

Can't Pay Court Fees? In Florida, You Could Lose Your Driver's License

By Nadege Green/WLRN | September 6, 2019

Marq Mitchell lost his driver's license when he was 21—but not because of anything he did while driving.

The south Florida motorist owed more than \$4,000 in court costs and fines, stemming from two felony convictions—one dating from his time as a teen in foster care, and another from when he got into a fight after aging out of the system.

When he couldn't afford to pay, the state suspended his driver's license.

Mitchell, now 29, was living near Orlando and working two jobs when he lost his license.

The amount of money he owed continued to increase over time because the state of Florida allows for unpaid fines and fees to be turned over to a collection agency after 90 days. The collection agencies can then add late fees and other fees — up to 40 percent on top of the original amount owed.

Once the debt is paid, to reinstate a license the person would have to pay at least \$60 more.

"I would make small payments here and there," recalled Mitchell, who is now president [Chainless Change](https://chainlesschange.org/), a nonprofit that helps people with criminal convictions after they're released from jail or prison.

"(But) it wasn't enough to satisfy the requirements."

In 2018, Florida suspended 1.7 million driver's licenses, about 10 percent of all licenses.

Florida has a long list of infractions that can lead to a license suspension. Failures to pay court costs or forgetting a court date are among them.

Other states, such as California, Mississippi and Virginia, are starting to do away with suspending licenses for unpaid fines under pressure from critics who say the practice highlights a wealth-based system that disproportionately impacts low-income communities.

Advocates and people impacted by suspended licenses argue that it exacerbates a cycle of poverty by making it difficult for people to keep a job.

Mitchell was forced to depend on unreliable public transportation to get to work. He couldn't attend college classes because the commute on a bus was too far from his job.

After struggling for four years without a license, Mitchell started looking for a way out of this financial maze.

He searched the internet and taught himself how to file motions to convert some of his fines to community service hours.

"That probably was, you know, a job in itself is trying to figure it out," he said.

Mitchell, 29, who now lives in Broward County, says finding ways to convert some of his fines to community service hours instead of having to pay them is a short-term band aid and, besides, not all courts offer that option.

In Florida, the practice has gotten some scrutiny, but when it comes to reforms very little has changed.

Waiting for Legislators to Act



Marq Mitchell, courtesy Chainless Change

A long-term fix depends on Florida lawmakers.

For four years in a row, State Sen. Jeff Brandes (R- St. Petersburg) has tried to reform Florida's driver's license suspension laws to prevent people from losing their driver's license for non-driving related issues.

"We've created this system — or it was created long before I joined the legislature — and now as we try to fix it you see there's a lot of challenging hurdles," he said.



Florida Sen. Jeff Brandes

One of the biggest hurdles is that the state's clerk of court and comptroller offices are funded by the fines and fees they collect.

"For us, [the issue is] how do we fund the clerks that doesn't require us to have it be on the back of people who have suspended driver's licenses," said Brandes.

"(Otherwise) if we fix the issues of suspended driver's licenses, we create a \$40 million hole in the clerk of courts' budgets."

For their part, many Florida court clerks are not satisfied with how their offices are funded. Though the agencies collect a significant amount of fines and fees, not all of that money stays with their office. Court clerks routinely complain to lawmakers that they are underfunded.

"We asked that certain elements of the criminal division be paid for by general revenue instead of by fines and fees," said Palm Beach Clerk of Court Sharon Bock who is past president of the statewide group of clerk of court and comptroller offices.

"We were not successful."

Bock says clerk offices are limited in what they can do when it comes to suspended drivers licenses because that is regulated by the state.

"We are working within the system" said Bock. "We see the point and counterpoint you know. But we don't have the ability. We are not policy makers. We can't change the statutes."

She says larger counties like hers in Palm Beach do have specialized programs for people who've had their driver's license suspended. They can sign up for a payment plan and have their driver's license reinstated while they make payments.

But if for any reason a person in the program encounters financial hardships and can't make a payment, their license gets suspended again.

Nadege Green, a staff reporter for WLRN in south Florida, is a 2019 John Jay/Arnold Justice Reporting Fellow. WLRN reporter Danny Rivero contributed to this report. This is a slightly edited version of the original. For the complete story, and an audio version, [please click here \(https://www.wlrn.org/post/florida-suspends-driver-s-licenses-unpaid-court-cases-officials-are-pushing-change\)](https://www.wlrn.org/post/florida-suspends-driver-s-licenses-unpaid-court-cases-officials-are-pushing-change).
