

POLITICS NEWS

South Florida felons owe a billion dollars in fines — and that will affect their ability to vote



By **DAN SWEENEY**
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Felons owe more than half a billion dollars in fines in Broward County alone, and that could spell difficulty for them getting back the right to vote.

Including interest, felons owe more than half a billion dollars in fines in Broward County alone. Add in Palm Beach and Miami-Dade counties and the number surpasses a billion.

Those big numbers could spell difficulty for felons trying to get back the right to vote.

Florida citizens passed Amendment 4 in the 2018 election, **giving felons the right to vote** “upon completion of all terms of sentence including parole or probation,” with exceptions for murderers and sex offenders. In this year’s legislative session, lawmakers passed a law implementing that amendment that defined “all terms of sentence” **to include paying all fines, fees and restitution to victims.**

Records of fines owed are kept with the county clerks’ offices, and a statewide total was unavailable, but just from October 2017 to September 2018, courts assessed more than a billion dollars in fines, court costs and other monetary penalties, according to **a report published by the Florida Court Clerks and Comptrollers.** The money owed just in South Florida shows that paying off fines may put the voting booth beyond the reach of many of the formerly incarcerated.

The \$534 million owed in felony fines in Broward County represented far and away the largest category of fines owed. Here’s the breakdown:

Felony: \$534 million

Misdemeanor: \$65.6 million

Traffic: \$136 million

Those numbers don’t include some far lesser amounts for violation of city and county ordinances and for contempt of court.

Felony fines were also by far the largest category in Palm Beach County:

Felony: \$201.6 million

Misdemeanor: \$39.9 million

Traffic: \$36 million

In Miami-Dade, felons owe \$278 million, according to [a report from WLRN](#), putting the total for South Florida's tri-county area in excess of \$1 billion.

Those numbers include felons who have cleared the rest of their sentences (including probation and parole) as well as those still serving them, the latter of which wouldn't be eligible to vote under Amendment 4. The clerks offices make no distinction between the two categories, so a breakdown of how much is owed by those eligible to vote isn't available.

"People have actually been thrown in jail for their inability to pay a fine or fee. This is a constitutional issue at this point," said Sharon Bock, the Palm Beach County Clerk and president of the Florida Court Clerks and Comptrollers.

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As president of that organization, Bock has put together a response team so that by the time the bill officially becomes law on July 1, "we will have a uniform response to Amendment 4 and the clerks' position."

"When this amendment was going on the ballot, here at our clerks office," she said, "I had asked that we go back through every fine, fee, felony charge, etc. to see where we stand. Even if there is a fine, fee and court cost paid, the person who wants their voting rights restored would still have to tackle the restitution issue."

The clerk's office does not handle restitution. Bock stressed that under the new law, getting voting rights back would be a "multistep process."

Prior to the legislature adding fines, fees and restitution to the requirements, [about 2,000 felons registered to vote in the first three months of 2019](#), according to a study by the Brennan Center for Justice. But for many felons trying

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organization on criminal justice issues, the unemployment rate for the formerly incarcerated is 27%, five times higher than the overall employment rate and higher than the overall rate at any point since data has been kept, including during the Great Depression. For minorities and women, the unemployment rate is even higher, up to 43.6% for black women who were formerly incarcerated. And even among those who find work, part-time work is more common than among the population as a whole.

In other words, for many felons the right to vote will remain as elusive as it was prior to the passage of Amendment 4.

Even among politically savvy Floridians, the full scale of fines owed by felons appears to be unappreciated.

For example, Democratic megadonor John Morgan, who successfully shepherded a medical marijuana constitutional amendment through the process in 2016 and is currently at work getting a \$15 minimum wage amendment on the ballot in 2020, has been excoriating former Democratic gubernatorial candidate Andrew Gillum on Twitter. Morgan has called for Gillum to use the \$3 million left in his campaign accounts to pay money owed by felons and allow them to vote.

**John Morgan**

@JohnMorganESQ

.@AndrewGillum I have an idea! You're sitting on over \$3M raised to elect you Governor. Let's take that money and use it ALL to pay the financial restitution now owed by freed felons to vote. This poll tax is unconscionable. They paid a price & are now being asked to pay again.

