

# MEMORANDUM

Agenda Item No. 11(A)(6)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** January 20, 2021

**FROM:** Geri Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to enact Senate Bill  
356, Senate Bill 386, or similar  
legislation that would minimize,  
or eliminate, driver license  
suspensions due to failure to pay  
fines, fees, service charges, or  
other costs

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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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Geri Bonzon-Keenan  
Successor County Attorney


GBK/jp



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

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Gen Bonzon-Keenan  
Successor County Attorney

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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)(6)  
1-20-21

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 356, SENATE BILL 386, OR SIMILAR LEGISLATION THAT WOULD MINIMIZE, OR ELIMINATE, DRIVER LICENSE SUSPENSIONS DUE TO FAILURE TO PAY FINES, FEES, SERVICE CHARGES, OR OTHER COSTS

**WHEREAS**, Florida law presently provides for the suspension of driver licenses for nonpayment of fines, fees, service charges, and other costs unrelated to dangerous driving, without sufficient assessment of a person’s ability to pay; and

**WHEREAS**, since 1996, the State of Florida has created more than 20 new types of fees, while, at the same time, eliminating most exemptions for those who cannot afford to pay; and

**WHEREAS**, an amendment to the Florida Constitution in 1998 provides that the offices of the clerks of the county and circuit courts be funded primarily by filing fees and service charges and costs; and

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

**WHEREAS**, the Eleventh Judicial Circuit reports that approximately 630,000 residents in Miami-Dade County have a suspended driver license; and

**WHEREAS**, the overwhelming majority of driver license suspensions bear no relation to the driver’s ability or skill to continue driving, but, rather, 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 their driver license; and

**WHEREAS**, in addition, 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**, analysis of data demonstrates that low income individuals and minorities are most affected by driver license suspensions; 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 jurisdictions—such as Georgia, Maine, Vermont, and Washington D.C.—have enacted legislation, many of them recently, eliminating the automatic suspension of licenses due to non-payment of fees, fines, and costs that are unrelated to traffic violations; and

**WHEREAS**, Senate Bill (SB) 356 and SB 386 have been filed by Senator Shevrin D. “Shev” Jones (D – Miami Gardens) and Senator Tom A. Wright (R – Port Orange), respectively, for consideration during the Florida Legislature's 2021 session; and

**WHEREAS**, SB 356 and SB 386 are similar bills that would minimize driver license suspensions due to a person's failure to pay fines, fees, service charges, or other costs by creating flexibility in payment options, requiring additional notices, creating a series of alternatives to suspension, providing for reinstatement of suspended driver licenses under certain circumstances, and limiting suspensions only to situations involving criminal driving-related offenses; and

**WHEREAS**, specifically, these bills would (1) require the clerks of court to create and implement a uniform payment plan form for individuals who owe fines or fees based on their ability to pay, (2) give courts authority to waive, modify, or convert the outstanding amounts to community service, if the individual is indigent or due to compelling circumstances is unable to comply with a payment plan, and (3) remove the clerk's ability to suspend an individual's driver license for non-driving related criminal offenses; and

**WHEREAS**, eliminating driver license suspensions for non-payment of court-related fees, service charges, fines, and associated costs that are unrelated to highway safety violations will significantly reduce the administrative and fiscal burden on state and local agencies, law enforcement, and the courts, by reducing case load and administrative time, and lessen the unintended harmful impact on our communities; and

**WHEREAS**, accordingly, this Board wishes to support the enactment of SB 356, SB 386, or similar 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.** Urges the Florida Legislature to enact Senate Bill 356, Senate Bill 386, 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 Shevrin D. “Shev” Jones, Senator Tom A. Wright, and the Chair and remaining 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 2021 State Legislative Package to include this item.

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:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 20<sup>th</sup> day of January, 2021. 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  
Monica Rizo Perez