



# Changing Course: Driver's License Suspension in Florida

**James Craven** *Senior Fellow, Criminal Justice Reform, Reason Foundation*  
**Sal Nuzzo** *Vice President of Policy, The James Madison Institute*

## Overview

### *Punitive License Suspension and Its Effects*

Is suspending a person's driver's license an effective punitive measure? This is a vital question for Florida, which issued around 1.7 million license suspensions last year.<sup>1</sup> That accounts for roughly 10 percent of Florida's driving population, many of whom could be in danger of losing their livelihood for offenses unrelated to traffic safety.<sup>2</sup>

While it may be wise to prevent someone from handling a vehicle when they have been driving drunk or causing accidents, some states have turned to license suspension as a broader form

of punishment, stacking it on top of the fines and prison sentences courts already impose. Florida is among the most conspicuous members of this crowd: an estimated 76 percent of license suspensions in Florida are for non-traffic-safety related offenses.<sup>3</sup>

Today, 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. These conditions have made the driver's license an increasingly necessary tool to rise out of poverty and unemployment, and cast a long shadow over the practice of punitive license suspension.<sup>4</sup>

## Driving While License Suspended

Individuals who ignore their license suspensions and risk taking to the road often do so because they don't have a better means of getting around. The National Highway Traffic Safety Administration estimates 75 percent of individuals with suspended licenses do take that risk and drive anyway.<sup>5</sup>

In Florida, those that get caught while driving without a valid license are charged with Driving While License Suspended, Revoked, Canceled or Disqualified (DWLS).<sup>6</sup> Even on a first offense, it can carry up to \$500 in fines or 60 days of jail time.<sup>7</sup> The potential fine doubles to \$1,000 on a second offense, and potential jail time increases to a year. On a third offense, Florida charges DWLS as a third degree felony, which carries fines of up to \$5,000 and a prison term of up to five years.<sup>8</sup>

Any fines charged, plus any prior debt, must be paid for an individual's license to be reinstated.<sup>9</sup> Each time an individual is caught trying to drive with a suspended license, additional fines and fees make it harder for them to return to driving legally.

## License Suspension in Florida

Florida regularly suspends its citizens' driver's licenses as a punishment for a vast array of civil and criminal offenses, with many offenses carrying a mandatory license suspension. While suspending licenses for unsafe driving has a common sense value to the public, many of the offenses for which Florida suspends an individual's license have no relation to traffic safety. These suspensions cut off a vital lifeline for individuals in the workforce, and can herald an endless cycle of fines, court costs, and liabilities that make escaping the criminal justice system nearly impossible. Florida workers aren't the only victims: the state itself spends man-hours and taxpayer dollars prosecuting and imprisoning individuals for the crime of Driving While License Suspended, even while burdened with the tenth-largest prison system in the nation.<sup>10</sup>

This policy brief explores the reasons Florida suspends driver's licenses, the consequences of doing so, and the ways to handle these challenges moving forward.

## License-Suspending Offenses

Getting your license suspended in Florida is easier than one might think. While Florida suspends driver's licenses for traffic safety offenses such as drunk or reckless driving, individuals in Florida routinely have their licenses suspended for minor offenses that have nothing to do with driving, such as failure to pay court costs on time or forgetting a court date.<sup>11</sup>

The following is a complete list of offenses that can lead to suspensions:

- Most drug offenses;<sup>12</sup>
- Failure to appear for traffic summons;<sup>13</sup>
- Failure to pay court-imposed fines on time;<sup>14</sup>
- Conviction of a misdemeanor theft offense;<sup>15</sup>
- Conviction of an offense involving theft of a car or car parts;<sup>16</sup>
- Illegally possessing a firearm as a minor;<sup>17</sup>
- Conviction of graffiti offense as a minor;<sup>18</sup>
- Giving alcohol to a minor;<sup>19</sup>
- Refusing a chemical test on suspicion of DUI;<sup>20</sup>
- Failure to appear on a worthless check charge;<sup>21</sup>
- Failure of a minor to comply with a non-criminal citation for sexting;<sup>22</sup>
- Being in contempt of court as a minor;<sup>23</sup>
- Any delinquent act committed by a minor, as a condition of a diversion program, a condition of probation, or a penalty for the delinquent act;<sup>24</sup>
- Any felony where the driver was operating a vehicle;<sup>25</sup>
- Any crime involving lewdness or prostitution where a vehicle is involved;<sup>26</sup>
- Failure to pay child support<sup>27</sup>

While some of these offenses are traffic safety crimes, it's evident that Florida uses driver's license suspension as a punishment for a wide range of offenses unrelated to traffic safety. Many of these, discussed below, create an undesirable result for the state and its citizens.

## Failure to Appear

A failure to appear offense, commonly called an FTA, is the failure of a defendant to appear for his or her scheduled court date. Florida suspends driver's licenses for two kinds of FTAs, including traffic court summons and check fraud.<sup>28</sup> It is by far the leading cause of license suspension in Florida: an estimated 1,430,151 license suspensions were issued for FTAs in the 2010-2011 fiscal year (FY).<sup>29</sup> Approximately the same number of licenses were suspended for FTAs in FY'11-12.<sup>30</sup> This accounts for roughly three-quarters of license suspensions Florida issued in both years.<sup>31</sup>

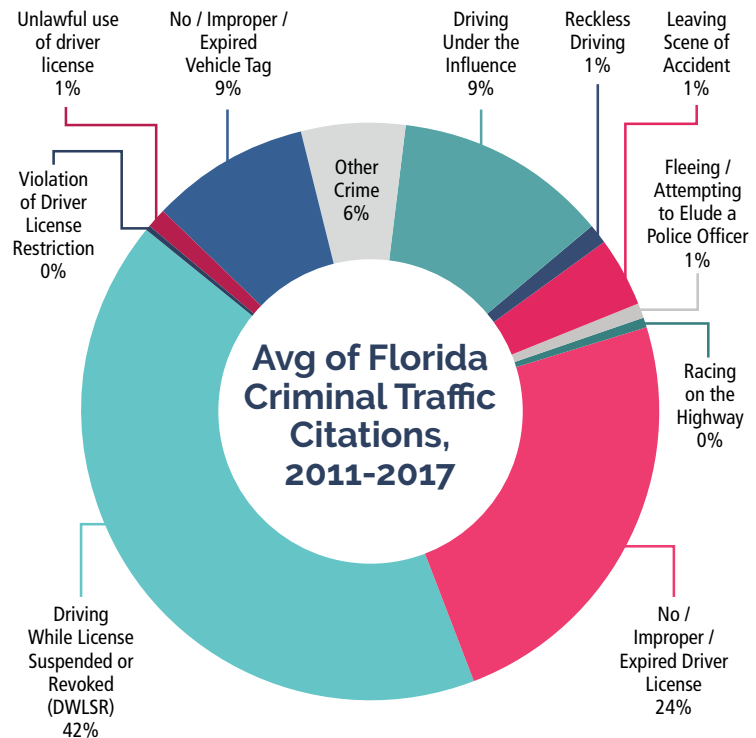
The Florida Department of Highway Safety and Motor Vehicles (FLHSMV) stopped providing detailed public data on license suspensions after FY'11-12.<sup>32</sup> An analysis of license-suspension practices for FY'12-13 by Florida's Office of Program Policy Analysis & Government Accountability (OPPAGA) declined to investigate the vast majority of FTA suspensions.<sup>33</sup> However, there is little reason to believe circumstances have changed in the past five years. The only significant legislation impacting license suspensions for failures to appear was the 2014 HB 7005.<sup>34</sup> This bill changed the policy of automatically suspending driver's licenses for failing to appear for the charge of passing a worthless check to a policy that left these license suspensions to judicial discretion. But license suspension for worthless check FTAs represents a small fraction of license suspensions for FTAs overall: only 3,441 licenses were suspended for worthless check FTAs in 2010, and 1,829 in FY'12-13.<sup>35</sup>

