

MEMORANDUM

Agenda Item No. 11(A)(6)

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

Resolution No. R-56-21

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



Geri Bonzon-Keenan
Successor County Attorney

GBK/jp



MEMORANDUM
(Revised)

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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. R-56-21

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 **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 20th 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley
Monica Rizo Perez

A handwritten signature in blue ink, appearing to be "James Eddie Kirtley", is written over a horizontal line.