

May 2022



Driver's License Suspension Task Force Final Report

Miami-Dade County



Foreword



A few years ago, I was asked to chair a Community Disparities Subcommittee for Miami-Dade's Board of County Commissioners. Our committee examined barriers that prevented residents from achieving economic success. I'll never forget the day I learned that there are hundreds of thousands of our own County residents with

suspended licenses that have nothing to do with bad driving. For more than half of them, the suspension resulted from unpaid fines and fees. Regrettably, the data shows that license suspensions affected lower income zip codes more than affluent ones. It seemed obvious to me that this practice makes no sense – when you take away a person's ability to drive, you limit their access to the good jobs that could help them pay off these fees.

I knew immediately this was something that needed to be fixed. That's why I established a countywide interagency Driver's License Suspension Task Force to determine what can be done to fix a system that has been locking people out of economic opportunity for years.

The Task Force began by listening to residents' stories. The system confused them. It was difficult to pay. Daytime, in-person appearances cost them time off from work. Frustration was high. No grace periods for one missed payment. Customer service was slow and cumbersome. They could pay some of the debt, but couldn't afford to pay all that they owed. Some lost their jobs. Others felt hopeless. Task Force member Marq Mitchell, after having his license suspended for failure to pay fines and fees from his teenage years, powerfully described the impact. "It's hard to see yourself having a better future if you're always trapped and burdened with fines you know you can't afford and have limited transportation."

The Driver's License Suspension Task Force Final Report is the result of months of hard work from its 11 dedicated members and the local organizations who supported its work.

The Task Force has given us not only a clear understanding of the issue and its root causes, but also a roadmap towards solutions that will make the system less onerous for residents.

I'm proud and grateful to the Task Force members for their ideas and commitment. These recommendations will allow us to work towards two important goals:

- **Deal with the backlog:** Help the tens of thousands of people who aren't dangerous drivers get their license back and put them on a payment plan that fits their income.
- **Prevent suspensions in the first place:** Create proactive processes, services, and payment plans that help people stay in compliance and pay what they owe.

Crucially, these recommendations were all made with the assumption that we **must continue to keep dangerous drivers off the roads**. They also acknowledge that changes **must ensure that the Clerk of the Courts continues to receive the revenue it needs** to operate.

Now that the Task Force has issued its final report, the real work begins as key organizations transition toward implementing the seven recommendations. I promise to continue to champion improvements locally and at the state level when necessary.

In closing, I want to express my thanks to all those who worked to support the Task Force. The Task Force members were focused and dedicated. I am proud of their work and their resolute commitment to pursue real, tangible change for so many members of our community. They never forgot why their work mattered. The solutions they've identified will restore people's access to economic opportunity and put them back on the path to success.

In gratitude,

Eileen Higgins
Miami-Dade County Commissioner
District 5



Contents

Executive Summary	04
Introduction	05
About the Task Force	07
Findings	08
Existing Challenges	10
Recommendations	12
Next Steps	15



Executive Summary

On October 8, 2020, the Miami-Dade Board of County Commissioners approved legislation sponsored by Commissioner Eileen Higgins to create the Driver's License Suspension Task Force (Task Force) to review debt-based driver's license suspensions in Miami-Dade County and identify high-impact solutions.

The Task Force was directed to focus exclusively on the urgent, unaddressed problem of non-safety-related suspensions, and in particular, the overwhelming number of driver's license suspensions that result from unpaid fines and fees. The Task Force was specifically directed to perform the following tasks:

- Chronicle the number of suspended drivers in Miami-Dade County
- Understand the adverse outcomes related to fines and fees practices
- Identify the root causes of these adverse outcomes
- Develop recommendations to remedy the problems

As part of its work, the Task Force analyzed data related to fines and fees, the number of impacted individuals, the personal and economic consequences of a non-safety-related suspended license, and the impact current practices have on historically marginalized community members. In addition, the Task Force considered factors that contribute to adverse outcomes for driver's license suspensions. It found that these challenges have a wide range of causes including excessive charges and collections fees, obscure and complicated processes, difficulty accessing court, a lack of high-quality digital options, and outdated, fragmented systems.

The following recommendations resulted from the Task Force's work:

Recommendation 1: Reinstate Eligible Drivers

Identify and notify the estimated 45,000 residents whose license suspension is older than seven years about their status and the process for reapplying for their license.

Recommendation 2: Create a Driver's License Compliance Court

Create a "one-stop shop" Driver's License Compliance Court for residents who otherwise would be eligible

for a driver's license but for their inability to pay. The Compliance Court will help people reinstate their driver's licenses by addressing issues related to a resident's ability to pay including, but not limited to, removing people from collections.

Recommendation 3: Safely Reduce Driving While License Suspended (DWLS) Arrests for Failure to Pay

Take steps to safely reduce arrests of Miami-Dade residents with license suspensions for inability to pay, to the extent possible under Florida law. Instead, direct them into a process for license reinstatement (see Recommendation 2).

Recommendation 4: Develop Contactless Compliance Tools

Develop and deploy contactless Driver's License Compliance tools that immediately inform drivers of their options, proactively notify them, reduce in-person requirements for people with suspended licenses, and simplify the compliance process.

Recommendation 5: Improve Communication and Customer Experience

Leverage the power of technology so that residents interacting with the Clerk of the Courts receive high quality information allowing them to easily navigate the system to avoid a license suspension or understand what they must do to reinstate their license.

Recommendation 6: Simplify the Payment Process

Offer seamless, modern payment options that make it simple for residents to pay what they owe in order to prevent license suspensions or allow people to get their license reinstated.

Recommendation 7: Establish Tracking and Oversight through the Office of the Mayor

The Miami-Dade County Mayor's Office will guide the implementation process and provide regular tracking, reporting, and progress evaluations.