When individuals skip court for offenses impacting public safety, such as impaired driving or leaving the scene of an accident, suspending their license makes logical sense. Although these individuals have not yet been convicted of a crime, the state should prioritize the protection of public safety. But while Florida does not issue criminal summons for many smaller violations, like speeding, it does issue summons for a range of non-moving offenses. These include:

- Driving While License Suspended
- No Valid Driver's License
- Expired Driver's License
- Unlawful Display of a License
- Unlawful Use of an Identification Card
- Expired Vehicle Registration

- No Valid Registration
- Attaching Tag not Assigned
- No Motorcycle Endorsement<sup>36</sup>

The data suggests these offenses make up a much larger share of FTAs than active traffic crimes like fleeing a police officer or driving under impairment. Non-moving violations such as invalid license and registration crimes made up the vast majority of criminal traffic citations issued from 2011 to 2017, at ~76 percent:



Data obtained from the FLHSMV.<sup>37</sup> Categories in shades of blue represent non-moving violations; categories in shades of red represent active traffic safety violations.

Suspending licenses for failing to appear for non-moving traffic violations deserves more scrutiny. Individuals who miss court dates for an expired registration or suspended license do not necessarily pose a public risk. Suspending their licenses could put their jobs in jeopardy, while also obligating the state to pay for the enforcement of its driving while suspended law.

Those charged with DWLS face unique barriers to reinstatement. If they drive to court, they could realistically be charged again on the way in the door. But missing court dates leads to more fines and fees that people are expected to pay without driving themselves to work. It's a no-win situation.

## Nonpayment of Fines and Fees

Just like failing to appear in court, failing to pay fines or fees associated with traffic violations leads to license suspension.<sup>38</sup> These include fines for small infractions, such as speeding or triggering a red light camera.<sup>39</sup> Florida suspended 123,825 licenses for nonpayment in 2010, and 70,216 in FY'12-13.<sup>40</sup> These policies are especially punishing to the poor: they are most likely to be unable to afford their payments and least able to absorb the consequences of losing their license.

After the first unpaid fine or fee, the driver will receive a notice from the clerk of court that their license will be suspended if the fine is not paid within 30 days. If the driver does not pay the fine, the clerk notifies the Department of Highway Safety and Motor Vehicles, which immediately suspends the driver's license. Most common traffic fines range between \$100 and \$300:

Common Traffic Violations	Cost
Expired Tag or Registration	\$116
Expired License	\$116
Red Light Violation	\$264
Speeding, < 10mph over	\$131
Speeding, 10 - 14mph over	\$206
Speeding, 15 - 19mph over	\$256 <sup>41</sup>

Reinstatement can be made more complex by the addition of new fines and fees—such as a \$25 late fee, and collection fees of up to 40 percent of the amount owed.<sup>42</sup> All of these underlying debts must be cleared for a license to be reinstated, along with a standard \$45 reinstatement fee, and a special “D6 Clearance Fee” assessed for failure to pay traffic fines.<sup>43</sup>

For those who already lack the means to pay their fines, the damage done by driver's license suspension can be disastrous. Some lose their job as a result of the suspension, and others who are unemployed are dealt a crippling blow to their ability to find work.<sup>44</sup> Raising money to pay off these costs without being able to drive is difficult in and of itself, and the additional fines and fees generated from late payments compound the challenge. As a result, many are unable to return to the road for years: OPPAGA's investigation found that 44 percent of those who lost their license for failure to pay fines and fees did not get it reinstated for over two years, and 10 percent were without their license for more than five years.<sup>45</sup>

Concern over the impact of these laws has not escaped the attention of the federal court system. In December 2017, the Eastern District Court of Michigan issued an opinion enjoining the state from suspending driver's licenses for failure to pay fines or fees.<sup>46</sup> The Middle District Court of Tennessee made a similar ruling in March of 2018, claiming that revoking driver's licenses for failure to pay fines and fees was unconstitutional. “If a person has no resources to pay a debt, he cannot be threatened or cajoled into paying it; he may, however, become able to pay it in the future. But taking his driver's license away sabotages that prospect,” wrote Judge Trauger in her opinion.<sup>47</sup>

The court may have a better remedy for unpaid fines and fees in the form of wage garnishment or garnishment of unemployment benefits. By using a payment plan, it can render justice without making things worse.

## Drug Offenses

In 1991, Florida enacted a law that required automatic driver's license suspension upon conviction of any drug crime. The law was provoked by Congress's Solomon-Lautenberg Amendment, which tied state highway funding to the policy's enactment. Most other states followed suit, but many have since repealed or amended offenses that leveraged license suspension as a form of punishment. Florida remains one of only 12 states to continue suspending driver's licenses for drug crimes.<sup>48</sup> It also doubles the original federal requirement: the federal law only required a suspension period of six months, but Florida's law prevents those convicted of drug offenses from driving for one year.<sup>49</sup>

In 2010, Florida issued 24,422 license suspensions to individuals convicted of drug offenses.<sup>50</sup> A state report analyzing suspensions in FY'12-13 found 17,000 license suspensions or revocations, compared to just 11,318 reinstatements in the same category.<sup>51</sup> This suggests that these suspensions are accumulating annually: Florida issued over 50 percent more suspensions than reinstatements in FY'12-13. Additionally, the same study found that 34 percent of these reinstatements were for suspensions that were more than five years old.<sup>52</sup>

The study notes that some of these may be due to suspendees being unable to get their license reinstated because they are still in prison. How significant is this factor? The average time served for drug crimes by Florida inmates released in FY'12-13 is 2.6 years.<sup>53</sup> A prison term of over five years would be a large deviation from the average, suggesting the number of inmates who would be

unable to recover their driver's license because they are still in prison five years after sentencing is low.

More exact data is available for admissions in FY'11-12 and FY'12-13, and the numbers reinforce this analysis.<sup>54</sup> The data suggests a very small number of drug offenders spend more than five years in prison:

### Drug Offender Admissions by Offense Type, Average of FY 2011 - 2012 & 2012 - 2013

Type of Offense	Number	Percent	Sentence	Estd. Time Served
Manufacturing, Sale, or Purchase	3903.5	50.1%	2.85 years	2.42 years
Trafficking	1878.5	24.1%	5.2 years	4.42 years
Possession	2005.5	25.8%	1.85 years	1.57 years <sup>55</sup>

Extrapolating from this data, a rough estimate of the number of suspendees who are unable to recover their license because they are still serving time is approximately 12 percent.<sup>56</sup> This leaves an estimated 22 percent of post-release suspendees who were unable to drive for the better part of a decade.

