



**OFFICE OF THE COMMISSION AUDITOR  
MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**

**COMMISSION AUDITOR'S  
INFORMATIONAL RESEARCH**

**PUBLIC SAFETY AND REHABILITATION  
COMMITTEE MEETING**

**September 9, 2020**

**9:30 A.M.**

**Virtual Meeting**

Yinka Majekodunmi, CPA  
Commission Auditor

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**Item No. 2A  
File No. 201781**

**Researcher: JFP Reviewer: PGE**

RESOLUTION CREATING A DRIVERS' LICENSE SUSPENSION TASK FORCE; SETTING FORTH POWERS AND RESPONSIBILITIES OF SUCH TASK FORCE; PROVIDING FOR A REPORT AND PROVIDING FOR SUNSET; WAIVING REQUIREMENTS OF ADMINISTRATIVE ORDER 3-38 FOR THE SELECTION OF A CONSULTANT TO PROVIDE PROFESSIONAL AND EXPERT SERVICES TO THE TASK FORCE; FURTHER DIRECTING 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 KER-TWANG, LLC, IN AN AMOUNT NOT TO EXCEED \$250,000.00, FOR PROFESSIONAL AND EXPERT CONSULTING SERVICES RELATED TO AND FOR THE BENEFIT OF THE TASK FORCE, AND (B) IDENTIFY LEGALLY AVAILABLE FUNDS TO BE USED FOR SAID CONTRACT AND SERVICES OR, ALTERNATIVELY, PROVIDE A REPORT TO THE BOARD

**ISSUE/REQUESTED ACTION**

Whether the Board should create a Driver's License Suspension Task Force that is to report its recommendations to the Board, and waive the requirements of Implementing Order 3-38 to negotiate and execute an agreement with Ker-Twang, LLC in the amount of up to \$250,000 for professional and expert consulting services to aid the Task Force in producing its recommendations.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Eileen Higgins, District 5**

**Department/Requester: None**

This item has no procedural history.

**ANALYSIS**

The purpose of this item is to establish a Driver's License Suspension Task Force (Task Force) that will engage in a comprehensive review of the suspension of driver licenses in the County, identifying policies and practices for reducing driver license suspensions due to non-payment of fees and fines, in effect ameliorating the cost of collections, administration and enforcement related to suspended driver's licenses as well as the burden on impacted residents. The item has a fiscal impact of a maximum of \$250,000 as it provides for waiver of competition to contract with the consultant firm, Ker-Twang, LLC in an amount not to exceed \$250,000 to advise the Task Force as it formulates its recommendations. The professional services contract is governed by Implementing Order 3-38, waiver of which is required by a majority vote given the contract's value.

In 2019, nearly 2 million out of Florida's 16.6 million drivers had their licenses suspended due to unpaid fines and fees. 2017 data from Florida Highway Safety and Motor Vehicles shows that 250,063 drivers in Miami-Dade County had their driver license suspended for failure to pay fines or fees, accounting for 80.8% of the County's total driver's license suspensions in 2017. In order to have a suspension lifted, the driver must pay all court costs and fines in full, or make payment arrangements to clear the suspension, in addition to a \$60 fee to have the driving privilege reinstated. The below illustration depicts the cycle of driver's license suspension. Due to the accumulated financial burden, these impacted residents are left without their driving privileges for longer periods, oftentimes leading to job loss or criminal prosecution for driving with a suspended license.

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*Source: Fines and Fees Justice Center - October 2019*

The Task Force is to identify the causes of driver license suspensions and perform an analysis on the fines and fees imposed pursuant to Section 322.245, Florida Statutes and the County Code, as well as enumerate the County or other governmental cost of collections associated with fines and fees. The goal of the Task Force is to examine alternative policies to address driver license suspensions that are unrelated to driving-related offenses and implement an improvement process benefitting all stakeholders—the County, the Clerk of Courts, municipal police departments, the State Attorney’s Office, and County residents.

The volunteer Task Force is to consist of 11 appointed members:

- Two appointed by the County Mayor with one from the County’s Information and Technology Department;
- One appointed by the Chief Judge of the Circuit Court for the Eleventh Judicial Circuit;
- One appointed by the Miami-Dade County Clerk of Court;
- One appointed by the Miami-Dade County State Attorney;
- One appointed by the Chair of the Miami-Dade State Legislative Delegation;
- One appointed by the Miami-Dade County Public Defender;
- One appointed by the Miami-Dade County Association of Chiefs of Police;
- One appointed by the Miami-Dade County League of Cities; and
- Two appointed 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.