Introduction

Miami-Dade is the seventh largest county in the United States of America, with a population of more than 2.7 million residents who contribute to the community in many ways. As residents of a large, sprawling metropolitan area with a concentration of economic opportunities in coastal areas to the east, physical and economic mobility are one and the same for hundreds of thousands of Miami-Dade residents. Due to the lack of rapid public transportation options for many residents of north, south, and west Miami-Dade, the most practical way to commute to work for most County residents is by car.

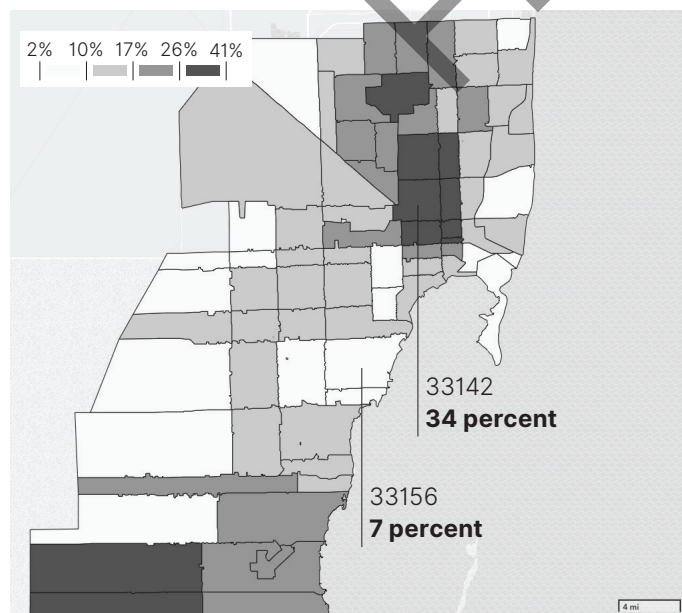
However, according to data from the Eleventh Judicial Circuit Court Administrator's Office, roughly 600,000 people currently have a suspended license.¹ For comparison, this represents almost one-third of the County's two million licensed drivers. Of those 600,000, 63 percent have had their license suspended for failure to pay a fine and another 31 percent have a license suspension from failing to appear in court.² License, registration, toll,

and insurance infractions represent more than 50 percent of all of the infractions leading to license suspension in Miami-Dade County.³ By comparison, only 2.2 percent and 0.6 percent of license suspensions stem from a Driving Under the Influence (DUI) or Reckless Driving charge, respectively.⁴

The American Association of Motor Vehicle Administrators (AAMVA) succinctly summarizes the problem: **"Although there is a clear societal interest in keeping unsafe drivers off the roads, broadly restricting licenses for reasons unrelated to an individual's ability to drive safely may do more harm than good.**" This is especially true in areas that lack alternative means of transportation. Local communities, employers, and employees all experience negative consequences as a result of non-highway safety suspensions, including unemployment, lower wages, fewer employment opportunities and hiring choices, and increased insurance costs."⁵

Figure 1. **Poverty by zip code**

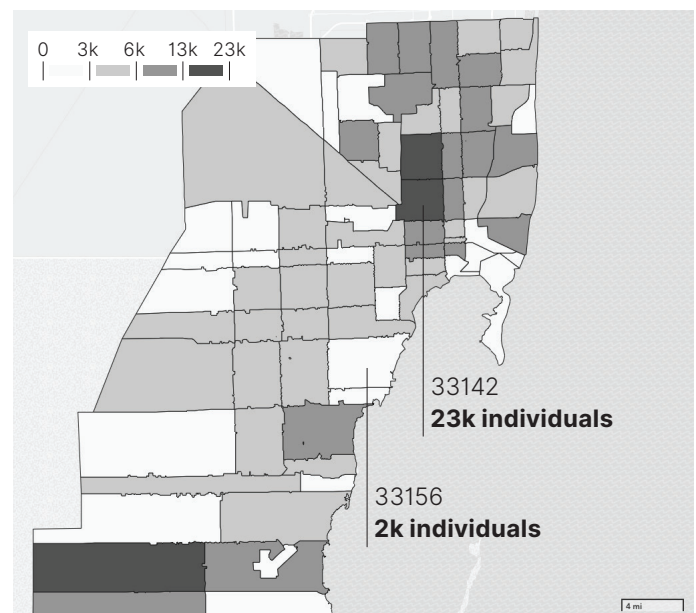
Percent of residents living below the Federal Poverty Line



Sources: miamidadematters.org, Miami-Dade County Open Data Hub

Figure 2. **License suspension by zip code**

Individuals with driver's license suspensions



Source: Eleventh Judicial Circuit Court Administrator's Office (May 2022)

Moreover, Figure 1 and Figure 2 show that **a disproportionate number of drivers with a suspended license in Miami-Dade are from low-income zip codes**, where residents may not have the financial resources needed to repay their debt, especially if they lost a job as a result of a license suspension.

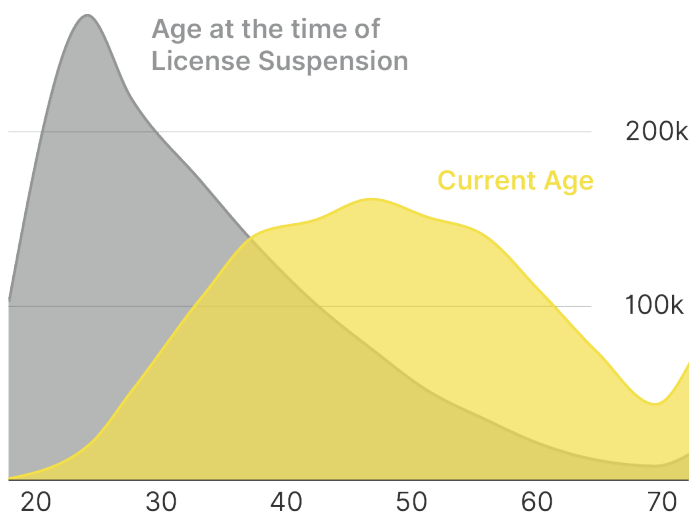
The **data also demonstrates that driver's license suspensions for failure to pay fines and fees create long-term impacts on the physical and economic mobility of Miami-Dade residents**. In Florida, for example, drivers with a license suspension for civil traffic infractions are eligible to reinstate their licenses after seven years. Despite this, 77 percent of Miami-Dade's outstanding license suspensions are more than seven years old, with 37 percent being more than 20 years old (Figure 3).⁶

Figure 4 illustrates how hard it is – and how many years it takes – for residents to get their licenses reinstated. Whereas most drivers are younger than age 30 when their license is suspended, the current age of most drivers with a suspended license is between 31 and 65.