Suspending someone's driver's license adds a criminal risk to becoming an Uber driver or commuting to a wide range of jobs. As a barrier to employment, license suspension can often be an impediment to rehabilitation. The high ratio of suspendees who do not get their license reinstated within a five-year period, even though they are eligible to do so, suggests Florida should join the growing list of states that have retracted automatic suspension of driver's licenses for drug crimes.

### Child Support

Nonpayment of child support is another non-driving related offense for which individuals may have their driver's license suspended in Florida. In 2010, 125,464 license suspensions were issued for this offense.<sup>57</sup> The state of Florida recorded 68,223 suspensions for failure to pay child support in the 2012-2013 fiscal year.<sup>58</sup>

Suspending driver's licenses for delinquency in child support payments is common practice across states, due to a Federal mandate that ties funding for child support enforcement programs to a state's adherence to the policy.<sup>59</sup> While Florida is part of a majority of states that comply with the practice, it is conspicuous in the number of licenses it suspends. Of the 25 states

that provided a figure for the 2010 American Association of Motor Vehicle Administrators (AAMVA) study, Florida ranked 2nd in the number of licenses suspended. Although Florida made small changes to this law in 2014 to create exceptions for citizens receiving state assistance, this minor change is unlikely to bring Florida's number of suspensions in line with other states.<sup>60</sup> The difference is not close: 21 of the remaining states suspended less than 25,000 licenses that year; 16 suspended less than 10,000.<sup>61</sup>

When a citizen is more than 15 days late on child support payments, Florida's Department of Revenue sends them a notice that their license will be suspended within 20 days. If they fail to comply, their license is suspended.<sup>62</sup>

Florida's Department of Highway Safety and Motor Vehicles has defended the practice of suspending licenses for child support, describing it as being "one of the best compliance tools to enforce child support orders." It notes that 35 percent of recipients comply with the order before their license is suspended. The data from the FY'12-13 OPPAGA report also indicates that those who have their license suspended for nonpayment of child support are the fastest group to have their licenses restored: just over 50 percent of these licenses were reinstated within the first six months.<sup>63</sup>

The tradeoff for Florida's heavy use of this compliance mechanism is the large number of citizens who end up without a valid license. This punishment, designed to incentivize parents to keep up with their payments, can have the opposite effect after it's handed out: without a license, transportation costs may rise and acquiring or maintaining employment may become difficult.

The added difficulty in getting to work isn't the only problem, as fines and fees associated with license reinstatement itself also complicate covering the cost of child support. This is an unusual remedy, since if the deterrence mechanism fails it makes it harder to ensure the parent with custody is receiving the resources they need to care for their child. Florida could consider relying more heavily on the same tools it already employs to collect unpaid child support dues: wage garnishment, garnishment of unemployment benefits, and federal income tax refund withholding.<sup>64</sup> All of these methods allow the state to simply collect the unpaid dollars directly.

# Consequences

## Burden on the Poor

The poor are among the hardest hit by these policies. Failing to pay any of the fines or fees associated with license suspension often results in more. These costs are numerous, and take many forms:

### Florida's Financial Penalty System for Traffic Crimes

Reason for Fine/Fee	Cost
Average traffic fine	Between \$100 & \$300 <sup>65</sup>
Late fee (assessed after 30 days of nonpayment)	\$25 <sup>66</sup>
Collector's fee (assessed after 90 days of nonpayment if the state)	Up to 40% of outstanding costs <sup>67</sup>
Driver's license reinstatement fee (suspended)	\$45 <sup>68</sup>
Driver's license reinstatement fee (revoked)	\$75 <sup>69</sup>
Additional reinstatement fee for failure to pay traffic fines, appear for a traffic summons, or attend traffic school ("D6 clearance fee")	\$60 <sup>70</sup>
Additional reinstatement fee for failure to pay child support	\$60 <sup>71</sup>
Additional reinstatement fee for failure to maintain car insurance	\$150 <sup>72</sup>
Additional administrative fee for offenses related to drugs or alcohol	\$130 <sup>73</sup>
Driving While License Suspended fine	Up to \$500 (first offense), up to \$1,000 (second offense), or up to \$5,000 (third offense) <sup>74</sup>

By way of example, imagine a woman receives a \$264 fine for a red light violation. Unable to come up with the money owed, she doesn't pay.

After 30 days of nonpayment, her license is suspended, and she is assessed an additional \$25 late fee.<sup>75</sup> Two months later, she receives a call from a collection agency demanding \$404.60: \$289 for the initial fine and late fee, plus the agency's 40 percent premium.<sup>76</sup> In order to have her license restored at this point, she would have to pay both this and \$105 in reinstatement fees, costing her \$509.60 overall. If the woman in our example chooses to drive to work with a suspended license, she could be charged with DWLS. The DWLS charge carries a fine of up to \$500 on the first offense, putting her over \$1,000 away from getting her license reinstated.<sup>77</sup>

License suspensions can last anywhere from one month to several years.<sup>78</sup> Without a license, many individuals lose their jobs: one study in New Jersey found that 42 percent of individuals who had their license suspended lost their job as a result.<sup>79</sup> Nearly half of those individuals were unable to find a new job and, of those who could, almost all were making less than before.<sup>80</sup> Yet Florida's requirements for license reinstatement do not factor in ability to pay or changes in employment.

Laws that pile on new suspensions, fines, and fees exacerbate these penalties when individuals can't afford to pay previous fines or miss their court dates. These laws disproportionately impact the poor and indigent, punishing individuals for their inability to pay. This can create a cycle of debt and criminality that, for the poor, can be inescapable.

## Impact on Public Safety

Enforcing broad license suspensions through driving while suspended laws can have a negative impact on public safety. Not only are most license suspensions unrelated to public safety, only 25 percent of suspendees actually stop driving anyway.<sup>81</sup>

The sheer scale of offenders ties up police officers and prevents them from pursuing dangerous criminals. Washington State, which doesn't suspend licenses for drug crimes or nonpayment, estimated that state troopers alone spent 70,848 combined hours enforcing DWLS for non-driving related suspensions.<sup>82</sup> With a larger population and more license-suspending penalties, Florida's number is undoubtedly higher. These are hours that should be spent protecting public safety: Florida issued more DWLS citations in 2017 than arrests for all Part I offenses (which include homicide,

rape, burglary, and larceny, amongst others) combined.<sup>83</sup>

## Costs and Revenue for Florida

Enforcing driver's license suspensions and the resulting DWLS charges creates serious costs for Florida's taxpayers. It would be nearly impossible to quantify the tax revenue Florida loses by preventing thousands of citizens from driving to work. However, studies performed in other states are beginning to shed light on the costs of enforcing and prosecuting the Driving While License Suspended law, which is one of the most common charges in Florida.<sup>84</sup>

Prosecuting DWLS requires work from police, district attorneys, public defenders, court clerks, judges, and countless other state actors. There are also postage costs, court costs, and jail costs to consider. Florida estimated their annual postage costs for non-driving-related suspensions alone totaled around \$72,000.<sup>85</sup>

