

# Florida Rural Legal Services' Drive To Work Program

## **Overview of Court Debt Reform:**

In the past 25 years, criminal justice debt has increased dramatically as states impose fines, fees, and other costs on people who are accused of infractions, misdemeanors, or felonies. More than 7 million people nationwide have had their licenses suspended for failure to pay court debt. According to research done by the Brennan Center<sup>1</sup>, since 1996, Florida has added 20 more new categories of criminal fines and fees, at the same time eliminating most of the exemptions for those who cannot afford to pay. Compounding the problem, debt not paid within 90 days is sent to private collection companies who can add up to a 40% surcharge on unpaid court debt. Florida routinely suspends driver's licenses for failure to pay court debt. This creates, for low-income families, an insurmountable cycle of additional fees, mounting debt, and poverty.

Many organizations are in the news and working behind the scenes to address the consequences of the imposition of fees, fines, and costs against indigent defendants. To reduce this effect, systemic and legislative changes are occurring following litigation in Chicago, Philadelphia, New York, Nevada, Montana, Virginia, Tennessee, and other locations. The State of Virginia has temporarily halted the suspension of driver's licenses for unpaid court fines and fees as a result of ongoing litigation, i.e., *Stinnie v Holcomb*, Docket/Court 3:16-cv-00044-NKM (W.D. Va.), a lawsuit challenging the constitutionality of Virginia's statute automatically suspending the driver's licenses of nearly one million Virginia drivers who cannot afford to pay court costs and fines.

Advocates in Florida are also attacking the issue of driver's license suspensions for indigent debtors. Specifically, Florida Rural Legal Services, Inc. (FRLS), a provider of legal services to low-income individuals, assists low income individuals restore their driver's licenses through a grant from The Florida Bar Foundation. Erika J. Cruz and Lisa Dos Santos, attorneys at FRLS' Drive to Work Program, work to resolve their clients' unpaid court debt with the goal of full license restoration. Resolution of suspensions for non-payment of court debt can take place directly with the Clerks' offices or by filing motions to recall the debt from collections agencies and allow the unpaid court debt to

be either included in a periodic payment plan or converted into community service hours. Indigent debtors can set up a reasonable payment plan as defined in Chapter 28 of the Florida Statutes. Conversion into community service hours can be ordered upon a judicial determination of a debtor's inability to pay.

Both options provide FRLS' Drive to Work clients with a clear path to license restoration and an anticipated end to the cycle of poverty. However, many of Florida's residents are unaware of these statutory options and the resolution of their court debt seems impossible. The Drive to Work Program was initiated to educate and assist low-income individuals restore their driver's licenses, as well as to foster systemic change.

## **Benefits of Court Debt Reform and Future Goals:**

While the purpose of FRLS' Drive to Work Program is to help low income individuals restore their driver's licenses enabling them to work and support their families, a secondary benefit occurs for the judicial system statewide. Allowing Floridians to set up payment plans that are reasonable reduces the amount of court debt that Florida's Clerks were previously unable to collect. Since 2018, the advocates in the Drive to Work Program have worked with local Clerks of Court to implement procedures that tailor payments to an individual's ability to pay. In collaboration with FRLS, the Clerk of Court in St. Lucie County streamlined its collections procedures relative to indigent individuals. Criminal payment plans now include all unpaid court debt owed by an individual – including civil traffic court debt. The amount required as a down payment is reasonable and the statutory 2% calculation of the monthly payment occurs with regularity. Based on these procedural changes with strategic impact, FRLS has assisted over 800 indigent Floridians through the Drive to Work Program since the program's inception in 2018 and the advocates have processed over \$1,281,469.63 in unpaid court debt. With the availability of payment options and payment alternatives, like community service, some judicial circuits have been able to realize an increase in their collection's revenue for old court debt – a feat that previously was once thought to be insurmountable. By taking the initiative of gathering collections data from all 67 Clerks of Court, the advocates of the Drive to Work Program continue to collaborate with other legal service

providers in Florida, including Southern Legal Counsel, a not-for-profit interest law firm that is committed to the ideal of equal justice and the attainment of basic human and civil rights . Through continued passionate advocacy in the area of driver's license restoration and collaborating on new initiatives, it is FRLS' goal to encourage a state-wide reform that does not perpetuate the cycle of poverty but allows all people the opportunity to work and reach their full potential.