By changing the approach to license suspensions, Miami-Dade can empower hundreds of thousands of residents to lift themselves out of economic hardship, decrease or eliminate their dependence on government assistance, and fully contribute to their communities.

Figure 4. Ages of suspended drivers

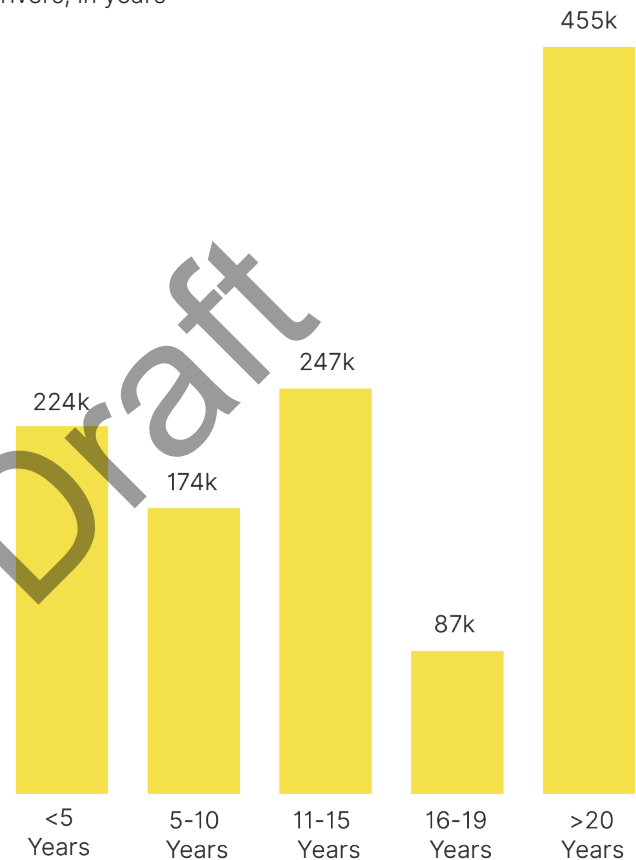
Driver age at the time of infraction compared with current age of driver's with a license suspension



Source: Eleventh Judicial Circuit Court Administrator's Office

Figure 3. How long a license suspension lasts

Length of license suspension for currently suspended drivers, in years



Source: Eleventh Judicial Circuit Court Administrator's Office

About the Task Force

The Task Force launched on May 25, 2021 and met monthly to assess and discuss potential recommendations and reforms. It formed three working groups: Prevention, Improving Customer Experience, and Reinstatement. In total, it met seven times, in addition to 13 working group meetings. Meetings were open to the public.

The Task Force included representatives from the Chief Judge of the Circuit Court for the Eleventh Judicial Circuit; Clerk of Courts; Miami-Dade State Attorney, Public Defender, Mayor's Office, State Legislative Delegation, Association of Chiefs of Police, and League of Cities; Miami-Dade County's Information Technology Department; and a community member directly impacted by a debt-related driver's license suspension, selected by the County Mayor.

- **Honorable Judge Steve Leifman**, Associate Administrative Judge - County Criminal Division, Eleventh Judicial Circuit of Florida, Task Force Chair
- **Honorable Shevrin D. "Shev" Jones**, Florida State Senator
- **Honorable Carlos J. Martinez**, Law Offices of the Public Defender, Eleventh Judicial Circuit of Florida
- **Honorable Anna Hochkammer**, Councilmember, Village of Pinecrest
- **Honorable Barbara J. Jordan**, Former Miami-Dade County Commissioner
- **Major David De La Espriella**, Past President, Miami-Dade County Association of Chiefs of Police
- **Ernesto Alvarez de la Campa**, Senior Systems Analyst, Miami-Dade Information Technology Department
- **Sandra Bazile, Courts Division Director**, Traffic and Misdemeanors Division, Miami-Dade County Clerk of the Courts
- **Elvia Medina Marcus**, Assistant State Attorney
- **Marq Mitchell**, Founder, Chainless Change

Gigi Bolt, Senior Business Analyst, Office of Management and Budget, provided administrative services. Chris Hudtwalcker, former District 5 Legislative Director, spearheaded the Task Force's launch. Harris Levine, a partner at Ker-twang, assisted the Task Force with facilitation, research, and analysis. This work was funded by the Office of Commissioner Eileen Higgins, The Miami Foundation, Uber, and the Health Foundation of South

Florida. The United Way of Miami-Dade County acted as a fiscal agent.

The Task Force is grateful to Robert Kynoch and his team from the Florida Department of Highway Safety and Motor Vehicles, Cynthia Guerra from the Miami-Dade Public Defender's office, and Carmen Bravo from the Eleventh Judicial Circuit of Florida for their regular contributions to the Task Force's efforts; as well as to the experts that shared their experience: Anne Stuhldreher, Director of Financial Justice in the City and County of San Francisco, and Phaedra Ellis Lamkins, CEO of Promise Pay.