Estimating court costs, which include the salaries of attorneys, judges, and court clerks, is a challenging task. The state of Washington attempted to quantify these costs in 2010, and concluded it was spending \$836.19 per court filing (a cost including court costs, prosecutor costs, and defense costs).<sup>86</sup> Florida issued over 145,000 DWLS citations annually in the past three years. Excluding DWLS that were adjudicated with the clerk before trial or settled through payment of a police civil penalty yields an average of approximately 127,330 annual citations that are resolved in front of a judge.<sup>87</sup> Even making the conservative assumption that Florida is able to dispose of these charges for half of what it costs in Washington, this would still yield a remarkable 53 million dollars in court costs.<sup>88</sup> As roughly 76 percent of license suspensions in Florida are for reasons unrelated to traffic safety, changing this policy could save Florida over 40 million dollars in taxpayer costs annually.<sup>89</sup>

Because Florida charges it as a felony offense after multiple violations, many charged with DWLS ultimately end up in prison. Someone who continues to drive their vehicle after failing to show up for their last DWLS summons is charged with a felony on their third violation. Florida sends approximately 450 people to prison each year for felony DWLS charges, costing the state roughly 5.2 million a year.<sup>90</sup> Because felony DWLS charges require multiple violations, any one of which could be for failing to appear for a non-traffic-safety related offense, limiting Florida's license suspension to

traffic-safety offenses would save the state most of this expense.<sup>91</sup>

Jail time is another major cost. Many DWLS offenders are picked up prior to their court dates, and some are held until their cases are disposed.<sup>92</sup> A person who elects to take jail time on a first offense can end up serving as much as 60 days in lieu of the up-to-\$500 fine. Subsequent offenses can carry jail time of up to a year. As offenders facing the fines associated with DWLS are often unable to pay them, many may choose jail instead.

Washington State found the cost of jail outweighed the money recouped from those paying fines by roughly \$164.91 per setting.<sup>93</sup> A study of license suspension practices in Michigan reached a similar result, finding that most DWLS offenders opted for jail time over fines.<sup>94</sup> Michigan authorizes fines up to \$500 on a first DWLS offense and \$1,000 on a second, the same penalties as Florida.<sup>95</sup> Washington State authorizes even more, allowing up to \$5,000 of fines on a first offense.<sup>96</sup> Yet these fines still fail to offset jail costs.

Even assuming that Florida is able to fully offset jail costs with DWLS fines, that Florida's court filing costs are dramatically more efficient than costs in Washington, and that all man-hours saved by the police force are diverted into other public safety needs, Florida is still left with a more than \$45 million cost from court and prison expenses.<sup>97</sup> So, how does this compare to revenue raised by suspension and reinstatement fees?

Florida does raise considerable revenue from the fees associated with license suspension and reinstatement. Approximately 37 percent of fees relating to license suspension and reinstatement are retained by the FLHSMV. The other 62 percent go to the Clerks of Court, tax collectors, or general revenue, depending on which agency effected the payment.<sup>98</sup> Examination of FLHSMV revenue report reveals that the fees initiated by tax collectors and general revenue actually end up with the FLHSMV, meaning that in most cases, the FLHSMV collects 100 percent of these charges.<sup>99</sup>

The FLHSMV 2017 revenue report includes detailed data on how much of the department's revenue came from D6 fees, delinquent child support payment fees, and license suspension and reinstatement fees. The total amount is \$21,971,738.<sup>100</sup> Revenue for the Clerk of Courts can be estimated by calculating the appropriate share from revenues not allocated to general revenue or tax collectors. This yields \$11,933,626.<sup>101</sup> To account for the \$25 late fee assessed for nonpayment of traffic citations, \$2,425,512 is added to the Clerk of Court's

tally.<sup>102</sup> The total amount of revenue is estimated at \$36,330,877.<sup>103</sup> This is a substantial amount, but still represents less than two percent of FLHSMV's total revenue for that year.

It is also nearly \$10 million short of the conservative cost estimate for enforcing license suspensions for non-traffic-safety offenses. Florida would likely save more than \$9.2 million if it stopped suspending driver's licenses for non-traffic-safety related FTAs, failure to pay fines and fees, failure to pay child support, and drug offenses.

## Recommendations for Reform

### *Reform in Other States*

Other states have increasingly scaled back the number and type of offenses that result in a driver's license suspension. Massachusetts repealed license suspensions for drug crimes last year.<sup>104</sup> Virginia is considering ending license suspension for all non-driving related offenses.<sup>105</sup> California not only ended suspensions for minor violations, it restored the driver's licenses of everyone who lost their license under the same circumstances—and made license reinstatement automatic at the end of the suspension term.<sup>106</sup> Mississippi also stopped suspending licenses for nonpayment, and began restoring licenses to suspendees in January 2018.<sup>107</sup> Results from Washington State, which ended license suspensions for non-moving violations back in 2013, suggest why states are increasingly embracing license reform. License suspensions were cut in half, and over 4,500 police man-hours were recovered for other efforts.<sup>108</sup>

Suspending driver's licenses for non-traffic-safety related offenses in Florida deserves re-examination. The practice hurts the state's citizens, diverts resources from public safety, and generates significant costs. Florida legislators should narrow offenses that can result in a driver's license suspension to traffic safety crimes only.

## Policy Recommendations:

### *License Suspensions for Failure to Appear*

#### **Option 1: Stop Suspending Licenses for Failure to Appear for Invalid License/Registration Offenses and Passing a Worthless Check.**

These offenses do not actively affect public safety. Ending license suspension for FTA on these offenses would have the largest impact on reducing the number of Florida citizens who have their driver's licenses suspended and must deal with the consequences. This change would save the state millions of dollars, free up police resources to better protect public safety, and end a practice that has limited opportunity for Florida's poorest citizens.

#### **Option 2: Give Judges Discretion over License Suspensions when Offenders Fail to Appear for Invalid License/Registration Offenses.**

Florida granted judges discretion over whether or not to suspend driver's licenses for FTA on worthless check charges in 2014.<sup>109</sup> This approach would bring FTAs for other offenses unrelated to traffic safety in line with the policy. Judges could determine whether or not to suspend licenses based on factors such as the offender's traffic record.

### *License Suspensions for Failure to Pay Fines and Fees*

#### **Option 1: Stop Suspending Licenses for Failure to Pay Fines and Fees, and Restore Licenses to these Suspendees.**

License suspension for failure to pay traffic citations hurts Florida's poorest citizens. In the view of some federal courts, it may be unconstitutional. Ending the practice now could prevent an unpredictable budget shortfall later should more federal courts get involved with the issue. As with ending license suspensions for FTAs, it would also bring an end to a practice that has limited upward mobility for the state's lowest-income citizens.

Returning licenses to citizens who lost their right to drive due to nonpayment would also help Florida's neediest get back on their feet, providing them the opportunity to find better employment.



## **Option 2: Stop Suspending Licenses for Failure to Pay Fines and Fees.**

This is a limited version of the above solution. Note that reinstatement is also at issue in federal court proceedings evaluating license suspension for nonpayment of fines and fees, and the ruling in Tennessee ordered immediate reinstatement for all suspendees affected by the practice.<sup>110</sup> So, while possibly representing a more moderate approach, this option would still leave Florida vulnerable to the growing number of lawsuits challenging the constitutionality of license suspension for failure to pay fines and fees.

