

# MEMORANDUM

PSR  
Agenda Item No. 2(A)

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

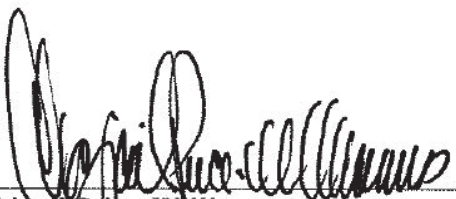
**DATE:** September 9, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution creating a Driver License Suspension Task Force; setting forth powers and responsibilities of such Task Force; providing for a Task Force report and sunset; waiving Implementing Order 3-38 for the selection of a consultant to provide professional consulting services to the Task Force; directing the County Mayor to (a) negotiate and execute a contract for professional consulting services related to the Task Force with Ker-Twang, LLC, in an amount not to exceed \$250,000.00, and (b) identify legally available funds to be used for the contract or, alternatively, provide a Mayoral report

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.

  
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Abigail Price-Williams  
County Attorney

APW/uw



**MEMORANDUM**  
(Revised)

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

**DATE:** October 6, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No.

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

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CREATING A DRIVER LICENSE SUSPENSION TASK FORCE; SETTING FORTH POWERS AND RESPONSIBILITIES OF SUCH TASK FORCE; PROVIDING FOR A TASK FORCE REPORT AND SUNSET; WAIVING IMPLEMENTING ORDER 3-38 FOR THE SELECTION OF A CONSULTANT TO PROVIDE PROFESSIONAL CONSULTING SERVICES TO THE TASK FORCE; DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO (A) NEGOTIATE AND EXECUTE A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES RELATED TO THE TASK FORCE WITH KER-TWANG, LLC, IN AN AMOUNT NOT TO EXCEED \$250,000.00, AND (B) IDENTIFY LEGALLY AVAILABLE FUNDS TO BE USED FOR THE CONTRACT OR, ALTERNATIVELY, PROVIDE A MAYORAL REPORT

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

**WHEREAS**, the overwhelming majority of driver license suspensions are unrelated to the drivers' ability or skill to continue driving; rather, most driver license suspensions are due to non-payment of court-related fees, service charges, fines, and associated court costs; and

**WHEREAS**, indeed, 30 days after a person fails to (i) make a payment on court fees or fines, (ii) appear at a scheduled hearing, or (iii) comply with the terms of a payment plan entered into with the Clerk of Courts, the person faces an indefinite suspension of his or her driver license; and

**WHEREAS**, many times the amount owed can then increase significantly because, if the person fails to pay the 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 add an amount up to 40 percent of the amount owed to pay for the collection services of the attorney or collection agency; and

**WHEREAS**, driver license suspensions have been shown to lead to job loss, criminal prosecution, and higher insurance rates; and can severely impact residents' ability to undertake other essential tasks such as getting to work, attending healthcare appointments or taking their children to school; and

**WHEREAS**, currently, it has been reported that there are more than 630,000 individuals with suspended driver licenses and almost 1,300,000 open cases in Miami-Dade County, owing more than \$320,500,000 in uncollected fees and costs; and

**WHEREAS**, the cost of collections, administration and enforcement relating to suspended driver licenses to the County, the Clerk, municipal police departments, the State Attorney's office and other entities relative to the amount of fines and fee revenue generated in Miami-Dade County is currently unknown; and

**WHEREAS**, while the amount of fees and fines, court costs, costs of collection, costs for establishment of payment plans, cost for driver license reinstatement, and late fees are all set forth in Florida Statutes, there are aspects of enforcement and cost assessment and implementation which are managed at the local level with some local discretion; and

**WHEREAS**, compliance with legal obligations is an important part of maintaining a safe community; and

**WHEREAS**, revenue from fines and fees represents an important part of funding government operations and thus all recommended solutions need to offset losses in revenue with operational savings and opportunities for other revenue sources; and

**WHEREAS**, several states, including, but not limited to, California, Kentucky, Oregon, Virginia and Wyoming, do not penalize drivers by suspending their licenses for failure to pay fees, fines and costs; and

**WHEREAS**, other states and territories, such as the District of Columbia, Georgia, Maine and Vermont have enacted legislation, in many cases recently, eliminating the automatic suspension of driver licenses for non-payment of fees, fines and costs that are unrelated to traffic violations; and

**WHEREAS**, several local governments, including Palm Beach County, Florida; Shelby County, Tennessee; the City of Durham, North Carolina; and New York City, New York, have implemented policies relating to communications and notices, payment plans, digital hearings, among other policies, that have reduced driver license suspensions while increasing revenue; and

**WHEREAS**, Senator Tom Wright (R – Port Orange) and Representative Byron Donalds (R - Naples) filed Senate Bill 1328 and House Bill 903, respectively, for consideration during the 2020 session of the Florida Legislature; and