Research & Approach

As the work of this Task Force progressed, and as the full scope of this issue became evident, Task Force members agreed on the following objectives:

- Increase the number of safe, insured drivers in Miami-Dade County
- Continue to keep dangerous drivers off the road
- Increase people's trust in their government
- Maintain government revenue
- Stop the criminalizing people's inability to pay

The Task Force considered examples and research from Miami-Dade as well as from around the country, including states like Alabama, Texas, California, and New York. Its seven key recommendations were developed, vetted, and approved by consensus. It also solicited input from the greater community, including residents directly affected by debt-related driver's license suspensions.

The Task Force analyzed data related to fines and fees, the number of impacted individuals, the personal and economic consequences of a non-safety-related suspended license, and the impact current practices have on historically marginalized community members.

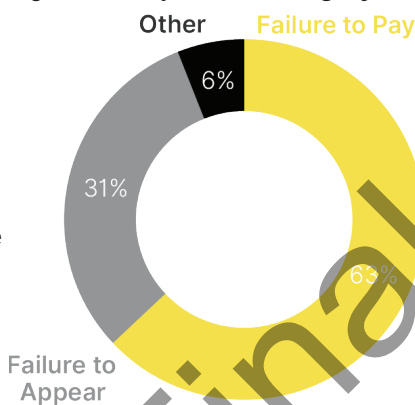
Section I. Task Force Findings

According to the Eleventh Judicial Circuit Court Administrator's Office, roughly 600,000 people have a suspended license in Miami-Dade County.⁷

For comparison, this represents almost one third of the County's two million licensed drivers. Although driver's license suspensions were originally intended to keep dangerous drivers off the road, local governments have "increasingly used driver's license suspensions as a tool to compel the collection of debt."⁸

This has unfortunately become the case in Miami-Dade, where 63 percent of all suspended licenses stem from failure to pay a fine and another 31 percent from failure to appear in court (Figure 5).⁹

Figure 5. Suspension Category



Drivers suspended for non-driving offenses are generally not a threat to public safety. License, registration, toll, and insurance infractions represent more than 50 percent of all of the infractions leading to license suspension in Miami-Dade County.¹⁰ By comparison, only 2.2 percent of suspensions are for Driving Under the Influence (DUI) and a mere 0.6 percent are for Reckless Driving.¹¹ The American Association of Motor Vehicle Administrators found that drivers suspended for highway-safety reasons are three times more likely to be involved in a crash and five times more likely to commit a moving violation than drivers suspended for non-highway safety reasons.¹²

01. **The use of driver's license suspensions to compel debt repayment has created a series of unintended and compounding consequences that jeopardize the livelihoods of countless Miami-Dade residents and their families.** Most notable is the difficulty these suspensions create for residents to get to work so that they can pay what they owe. In Florida, a driver whose license is suspended for unpaid fees and fines is not allowed to obtain a hardship license, which would allow them to drive to work, even though

this option is available for numerous safety-related suspensions, including DUIs.¹³ A study in New Jersey found that 42 percent of people whose licenses were suspended or not renewed for failure to pay fines and fees lost their jobs as a result.¹⁴ Residents who are not free to drive, are not free to work.

02. **License suspensions often lead to a debt spiral for impacted individuals.** Residents with a license suspension who manage to remain employed often choose to drive to work due to a lack of reliable public transportation. This may lead to getting pulled over, being arrested for DWLS, having their car impounded, and ultimately being assessed more fees that dramatically increase the amount of money they need to reinstate their licenses. For example, people unable to pay fines and fees within 90 days were assessed an additional 40 percent collections fee on top of what they already owed.¹⁵ The practical reality for many is a "debtor's prison" that takes years for residents to overcome: the Florida Legislature found that 44 percent of people who lost their license for failure to pay fines and fees took more than two years to successfully reinstate their license, and 10 percent were without their license for more than five years.¹⁶

03. **Non-safety-related driver's license suspensions increase car insurance rates for licensed drivers.** Most drivers in Miami-Dade continue driving even after their licenses have been suspended – either because they were not notified or because they feel they have no choice if they want to keep their job. This drives up car insurance rates for everyone else. Indeed, car insurance is often canceled when a license is suspended. The average annual car insurance bill in Florida is \$2,082, third highest in the country behind Louisiana and Michigan,¹⁷ in large part because "more than a quarter of Florida's drivers don't carry insurance."¹⁸

04. **Non-safety-related driver's license suspensions disproportionately affect low-income residents and communities of color.** 65 percent of jobs in Florida pay less than \$20 per hour, and one out of every two households in Miami-Dade earn "less than the basic cost of living."¹⁹ This means that about half

of Florida families are not able to set aside money for unexpected expenses or emergencies,²⁰ and traffic infractions inherently are unexpected, expensive events.

In Florida, there is a “a clear correlation between the zip code ticketing rate and zip code per-capita income. A 10 percent decline in neighborhood per-capita income is associated with a 4 percent increase in the citation rate.”²¹ Figure 6 shows this for Miami-Dade County.

Given that the best way to avoid a failure to pay suspension is by having money, there is a clear correlation between driver's license suspensions for failure to pay and having a low income. The disparity is stark: 6 percent of drivers in the 10 counties with the highest median incomes have a driver's license suspension compared to 28 percent of drivers in counties with the 10 lowest median incomes.²²

In Miami-Dade County, Black median household income is \$46,025 compared to the White median household income of \$65,950.²³ Still, although only about 18 percent of the county residents are Black,²⁴ it is estimated that nearly 60 percent of residents who receive a citation for DWLS are Black.²⁵