## *License Suspensions for Drug Offenses*

### **Option 1: Opt Out of the Federal Mandate to Suspend Licenses for Drug Offenses.**

The majority of states have now opted out of the federal mandate to suspend driver's licenses for drug offenses. These offenses have no relation to traffic safety, and suspending these driver's licenses hurts citizens who may already be struggling with drug addiction and poverty. Ending this practice would help these citizens return to a productive lifestyle.

### **Option 2: Reduce the Period of License Suspension for Drug Crimes to Six Months.**

The federal mandate for suspending driver's licenses for drug offenses only requires a six-month suspension term. Florida currently suspends these licenses for one year. Bringing this term in line with the federal mandate would provide a small but appreciated benefit to small-scale offenders serving short or no prison terms.

## *License Suspension for Child Support*

### **Option 1: Opt out of License Suspension for Failure to Pay Child Support.**

Suspending someone's driver's license for failure to pay child support puts them at risk of losing their income and, as a result, makes collecting the money owed more difficult. By relying more on existing methods to collect child support, like garnishment of wages and unemployment benefits, Florida could collect unpaid dues directly with less adverse effects.

This option requires opting out of the Federal mandate, which is more difficult for child support than drug crimes and is granted only at the discretion of the U.S.

Department of Health and Human Services.<sup>111</sup>

### **Option 2: Stop Suspending Licenses for Failure to Pay Child Support when Income Deduction Orders are Issued.**

If Florida wants to continue using license suspension as a deterrence mechanism to secure child support payments, it could try this more limited remedy, which was suggested by OPPAGA in their 2014 report.<sup>112</sup> This would prevent the Department of Revenue from suspending licenses where wage garnishment or garnishment of state benefits is used instead, providing a clearer choice for collection remedies.

Taking a more moderate approach on restricting license suspensions for child support would also make budgeting concerns somewhat easier, especially for the Clerks of Court. While suspensions for child support still cost Florida more than it earns, the difference is much closer than estimates for FTAs, and fees from these suspensions made up 21.4 percent of license suspension revenue for clerks in FY'16-17.<sup>113</sup>

## *Other Considerations*

Address Potential Budget Shortfalls for the Department of Highway Safety and Motor Vehicles and the Clerk of Courts.

Both the FLHSMV and the Clerk of Courts rely on fees generated from license suspension fees. While this study asserts with confidence that the practice of license suspension for non-traffic-safety offenses costs Florida money on the whole, the savings from ending this practice will not automatically transfer to the FLHSMV and Clerk of Courts. Measures should be taken to avoid a budget shortfall for these agencies when changing the state's license suspension policy.

## *Consider License Reinstatement Programs*

While this study recommends automatic reinstatement for those who lost driving privileges due to non-payment of fines and fees, Florida should also consider programs that would help other suspendees get back on track. An excellent example can be found in Florida's own Palm Beach County, which was honored with the 2018 National Association of Counties Criminal Justice Achievement Award for its Court Compliance Program.<sup>114</sup> The program allows suspendees to come to court, verify their address, and enter into a payment

program that may forgive collection and late fees. In exchange, they can get their license reinstated immediately in order to better pursue opportunities that would enable them to pay off court debt. The program has resulted in 79 percent of Palm Beach suspendees getting their driving privileges reinstated, suggesting that it could go a long way in helping Florida drivers get back on the road.<sup>115</sup>

## Conclusion

Suspending licenses has hurt Florida. There's no reason to continue down a road that leads to a poorer future for its most needy, a more dangerous future for its citizens, and a more costly future for its taxpayers. It's time to change course.

Ending license suspensions for offenses unrelated to traffic safety will put Florida back on the right track. These changes will result in cost savings for taxpayers, and better protect the liberty and safety of its citizens.



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# Endnotes

- 1 Roustan, Wayne. "Florida suspends nearly 2 million driver's licenses. Help may be on way." The Sun Sentinel. 16 Feb. 2018. sun-sentinel.com. Web. <<http://www.sun-sentinel.com/news/transportation/fl-reg-drivers-license-suspensions-20180208-story.html>> 02 August 2018. The Sentinel obtained this number from the Florida Department of Highway Safety and Motor Vehicles (FLHSMV).
- 2 "2018 Annual Licensed Driver Report." Florida Department of Highway Safety and Motor Vehicles. flhsmv.gov. 2018. Web. <<https://www.flhsmv.gov/pdf/driver-vehiclereports/2018annuallicenseddriverreport.pdf>> 02 August 2018. According to the FLHSMV, there were 17,077,316 licensed drivers in Florida as of January 1st, 2018. This estimate was reached by taking the number of licenses suspended in 2017 and dividing it by the 2018 number of total licensed drivers: ~1.7 million divided by 17,077,316.
- 3 Suspended/Revoked Working Group. "Best Practices Guide to Reducing Suspended Drivers." American Motor Vehicle Administration, 2017. Web. <<https://www.aamva.org/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=3723&libID=3709>> 02 August 2018; "Facts and Figures, 2012." Florida Department of Highway Safety and Motor Vehicles. flhsmv.gov Dec. 2012. Web. <<https://www.flhsmv.gov/pdf/genreports/factsandfigures2011-2013.pdf>> 02 August 2018. "Options Exist to Modify Use of Driver License Suspensions for Non-Driving-Related Reasons." Office of Program Policy Analysis & Government Accountability. oppaga.state.fl.us. Feb. 2014. Web. <<http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1407rpt.pdf>> 02 August 2018; "Annual Uniform Traffic Citation Report." Florida Department of Highway Safety and Motor Vehicles. flhsmv.gov 2018. Web. <<https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport>> 02 August 2018. Telephone Interview with Court Compliance Officer, Palm Beach County Clerk of Court (August 08, 2018). This study considers licenses suspended for accumulation of traffic points and for failing to appear on a summons for traffic safety crimes like evading a police office and reckless driving to be traffic-safety related offenses. It considers license suspensions for failure to pay fines and fees, failure to pay child support, failure to appear for non-moving violations like an expired tag or suspended license, and drug offenses (not DUIs or open container violations) to be non-traffic-safety related offenses. This calculation is derived by taking an average of the license suspension breakdowns by the Florida Department of Highway Safety and Motor Vehicles across FY'10-12, supplementing them with other sources as necessary. The FLHSMV attributes license suspensions to, in order: 1. "Failure to Comply with Summons or Fines" (~1.6 million), 2. "Child Support" (~125k), 3. "Others" (~114k), and 4. "License Points" (~13k). Subtracting the 2010 and FY'12-13 average of license suspensions for failure to pay fines and fees (97,021) and worthless

check FTAs (2,635) leaves an estimated remainder of ~1.5 million license suspensions for criminal traffic summons FTAs per year. Looking at criminal traffic citations across the same period, less than a quarter (~23%) were for traffic safety crimes like reckless driving or eluding an officer; ~77% were for non-moving related violations relating to invalid license or registration (see fn 37). (Note that this is a conservative estimate, as it excludes failures to appear for not guilty pleas to civil infractions, for which data is not available; the actual percentage of Traffic FTA suspensions originating from non-traffic-safety charges is likely upwards of 80%.) Taking ~77% of Traffic FTAs yields an estimated ~1.1 million license suspensions for failing to appear for non-traffic-safety related charges. This is added to the 2010 and FY12-13 average of license suspensions for fines, worthless check FTAs, drug offenses, truancy, and the average of the FY'10-11 and FY'11-12 license suspensions for child support, resulting in an estimated ~1.4 million license suspension for non-traffic-safety related offenses. Dividing this by the average total of license suspensions across FY'10-12 yields 75.96%.

