Memorandum

Date: October 3, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

Subject: Status on the Implementation of Driver's License Suspension Task Force Recommendations - Directive No. 221237

The purpose of this report is to provide a second quarterly update to the Board of County Commissioners on the progress made in implementing the seven recommendations put forth by the Driver's License Suspension Task Force to reduce driver's license suspensions as a result of unpaid fees and fines.

Executive Summary

This report is provided pursuant to Resolution R-712-22 which directed the Administration to implement the recommendations of the Task Force and provide quarterly reports to the Board of County Commissioners in 2023, and to provide semi-annual, written reports in future years setting forth the status and progress of said implementation, and to place the completed report on an agenda of the Board of County Commissioners, without committee review, pursuant to Ordinance No. 14-65.

The Task Force was created to make recommendations to reduce the number of driver license suspensions of non-dangerous drivers impacted by unpaid fines and fees.

Implementation of the Task Force recommendations are intended to: (1) clear the backlog of non-dangerous drivers who are eligible to reinstate their license; (2) prevent future non-highway safety related suspensions with proactive procedures that residents can easily access and comply with; and (3) continue to keep dangerous drivers off the road. Throughout the course of its work, the Task Force ensured that the recommended changes would only benefit safe drivers and that none of the recommendations would be detrimental to public safety.

To date, the County has made significant progress in implementing the Task Force's recommendations. When the recommendations are fully implemented, the County expects the number of Driving While License Suspended offenses will decrease, while at the same time increasing collections rates, lowering operational costs, and reducing car insurance premiums for all Miami-Dade residents.

Background

As of June 2021, the Eleventh Judicial Circuit Court Administrator's Office reported that approximately 600,000 people in Miami-Dade County had a suspended Driver's License.

- Of those, 63 percent have had their driver license suspended for failure to pay a fine and another 31 percent have had a driver license suspension for failure to appear in court.
- More than 50 percent of all the infractions leading to driver license suspension in Miami-Dade County were associated with driver license, registration, toll and insurance infractions. Less than three percent stem from charges relating to driving under the influence or reckless driving.
- The County Court of the Eleventh Judicial Circuit processes approximately 60,000 Driving While License Suspended (DWLS) cases, and 20,000 No Valid Driver's License (NVDL) cases annually.
- The volume of these cases has created a backlog of approximately 137,000 open NVDL or DWLS cases currently open in Miami-Dade County, placing a significant strain on the Traffic Division of County Court.

On October 8, 2020, the Miami-Dade Board of County Commissioners approved Resolution No. R-1042-20 to create a Driver License Suspension Task Force (the "Task Force") to engage in a comprehensive and systematic review of suspension of driver licenses in the County and identify policies and practices for reducing driver license suspensions in the County due to non-payment of fees and fines by making it easier for residents to pay what they owe and to advise the County on proposals related to the areas of study. The Task Force consists of a broad range of current and former public officials, including, but not limited to, current and former representatives from the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida (the "Court"), the Florida State Senate, the Miami-Dade Board of County Commissioners, the Miami-Dade County Association of Chiefs of Police, the Clerk of Courts for Miami-Dade County, Florida (the "County Clerk"), the Miami-Dade Public Defender's Office and the Miami-Dade State Attorney's Office.

Throughout the course of their work, the Task Force went to great lengths to ensure that (1) none of the recommendations would be detrimental to public safety and (2) that the recommended reforms would only benefit safe drivers.

On May 16, 2022, the Task Force voted to unanimously approve a Driver License Suspension Task Force Final Report ("Final Report"), which included seven recommendations for accomplishing the following objectives:

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

The Miami-Dade Board of County Commissioners directed the County Mayor to include sufficient funds in the County Mayor's proposed Fiscal Year 2022-2023 County Budget to allocate funds to support certain recommendations in the Final Report, including but not limited to, the creation of a Driver License Compliance Court and the provision of technical support to the County Clerk in order to improve the communications and customer service relating to traffic infractions and driver license suspensions.