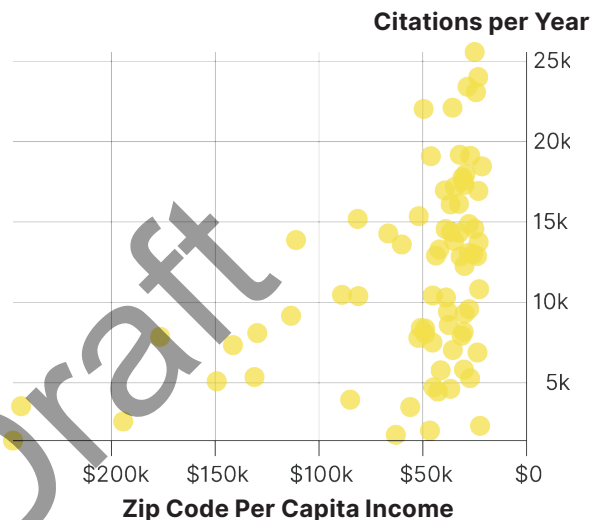
05. **Non-safety related driver's license suspensions drain government resources, harm the economy, and decrease tax revenue.** A report by the Brennan Center found that Bernalillo County, New Mexico spends at least \$1.17 to collect every dollar of revenue it raises through fees and fines, meaning that it loses money through this system.²⁶ Similarly, a study in San Diego from the Analysis Group found that cars towed and sold for failure to pay fines and fees cost the city an average of \$2,540 more per car than they recoup.²⁷

Dr. Steve Mello, an economist at Dartmouth College and a faculty research fellow at the National Bureau of Economic Research, highlights two ways in which driver's license suspensions harm the economy. First, driver's license suspensions “cause individuals to default on a variety of financial obligations,” which in turn leads to a decline in earnings for service providers such as hospitals. Second, “license suspension reduces consumer spending by 2.2%.”²⁸

Moreover, collecting revenue from fines and fees can often be a counterproductive exercise for state

Figure 6. Citations and Per Capita Income by Zip Code in Miami-Dade County

As Zip Code per capita income decreases, the average number of yearly citations in that Zip Code increases



Sources: Administrative data on traffic citations in Florida over 2005-2017 and zip code income data from the IRS provided by Dr. Steven Mello

and local governments. Dr. Peter Jones found that the State of Alabama loses \$805 in tax revenue even after the state collects the fines, fees, and court costs owed by the median resident with a suspended license.²⁹

This data suggests that not all fines and fees can be collected in a cost effective fashion.

06. **Data suggests that reducing debt-burden will increase revenue collection.** An analysis of ability-to-pay discounts in California found that 42 percent of court-ordered debt was collected from people who received an ability-to-pay discount whereas only 22 percent was collected from people whose ability-to-pay discount applications were denied.³⁰

The system in Miami-Dade can be fixed. Cities and counties across the country have identified counterproductive fines, fees, and collection practices and are developing new systems and solutions that reduce unnecessary driver's license suspensions. Importantly, these communities are devising innovative policies, services and systems to make it easier for residents to comply and maintain their licenses while also generating the necessary revenue to keep justice systems operating. The Driver's License Suspension Task Force has identified ways that Miami-Dade can do the same.

Section II. Existing Challenges

The current system creates multiple barriers to compliance by assessing fees that exceed low-income people's ability to pay, making it difficult for them to know how much they owe. Furthermore, residents must navigate complex bureaucratic systems in order to pay what they owe and keep or reinstate their license.

In short, "paperwork, aggravation, and mental effort."³¹ The Task Force identified many of the existing challenges that present obstacles for Miami-Dade residents. They are detailed below.

01. Administrative agencies depend on revenue generated from fines and fees.

In Florida, the justice system – especially the Miami-Dade Clerk of Courts – is largely funded by revenue generated from fines and fees. In theory, this ensures that the "users" of the system are the ones who pay for it. Criminal justice costs include tickets, court costs, and administration fees, but also things like probation supervision. In practice, however, this funding model creates a self-reinforcing cycle that disproportionately affects low-income people. There is a need to create a balanced approach that provides adequate, reliable funding for the court system without creating undue negative financial impacts on low-income individuals and families.

02. Fines and fees exceed what low-income people can afford to pay.

A driver facing a Red Light Camera violation faces a \$158 fine that becomes a \$277 Uniform Traffic Citation (UTC) if it is not paid by the due date. Given that one out of every two households in Miami-Dade earn "less than the basic cost of living,"³² many Miami-Dade County residents are unable to immediately afford their fines and fees. The problem is that nonpayment is met with more fees including late fees, a 40% Collections Agency surcharge, "D6 Clearance" fees, and license reinstatement fees.³³ As a result, there are thousands of low-income people saddled with debts far exceeding their ability to pay who are in turn unable to drive to work to repay their debts and support their families.

03. Criminal-justice debt keeps people in the criminal justice system longer.

"86 percent of Americans use a car or motorcycle to get to work. Without a driver's license, they are at risk of losing their job and their income. Many places of employment even require a valid driver's license before hiring."³⁴ Given the choice between getting to work and being arrested for driving with a suspended license, residents who owe money often drive to work despite a license suspension. The American Association of Motor Vehicle Administrators notes that "as many as 75 percent of suspended drivers continue to drive."³⁵ In doing so, they risk getting arrested for DWLS, being charged with a felony, and significantly increasing what they owe. A survey of 980 people in Alabama with court debt found that "38 percent admitted to having committed at least one crime to pay off their court debt, including almost one in five whose only previous offenses were traffic violations."³⁶

04. Low-quality digital tools make it difficult for residents to know where they stand.

In today's world, it is possible to schedule and be reminded of your restaurant reservation on your phone, chat with customer service agents 24 hours per day, make car or rent payments automatically, and send photos of a car accident from a cell phone to make insurance claims. In Miami Dade County, residents are notified about their suspension by mail, an outdated communications tool. Qualitative research findings suggest residents are often unaware of their suspension status and some first find out about their license suspension by being fired from their job or when a police officer stops them.³⁷ There is no autopay option for people with multi-year payments plans, nor are residents sent payment reminders via email, text or mail. Individuals involved in the justice system are given little margin for error: those on a multi-year payment plan will have their driver's licenses suspended if they miss a single monthly payment.³⁸