	2010 AAMVA	FY'10-11 FLHSMV	FY'11-12 FLHSMV	FY'12-13 OPPAGA	Avg or Total
FTA+Fines		1,553,976	1,627,419		1,590,697.5
Fines	123,825			70,216	97,020.5
FTA Worthless Check	3441			1829	2,635.0
FTA Traffic Only Est.					1,491,042.0
% Non-Safety Citations (fn 37)					77.00%
FTA Non-Safety Est.					1,148,101.7
FTA Safety Est.					342,940.3
Child Support		141,285	112,407		126,846.0
"Others"		135,635	93,015		114,325.0
Drug Offenses	24,432			19,024	21,728.0
Truancy	6,519			4,020	5,269.5
"Others" Safety Est.					87,327.5
License Points		12,838	13,592		13,215.0
Est. Safety Suspensions					443,482.8
Est. Non-Safety Susp.					1,401,600.7
Est. Total					1,845,083.5
FLHSMV Totals		1,843,734	1,846,433		1,845,083.5
Est. % Non-Safety Susp.					75.96%

- 4 Aiken, Joshua. "Reinstating Common Sense: How driver's license suspensions for drug offenses unrelated to driving are falling out of favor." Prison Policy Initiative, 2016. Web. <<https://www.prisonpolicy.org/driving/national.html>> 02 August 2018.

- 5 Shapiro, Joseph. "Can't Pay Your Fines? Your License Could be Taken." NPR. 2014. Web. <<http://www.npr.org/2014/12/29/372691960/cant-pay-your-fines-your-license-could-be-taken-2014>> 02 August 2018.

6 Fla. Stat. § 322.34  
7 Ibid.; Fla. Stat. § 775.082; Fla. Stat. § 775.083;  
8 Ibid.  
9 “Suspended License in Florida.” dmv.org, Department of Motor  
Vehicles. Web. <[https://www.dmv.org/fl-florida/suspended-li-  
license.php](https://www.dmv.org/fl-florida/suspended-li-<br/>
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10 The Sentencing Project. “State-by-State Data.” 2015. Web.  
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11 Fla. Stat. § 322.245; Fla. Stat. § 322.055; Fla. Stat. § 322.056;  
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default/files/legacy/Fees%20and%20Fines%20FINAL.pdf)> 02  
Dec. 2018.  
12 Fla. Stat. § 322.055; Fla. Stat. § 322.056  
13 Fla. Stat. § 322.245  
14 Ibid.  
15 Fla. Stat. § 812.0155  
16 Fla. Stat. § 322.274  
17 Fla. Stat. § 812.0155  
18 Fla. Stat. § 806.13  
19 Fla. Stat. § 790.22  
20 Fla. Stat. § 316.1932  
21 Fla. Stat. § 832.09  
22 Fla. Stat. § 847.0141  
23 Fla. Stat. § 984.09  
24 Fla. Stat. § 985.125, Fla. Stat. § 985.35, Fla. Stat. § 985.455  
25 Fla. Stat. § FL 322.26(3)  
26 Fla. Stat. § FL 322.26(7)  
27 Fla. Stat. § FL 61.13016  
28 “Suspended License in Florida.”  
29 “Facts and Figures, 2012”; “Best Practices Guide to Reducing  
Suspended Drivers.”  
The FLHSMV recorded 1,553,976 license suspensions for both  
FTAs and failure to comply with court payments in FY’10-11.  
An American Association of Motor Vehicle Administrators  
(AAMVA) survey of the Department Motor Vehicles (DMV)  
in the 2010 calendar year (CY) found 123,825 license suspen-  
sions for failure to comply with court financial obligations.  
This estimate is obtained by subtracting the 123,825 license  
suspensions for failure to pay court costs in CY 2010 from the  
1,553,976 license suspensions for FTAs and failure to pay court  
costs in FY’10-11. While both of these time periods were 12  
months in duration, because they do not perfectly overlap, this  
figure is only an estimate. The AAMVA figure for child sup-  
port suspensions (125,464), the only figure recorded in both  
data sets, varies from the FLHSMV figure (141,285) by ~11.2%.  
Because the scale of license suspensions for failure to pay court  
costs is an order of magnitude smaller than FTA suspensions,  
this degree of variance in the number of license suspensions for  
court costs would affect the estimate for FTA suspensions by  
~1% in either direction. A vastly higher degree of variance is  
unlikely given the time overlap and similar environmental con-  
ditions, and would still only affect the estimate by a single-digit  
percentage.

30 Ibid. The FLHSMV reported 1,627,419 license suspensions  
for both FTAs and failure to comply with court payments in  
FY’11-12. It is highly likely that at least some of this 73,443  
increase is attributable to FTA suspensions, as attributing the  
entirety of this increase to suspensions for failure to pay court  
costs would represent a 59.3% increase over the number of  
court-cost related suspensions reported in CY 2010. This re-  
sults in the same or more suspensions for FTAs as the previous  
year.  
31 Ibid. The FLHSMV reported a total of 1,843,734 license  
suspensions in FY’10-11. Using the 1,553,976 estimate of FTA  
suspensions (fn 29) yields ~77.5%. The FLHSMV reported a  
total of 1,846,433 in FY’11-12. The increase in suspensions for  
FTAs and court costs (73,443, fn 30) outpaced the increase in  
suspensions overall (2,699) more than 25-fold, suggesting the  
share of FTA suspensions in FY’11-12 is actually higher than  
the previous year.  
32 “General Reports and Statistics.” Florida Department of  
Highway Safety and Motor Vehicles. flhsmv.gov. 2015. Web.  
<<https://www.flhsmv.gov/resources/general-reports/>> 02 Au-  
gust 2018.  
33 “Options Exist to Modify Use of Driver License Suspensions  
for Non-Driving-Related Reasons.”  
34 Fla. HB 14-7005.  
35 “Best Practices Guide to Reducing Suspended Drivers”; “Op-  
tions Exist to Modify Use of Driver License Suspensions for  
Non-Driving-Related Reasons.”  
36 “Annual Uniform Citation Report.”  
37 “Annual Uniform Citation Report.” Data compiled is available  
in the table below.