Implementation of the Task Force recommendations began in October 2022. The first report covering the fourth quarter of 2022 and the first quarter of 2023 was submitted to the Board of County Commissioners on July 6, 2023. Key accomplishments mentioned in that report include:

- Forming an Implementation Working Group – composed of staff from the Administrative Office of the Court, the Miami-Dade County Clerk of Courts, Miami-Dade State Attorney's Office, Miami-Dade County's Information Technology Department, Florida Department of Highway Safety and Motor Vehicles (FLHSMV), The Public Defender's Office, and the Office of the Mayor – that meets every two weeks to make progress on all seven recommendations.
- Finalizing an implementation plan, budget and scope for establishing a Driver's License Assistance Court with the Eleventh Circuit Court.
- Identifying a manual process to route **safe** drivers who have been charged with Driving with a Suspended License (DWLS) to the Driver's License Assistance Court upon its launch.

Progress Report

This report covers progress made in the second quarter of 2023 in implementing the recommendations of the Task Force.

The following is the text of each Task Force Recommendation and a report of the progress made in the second quarter of 2023, organized by recommendation:

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 with the County Clerk for managing and forgiving uncollectible debt.

Agency lead: Miami-Dade County Mayor's Office

Progress Report:

- There have been several discussions with leadership at the Court, Miami-Dade State Attorney's Office, and the Miami-Dade County Clerk of Courts on how to implement the recommendation to "develop a mechanism…for managing and forgiving uncollectible debt." The Court will draft an Administrative Order which will address non-adjudicated cases and procedures on how to handle non-disposed cases greater than seven years. It is expected that the Administrative Order will be completed and approved by the fourth quarter of 2023.
- Began small-scale outreach to residents with license suspensions older than seven years – in coordination with the Court and FLHSMV – in preparation for developing a larger outreach and engagement campaign.

Recommendation 2: Create a Driver's License Assistance 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 on nights and weekends.

Agency lead: Eleventh Judicial Circuit of Florida

Progress Report:

- The Miami-Dade Office of Management and Budget approved the Court's budget request. As a result, the Court has begun the recruitment process in accordance with the budget. By the end of August there will be two live job postings.
- The Driver's License Assistance Court scheduled soft launch in June 2023 has been delayed. The Court has experienced various technical challenges related to the programming requirements for the existing court software. The Administrative Office of the Courts anticipates the new Driver's License Assistance Court will be soft launched in December 2023, with the roll out of a one-year pilot starting in February 2024.

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).

Agency lead: Miami-Dade County District 5

Progress Report:

There was no progress made on this recommendation in the second quarter of 2023. Given the short-term, manual solution discussed in the previous report, the current strategy is to implement Recommendation 2 and then re-visit this Recommendation.

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:

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

Agency lead: Eleventh Judicial Circuit of Florida

Progress Report:

- The work group drafted a website mockup and list of key features. The work group is developing the business requirements and scope of work for the website to ensure the development of the mobile-first compliance tools in accordance with the Task Force recommendations.

Recommendation 5: Improve Communication and Customer Experience

Leverage the power of technology so that residents interacting with the County Clerk 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 County Clerk to lead systems innovation and quality improvements in communications and customer service including:

1. 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.

2. Implementing text/email reminders for court dates and payment due dates.
3. Customer service options to help residents during and outside of normal business hours.
4. Proactive outreach by phone to residents at risk of missing payments until an autopay option is implemented.
5. Notifying residents when their driving privilege becomes valid (i.e., after seven years with no new infractions).
6. Ensuring all tickets are online immediately

Agency lead: Miami-Dade County Clerk of Courts

Progress Report:

- On June 9, 2023, Governor DeSantis appointed Juan Fernandez-Barquin as the Clerk of the Court and Comptroller of Miami-Dade County.
- The Miami-Dade County Clerk of Courts began increasing their call center staff and improved their Interactive Voice Response (IVR) system so that it is easier for residents to navigate. It now also includes enhanced recognition of new accents and speaking styles.
- The current draft of the revised traffic mailer – which is distributed to roughly 400,000 people per year – is still in review and on track to be made available by the end of the year.
- The Clerk of Courts developed, tested, and launched opt-in text message and email payment due date notifications for residents on payment plans for fines and fees related to misdemeanors and felonies. The Clerk of Courts has also placed a work order for missed payment and pending license suspension notifications. This feature will be made available to traffic payment plans when the Traffic Information System is updated in 2026.

- Progress has not yet been made on the following recommendations:
    - Creating an Innovation and Customer Service leadership position at the County Clerk to lead systems innovation and quality improvements.
    - Proactive outreach by phone to residents at risk of missing payments until an 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 so residents can pay them when received – currently 10 percent of citations are received in hardcopy rather than via eCitation.

<u>Recommendation 6: Simplify the Payment Process</u>

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:

1. Simplifying online sign up for payment plans
2. Offering autopay, payment flexibility and online payment plan modification
3. Eliminating any lump sum down payment
4. Increasing digital payment options

5. Eliminating in-person payment requirement for felony and misdemeanor fines in Collections Agency status
6. Lower collections agency rate from 40 percent
7. Enabling the County Clerk to electronically update D-6 clearance forms for all driver's license suspensions instead of a paper affidavit
8. Enabling the 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.

Agency lead: Miami-Dade County Clerk of Courts

Progress Report:

- The County Clerk began clearing license suspensions electronically. Allowing the D-6 clearance forms to be processed digitally will save roughly 18,000 people per year the $7 fee to print a paper affidavit to take with them to a DMV location. The Clerk expects the change to electronic clearance will be fully implemented by the third quarter.
- The Clerk or Courts took several steps to simplify the payment process:
    - The Clerk of Courts simplified the payment plan application from five pages to one page to streamline enrollment, increase uptake, and save residents time.
    - The Clerk of Courts updated internal policies to reduce the number of payment plan enrollment fees residents are required to pay. Currently, residents are charged a $25 fee for each payment plan they enroll in and the same person is required to enroll in separate payment plans for each case they have. Going forward, the Clerk of Courts will only charge one or two $25 enrollment fees for people that enroll in multiple payment plans for the same charges on the same day. There has been no progress on reducing the number of payment plans residents are required to enroll in.
    - The Clerk of Courts changed internal policy to reduce the lump sum down payment requirement for people that are declared indigent. This will be fully implemented in the third quarter. This policy change does not affect the down payment requirements for everyone who is not legally indigent.
- The Clerk of Courts is evaluating strategies to modernize payment plans. Key milestones include conducting a payment plan success rate analysis and vetting outsourced payment plan vendors.
- The Clerk of Courts still does not offer autopay, payment flexibility and modification (which have been shown to increase compliance rates) on the payment plans they offer.

<u>Recommendation 7: Establish Tracking and Oversight through the Office of the Mayor</u>

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.

Agency lead: Miami-Dade County Mayor's Office

Progress Report:

- The Implementation Working Group, formed in December of 2022, met several times in the second quarter. In addition, a stakeholder meeting was held with the Clerk of Courts, members of the Administrative Office of the Court, members of the State Attorney's Office, and Public Defender to discuss implementation progress. A follow-up meeting is scheduled for the third quarter.

Conclusion

The County made new progress in implementing the Task Force recommendations during the second quarter, from distributing the funding to launch the Driver's License Assistance Court to making the payment process easier for residents to prevent unnecessary suspensions. When fully implemented, the Task Force recommendations will yield a significant reduction in Driving While License Suspended offenses while increasing collections rates, lowering operational costs, and reducing car insurance premiums.

Per ordinance No. 14-65, this report shall be placed on the next available Board meeting agenda.

c:

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