



To: Senate Transportation Committee
From: Michelle Richardson, Director of Public Policy & Advocacy
Date: January 12, 2016
Re: **Vote YES on SPB 7046, Reforming Penalty and Fee Collection Processes**

The ACLU of Florida urges you to vote yes on SPB 7046 (“Penalties and Fees”) to help safe-driving, but low-income, Floridians keep their drivers licenses so that they can work, attend school, and otherwise be contributing members of society even if they cannot immediately pay court fees and fines levied against them. While reserving the ability to suspend licenses for driving-related crimes or incidents, this bill would properly reduce barriers to re-entry for people released from prison and focus police on hazardous drivers, instead of those simply too poor to pay court costs and fines.

Many Floridians have suspended licenses for non-traffic incidents like inability to pay court fines and fees or a conviction of a wholly unrelated offense

Well over 100,000 drivers in Florida have their license suspended for a reason unrelated to a driving offense.¹ They pose no traffic safety concern, yet they lost their license after a conviction of an unrelated crime or were unable to pay court costs and fines. These license suspensions limit job opportunities and income for families across Florida and only frustrate a person’s attempts to reintegrate into society and avoid criminal behavior in the future. By severely limiting a person’s employment options, they are also counter-productive to payment of outstanding court costs and fines.

SPB 7046 makes important changes to Florida law to limit the suspension of driver’s licenses to punish those who cannot to pay their court fees and fines. It repeals or shortens many driver’s license suspensions for offenses unrelated to driving (e.g., Section 20 – thief; Section 6 – reduces suspension for drug offenses). For those who can pay court costs over time, it directs clerks to set payment plans at 2% of the driver’s income (Section 2). For those who are indigent, it ensures they will not lose their license for failing to pay costs and fines beyond their reach (Sections 4 & 11). Instead, it allows indigent drivers to perform community service (Section 1 & 23). Together, these options pave the way for safe, but low-income, drivers to obtain and keep their driver’s license so they can get to work.

¹ Options Exist to Modify Use of Driver License Suspensions for Non-Driving Related Reasons, Office of Program Policy Analysis and Government Accountability, Feb. 2014, at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1407rpt.pdf>. OPPAGA found 167,000 suspensions in the 2012-2013 fiscal year.

Suspending a driver's license reduces employment opportunities

With limited or no adequate public transit in most of Florida, having a driver's license is an economic necessity for most Floridians. Consequently, the loss of a driver's license substantially diminishes a person's future job prospects and earning potential. It limits employment to job nearby and restricts people from getting a job that requires some driving, like delivery services. Driver's license suspensions particularly affect people who have just been released from prison and are trying to re-enter their community and find a job.

Suspending a driver's license for inability to pay is unfair & counterproductive

Fairness demands that the government not sanction a person for something beyond his control. Although the suspension of a license may spur a person who has the financial ability to pay her court costs and fines to do so, it cannot motivate one who cannot *choose* to pay the fines or fees because she simply lack the means to pay them. For many Floridians who struggle to find work or work at low paying jobs, the outstanding court costs and fines are simply beyond their reach. Punishing them for the hard luck and inability to pay the court costs exacerbates their struggle. Indeed, suspending a driver's license for failure to pay court costs is counterproductive to actually collecting the court costs.

Suspending a driver's license for reasons unrelated to driving is hazardous

Suspending a driver's license for reasons unrelated to highway safety, like failure to pay court costs and fines, threaten public safety on the highways and roads. Drivers whose license has been suspended for a *highway* safety reason are involved in more crashes and commit more traffic violations and thus pose a greater public safety hazard than drivers whose license was suspended for a *non-highway* safety reason. To maximize public safety on the roadways, efforts to detect and end unlicensed driving must be focused on drivers whose license was suspended for a highway-safety reason. Enforcement efforts against drivers whose license is suspended for a non-highway safety reason dilute efforts to remove dangerous drivers from the road. Furthermore, with the suspension of driver's licenses for non-highway-safety reasons, unlicensed driving is perceived as less serious an offense and therefore becomes more prevalent. For this reason, the American Association of Motor Vehicles Administrators recommended in February 2013 that state "legislatures repeal state laws requiring the suspension of driving privileges for non-highway safety related violations."²

For more information contact Michelle Richardson, Director of Policy and Advocacy at mrichardson@aclufl.org.

² See Am. Assoc. of Motor Vehicle Admin., *Best Practices Guide to Reducing Suspended Drivers* (Feb. 2013).