Traffic Crimes	2011	2012	2013	2014	2015	2016	2017	Average	Avg '11-12
Dui	55722	53664	50377	49776	46922	44643	43899	49286.14	54693
Reckless Dr	5553	5219	5892	5896	5763	5381	5606	5615.71	5386
Lv Scene Acc	15697	15642	15560	15950	16336	16188	15695	15866.85	15669.5
Fleeing	4092	3740	3648	3768	4228	4539	4955	4138.57	3916
Racing On Hwy	1162	1036	765	871	833	785	764	888	1099
No/Imp/Exp Dl	117054	103211	97725	93892	92921	86870	80474	96021	110132.5
Dr/Dl/Sus/Rv	206033	195467	188397	172697	157084	137668	140989	171190.71	200750
Viol/Dl/Rest	2648	2237	1565	1322	1104	846	698	1488.57	2442.5
Unl/Use/Dl	4222	3875	3654	3276	3067	2676	2685	3350.71	4048.5
No/Imp/Exp Tag	40344	35383	33225	32186	35235	33670	37855	35414	37863.5
Other Crime	26927	23766	22039	21679	20866	19772	20803	22264.57	25346.5
<b>Total</b>	<b>479454</b>	<b>443240</b>	<b>422847</b>	<b>401313</b>	<b>384359</b>	<b>353038</b>	<b>354423</b>	<b>405524.83</b>	<b>461347</b>

38 FL 322.245  
39 Ibid.  
40 “Best Practices Guide to Reducing Suspended Drivers”; OP-  
PAGA. The license suspension totals reported to OPPAGA by  
the DHSMV for FY’12-13 are significantly lower than the totals  
provided by all other sources. The OPPAGA report claims 1.3  
million license suspensions in FY 2012-2013, compared to  
roughly 1.8 million license suspensions publically reported  
by the DHSMV in FY 2010 – 2011 and FY 2011 – 2012 and  
roughly 1.7 million license suspensions reported by the Tampa  
Bay Times for 2017 (fn 1). The OPPAGA report also has

significantly lower totals across all categories than the publicly reported data from the DHSMV in FY'10-11 and FY'11-12 as well as the data obtained from the DMV by the AAMVA in 2010. All data reported represents the number of individual licenses suspensions across a 12-month period. The author is not aware of any change in Florida's license suspension practices that could account for this discrepancy, but notes that a ~12% decline in overall traffic citations issued in 2012-2013 compared to the two years prior could account for some of the difference. This study makes the good-faith assumption that the numbers provided by the FLHSMV to OPPAGA are reliable, but acknowledges that changes in how the FLHSMV collected information on license suspension after it stopped generating public reports may have led to the exclusion of some data. The OPPAGA study provides unique insights on how long it takes for licenses to be reinstated as well as valuable insights from state actors that support current license suspension policies, both of which are relied on more heavily by this study than the lower-than-expected totals for license suspensions reported in FY'12-13.

41 "Fee Schedule." Palm Beach County Clerk and Comptroller. mypalmbeachclerk.com 1 Jul. 2010. Web. <[https://www.mypalmbeachclerk.com/uploadedFiles/Fees\\_and\\_Costs/fee\\_schedule.pdf](https://www.mypalmbeachclerk.com/uploadedFiles/Fees_and_Costs/fee_schedule.pdf)> 02 August 2018.

42 Ibid; FL 28.246(6)

43 FL 322.245; "Suspended License in Florida."

44 Patrick, Craig. "Senator: FL license suspension laws target poor." Fox 13. 05 Feb. 2016. fox13news.com. Web. <<http://www.fox13news.com/news/fox-13-investigates/senator-fl-license-suspension-laws-target-poor>> 31 Aug. 2016.

45 "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons."

46 Fowler v. Johnson, No. 17-11441 (E.D.M.I. Dec. 14, 2017)

47 Thomas v. Haslam, No. 3:17-cv-00005 (M.D.T.N. Mar. 26, 2018)

48 Aiken, "Reinstating Common Sense."

49 Fla. Stat. § 322.058

50 "Best Practices Guide to Reducing Suspended Drivers."

51 "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Offenses."

52 Ibid.

53 "Department of Corrections Annual Report Fiscal Year 2012-2013." Florida Department of Corrections. dc.state.fl.us. Dec. 2013. Web. <<http://www.dc.state.fl.us/pub/annual/1213/AnnualReport-1213.pdf>> 02 August 2018; Fla. Stat. § 944.275; "Doing Time: Most Florida Inmates Serving More than 85% of their Sentences." Florida Department of Corrections, dc.state.fl.us. Jan. 2014. Web. <<http://www.dc.state.fl.us/pub/timeserv/doing/DoingTime2014.pdf>> 02 August 2018. On average, The DOC report from FY'12-13 shows that the average sentence for inmates released in the same year was 3.1 years. The average for actual time served is lower, as most inmates are released before the expiration of their sentence. Florida law requires inmates serve a minimum of 85% of their sentences, and almost all are released at the expiration of this term: the average portion of sentences served in FY12-13 was 85.2%. Assuming the population of drug offenders tracks with this average, the estimate for number of years served would be 2.64.

54 "Department of Corrections Annual Report Fiscal Year 2011-2012." Florida Department of Corrections. dc.state.fl.us. 2012. Web. <<http://www.dc.state.fl.us/pub/annual/1213/AnnualReport-1112.pdf>> 02 August 2018; "Department of Corrections Annual Report Fiscal Year 2012-2013."

55 Ibid.

56 If 24.12% of inmates are released, on average, after 4.42 years, half of them (~12%) serve more than 4.42 years. This implies less than ~12% of inmates serve more than 5 years, but this estimate assumes the difference is made up by the small share of inmates charged with manufacturing/sale (released in an average of 2.42 years) who may still be in prison after 5 years.

57 "Best Practices Guide to Reducing Suspended Drivers."

58 "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Offenses."

59 Title 42 U.S.C. S 666.

60 Fla. HB 14-7005.

61 "Best Practices Guide to Reducing Suspended Drivers."

62 Fla. Stat. § 61.13016; Fla. Stat. § 322.058

63 "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons."

64 Ibid.

65 "Fee schedule."

66 Fla. Stat. § 322.245; "Suspended License in Florida."

67 Fla. Stat. § 28.246(6)

68 <https://www.dmv.org/fl-florida/suspended-license.php#Fees-to-Reinstate-Your-FL-License>

69 Ibid.

70 Ibid.

71 Ibid.

72 Ibid.

73 Ibid.

74 Fla. Stat. § 322.34; Fla. Stat. § 775.082; Fla. Stat. § 775.083;

75 Fla. Stat. § 322.245; "Suspended License in Florida."

76 Fla. Stat. § 28.246(6)

77 Fla. Stat. § 322.34; Fla. Stat. § 775.083

78 "Best Practices Guide to Reducing Suspended Drivers"; "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons."

79 Carnegie, Jon and Voorhees, Ian. "Driver's License Suspensions: Impacts and Fairness Study." New Jersey Department of Transportation. nj.gov. Aug. 2007. Web. <<http://nj.gov/transportation/refdata/research/reports/FHWA-NJ-2007-020-V1.pdf>> 11 Jan. 2018.

80 Ibid. The exact figures from the NJ report are as follows: 45% were unable to find new unemployment, and of those who did find new employment, 88% reported a lower income.

81 Shapiro, "Can't Pay Your Fines?"

82 Aiken, "Reinstating Common Sense"; Bannon, "Criminal Justice Debt." This high number is in spite of the fact that Washington had cut license suspensions significantly by eliminating suspensions for many failure to pay violations two years earlier.

83 “Annual Uniform Citation Report”; “Crime in Florida Abstract.” Florida Department of Law Enforcement. 2018. Web. <<http://www.fdle.state.fl.us/FSAC/UCR/2017/CIFAnnual17.aspx>> 02 August 2018. Florida issued 140,989 citations for DWLS in 2017, compared to 126,195 arrests for Part I offenses.

84 Ibid.

85 “Reinstating Common Sense.” What Florida describes as “non-driving-related” should not be confused with what this study describes as “non-traffic-safety related.” “Non-driving related” suspensions do not include suspensions for failure to appear on a traffic summons, which account for the majority of license suspensions annually.