623 9:22 AM - May 9, 2019

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“Andrew Gillum I have an idea!” Morgan tweeted on May 9. “You’re sitting on over \$3M raised to elect you Governor. Let’s take that money and use it ALL to pay the

financial restitution now owed by freed felons to vote. This poll tax is unconscionable. They paid a price & are now being asked to pay again.”

A series of tweets reiterating that Gillum’s leftover campaign cash should go toward felony fines followed on May 20.



John Morgan

@JohnMorganESQ

.@AndrewGillum this isn't a "circular firing squad" this is one person’s political suicide. Our firm gave you \$2MM and you know how much I raised from others. To find out that \$3.5MM was not used in a dead heat race is stunning.

tampabay.com/florida-politi...

69 9:31 AM - May 20, 2019

Does the Democratic nominee in 2020 need to be a person of ...

In a wide ranging interview, Gillum discusses his Twitter feud with John Morgan, whether he’ll endorse in the Democratic primary and tampabay.com

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John Morgan

@JohnMorganESQ

Earmarked by whom? He's digging deeper and deeper. And he's getting dirtier and dirtier.

No one is buying this because he can't "unbookmark" it @AndrewGillum

NO ONE IS BUYING THIS BS BE CAUSE IT'S UNHEALTHY. IT. @AndrewGillum

do you just think we're all stupid or hope it just goes away?

twitter.com/NewsGuyGreg/st...

Greg Angel @NewsGuyGreg

Orlando attorney @JohnMorganESQ is not holding back on his push to have @AndrewGillum give his remaining \$3.5M campaign funds to pay off fines/costs to allow qualified convicts to vote again. Gillum says the money is already earmarked....



John Morgan ✓ @JohnMorgan... · 2m ▾

Think about how hard both political parties try to no avail to register voters.

People don't eat lima beans if they don't like the taste. Many don't like the taste of politics. And if they won't register why do you think they will vote?

Freed felons WOULD vote.



John Morgan ✓ @JohnMorgan... · 2m ▾

I don't think @AndrewGillum has ever had a job, but he should get one.

Or maybe use the money to make Mexico pay to build the wall... About as likely as him registering 1 million people who hate

23 1:03 PM - May 20, 2019

[See John Morgan's other Tweets](#)

But while leaving \$3 million in the bank in a race that came down to about 32,000 votes out of more than 8 million cast was considered political malpractice by many

donors, consultants and others involved in elections, it's a drop in the ocean of money owed by felons.

Indeed, the scale of the issue is unknown even to some clerks of court. When the Sun Sentinel asked the office of Broward County Clerk of Courts Brenda Forman

how much money felons owed in fines in Broward County, the clerk's office replied that it would take hours of clerical and computer work to find the number. The newspaper was charged \$150 for the time and effort. The Palm Beach clerk's office was able to provide the data quickly and at no cost.

Fines imposed for felonies can be substantial. Under Florida law, felonies are broken down into four categories: Third, second and first degree and life felonies, in order of seriousness. Third-degree felonies can carry a \$5,000 fine, second- and first-degree a \$10,000 fine and life felonies a \$15,000 fine. And none of these numbers include fees and other court costs, or restitution to victims that courts may impose on felons.

And some individual crimes can carry much higher fines. For example, marijuana trafficking in Florida involves 25 pounds or more of the plant. Those convicted of trafficking who are caught with 25 to 2,000 pounds or more than 300 plants face a \$25,000 fine. If it's 2,000 to 10,000 pounds or more than 2,000 plants, the sentence comes with a \$50,000 fine. And for amounts over 10,000 pounds or 10,000 plants, the fine is \$200,000.

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Clerks offices operate a variety of programs to make it easier to pay overdue fines. It's not only important for felons regaining the right to vote, but also because unpaid fines can lead to the suspending of one's driver's license, which can then lead to further criminal charges, creating a vicious cycle of crime and punishment.

