

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.

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

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

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

19 (1) The Council on the Discretionary Imposition of
 20 Criminal Justice and Traffic Fines and Fees, a council as
 21 defined in s. 20.03(7), is established adjunct to the Department
 22 of Legal Affairs. The department shall provide administrative
 23 support to the council, but the council shall perform its duties
 24 and 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.

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
 42 | a 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:

- 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
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.

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