**Closing and Program Continuation:**

Jaffe Pickett, Executive Director of Florida Rural Legal Services, is extremely proud of FRLS's Drive to Work (DTW) Program and the staff dedicated to providing services through this project. The services, fully funded

by The Florida Bar Foundation, are critical to so many residents in Central Florida; DTW services are especially crucial to residents in rural areas who lack public transportation and who may otherwise become a prisoner in their homes without a driver's license. These men and women, already burdened by living expenses and court debt, often feel forced to risk their freedom driving to work to provide for basic necessities. FRLS hopes to continue and expand its DTW services. In addition to resolving unpaid court debt to allow for driver's license reinstatement, FRLS will also collaborate with other agencies that are assisting low income and vulnerable residents by providing them with help, hope, and the ability to drive to work.

**Drive To Work Program**

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*Erika J. Cruz was admitted to practice law in the State of Florida in 2018 and is a recent addition to Florida Rural Legal Services, Inc. ("FRLS"). Prior to her joining FRLS, Ms. Cruz did work in Immigration Law and Social Security Disability benefits. Ms. Cruz has always had a passion for working in a field that serves low-income communities and had previously participated in various volunteer works for other Legal Services affiliated firms. While*

*in college, Ms. Cruz participated in an internship program with the Legal Services of North Florida located in Pensacola, Florida, where she assisted in family law and bankruptcy issues. Ms. Cruz also recently participated in pro bono work for Gulf Coast Legal Services, Inc., where she assisted in the firm's birth certificate clinic.*



*Lisa dos Santos has been a Member of The Florida Bar since 1996. Prior to joining Florida Rural Legal Services, Inc. (FRLS), her areas of legal practice included personal injury/negligence law, family law, probate law and litigation, guardianship law, consumer debt litigation, real property law and litigation, business and general civil law and litigation. Since joining FRLS in 2018, Ms. dos Santos has handled Drive to Work cases for clients living in*

*Martin, Indian River, Okeechobee, and St. Lucie Counties.*



*Amy Burns is the Deputy Director at Florida Rural Legal Services, Inc. (FRLS). FRLS is a non-profit law firm serving low-income individuals and families in 13 Central Florida and farmworkers throughout the state. Prior to coming to FRLS in 2007, she worked as an assistant Public Defender.*



*Jaffe Pickett is the Executive Director for Florida Rural Legal Services (FRLS), Inc. Before joining FRLS, Ms. Pickett was employed by Legal Services Alabama where she held various leadership positions since becoming a staff attorney in 2005. During her employment with Legal Services Alabama, Ms. Pickett served as the Deputy Director; the Interim Executive Director of Legal Services of Alabama in 2016 and 2017; Director of Development, Direc-*

*tor of Training; Statewide Call Center Director; and the Director of Alabama's first Elder Law Helpline. In addition to her leadership positions, Ms. Pickett was also appointed to serve on the Board of Directors for the Middle District for the Alabama State Bar's Lawyer Referral Program and the Pro Bono Service Committee of the Alabama State Bar. Ms. Pickett was selected as a member of the Alabama State Bar's Leadership Class in 2013 and also served on the Board of Directors for the Central Alabama Alliance, Resource, & Advocacy Center. With her extensive experience and knowledge in Legal Services programs, management and leadership, Ms. Pickett has brought with her the level of expertise that will greatly benefit FRLS and joins with FRLS board members and staff to ensure greater service capacity, partnerships and access to justice for low income and vulnerable populations.*

**Endnote:**

- 1 Diller Rebekah. (The Hidden Costs of Florida's Criminal Justice Fees) (Brennan Center for Justice)2010



St. Lucie County Clerk of Court Joseph Smith Discussing the Driver's License Clinic with Lisa dos Santos of FRLS



Clerk Joseph Smith with the FRLS Staff at the St. Lucie County Driver's License Clinic