05. Agency information systems do not work together seamlessly and this makes everyone's job harder.

Residents are given 30 days to respond to a traffic ticket before late fees are automatically assessed, but 11 percent of traffic tickets are not entered into the system and available online for the first 15 days because they originated in municipalities that do not participate in the County's electronic "E-Citation" program. The Miami-Dade County Clerk of Courts was one of the first in the country to implement an electronic Traffic Information System (TIS), but this mainframe-based system does not integrate well with other systems used by the courts making simple solutions difficult for residents. Lastly, unlike traffic suspensions which are cleared electronically, to resolve a misdemeanor or felony license suspension, a resident must pay \$7.00 to receive a printed Affidavit of Reinstatement (for each suspension) that they must then take to a DMV, in person, in order to reinstate their driver's license within 30 days.

06. It is difficult for residents to find consistent, clear information on the steps they need to take to avoid or resolve a license suspension.

While traffic-related notices comply with legislative requirements, they are not action-oriented or easy for residents to understand. There is very limited access to customer service to help residents get answers to questions. The Miami-Dade County Clerk's office is open for phone calls from only 9:00 AM to 12:00 PM, Monday through Friday, and hangs up on residents if there is no available agent.³⁹ Live chat and call back options are not part of the customer service technology options provided to residents. Residents are often asked to contact multiple agencies and staff are not always able to answer people's questions. In sum, this contributes to residents feeling frustrated, distrustful, and giving up.

07. There is a lack of appropriate payment options for people who are unable to pay what they owe.

Many residents are enrolled in payment plans that are longer than 15 years, which have no autopay option, nor is there flexibility when residents have financial difficulties – a common occurrence for people requiring payment plans over lengthy time horizons. Residents are required to pay a fee simply to enroll in a payment plan and some report

being asked to make large down payments prior to enrolling in a plan, something which people living with low-incomes may not be able to produce. Residents who are unable to make timely payments are sent to collections where they have been assessed an additional 40 percent fee: in other words, the penalty for being unable to pay a fine is another fee. Felony and misdemeanor fines and fees in collections also come with a requirement to make payments in person, which adds the burden of transportation and further reduces the likelihood of repayment. There are some Clerks in Florida that will exercise the authority to waive or lower the Collections Agency fee, however, that is not the position of the Miami-Dade Clerk of Courts who requires that residents file a Motion to the Court in order to be removed from Collection Agency status.

08. There are tens of thousands Miami-Dade residents who are eligible to reapply for their driver's license but have not been informed.

Pursuant to Florida law, all individuals who have had their driver's license suspended for a failure to pay civil traffic fines and fees are eligible to reapply for a driver's license after a period of seven years if they incur no new infractions. While estimates vary, FLHSMV approximates that there are 45,000 Miami-Dade County residents without a driver's license who are eligible to reapply for their driver's license.⁴⁰ Most would simply need to visit a DMV.⁴¹ There is currently no process whereby residents are informed of this.

09. There is no clear process for residents to get their license back.

The process for reinstating one's license varies by type of suspension: reinstating a license for failure to pay traffic fines is different from reinstating a license for failure to pay court costs. The number of different agencies involved also makes it challenging for residents to know where to go. For example, if a resident's license is suspended as a result of an unpaid ticket, in order to be removed from collections and reinstate their license, they would need to:

01. Identify which judge is assigned to their case, along with their judicial assistant, to schedule a hearing
02. Attend the hearing at the Eleventh Judicial Circuit Court either in person or by Zoom
03. Pay the ticket at the Clerk's office in order to get a "D6 Clearance," and
04. Visit a DMV to have their license reinstated once the suspension has been cleared.⁴²

Section III. Recommendations

The following seven recommendations aim to dramatically reduce the number of Miami-Dade County residents with a license suspension and DWLS in three ways:

01. **Clear the backlog** of non-dangerous drivers who are eligible to reinstate their license
02. **Prevent future non-highway safety related suspensions with proactive procedures** that residents can easily access and comply with
03. **Continue to keep dangerous drivers off the road**

These recommendations aim to comprehensively reform the handling of unpaid fines and fees by modernizing systems so that they are both more equitable and accessible while continuing to provide reliable revenue to the Clerk of the Courts. None of these recommendations seek to remove discretion from Police Officers or the State's Attorney's Office to charge or prosecute someone for bad driving.

The Task Force recommends that Miami-Dade County and the agencies involved immediately begin the implementation process. We recommend that the lead implementation agency for each recommendation form a working group of partners within 45 days of the approval of this report in order to begin execution. Due to the complex nature of the following recommendations, many will require interagency agreements and subject matter experts to flesh out the details, procedures, and legal sufficiency prior to implementation.

Recommendation 1: Reinstate Eligible Drivers

Identify and notify the estimated 45,000 residents whose license suspension is older than seven years about their status and the process for reapplying for their license. In addition, coordinate with FLHSMV for appointments and develop a mechanism for managing and forgiving uncollectible debt.

Lead: Miami-Dade County Mayor's Office

Partners: Miami-Dade County Clerk of Courts, Eleventh Judicial Circuit of Florida, and Miami-Dade State Attorney's Office

Recommendation 2: Create a Driver's License Compliance Court

Create a "one-stop shop" Driver's License Compliance Court for residents who otherwise would be eligible for a driver's license but for their inability to pay. The Compliance Court will help people reinstate their driver's licenses by addressing issues related to a resident's ability to pay including, but not limited to, removing people from collections. The Compliance Court should, among other things, offer online access, use hearing officers, seamlessly enroll people in payment plans, and offer service nights and weekends.

