



Stop Suspending Driver's Licenses for Non-Driving Offenses

Originally intended as a sanction to address poor driving behavior, driver's license suspensions and revocations are now routinely used to criminalize the poor. They are frequently used as penalties for failure to pay court fees, regardless of whether the individual can afford to pay, as well as for a range of non-driving offenses such as graffiti, petit theft, and possession of small amounts of marijuana. Nearly two million of Florida's more than 14 million driver's licenses are suspended each year.¹ Most of those suspensions— more than 1.3 million in Fiscal Year 2016-17 – are issued by clerks of court unrelated to any driving or traffic offense. Most originate from “failure to pay” offenses, actions that are unrelated to the individual's ability to operate a motor vehicle safely.²

THE PROBLEM

License suspensions for non-driving offenses disproportionately impact communities of color

- Massive racial disparities exist among Floridians that receive suspended driver's licenses for outstanding financial obligations. Black Floridians make up only 16.9% of the State's population, but in 2013 black Floridians made up 37.3% of all driver license suspensions for outstanding fees and drug offenses.³
- Due in part to the disparity in low-level marijuana possession arrests between black and white Floridians who use marijuana at about the same rate,⁴ the number of licenses suspended for black and white Floridians for drug offenses in 2013 was nearly identical despite there being 4.5 times as many white Floridians in the state.⁵

License suspensions for non-driving offenses disproportionately impact low-income Floridians

- License suspensions and revocations are most often used to punish people who do not pay certain fees, even if they are unable to afford such fees.
- Losing a driver's license can make everyday necessities – such as going to work, getting children to and from school, seeing a doctor, and buying groceries – difficult or nearly impossible.
- Regardless of what proponents say, hardship licenses don't solve the problem. A person must pay reinstatement fees and may have to take a driving course, an added expense, on top of the outstanding financial obligations that led to the suspension in the first place.

License suspensions for non-driving offenses do not improve the collection of fines

- Operating budgets for clerks of court – who perform a number of municipal administrative services such as maintaining court records, processing tax deeds, and issuing marriage licenses – rely heavily on fines and fees. As a result, clerks initiate most of the driver's license suspensions in Florida under the misguided belief that doing so improves collection rates.
- Clerks of court who do not use driver's license suspensions are more effective at collecting fines.⁶

79%

of Floridians believe the state should stop suspending driver's licenses for people who cannot afford to pay fines and fees, and who agree to do community service.

Join the Campaign for Criminal Justice Reform

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General requests can be made at contact@betterjusticefl.com

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FLORIDA CAMPAIGN FOR CRIMINAL JUSTICE REFORM

License suspensions for non-driving offenses create a Catch-22 scenario with long-term, negative effects

- If a person loses his or her license and can't get to work, the individual will fail to earn the money needed to pay the fines and fees to get his or her license back. This is especially problematic in rural areas where public transportation is not typically an option.
- The majority of individuals with suspended or revoked licenses continue to drive to meeting basic necessities and obligations.⁷ If a person risks driving on a suspended license and is caught, he or she will incur additional fees, and will end up in our criminal justice system.
- A third offense of driving with a suspended license is a felony, carrying possible penalties of hefty fines, imprisonment and lifelong revocation of basic rights, while creating further barriers to employment and educational opportunities – all of which perpetuate the cycle of poverty.

Enforcing non-driving-related suspensions detracts from traffic safety priorities

- Drivers with traffic-related suspensions are three times more likely to be involved in a crash than drivers with non-traffic-related suspensions.⁸ There is no correlation between bad drivers and the inability to pay a court fee.
- The overuse of license suspensions has trivialized what it means to suspend a driver's license in the minds of law enforcement, courts, and the public.

THE SOLUTIONS // SUPPORT SB 734

Stop suspending driver's licenses for certain non-driving related offenses

- Driver's licenses should not be suspended for adults who are charged with offenses such as failure to pay court fees, drug-related offenses, or misdemeanor theft; or for minors charged with vandalism, truancy, or tobacco-related offenses. Doing away with these suspensions would likely increase these individuals' ability to obtain and maintain employment and prevent further entanglement with the criminal justice system.

Eliminate driver's license suspensions for those who simply cannot afford fines and fees

- If, upon inquiry from the court, a person can demonstrate that he or she is unable to pay a court-sanctioned financial obligation, he or she should not be eligible for a license suspension. Instead, that person should be offered an alternative, such as a reasonable payment plan or community service. States including Mississippi and Tennessee are no longer revoking driver's licenses for unpaid court fines.

1 Wayne K. Rouston, *Florida suspends nearly 2 million driver's licenses. Help may be on the way.*, South Florida Sun-Sentinel (Feb. 16, 2018), <https://www.sun-sentinel.com/news/transportation/fl-reg-drivers-license-suspensions-20180208-story.html>.

2 SB 1270 (2018) Bill Analysis and Fiscal Impact Statement (Feb. 16, 2018), <https://www.flsenate.gov/Session/Bill/2018/1270/Analyses/2018s01270.acj.PDF>.

3 *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, Office of Program Policy Analysis & Government Accountability, Florida Legislature, p. 13 (Feb. 2014), <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1407rpt.pdf>.

4 *The War on Marijuana in Black and White: Billions of Dollars Wasted on Racially Biased Arrests*, ACLU, p. 54 (June 2013), https://www.aclu.org/sites/default/files/field_document/1114413-mj-report-rfs-rell.pdf.

5 *Supra* n.3.

6 *Clerks of Court Generally Are Meeting the System's Collections Performance Standards*, Office of Program Policy Analysis & Government Accountability, Florida Legislature (Mar. 2007), <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0721rpt.pdf>.

7 *Best Practices Guide to Reducing Suspended Drivers*, American Association of Motor Vehicle Administrators (Feb. 2013), <http://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723>.

8 *Id.*