

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 787 Suspended Driver Licenses

SPONSOR(S): McGhee

TIED BILLS: **IDEN./SIM. BILLS:** SB 1584

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	12 Y, 0 N	Pitts	Smith
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 787 establishes a Driver License Reinstatement Days pilot program in certain counties throughout the state. The program requires the DHSMV, state attorney, public defender's office, circuit and county courts, clerk of court, and interested organizations within each county participate in the pilot program. The purpose of the program is to reinstate suspended driver licenses. The clerk of courts is authorized to waive certain fees to facilitate driver license reinstatements for eligible persons. The bill requires, by October 1, 2017, the DHSMV to report the results of the program and a recommendation to continue, discontinue, or expand the program to the Governor, Senate President, and Speaker of the House of Representatives.

This section is repealed October 1, 2017.

The bill may have a positive fiscal impact on state funds. (See fiscal comments.)

The act takes effect July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Driver License Suspensions and Revocations

Individuals who violate Florida laws may be sanctioned through the suspension or revocation of their driving privilege. Driver license revocations and suspensions, respectively, terminate or temporarily withdraw one's driving privilege. To reinstate a suspended or revoked license, individuals must fulfill legal and financial obligations. Drivers will need to pay reinstatement fees in addition to any outstanding obligations to legally drive.

Entities at both state and local level play a role in driver license suspensions. At the state level, the DHSMV is responsible for issuing driver licenses and administering driver license examinations, as well as suspending and revoking driver licenses, which includes providing notice required by law and communicating license reinstatement requirements. The role of other state agencies is to notify the department when individuals violate laws that can be sanctioned by driver license suspension. For example, if a parent is delinquent on child support payments, the Department of Revenue (DOR) notifies DHSMV to start the process of driver license suspension.

At the local level, clerks of court are responsible for collecting financial obligations imposed by the court for criminal and traffic offenses, as well as maintaining court records and ensuring that court orders are carried out. Clerks of court use driver license sanctions as a means to improve collections of fines and fees. Section 322.245, F.S., requires clerks of court to notify the DHSMV when a driver fails to pay court-imposed financial obligations for criminal offenses. Failure to pay can result in a license suspension. In addition, clerks of court provide information to the DHSMV about any court actions that require the suspension or revocation of driver licenses. On behalf of DHSMV, clerks of court and county tax collectors may reinstate driving privileges and collect reinstatement fees.

It is estimated that as many as three-fourths of drivers with suspended or revoked licenses continue to drive, indicating driver license sanctions may not effectively force compliance. Driver license suspension and revocation penalties are commonly used to punish individuals who do not pay certain financial penalties and obligations, sometimes whether or not the individual can afford to do so. Penalties for driving with a suspended or revoked license increase per offense, causing individuals suffering from financial hardship to become stuck in a self-perpetuating cycle. Drivers who were unable to pay their original fine or court fees may lose their ability to legally get to and from work. If they are caught driving while the license is suspended or revoked, they will incur additional court costs and penalties.

Driver License Reinstatement Fees

Section 322.21(8), F.S., requires a person who applies for reinstatement following a DL suspension or revocation to pay a service fee of \$45 following a suspension and \$75 following a revocation, in addition to the \$25 fee to replace their license if necessary. "Failure to comply" suspensions require a \$60 reinstatement fee.

Driver License Reinstatement Days

In July 2015, Sarasota County held a Driver License Reinstatement Day. The purpose of the event was to negotiate fees with people whose licenses were suspended because of a failure to pay fines. It was estimated that almost 2,000 people showed up, of which approximately 500 were served. Of those 500 people, 100 were able to reinstate their license. Some were not eligible for reinstatement because they were habitual traffic offenders, under suspension for a DUI, or other were facing charges. All 500 people experienced some level of reduction in the local county fees they owed.

In April 2015, the Duval County Clerk of Court, in conjunction with 59 other Clerk's offices, participated in a statewide campaign called "Operation Green Light." The goal of the operation was to allow individuals who were delinquent in traffic or court fines and fees to make those payments and assist them in getting their licenses reinstated. The 40 percent collections surcharge was waived for these individuals.

Proposed Changes

The bill establishes a Driver License Reinstatement Days program in Broward, Duval, Hillsborough, Miami-Dade, Orange, and Pinellas County.

The purpose of the program is to reinstate suspended driver licenses. A person is eligible for reinstatement under this program if the period of his or her suspension or revocation has elapsed, the person completed any required course or program, the person is otherwise eligible for reinstatement, and the license was suspended for:

- Driving without a valid license;
- Driving with a suspended license;
- Failing to make payments on penalties in collection;
- Failing to appear in court for a traffic violation; or
- Failing to comply with provisions of ch. 318, F.S., relating to disposition of a traffic citation, or ch. 322, F.S., relating to driver licenses.

A person is not eligible for reinstatement under this program if the person's driver license is suspended or revoked for:

- Failing to fulfill any court-ordered child support obligations;
- A violation under s. 316.193, F.S., involving driving under the influence of alcohol or drugs;
- Failing to complete a required driver training program, driver improvement course, or alcohol or substance abuse education or evaluation program;
- Commission of a traffic-related felony;
- Becoming a habitual traffic offender; or
- An offense committed outside a county in which the pilot program is being implemented.

The DHSMV has indicated within these six counties approximately 541,681 licenses are suspended for failure to appear or comply with a traffic summons, failure to pay a traffic fine, or failure to pay or appear on a criminal charge.

Participants within each county implementing the pilot program shall include the DHSMV, state attorney, public defender's office, circuit and county courts, clerk of court, and interested organizations within each county participate in the pilot program.

The clerk of court, in consultation with the other participants, will select one or more days for the event. The bill requires a person seeking reinstatement through the program to pay the full reinstatement fee; however, the clerk may compromise or waive other fees and costs to facilitate the reinstatement. The clerk of court and the DHSMV are responsible for verifying any information necessary for reinstatement of a driver license under the program.

The DHSMV, by October 1, 2017, is required to report the results of the program and a recommendation to continue, discontinue, or expand the program to the Governor, Senate President, and Speaker of the House of Representatives.

B. SECTION DIRECTORY:

Section 1. Establishes a Driver License Reinstatement Days pilot program in certain counties to facilitate reinstatement of suspended driver licenses; specifies participants; provides duties of the clerks of court and the Department of Highway Safety and Motor Vehicles; authorizes the clerk of court to compromise certain fees and costs; provides for program eligibility; directs the department to make a report to the Governor and Legislature; and provides for future repeal;

Section 2. Provides an effective date

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill may have a positive impact on state revenue from the increase in reinstatement fees collected.

The Revenue Estimating Conference has not yet scored the bill.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill may have a negative impact to local clerks of court from compromising or waiving fees and costs. For this reason, the bill may also have a negative impact on collection agents working with the clerks.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have a negative impact on collection agents working with the clerks from the reduction in fees and fines collected.

The bill will have a positive impact on individuals who may have their financial obligations waived or reduced, and assistance in reinstating their driver license.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The use of the terms suspension and revocation are not consistent throughout the bill. The terms should be modified to represent the proper sanction used for the particular penalty.

The DOR has indicated, regarding child support obligations, the bill should reference court-ordered or administratively-established child support obligations. DOR enforces both obligations through driver license suspensions.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.