**WHEREAS**, among other things, SB 1328 sought to minimize driver license suspensions due to a person’s failure to pay fines, fees, service charges, or other costs

**WHEREAS**, HB 903 would have required similar measures to be established and would have removed the authority of the Florida Department of 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**, SB 1328 and HB 903 received unanimous support when heard in certain committees and subcommittees during the Florida Legislature’s 2020 session, but both bills ultimately were not enacted; and

**WHEREAS**, the County seeks to model a community engagement and input process that ensures all stakeholders, and especially those most impacted, get a voice in the improvement process; and

**WHEREAS**, the County and its residents would benefit from retaining the services of an expert consultant with a background in economics and public policy to assist with the community engagement and input process,

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

**Section 1.** There is hereby created a Driver License Suspension Task Force (the “Task Force”) which shall consist of 11 members, appointed as follows:

- a. two by the County Mayor with one from the County’s Information and Technology Department;
- b. one by the Chief Judge of the Circuit Court for the Eleventh Judicial Circuit;
- c. one by the Miami-Dade County Clerk of Court;
- d. one by the Miami-Dade County State Attorney;
- e. one by the Chair of the Miami-Dade State Legislative Delegation;
- f. one by the Miami-Dade County Public Defender;
- g. one by the Miami-Dade County Association of Chiefs of Police;
- h. one by the Miami-Dade County League of Cities; and
- i. two by community advocacy organizations selected by the County Mayor, at least one of which has been impacted directly by a debt-related driver license suspension.

The representatives from the Miami-Dade County Association of Chiefs of Police and the Miami-Dade County League of Cities shall not be from the same municipality. Appointments shall be made by submission of a memorandum to the Clerk of the Board by each official or entity authorized to make such appointment within 15 days of the adoption of this resolution. In the event the official or entity authorized to make an appointment as set forth in (b)-(i) above declines

in writing the opportunity to appoint, or does not appoint a member to the Task Force, the County Mayor shall appoint such members to represent the interests of such entity. The chairperson of the Task Force shall be the task force member selected by the Chief Judge of the Circuit Court for the Eleventh Judicial Circuit.

**Section 2.** The Task Force should reflect racial, ethnic, and gender balance and diversity representative of the population of Miami-Dade County (“diversity goal”), and its members shall be electors of Miami-Dade County. Each official or entity authorized to make an appointment to the Task Force should consider the diversity goal and endeavor to make the official’s or entity’s appointment in consideration of the diversity goal. Any member who ceases to be an elector of Miami-Dade County shall immediately forfeit his or her position on the Task Force. The County Mayor shall fill any vacancy with a person who represents the interests of the original appointing entity.

**Section 3.** The requirements of Implementing Order 3-38 are waived for the purposes of entering into an agreement with Ker-Twang, LLC, a limited liability company with a principal business address in Miami, Florida (“consultant”), as a consultant to provide professional expert services to the Task Force relating to facilitation, engaging community, designing, testing and implementing solutions, economics and sound and effective public policy analyses to assist the Task Force with its functions and reporting as required by this resolution. As the consultant was previously engaged by the United Way to undertake research and data collection relating to driver license suspensions in Florida, this Board finds that the consultant is uniquely qualified and well-positioned to continue this research and provide its expert services to the Task Force.

**Section 4.** The Board directs the County Mayor or Mayor’s designee to, within 30 days of the effective date of this resolution, (a) negotiate and execute an agreement with the consultant in an amount not to exceed \$250,000.00, and (b) identify legally available funds to be used for the

agreement prior to its execution. Alternatively, if the County Mayor or Mayor's designee is unable to identify legally available funds in an amount sufficient to retain the consultant, the County Mayor or Mayor's designee is directed to provide a report to this Board setting forth the reasons as to why funds are not available. Such report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

**Section 5.** The County Mayor or the County Mayor's designee shall provide adequate staff and support services to the Task Force ("administrative staff"), which administrative staff shall include at least one employee from the Office of Management and Budget. Upon its retention, the consultant shall also provide support and advice to the Task Force regarding its work. The County Attorney's Office shall provide legal counsel to the Task Force. In cooperation with the chairperson, the administrative staff shall prepare an agenda for each Task Force meeting, and shall maintain and keep records of the Task Force. The administrative staff shall be responsible for the preparation of such reports, minutes, documents, or correspondence as the Task Force may direct, and generally administer the business and affairs of the Task Force, subject to budgetary limitations.

