abe Brown Ministries.

65       (k) A representative of the Fines and Fees Justice Center,  
66 nominated by the organization and appointed by the Attorney  
67 General.

68       (3) Council members shall reflect the racial, ethnic, and  
69 cultural diversity of the state's population. Any vacancies  
70 shall be filled in the same manner as the initial appointment.

71       (4) The council has the following duties:

72       (a) Review the impact of fines, fees, restitution, and  
73 other court costs on individuals and families with low incomes;  
74 the consequences faced by individuals who fail to pay fines,  
75 fees, restitution, and other court costs and financial  
76 obligations; and how such consequences may be mitigated through  
77 increased judicial discretion in imposing fines, fees, and  
78 restitution, as well as through policies and other practices  
79 that reduce legal financial obligations for low-income residents  
80 and lessen the negative impacts of these obligations. Such a  
81 review must include an analysis of how fines, fees, citations,  
82 and other financial penalties impact people with low incomes,  
83 and the proportionality of such impacts on people of color and  
84 their families.

85       (b) Evaluate the impact of mandatory assessments of fines,  
86 fees, and costs on all relevant stakeholders in the court  
87 system, including an analysis of current law relating to the

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88 discretionary assessment of fines, fees, and costs.

89 (c) Review mechanisms and collections rates in states that  
90 allow judicial discretion for the imposition of fines and fees  
91 in criminal and traffic cases, including, but not limited to,  
92 the following:

- 93 1. Ability to pay determinations at sentencing;
- 94 2. Waiver or reduction of fees and costs;
- 95 3. Use of day fines;
- 96 4. Effective use of community service or other alternative  
97 sanctions; and
- 98 5. Debt discharge or the write-off of uncollectible debts.

99 (d) Hold a minimum of four regionally diverse community  
100 meetings to hear directly from individuals impacted by the  
101 mandatory assessment of criminal and traffic fines and fees.

102 (e) Perform a systemwide analysis of the costs of  
103 collecting fines, fees, restitution, and other mandatory costs,  
104 including an analysis of cost-saving benefits associated with  
105 increased judicial discretion.

106 (f) Draft and publish a report that includes findings and  
107 recommendations for this state regarding increased judicial  
108 discretion in the imposition of fines, fees, and costs at  
109 sentencing or disposition, along with recommended policy and  
110 other practice changes that would help reduce the financial  
111 hardship associated with fines, fees, and other costs on  
112 affected individuals and their families.

113  
114 The council may meet as often as it deems necessary to fulfill  
115 the duties prescribed in this subsection.

116 (5) This section is repealed December 31, 2024.

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Section 2. This act shall take effect July 1, 2021.