Bock's office has been at the forefront of court compliance programs. Her office began an Operation Green Light program in 2014, allowing those who have unpaid fines to come in and pay them to get their licenses back without having the surcharge tacked on by collections agencies. Those agencies go after any fine that has not been paid after 90 days, and can tack on a surcharge of 30-40%, so that a \$100 ticket becomes a \$140 ticket or, in the case of a serious felony fine, \$10,000 becomes \$14,000.

For its first Operation Green Light, the clerk's office opened on a Saturday from 8 a.m. to 4 p.m., but promised to take care of anyone who was in line by 4 p.m. The office finally closed at 9 p.m. after having received more than \$500,000 in payments.

Since then, clerks offices around the state have held their own Operation Green Light programs. Broward most recently **offered one over the course of a week in March.**

But the big focus on the office is on payment plans and the negotiation of old debt.

“Let's say it was a 20 year old case and they owe \$100,000. We will begin a negotiation — now obviously we're not going to negotiate against ourselves — but we are negotiating judgments. Instead of having an outstanding debt, they can reach out to us and we will begin the process of negotiating their fees,” Bock said. “We cannot by law write them off. We have no ability to write them off at all. What we do have is the ability to negotiate the judgment and we do that.”

[RELATED: 2,000 Florida ex-felons registered to vote in first 3 months of Amendment 4, study finds »](#)

The other part of the program, putting fines and fees on a payment plan, has been so successful that the program was named as one of the top 25 finalists in 2018 for Harvard University's Innovations in American Government Award.

“We looked at about 20,000 cases, and we noticed that defendants on payment plans were paying at about a 60% click,” said Louis Tomeo, the clerk's office's director of criminal court services. “Those not on a payment plan paid only 25% of the time.”

So the clerk's office started encouraging more judges to assign payment plans for hefty fines. Then, they noticed that many of the defendants on the ninth floor of the courthouse were leaving without coming to the clerk's office to set up a plan. So they set up a satellite office right outside the courtroom on the ninth floor.

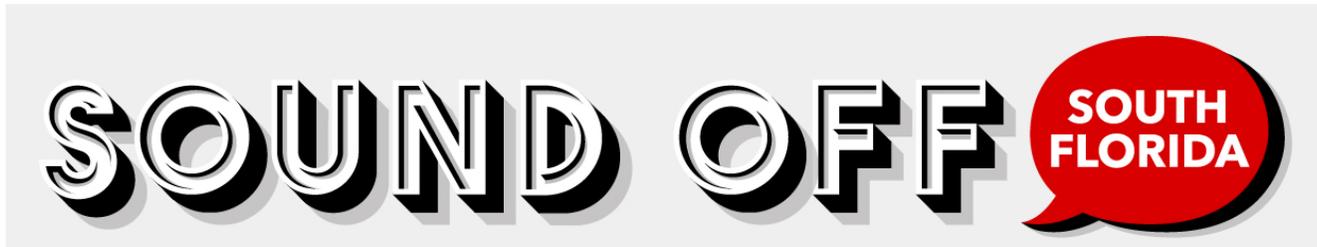
... they set up a system that will allow the courtroom on the main floor.

Defendants signing up for payment plans jumped 93%.

“This is going to help people make reasonable payments over a period of time, and as long as they’re making their payments, they’re not getting their license suspended,” Tomeo said.

That will help people avoid the ensuing charges that can come with a suspended license. But for those who are paying off a massive fine in small increments, the voting booth is a distant destination.

*The idea for this story first came from a reader who submitted a question to **Sound Off South Florida**, the Sun Sentinel’s project in which we answer reader-submitted questions about Florida news, culture or history. Reader Sandra McHugh wrote in to ask, “How much money is outstanding in Broward court fines and costs? Why is there no effort to collect it?” If you have a question, fill out the form below or visit SunSentinel.com/SoundOff.*



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Your contact info

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Dan Sweeney

South Florida Sun Sentinel



Dan Sweeney is the author of "Sound Off South Florida," where he covers our readers' view on local news and solicits your comments and opinions on various topics. Previously, Dan covered the state legislature and statewide political issues. He graduated from the University of Missouri in 2000 and has lived in South Florida ever since.

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