Requisite community engagement in the process will be achieved by arranging public meetings and inviting directly impacted members of the community to participate in its meetings. The Task Force is to submit its final written

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recommendations to the Board no later than 180 days after the first meeting of the Task Force, and no later than 360 days following the resolution's effective date, as the Task Force is slated to sunset shortly thereafter. In addition to the consulting services received from Ker-Twang, LLC, the Task Force will be aided by staff and support identified by the County Mayor, including at least one employee from the Office of Management and Budget, and legal support from the County Attorney's Office.

The below table summarizes OCA's due diligence review of Ker-Twang, LLC.

Awarded Firms	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Ker-Twang, LLC	Foreign Limited Liability Company  Active  Principal Address: 1951 NW 7th Ave., Suite 600 Miami, FL 33136  Filed: September 23, 2019	No account on file.	No account on file.	No cases.

**ADDITIONAL INFORMATION**

The below table depicts select jurisdictions which enacted legislation or implemented policies related to the suspension of driver licenses for non-payment of fees, fines and costs that are unrelated to traffic violations.

Jurisdiction	Governing Authority	Enacted/Recommended Policy
<b>California</b>	AB 103, (enacted June 27, 2017)	Bans suspension of driver's licenses for unpaid court debts
<b>District of Columbia</b>	District Law L22-0175 (effective October 30, 2018)	Reinstated nearly 66,000 driver licenses that were suspended for unpaid tickets or missed hearings. DMV's licensing system was programmed to no longer suspend driver licenses (D.C. resident) or driving privileges (non-D.C. resident) due to failure to pay a moving violation, failure to pay a moving violation after being found liable at a hearing, and failure to appear for a hearing on a moving violation. The law allows offenders to pay off all or part of what they owe through community service.
<b>Maine</b>	LD 1190 (enacted July 9, 2018)	Abolishes driver license suspensions for failure to pay fines and fees imposed in criminal cases, except traffic offenses. Because the bill defines all moving violations as driving offenses, this bill does not prohibit driver's license suspensions for unpaid traffic violations. Previously, failure

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		to pay a fine related to a criminal offense resulted in an automatic driver's license suspension.
<b>Michigan</b>	Recommendation by the Michigan Joint Task Force on Jail and Pretrial Incarceration; Bill introduced in the Michigan Legislature on June 11, 2020 (House Bill 5846)	Reserving driver's license suspension only for driving-related offenses, eliminating this penalty for non-payment of fines and fees.
<b>Mississippi</b>	Policy implemented by the Mississippi Department of Public Safety (effective January 1, 2017)	Eliminated automatic suspension of licenses for unpaid court debt, instituted waiver of the \$100 reinstatement fee, and required consideration of indigency before suspending licenses.
<b>Vermont</b>	Vermont ACT 147 (enacted May 31, 2016)	The Act modifies provisions related to driver's license suspensions. Specifically, it (1) terminates suspensions imposed because of a person's failure to appear on a criminal traffic offense charged before July 1, 1990; (2) creates a driver's license restoration program; (3) terminates suspensions of driver's licenses that were imposed because of laws that use suspension of licenses as a penalty for non-driving conduct; (4) changes the remedies available for failure to pay traffic violation judgments; (5) develops a hearing in which the officer must consider evidence of an ability to pay the traffic violation judgment; and (6) encourages state agencies to promote the new payment option plans and hearings regarding ability to pay.

**APPLICABLE LEGISLATION/POLICY**

**Section 322.245, Florida Statutes** prescribes suspension of driver license upon failure of person charged with specified offense under Chapter 316, Chapter 320, or Chapter 322, Florida Statutes to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61, Florida Statutes or failure to pay any financial obligation in any other criminal case.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display\\_Statute&Search\\_String=322.245&URL=0300-0399/0322/Sections/0322.245.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=322.245&URL=0300-0399/0322/Sections/0322.245.html)

**Implementing Order 3-38** sets forth the County's policies and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

## **CONTRIBUTORS**

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### **The Office of the Commission Auditor, Miami-Dade Board of County Commissioners**

The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary and operational issues before the Miami-Dade Board of County Commissioners. The Commission Auditor's duties include reporting to the Board of County Commissioners on the fiscal operations of County departments, as well as whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented

These research notes, prepared in collaboration with the Miami Dade County departments as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). The OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on its objectives; accordingly, the OCA does not express an opinion on the data gathered by the subject matter expert(s).