

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 4, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact Senate Bill 968, House Bill 921, or similar legislation that would amend Florida law to eliminate automatic driver license suspensions for failure to comply with civil penalties and further authorize courts to modify an individual's financial obligation based on their ability to pay

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


Geri Bonzon-Keenan
County Attorney

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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)(12)
4-4-23

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 968, HOUSE BILL 921, OR SIMILAR LEGISLATION THAT WOULD AMEND FLORIDA LAW TO ELIMINATE AUTOMATIC DRIVER LICENSE SUSPENSIONS FOR FAILURE TO COMPLY WITH CIVIL PENALTIES AND FURTHER AUTHORIZE COURTS TO MODIFY AN INDIVIDUAL'S FINANCIAL OBLIGATION BASED ON THEIR ABILITY TO PAY

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, in 2018, the State of Florida suspended 1,700,000 driver licenses, or about ten percent of all driver licenses in Florida; and

WHEREAS, in 2020, it was reported that there were more than 630,000 individuals with suspended driver licenses and almost 1,300,000 open cases in Miami-Dade County; and

WHEREAS, the majority of driver license suspensions are not related to the driver's ability or skill to continue driving, but are rather a result of non-payment of court-related fees, service charges, fines, and associated court costs; and

WHEREAS, Senate Bill ("SB") 968 and House Bill ("HB") 921 have been filed for consideration during the 2023 session of the Florida Legislature by Senator Danny Burgess (R – Zephyrhills) and Representative Mike Beltran (R – Valrico), respectively; and

WHEREAS, SB 968 and HB 921 are identical companion bills that would amend Florida law to eliminate the automatic suspension of an individual's driver license due to that individual's failure to pay certain civil penalties unrelated to major traffic offenses or child support; and

WHEREAS, SB 968 and HB 921 would further, among other provisions, authorize courts to modify an individual's financial obligation based on their individual ability to pay, including by reducing, waiving, or converting to community service certain financial obligations; or by granting the petition of an indigent individual to declare that their financial obligations have been met under a payment plan and terminate the payment plan after a certain number of consecutive installment payments; and

WHEREAS, in July 2022, this Board adopted Resolution No. R-715-22, which urged the Florida Legislature to enact legislation that would minimize or eliminate driver license suspensions of non-dangerous drivers due to failure to pay certain fines, court-related fees, service charges, or other costs; and

WHEREAS, through Resolution No. R-715-22, the Board further urged the Florida Legislature to enact legislation authorizing local governments and courts to impose fees and costs based on an individual's ability to pay; and

WHEREAS, this Board also adopted Resolution No. R-712-22 in July 2022, wherein the Board accepted the Driver License Suspension Task Force Final Report, which chronicled the ways such fees and costs drain government resources, harm the economy, and decrease tax revenue; and

WHEREAS, this Board has repeatedly recognized that driver license suspension can lead to job loss and severely impact a person's ability to undertake essential tasks, such as attending school, attending medical appointments, and taking children to school; and

WHEREAS, analysis of data demonstrates that low-income individuals and minorities are disproportionately affected by driver license suspensions; 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, allowing courts to modify fees and costs based on an individual's ability to pay could help reduce the disproportionate impact of debt-based driver license suspensions on low-income individuals and minorities; and

WHEREAS, this Board supports legislation that would eliminate automatic driver license suspensions resulting solely from an individual's failure or inability to pay certain fines and fees and would further authorize courts to modify an individual's financial obligation based on their ability to pay,

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 968, House Bill 921, or similar legislation that would amend Florida law to eliminate automatic driver license suspensions for failure to comply with civil penalties and further authorize courts to modify an individual's financial obligation based on their ability to pay.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, Senator Danny Burgess, Representative Mike Beltran, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Further directs the County’s state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of April, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Anita Viciano Zapata