86 “Driven to Fail: The High Cost of Washington’s Most Ineffective Crime - DWLS III.” American Civil Liberties Union of Washington, 2017. Web. <<https://www.aclu-wa.org/docs/driven-fail-high-cost-washingtons-most-ineffective-crime>> 02 August 2018.

87 “Annual Uniform Citation Report.”

88  $(\$836.19/2) * 127,330 = \$53,236,036.35$ .

89 See fn 3.  $.7596 * \$53,236,036.35 = \$40,438,093.21$

90 Calabro, Dominic, Robert Weissert, and Elle Piloseno. “Lower Costs & Less Crime: Criminal and Juvenile Justice Reform Options for Florida.” Florida Tax Watch, 2016. Web. <<http://www.floridatxwatch.org/resources/pdf/CCJOptionsFINAL.pdf>> 02 August 2018.

91 An estimated 75.96% of license suspensions are for non-traffic-safety offenses, leaving 24.04% of license suspensions related to traffic safety. The probability that all three DWLS violations necessary for felony designation would originate from traffic safety offenses is  $24.04\% * 24.04\% * 24.04\%$ , or 1.3893%. Florida would likely save 98.611% of this cost, or \$5,127,772.

92 “Hillsborough County Corrections Population and Policy Research Study.” Institute for Law and Policy Planning, 1993. Web. <<https://www.ncjrs.gov/pdffiles1/Photocopy/153122NCJRS.pdf>> 02 August 2018. Although old, this study contains interesting data: 1/5 of DWLS offenders were held in jail pre-trial. The study also found FTA rates of 34% for DWLS offenders and 33% of non-DWLS, non-DUI traffic offenders; under current Florida law, these FTAs would lead to license suspension.

93 “Driven to Fail.”

94 Craven, James. “Driver’s License Suspension: The Wrong Road for Michigan.” Reason Foundation, 2018. Web. <<https://reason.org/wp-content/uploads/2018/04/michigan-suspended-drivers-license-reform.pdf>> 02 August 2018.

95 Mich. Compiled Laws § 257.904;

96 Wash. Rev. Code §46.20.345

97  $\$40,438,093.21 + \$5,127,772 = \$45,565,865.21$ .

98 “Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons.”

99 “Revenue Report: July 2016 – June 2017.” Florida Department of Highway Safety and Motor Vehicles. 2017. flhsmv.gov Web. <[https://www.flhsmv.gov/pdf/revenuereport/revenue\\_report\\_fy2016\\_2017.pdf](https://www.flhsmv.gov/pdf/revenuereport/revenue_report_fy2016_2017.pdf)> 02 August 2018.

100 Ibid. Revenues from license revocation revenues are excluded from this total. Licenses are revoked, rather than suspended, for traffic-safety related offenses. The recommendations in this study would have a minimal effect on these revenues.

101 The FHSMV report breaks down D6 Fee Revenue and Failure to Pay Child Support fee revenue by source. Where the source is not from tax collectors or the field office, the Clerk of Courts share is calculated by multiplying the DHSMV revenue by .625/.375.

102 “Best Practices Guide to Reducing Suspended Drivers”; “Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons.” Taking the average number of suspensions for unpaid fines and fees across 2010 and FY’12-13, and making the generous assumption that all of them paid their late fee:  $\$25 * 97020.5 = \$2,425,512.50$ .

103 The detailed breakdown of this revenue estimate is included below. Note that the reinstatement fee (“REFEE”) and general suspension fee are multiplied by .7596 (fn 3) to account for the fact that Florida would continue to earn revenue from the suspension and reinstatement fees charged for traffic-safety offenses.

	DHSMV	Clerk Ct Est	Total
D6 Fee (Dhsmv)	\$1,455,052.50		
D6 Fee (Field Office)	\$2,425,087.50		
D6 Fee Tax Collectors (Dhsmv)	\$2,395,507.50		
D6 Fee Tax Collectors (Tc)	\$3,992,512.50		
D6 Fee-Ct (Dhsmv)	\$3,330,432.79	\$5,550,721.32	
D6 Suspension - Criminal	\$116,709.77	\$194,516.28	
Fail To Pay Child Support	\$1,844,257.50	\$3,073,762.50	\$4,918,020.00
Fail To Pay Ct Fin Oblig	\$1,469,640.00		
Fail To Pay Ct Fin Oblig (Tc)	\$3,073,762.50		
General Suspension Fee (*.7596)	\$1,593,872.48	\$2,656,454.13	
Refee (*.7596)	\$274,903.04	\$458,171.73	
	\$21,971,738.08	\$11,933,625.96	\$33,905,364.04
		Late Fees Est.	
		\$2,425,512.50	
		Clerk Ct. Total	Grand Total
	\$21,971,738.08	\$14,359,138.46	\$36,330,876.54
	DHSMV Total Revenue		Total as % Rev
	\$2,097,005,376.15		1.73%

104 Schoenberg, Shira. “Massachusetts repeals automatic license suspension for drug crimes.” Mass Live. 30 Mar. 2016. masslive.com. Web. <[http://www.masslive.com/politics/index.ssf/2016/03/massachusetts-repeals\\_automati.html](http://www.masslive.com/politics/index.ssf/2016/03/massachusetts-repeals_automati.html)> 15 Dec. 2017.

105 Provence, Lisa. "Governor joins call for driver's license suspension reform." C-ville. 11 Jan. 2017. c-ville.com. Web. <<http://www.c-ville.com/governor-joins-call-drivers-license-suspension-reform/>> 15 Dec. 2017.

106 Romero, Farida. "Millions of Californians Could Regain Driver's License Under New Bill." KQED. 31 May 2017. kqed.org. Web. <<https://www.kqed.org/news/2016/01/22/millions-of-californians-could-regain-drivers-licenses-under-new-bill/>> 17 Dec. 2017.

107 Fitzgerald, Robert. "Have a suspended driver's license because you couldn't pay a court fine? Here's news for you." The Sun Herald. 20 Dec. 2017. sunherald.com <<https://www.sunherald.com/news/local/article190641569.html>>

108 Dewan, Shaila. "Driver's License Suspensions Create Cycle of Debt." The New York Times. 14 Apr. 2015. nytimes.com. Web. <<https://www.nytimes.com/2015/04/15/us/with-drivers-license-suspensions-a-cycle-of-debt.html>> 12 Jan. 2018.

109 Fla. HB 14-7005

110 Thomas v. Haslam, No. 3:17-cv-00005 (M.D.T.N. Mar. 26, 2018)

111 Title 42 U.S.C. § 666.

112 "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Offenses."

113 fn 103. \$3,073,762.50 / \$14,359,138.46 = ~21.4%

114 "NACo Achievement Award Search: Court Compliance Program, Palm Beach, FL." naco.org, National Association of Counties. 2018. <[http://explorer.naco.org/cf\\_naco/cfiles\\_web/awards/Award\\_program.cfm?SEARCHID=107231](http://explorer.naco.org/cf_naco/cfiles_web/awards/Award_program.cfm?SEARCHID=107231)> Accessed 31 Aug. 2018.

115 Ibid.; Interview with Court Compliance Officer.



✉ The James Madison Institute  
The Columns  
100 North Duval Street  
Tallahassee, FL 32301

☎ 850.386.3131

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