Lead: Eleventh Judicial Circuit of Florida

Partners: Miami-Dade State Attorney's Office, Miami-Dade Public Defender's Office, Miami-Dade County Clerk of Courts

Recommendation 3: Safely Reduce DWLS Arrests for Failure to Pay

Take steps to safely reduce arrests of Miami-Dade residents with license suspensions for inability to pay, to the extent possible under Florida law. Instead, direct them into a process for license reinstatement (see Recommendation 2).

Continue to arrest for DWLS Knowingly when the driver has a driver's license suspension as a result of:

- DUI/BUI or refusal to submit to a urine, breath-alcohol, or blood alcohol test
- Traffic offense causing death or serious bodily injury
- Habitual Traffic Offense (HTO)
- Points
- Reckless driving, or any other underlying criminal offenses
- Fleeing or eluding
- Unpaid Child Support

Otherwise, develop guidance and encourage Miami-Dade County and municipal police officers to issue a civil citation in lieu of DWLS Knowingly as permitted by Florida law. Route eligible drivers to the Driver's License Compliance

Court instead of trial. Work with the State Attorney's Office to prevent prosecution for DWLS for individuals who have had their license suspended for unpaid fines and fees and are otherwise not dangerous drivers.

Lead: Miami-Dade County District 5

Partners: Miami-Dade Police Department, Miami-Dade State Attorney's Office, and Miami-Dade Public Defender's Office, Miami-Dade Legislative Delegation

Recommendation 4: Develop Contactless Compliance Tools

Develop and deploy contactless Driver's License Compliance tools that immediately inform drivers of their options, proactively notify them, reduce in-person requirements for people with suspended licenses, and simplify the compliance process. This would include proactive, mobile-first Compliance Court tools that allow people to:

- Immediately respond to a citation
- See a complete list of their license suspensions in Florida
- Understand what they owe on each suspension
- Identify the steps to take in order to reinstate their driver's license
- Electronically submit proof of compliance or payment before a hearing
- Remotely schedule and modify a hearing date
- Receive text message and/or email notifications throughout the compliance process
- File basic motions
- Update contact information
- Access online hearings
- Enroll in one payment plan for the total amount owed

Lead: Eleventh Judicial Circuit of Florida

Partners: Miami-Dade County Clerk of Courts and Miami-Dade County Information Technology Department

Recommendation 5: Improve Communication and Customer Experience

Leverage the power of technology so that residents interacting with the Clerk of the Courts receive high quality information allowing them to easily navigate the system to avoid a license suspension or understand what they must do to reinstate their license.

Additionally, this recommendation calls for the creation of

an Innovation and Customer Service leadership position at the Miami-Dade Clerk of Courts to lead systems innovation and quality improvements in communications and customer service including:

- Ensuring that all traffic-related notices and communications and customer service are clear, concise, written at a fifth-grade reading level (while still in accordance with Florida statute), available in multiple languages, and accessible digitally.
- Implementing text/email reminders for court dates and payment due dates.
- Customer service options to help residents during and outside of normal business hours.
- Proactive outreach by phone to residents at risk of missing payments until autopay option is implemented.
- Notifying residents when their driving privilege becomes valid (i.e., after seven years with no new infractions).
- Ensuring all tickets are online immediately

Lead: Miami-Dade County Clerk of Courts

Partners: Miami-Dade County Information Technology Department

Recommendation 6: Simplify the Payment Process

Offer seamless, modern payment options that make it simple for residents to pay what they owe in order to prevent license suspensions or allow people to get their license reinstated, including:

- Simplifying online sign up for payment plans
- Offering autopay, payment flexibility and online payment plan modification
- Eliminating any lump sum down payment
- Increasing digital payment options
- Eliminating in-person payment requirement for felony and misdemeanor fines in Collections Agency status
- Lower collections agency rate from 40%⁴³
- Enabling the Clerk to electronically update D6 for all driver's license suspensions instead of a paper affidavit
- Enabling the Miami-Dade County Clerk to accept payments on behalf of other County Clerks in order to offer residents the ability to resolve all license suspensions in one place

Lead: Miami-Dade County Clerk of Courts

Partner: Miami-Dade County Information Technology Department

Recommendation 7: Establish Tracking and Oversight through the Office of the Mayor

To ensure the Task Force's recommendations are implemented, the Miami-Dade County Mayor's Office will guide the implementation process and provide regular tracking, reporting, and progress evaluations. In addition, the Miami-Dade County Mayor should identify resources available for interagency support and create interagency agreements to facilitate implementation as needed.

Lead: Miami-Dade County Mayor's Office

Partners: Miami-Dade County Clerk of Courts, Eleventh Judicial Circuit of Florida, Miami-Dade State Attorney's Office, Miami-Dade Public Defender's Office, Miami-Dade Police Department



Next Steps

The Task Force recognizes that some of its recommendations will take months if not years to fully fund and implement, but others can be implemented sooner. In fact, in a testament of their deep commitment to improving the process, some agencies began implementing facets of these recommendations prior to the Task Force's adoption. The Miami-Dade Clerk of Courts has already renegotiated their collection agency vendor agreement to lower the fees from an additional 40 percent fee to 30 percent.

The Task Force expects that recommendations 1, 2 and 7 (Reinstate Eligible Drivers, Driver's License Compliance Court, Mayor's Office Tracking and Oversight) should all be well underway during calendar year 2022. The Task Force recognizes that Recommendation 3 (Civil Citations) may require a change in State statute and recommends that the County Commission immediately analyze which changes

can be made locally by ordinance and which require advocating for change of State statute. Recommendations 4, 5, and 6 (Contactless Compliance Tools, Communication and Customer Experience, Payment Process) require several technological upgrades to create a more accessible and effective client experience. The Task Force expects that steps can be taken this calendar year to fully develop the technical specifications and lay out a timeline to implement these upgrades.