**Section 6.** The Task Force shall meet at least four times before providing its report as required in section 8 below to the Board. Additional meetings may be held at the discretion of the chairperson of the Task Force. The Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance and, in the absence thereof, shall be governed by the Miami-Dade Board of County Commissioners Rules of Procedures. The chairperson of the Task Force shall preside at all meetings at which he or she is present. If the chairperson is absent, the Task Force may select one of its members to perform the duties of the chairperson for the meeting during which the chairperson is absent. To conduct any business or to exercise any power vested in the Task Force, a quorum constituting of a majority of those persons duly appointed shall be



present. The members of the Task Force shall serve without compensation and shall not be eligible for reimbursement of expenses accrued in serving as a member of this Task Force, including, but not limited to, travel expenses. If the Governor extends the virtual meeting authority set forth in the Governor's Executive Order 20-69, as may be extended or modified, or by any other executive order, the meetings of the Task Force may be held virtually using authorized communications media technology as permitted by law.

**Section 7.** The Task Force shall engage in a comprehensive and systematic review of suspension of driver licenses in the County and identify policies and practices for reducing driver license suspensions in the County due to non-payment of fees and fines by making it easier for residents to pay what they owe. The Task Force's analysis shall include:

- a. Reviewing fines and fees and court costs imposed by Florida law; the Code of Miami-Dade County, Florida; the fines and fees that the County has specific discretion over imposing or not imposing; the manner in which they are imposed, processed, paid and collected in Miami-Dade County; and local practices and implementation pertaining to driver license suspensions;
- b. Identifying the causes leading to driver license suspensions, including, but not limited to, fines and fees, court costs, costs of collection, costs for establishment of payment plans, costs for license reinstatement, and late fees, and advise the Board of any recommended amendments or revisions to assist drivers with compliance, and in lessening the incidences of driver license suspensions or duration thereof;
- c. Identifying the County or other governmental cost of collections associated with fines and fees;
- d. Allowing opportunity for public input to ensure thorough and meaningful engagement of the larger community of stakeholders in this process; including, but

not limited to, hearing from residents impacted by driver license suspensions, and the larger community to assess service and support needs;

- e. Researching innovative best practices from other counties and municipalities; including, but not limited to, practices related to accessible payment options, digital reminders, and increasing the opportunities, availability and ease of allowing community service hours to satisfy traffic fees, fines and court costs due; and
- f. Adapting, designing, and testing services and best practices that make it easier for residents to pay what they owe.

**Section 8.** The Task Force shall prepare and submit to this Board written recommendations setting forth any proposal on the aforementioned areas of study, including but not limited to, recommendations to reduce driver license suspensions in Miami-Dade County, informed by input from the larger community. In conducting its review and finalizing its recommendations, the Task Force should:

- a. Study the all information, reports and data provided by the consultant;
- b. Invite knowledgeable and directly impacted members of the community to appear and make recommendations;
- c. Invite representatives of the County's municipalities to appear and make recommendations;
- d. Organize itself, if desired by the Task Force, into working groups, made up of members of the Task Force or designees of the Task Force members; and
- e. Conduct regional public meetings in for example, North, South, West and Central Miami-Dade County to convey recommendations of the Task Force to persons in attendance and receive any additional comments from the public regarding recommendations.

The Task Force shall reconvene to consider any public comments prior to submission of a final report to the Board of County Commissioners. Nothing herein would prohibit the Task Force from conducting by electronic means any such regional public meetings required by this section.

**Section 9.** All proceedings of the Task Force shall be conducted in accordance with all applicable laws, including but not limited to, the Government in the Sunshine Law, section 286.011, Florida Statutes, and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. The Task Force shall be deemed an "agency" for the purposes of the Public Records Law, chapter 119, Florida Statutes. The Task Force shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, section 2-11.1 of the Code of Miami-Dade County, as determined by the Miami-Dade County Commission on Ethics and Public Trust. The Task Force shall provide members of the public a reasonable opportunity to be heard, consistent with section 286.0114, Florida Statutes. Accordingly, rule 6.06 of the Miami-Dade Board of County Commissioners Rules of Procedures is incorporated by reference.

**Section 10.** The Task Force shall complete its deliberations and submit its written recommendations to this Board no later than 180 days after the first meeting of the Task Force, but in no event later than 360 days following the effective date of this resolution, provided, however, nothing herein prohibits the Task Force from providing a report or reports to the Board prior to such time. The report of the Task Force shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65. The Board may request such further work of the Task Force as may be in the public interest.

**Section 11.** The Task Force created pursuant to this resolution shall sunset and stand dissolved on the 363rd day from the effective date of this resolution, unless it is extended by an ordinance duly adopted by the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. 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.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

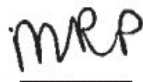
The Chairperson thereupon declared this resolution duly passed and adopted this 6<sup>th</sup> day of October, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon 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.



Monica Rizo Perez  
Oren Rosenthal