

MEMORANDUM

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(G) (Second Reading 11-2-21) September 1, 2021
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance extending the sunset date of the Driver License Suspension Task Force created by Resolution No. R-1042-20 for a certain period of time; providing for membership, organization and procedures; setting forth purpose, function, responsibilities, and sunset provision

Ordinance No. 21-121

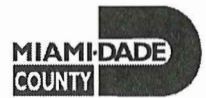
The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: November 2, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance to Extend Sunset Driver License Suspension Task Force

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink that reads "J.D. Patterson".

J.D. Patterson
Chief Public Safety Officer

Date: November 2, 2021

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

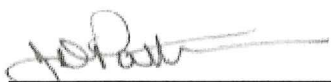
From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Related to Extending the Sunset Date of the
Driver License Suspension Task Force #212086

The proposed ordinance seeks to extend the sunset period of the Driver License Suspension Task Force (Task Force) created by Resolution No. R-1042-20.

Resolution No. R-1042-20 charged the Task Force with engaging in a comprehensive and systematic review of suspended driver licenses in Miami-Dade County, as well as identifying policies and practices for reducing the suspension of driver licenses in the County for the non-payment of fees and fines by making it easier for residents to pay what they owe. However, Resolution No. R-1042-20 provides that the Task Force will sunset and stand dissolved on the 363rd day from the effective date of the Resolution unless it is extended by an ordinance duly adopted by the Board.

Currently, the Task Force is set to sunset on October 16, 2021. Unfortunately, due to delays in appointments and scheduling in-person meetings during the COVID-19 pandemic, the Task Force convened for the first time on May 25, 2021. As such, the Administration would like to extend the sunset period of the Task Force to provide additional time to complete its work to make recommendations to the Board. Extending the sunset period of the Task Force is not anticipated to create any social equity benefit or burden.



JD Patterson
Chief Public Safety Officer



MEMORANDUM

(Revised)

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

DATE: November 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(G)

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. 7(G)
11-2-21

ORDINANCE NO. _____ 21-121

ORDINANCE EXTENDING THE SUNSET DATE OF THE DRIVER LICENSE SUSPENSION TASK FORCE CREATED BY RESOLUTION NO. R-1042-20 FOR A CERTAIN PERIOD OF TIME; PROVIDING FOR MEMBERSHIP, ORGANIZATION AND PROCEDURES; SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITIES, AND SUNSET PROVISION; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

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 overwhelming majority of driver license suspensions are unrelated to the driver's 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, 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, owing more than \$320,500,000.00 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, and digital hearings, among other policies, that have reduced driver license suspensions while increasing revenue; and

WHEREAS, this Board approved Resolution No. R-1042-20 to create a Driver License Suspension Task Force (the “Task Force”) to 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 and to advise the County on proposals related to the areas of study; and

WHEREAS, Resolution No. R-1042-20 provides that the Task Force shall sunset and stand dissolved on the 363rd day from the effective date of the resolution unless it is extended by an ordinance duly adopted by this Board; and

WHEREAS, Resolution No. R-1042-20 became effective on October 18, 2020, and therefore the Task Force is set to sunset and dissolve on October 16, 2021; and

WHEREAS, due to delays in appointments and in scheduling in-person meetings during the COVID-19 pandemic, the Task Force convened for the first time on May 25, 2021; and

WHEREAS, this Board would like to extend the sunset period of the Task Force in order to provide it additional time to complete its work and make recommendations to this Board,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. The foregoing recitals are incorporated herein.

Section 2. *Creation.* The sunset date of the Driver License Suspension Task Force (the “Task Force”), created by Resolution No. R-1042-20, is hereby extended as set forth in section 11 below. The purpose, membership, functions and responsibilities, organization and procedures of the Task Force are also set forth herein.

Section 3. *Purpose.* To develop recommendations to reduce driver license suspensions in Miami-Dade County, including but not limited to, through reducing or facilitating satisfaction of financial liabilities resulting in driver license suspensions. The Board may request such further work of the Task Force as may be in the public interest.

Section 4. *Membership.* The Task Force shall consist of 11 members, two of which shall be appointed by the County Mayor with one from the County’s Information and Technology Department, two of which shall be appointed by community advocacy organizations selected by the County Mayor with least one such appointment being of a person who has been impacted directly by a debt-related driver license suspension, and one member to be appointed by each of the following entities: the Chief Judge of the Circuit Court for the Eleventh Judicial Circuit; the Miami-Dade County Clerk of Court; the Miami-Dade County State Attorney; the Chair of the Miami-Dade State Legislative Delegation; the Miami-Dade County Public Defender; the Miami-Dade County Association of Chiefs of Police; and the Miami-Dade County League of Cities. 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.

- (a) 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.
- (b) In the event the official or entity authorized to make an appointment as set forth 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.
- (c) 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.
- (d) Members of the Task Force already appointed shall remain the same and in the event of a vacancy, the County Mayor shall fill any vacancy with a person who represents the interests of the original appointing entity.
- (e) The Task Force should reflect racial, ethnic, and gender balance and diversity representative of the population of Miami-Dade County (“diversity goal”). 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.

Section 5. *Limitations on Authority.* The Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or its agencies or instrumentalities to any policies, incur any financial obligations, or create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 6. *Staff.* 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. 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 7. *Organization and procedures at meetings.* The Task Force shall meet at least four times before providing its report to the Board as required in section 9 below. 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 Procedure. 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.

Section 8. *Function and Responsibility.* 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 9. *Reporting.* Prior to the sunset date set forth in section 11 below, the Task Force shall complete its deliberations and 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 information, reports and data provided by the County;
- (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 comprised of members of the Task Force or designees of the Task Force members;
- (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; and
- (f) Consult and work with the Dade-Miami Criminal Justice Council.

The Task Force shall reconvene to consider any public comments prior to submission of a final report to the Board of County Commissioners. The report of the Task Force shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 10. *Regulations.* 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 Procedure is incorporated by reference.

Section 11. *Sunset.* The Task Force shall remain in existence until the later of (a) the date that this Board receives a final report from the Task Force, including any supplemental reports required by the Board following any Board requests for further work of the Task Force pursuant to section 3 of this ordinance, or (b) April 15, 2022.

Section 12. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 13. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall be excluded from the Code of Miami-Dade County, Florida.

Section 14. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

November 2, 2021

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Monica Rizo Perez

Prime Sponsor: Commissioner Eileen Higgins
Co-Sponsor: Commissioner Sally A. Heyman