The Task Force recommends that the lead implementation agency for each recommendation convene a working group of partners within 45 days of the approval of this report in order to begin the implementation process. These working groups may require interagency agreements and should involve subject matter experts to flesh out the details, procedures, and legal sufficiency prior to implementation.



Endnotes

- 1 SUMMARY OF D6 AND NON D6 DRIVERS. Retrieved June 22, 2021. Eleventh Judicial Circuit Court Administrator's Office.
- 2 FAILURE CATEGORY FREQUENCY. Retrieved June 16, 2021. Eleventh Judicial Circuit Court Administrator's Office.
- 3 Ibid.
- 4 SUMMARY OF TRAFFIC CITATIONS: COUNTS BY VIOLATION CATEGORY. Retrieved July 21, 2021. Eleventh Judicial Circuit Court Administrator's Office.
- 5 American Association of Motor Vehicle Administrators, 2021, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices*, 3rd Ed., <https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf>.
- 6 FAILURE AGE OF LICENSE SUSPENSION INFRACTIONS. Retrieved June 19, 2021. Eleventh Judicial Circuit Court Administrator's Office.
- 7 SUMMARY OF D6 AND NON D6 DRIVERS. Retrieved June 22, 2021. Eleventh Judicial Circuit Court Administrator's Office. It is important to note, that the number of license suspensions recorded at the Miami-Dade Clerk of Courts excludes driver's license suspensions sent directly to FLHSMV – namely, points, failure to pay child support, and no insurance.
- 8 The Financial Justice Project, *Driving Toward Justice: How Ending Driver's License Suspensions for Unpaid Traffic Tickets Helps Communities Without Impacting Court Collections*, <https://sfgov.org/financialjustice/sites/default/files/2020-04/DrivingTowardJustice.pdf>.
- 9 FAILURE CATEGORY FREQUENCY. Retrieved June 16, 2021. Eleventh Judicial Circuit Court Administrator's Office.
- 10 SUMMARY OF TRAFFIC CITATIONS: COUNTS BY VIOLATION CATEGORY. Retrieved July 21, 2021. Eleventh Judicial Circuit Court Administrator's Office.
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- 14 Motor Vehicles Affordability and Fairness Task Force, Presented to Governor Jon S. Corzine and The New Jersey State Legislature, 2006, *Final Report*, https://www.state.nj.us/mvc/pdf/about/AFTF_final_02.pdf.
- 15 The use of collections agencies is mandated in Florida Statute 28.246 up to an additional charge of 40 percent. According to the Fines and Fees Justice Center, of 96 Collections Agency contracts they analyzed, two-thirds charge less than the 40 percent surcharge that Miami-Dade County residents faced prior to January 1, 2022.
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- 18 "Why Is Car Insurance So High in Florida? Let's Count the Reasons." Tampa Bay Times, 7 Feb. 2020. <https://www.tampabay.com/news/business/2020/02/06/why-is-car-insurance-so-high-in-florida-lets-count-the-reasons/>. Accessed 17 Mar. 2022.
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- 22 LICENSE SUSPENSION BY ZIP CODE. Retrieved June 18, 2021. Eleventh Judicial Circuit Court Administrator's Office.
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to All Misdemeanor Defendants, 2012-2015.” University of Miami, Aug. 2018.

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32 United Way, *ALICE IN MIAMI-DADE COUNTY*, 2018, <https://unitedwaymiami.org/wp-content/uploads/2020/05/2020-ALICE-Miami-Dade-County-FL.pdf>

33 The James Madison Institute, 2018, *Changing the Course: Driver's License Suspension in Florida*, <https://www.jamesmadison.org/changing-the-course-drivers-license-suspension-in-florida/>.

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35 American Association of Motor Vehicle Administrators, 2021, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices*, 3rd Ed., <https://www.aamva.org/getmedia/b92cc79d-560f-4def-879c-6d6e430e4f4d/Reducing-Suspended-Drivers-and-Alternative-Reinstatement-Best-Practices-Edition-3.pdf>

36 Alabama Appleseed et. al., *Under Pressure: How Fines and Fees Hurt People, Undermine Public Safety, and Drive Alabama's Racial Wealth Divide*, <https://www.alabamaappleseed.org/wp-content/uploads/2018/10/AA1240-FinesandFees-10-10-FINAL.pdf>.

37 The common lack of awareness of license suspensions is perhaps why Florida statute makes a distinction between drivers that knowingly and unknowingly drive with a suspended license.

38 It takes roughly 30 days for the Clerk of Courts to notify and the FLHSMV to suspend a license after a citation goes into delinquency.

39 As a response to the COVID-19 pandemic, the Miami-Dade Clerk of the Courts extended customer service phone hours until 4:00 PM.

40 FLHSMV comment during the fourth meeting of Work Group 3 (Reinstatement) referring to “D6’s that may have been purged” and people in Miami-Dade County with a valid driving privilege but no driver’s license.

41 Florida driver’s licenses expire after eight years. If a person has a driver’s license that has not expired and it has been seven years since their last infraction, they are able to drive without having to visit a DMV.

42 During the 2022 legislative session, the Clerk’s, through their association, were successful in getting legislation passed that, if ultimately signed by the governor, will improve coordination with FLHSMV. Specifically, section 5 of HB 397 adds the following subsection to FS 322.29: (3) The department must work with the clerks of court, through their association, to ensure the ability within their technology systems for clerks of court to reinstate suspended driver licenses for failure to pay court obligations.

43 As of January 1, 2022, the Miami-Dade Clerk of Courts renegotiated their collection agency vendor agreement from an additional 40 percent fee to an additional 30 percent fee.

Final Draft



This report was prepared by Ker-twang with support from the Office of Commissioner Eileen Higgins, The Miami Foundation, Uber, The Health Foundation of South Florida, and the United Way of Miami-Dade County.

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Commissioner
Eileen Higgins
District 5



Final Draft

