

MEMORANDUM

Agenda Item No. 11(A)(9)

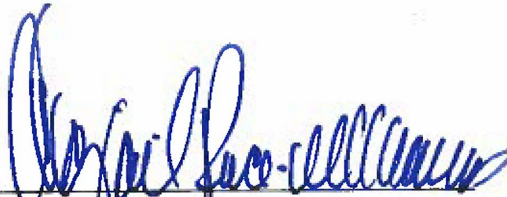
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting Senate
Bill 1328, House Bill 903, or
similar legislation that would
minimize, or eliminate, driver
license suspensions due to
failure to pay fines, fees,
service charges, or other costs

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Sally A. Heyman.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(9)
4-7-20

RESOLUTION NO. _____

RESOLUTION SUPPORTING SENATE BILL 1328, HOUSE BILL 903, OR SIMILAR LEGISLATION THAT WOULD MINIMIZE, OR ELIMINATE, DRIVER LICENSE SUSPENSIONS DUE TO FAILURE TO PAY FINES, FEES, SERVICE CHARGES, OR OTHER COSTS

WHEREAS, in 2018, the State of Florida suspended 1.7 million driver licenses, or about 10 percent of all licenses in Florida; and

WHEREAS, currently, it has been reported that approximately 550,000 residents in Miami-Dade County have a suspended driver license; and

WHEREAS, unfortunately, for many drivers with suspended licenses, the suspension has nothing to do with the driver's ability or skill to continue driving, but, rather, is due to the non-payment of traffic fees and fines and associated court costs; and

WHEREAS, many times, the amount owed becomes compounded because when a person fails to pay the traffic fee or fine or associated court costs within 90 days, Florida law allows the past-due account to be referred to an attorney or collection agency, which can result in an additional charge of up to 40 percent of the amount owed to pay for the collection services of the attorney or agency; and

WHEREAS, driver license suspension can lead to job loss and severely impact a person's ability to undertake essential tasks, such as attending school and taking children to school; and

WHEREAS, Senate Bill (SB) 1328 and House Bill (HB) 903 have been filed for consideration during the Florida Legislature's 2020 session by Senator Tom Wright (R – Port Orange) and Representative Byron Donalds (R – Naples), respectively; and

WHEREAS, among other things, SB 1328 seeks to minimize driver license suspensions due to a person's failure to pay fines, fees, service charges, or other costs by:

- requiring clerks of court to provide additional notices regarding the availability of payment plans and amounts owed or past due;
- allowing non-indigent persons to enroll in a payment plan;
- requiring clerks of court to enroll individuals with a deposit or credit card, or with other means of automatic withdrawal, in an automated payment plan arrangement to ensure timely payment under the plan;
- requiring clerks of court to develop and utilize a uniform payment plan form throughout Florida;
- requiring clerks of court to accept payments through a variety of means;
- requiring clerks of courts to develop a process whereby persons who are sentenced for an offense will meet with a clerk to enroll in a payment plan; and
- granting courts the authority to waive, modify, or convert outstanding fines, fees, service charges, or costs to community service requirements for indigent persons or those who are unable to pay due to compelling circumstances; and

WHEREAS, HB 903 would require similar measures to be established, and would go further by removing the authority of the Florida Department Highway Safety and Motor Vehicles to suspend a person's driver license for failure to pay fines and fees relating to any offense other than a criminal offense involving the operation of a motor vehicle; and

WHEREAS, HB 903 would also authorize clerks of court to establish a multi-county intergovernmental organization to administer payment plans that would facilitate the consolidation of a person's debts across multiple counties; and

WHEREAS, in addition, HB 903 would allow a person to reinstate a suspended driver license upon payment of a reinstatement fee, where the license was suspended prior to July 1, 2020; and

WHEREAS, this Board supports legislation that would reduce, or eliminate, driver license suspensions resulting solely from a person's failure, or inability, to pay outstanding fines, fees, and similar charges,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports Senate Bill 1328, House Bill 903, or similar legislation that would minimize, or eliminate, driver license suspensions due to failure to pay fines, fees, service charges, or other costs.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Tom Wright, Representative Byron Donalds, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins and the Co-Sponsors are Commissioner Daniella Levine Cava and Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.
Jose "Pepe" Diaz
Eileen Higgins
Joe A. Martinez
Dennis C. Moss
Xavier L. Suarez

Daniella Levine Cava
Sally A. Heyman
Barbara J. Jordan
Jean Monestime
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of April, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley

