



Stepping on the Gas

Accelerating Florida's
Economic Growth by Restoring
the Freedom to Drive

Fines & Fees
Justice Center

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About Us

The **Fines and Fees Justice Center (FFJC)** is catalyzing a movement to eliminate the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We work together with affected communities and justice system stakeholders to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices. Visit ffjc.us and follow [@FinesandFeesJC](https://twitter.com/FinesandFeesJC) on Twitter to get the latest updates on local, state and national fines and fees reforms.

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Executive Summary

As of November 2022, over 716,000 Floridians had a suspended driver's license—not because they are dangerous drivers, but simply because they owe the state money. That's because Florida punishes people by suspending their driver's license when they cannot afford to pay the steep fines and fees mandated by state law for traffic tickets, toll violations and criminal convictions.

Without a driver's license, most Floridians cannot be self-sufficient or care for their families—they can't reliably get to work, take their children to school, keep a medical appointment, or attend church. Losing a driver's license can trigger years of financial hardship and unemployment, preventing people from paying their debt and moving on.

These debt-based license suspensions are exacerbating the statewide labor shortage and hindering Florida's economic growth. While nearly half of all Florida's small businesses report being unable to fill employee vacancies, license suspensions are significantly shrinking the labor pool available to employers. One in every 24 adults in Florida are unable to legally drive to work in a state where almost 90% of people drive to work. Critical jobs in trucking, construction, and hospitality are going unfilled.

Because of Florida's suspension practices, *all Floridians* pay higher car insurance premiums—on average about \$78 more per year.¹ This, combined with unaffordable rate increases after a suspension, has led to Florida having one of the highest rates of uninsured drivers in the country.

Florida wastes its limited law enforcement resources arresting, stopping, prosecuting, and incarcerating drivers simply because they are poor, not because they are dangerous drivers. Tens of thousands of law enforcement officers are diverted away from violent crime and threats to public safety.

The findings in this report are significant and troubling:

- » Driver's license suspension notices for nonpayment of fines and fees affect over one million people in Florida each year.
- » As of November 2022, 716,383 Floridians cannot legally drive because of unpaid fines and fees—1 in 24 driving-age adults.
- » It takes years for most people to regain their license once it is suspended: 75% of driver's licenses suspended in 2016 remained suspended two years later.
- » About 3 in 4 driver's license suspension notices in Florida are for unpaid fines and fees and unrelated to dangerous driving, while only 3% are for dangerous driving such as DUIs.
- » Between 2017-2021, more than 5.1 million suspension notices were issued for unpaid court debt.
- » Florida is losing approximately \$500 million in consumer spending annually due to debt-based license suspensions.

Driver's license suspensions are ineffective at raising revenue. While the goal of Florida's suspension policies is to coerce people to pay their fines and fees, it doesn't work. In the counties we analyzed, on average, 77.12% of suspensions issued from 2016-2018 remained in effect as of 2019.² If suspensions were an effective collection tool, they would work more than 20% of the time.

Conservative lawmakers across the country are enacting legislative reforms to end license-for-payment policies. Since 2017, 22 states—including Texas, Utah, Mississippi, Idaho, Montana, and West Virginia—have all stopped or significantly curbed debt-based license suspensions.

In many states, conservative organizations like Americans for Prosperity, Americans for Tax Reform, and the American Legislative Exchange Council (ALEC) have led the reform efforts, driven by concerns about the economic and public safety harms wrought by debt-based license suspensions.

Ending Florida's license-for-payment practices will improve the state's economy, ensure more drivers are insured, and better allocate public safety resources—making Florida a safer and more economically vibrant state.

Introduction

When a person cannot afford to pay traffic, toll, or criminal fines and fees on time, Florida law requires that their driver's license be suspended.

In 2021, a staggering 1.3 million driver's license suspension notices were issued statewide. The vast majority were for nonpayment of court fines and fees—not dangerous driving.

Three-quarters of the suspension notices issued in 2021 were due to nonpayment of fines and fees. Only 3% were issued for DUI or other dangerous driving offenses (Figure 1).³ More than 4 in 5 of the license suspension notices issued due to unpaid fines and fees stemmed from minor traffic violations, with the rest stemming from criminal cases.

The proliferation of license suspensions means that over 716,000 Floridians—1 in 24 driving-age adults in Florida—cannot legally drive. License suspensions cause statewide economic harm, fueling the state's labor shortage, reducing consumer spending by nearly half a billion dollars annually and increasing insurance rates—so much so that Florida is among the states with the highest rate of uninsured drivers. They also funnel limited law enforcement resources toward debt collection and away from enforcing dangerous driving behavior and more serious crime.

As President of Americans for Tax Reform, Grover Norquist, recently explained in the *Washington Examiner*:

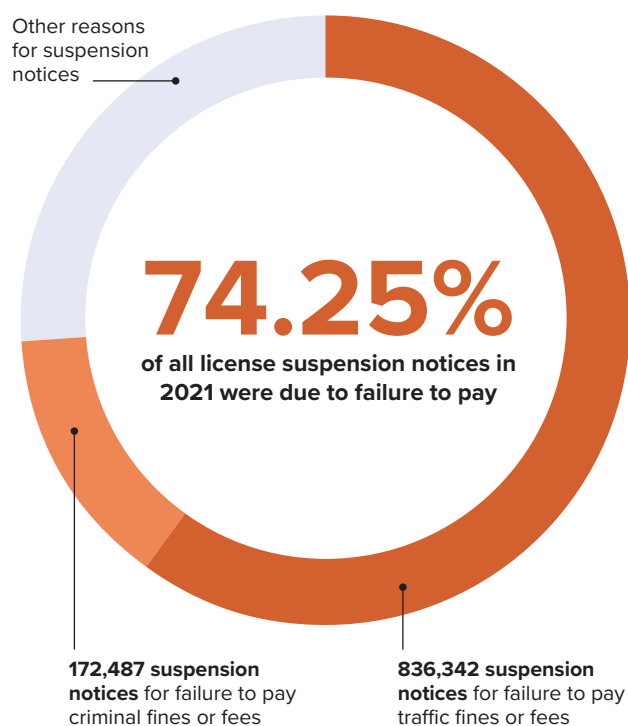
*The [criminal justice] system can and should punish people for breaking the law, but it also needs to give people the chance to work, pay their debt, and move on. The status quo does not put public safety first; it traps people in a government debt system and wastes police time on tax collection. It is time for all states to end driver's license suspension for court debt.*⁴

Lawmakers from across the political spectrum and across the country are ending payment-for-license policies. Since 2017, 22 states—including Texas, Utah, Mississippi, Idaho, Montana, and West Virginia—have all stopped or significantly curbed suspensions of

Figure 1

Proportion of Suspension Notices Due to Failure to Pay

Data Provided by FLHSMV (August 2022)



driver's licenses for nonpayment, with the support of national and state conservative groups and leaders, including Americans for Prosperity (AFP), Americans for Tax Reform (ATR), and the American Legislative Exchange Council (ALEC). Ending Florida's payment-for-license practices will improve the state's economy, ensure more drivers are insured, and better allocate public safety resources, making Florida a safer and more economically vibrant state.

Suspensions Make Payment Less Likely

Debt-based driver's license suspensions are a counterproductive mechanism for attempting to collect fines and fees—in fact, they actually reduce the chances that someone will be able to pay. Driver's license suspensions exact a high economic toll on Florida families, as well as the state's economy as a whole. A license suspension makes it much less likely that working Floridians can get to their job and maintain

employment, and much less likely they will be hired for a new job—making it harder to pay off the fines or fees that triggered suspension in the first place.

Unlike suspensions for dangerous driving, like accumulation of points or DUI—which last for only a specified, short period of time—debt-based suspensions are indefinite and last until obligations are paid, including reinstatement fees.⁵

The lengthy duration of driver's license suspensions demonstrates that they are ineffective mechanisms for coercing payment on overdue fines or fees. If driver's license suspensions successfully induced payment, we would expect that suspensions would not last long. As soon as a person received the notice of suspension from the court and certainly after they received notice from Florida Highway Safety and Motor Vehicles (FLHSMV), they would pay their fines and fees. But evidence suggests the opposite.

Our analysis of data from Glades, Hillsborough and Seminole Counties found that on average, less than

a quarter of licenses suspended from 2016-2018 were restored within those three years.⁶ Those findings are consistent with other studies. In a report issued in 2014, Florida's Office of Program Policy Analysis & Government Accountability (OPPAGA) found that 44% of people whose licenses were suspended for unpaid fines and fees did not get them reinstated for two years, while 10% didn't have their licenses after 5 years.⁷

Studies have shown that court clerks actually collect more revenue when people's licenses are not suspended for failure to pay. A recent analysis compared Texas municipal courts that issued license renewal holds for nonpayment of fines and fees with Texas municipal courts that never issued license renewal holds. The courts that never issued license renewal holds collected \$45 more per case on average than those that used license renewal holds to try to collect fines and fees.⁸ Data in Tennessee also shows that debt-based license suspensions did not result in increased collection rates there.⁹

What Happens When Someone Can't Afford a Ticket, Fine, or Fee?

Initially, the clerk of court mails a notice warning that the person has 30 days to pay or their driver's license will be suspended. If the person does not pay within 30 days—and pay an additional \$25 “delinquency fee”—the clerk notifies the FLHSMV, which then mails an order of suspension effective 20 days after the notice is mailed.¹⁰ The mailing address used is from FLHSMV records so if the person has moved, the notice may not reach them. Low income families are more likely to move frequently than other groups, which may make it less likely they are receiving suspension notices from either the court or the FLHSMV.¹¹

Once a suspension notice is sent from the clerk of court, individuals have 20 days to pay the full amount they owe or get a payment plan with the clerk and start making payments. If they do neither, their license is suspended and they cannot legally drive. In 2021, 877,154 suspensions, or 65% of the total suspension notices issued, actually went into effect, 639,055 of the “effective” suspensions were issued due to failure to pay. The percentage of suspension notices for failure to pay that become effective has increased in the past 5 years from a low of 59% to 63% in 2021.¹²

The Economic & Public Safety Harms Caused by Suspensions

License Suspensions Make Car Insurance Unaffordable And Increase Premiums for All Floridians

Florida has the third-highest auto insurance premiums in the entire country—and as a result, one of the highest rates of uninsured drivers, with 1 in 5 drivers uninsured. Florida's license suspension practices are fueling this problem, driving up insurance premiums for *all Floridians*—not just those whose licenses have been suspended.

The average annual auto insurance premium in Florida is \$2,425, 61% above the national average and much higher than other comparable states such as Texas (\$1,584), Georgia (\$1,535) and North Carolina (\$1,067).¹³ The high cost of insurance means Florida also has one of the most expensive rates of insurance in the country, ranking 6th out of all states. One in five Florida drivers—roughly 3.2 million drivers—were uninsured in 2019.¹⁴

Florida's suspension practices are a primary reason why insurance premiums are so high for all Floridians. If a person's license is suspended, their insurance premium is likely to significantly increase, no matter what the underlying reason for the suspension—as driving records do not typically distinguish between suspensions due to unsafe driving behaviors, and suspensions for inability to pay fines and fees.¹⁵ If a person with a suspended license drives, and is charged with driving on a suspended license, their insurance premium will increase a staggering 67% for at least three years, regardless of the underlying reason for the suspension.¹⁶

The uninsured rate in Florida is costing all Florida drivers. People who get hurt or whose property is damaged in an accident with an uninsured driver may not be fully compensated. And the Insurance Research Council estimates that uninsured drivers add an average of \$78 to insured driver premiums each year.¹⁷ Ending debt-driven license suspensions in Florida will reduce everyone's auto insurance premiums by eliminating a significant cause of uninsured drivers.¹⁸

Driver's License Suspensions Hinder Economic Growth

While Florida's economy is thriving, the worker shortage in Florida is holding us back. Nearly half of all small businesses in Florida report being unable to fill vacancies. For example, the Florida Trucking Association reports that thousands of trucking positions are unfilled across the state.¹⁹ Unless Florida addresses this shortage, future economic growth will be stunted.

Debt-based license suspensions create a major barrier to businesses who need to find people to fill vacancies—without a license, many people are unable to get to work. When current employees lose their licenses due to suspensions, employers bear the cost of replacing trained workers who can no longer do their job or get to work.

Driving is by far the most common means of transportation to work, with almost 90% of Floridians driving to work. Public transportation in Florida is limited, and even when public transit is available, it may be prohibitively time consuming.²⁰ In the Palm Bay-Melbourne-Titusville area, 92.6% of jobs would require three or more hours of daily commuting if using public transportation. Larger, more urban areas do not fare much better. In the Miami, Tampa, and Orlando areas, 84% of jobs would require three or more hours of daily commuting via public transportation.²¹ Lack of public transit options can be even more severe for people living in rural communities, who typically travel further to reach areas with employment opportunities.²²

"Our more rural Florida areas don't really have public transportation and it's a hugely impossible task to ride a bike with a toolbox, ladder and other equipment to go and build houses for a living as he does" said Christina who was speaking about the challenges her boyfriend faces with a suspended license due to failure to pay court fines and fees. Employees forced to rely on unreliable public transportation or a friend or family member to drive them to work are often late or don't make it to work at all.

Lack of adequate public transportation isn't the only barrier to work created by license suspensions. Thirty percent of jobs nationwide, including trucking, plumbing, and waste management, require the use of a vehicle as part of the job.²³ For these workers, losing their driver's license means losing their job. The high suspension rate further reduces the pool of workers that employers can hire from to fill these positions in Florida.

Even if workers with a suspended license can find transportation and a job that does not require regular driving, job applications increasingly require a driver's license. This requirement may even be more prevalent in the industries hailed as pathways to sustaining, high-wage work, such as construction and manufacturing.²⁴

One study found that 42% of people whose driver's licenses were suspended lost their jobs as a result of the suspension. Of those who could find an alternate job, 88% had lower wages.²⁵ A recent study estimated that a driver's license suspension in Texas led to a \$12,700 reduction in income on average.²⁶

By creating an obstacle to businesses finding and retaining qualified employees, driver's license suspensions hinder economic growth in Florida. Economist Dr. Steve Mello at Dartmouth College conducted an analysis of the impact that driver's

license suspensions for unpaid court fines and fees had on consumer spending in Florida. Using 2019 suspension data from FLHSMV, he found that **Florida lost \$491 million dollars in consumer spending as a result of driver's license suspensions for unpaid court fines and fees.**²⁷

Inversely, a study of a driver's license reinstatement program in Phoenix found that after the 7,000 program participants' licenses were reinstated, they gained 1,904 job years of employment, \$87 million in labor income, and the City of Phoenix saw a **\$149.6 million increase in GDP.**²⁸ Lifting these suspensions improves employment, increases consumer spending and tax revenue, and further boosts the economy.

"Cutting off an avenue to gainful employment creates the dual hazards of government dependence and diminished economic opportunity. This is ill informed policy at best. Pushing people out of the labor market when they are already at risk of slipping further into the criminal justice system is downright reckless. Indeed, when an already overburdened police force must use finite resources and expend significant staff hours to pull over, transport, often jail, and attend court dates with safe drivers who have been driving with suspended licenses, it decreases public safety."

—Ewan C. Watt, Charles Koch Institute²⁹

Florida's License Suspension Policies Undermine Public Safety

Suspending driver's licenses for unpaid fines and fees does not increase traffic safety or reduce crime. To the contrary, driver's license suspensions for unpaid fines and fees divert law enforcement resources away from serious crime and dangerous driving. According to the American Association of Motor Vehicles, "the costs of arresting, processing, administering, and enforcing social nonconformance related driver license suspensions create a significant strain on budgets and other resources and detract from highway and public safety priorities."³⁰

Given that driving is essential to get to work and support their families, an estimated 75% of suspended drivers continue to drive post-suspension.³¹ Government then uses scarce law enforcement resources to arrest and prosecute people who drive while their license is suspended, even when that suspension was not as a result of dangerous driving.

In 2021, there were over 178,000 misdemeanor citations for driving on a suspended or revoked license in Florida.³² The James Madison Institute and the Reason Foundation conservatively estimated that license suspensions for inability to pay fines and fees costs the Florida courts over \$40 million annually.³³

Debt-based license suspensions hurt Florida's law enforcement resources, as well. If a police officer discovers that a person's driver's license is suspended, the officer is obligated to stop, cite, and often arrest the driver, even though the underlying suspension has nothing to do with dangerous driving. That's several hours of an officer's time—time not spent on deterring, investigating and solving violent crime and other serious crimes. Even more officer time is taken away from serious crime if they have to go to court to testify regarding a ticket for driving with a suspended license. The Florida's State Attorney offices also waste tens of thousands of hours prosecuting these cases that have no impact on public safety, instead of pursuing more significant cases and assisting victims.

The high law enforcement and court costs incurred by the state to prosecute these cases have come without any gains in traffic safety. In fact, dangerous driving incidents have increased in Florida. Florida accounted for nearly 1 in 12 road deaths in the U.S. in 2021, according to estimates from the National Highway Traffic Safety Administration.³⁴ Florida saw an estimated jump from 3,331 traffic deaths in 2020 to 3,753 in 2021, a 12.7% increase.³⁵ In addition to the increase in deaths, the reported number of hit-and-run accidents in 2021 increased 17% compared to 2020.³⁶

Data shows that drivers suspended for highway safety reasons are three times more likely to be involved in a crash than drivers suspended for non-highway safety reasons.³⁷ If we truly want to improve traffic safety, our law enforcement resources should be directed towards enforcing driving laws and suspending the licenses of dangerous drivers, instead of ticketing Florida drivers who are struggling to afford fines and fees. Driver's license suspensions should be reserved for curbing dangerous driving in Florida, not criminalizing poverty.

"A person whose driver's license is suspended will often find it more difficult to earn a living and therefore pay the debt they owe to the government. This resolution encourages state policymakers to revise laws to limit driver's license suspensions imposed for violations against the government to conduct that involves offenders with dangerous driving such as drunk driving or multiple moving violations."

—American Legislative Exchange Council (ALEC)³⁸

Conclusion: Florida Must End Debt-Based License Suspension

Florida's current driver's license suspension practices for unpaid court debt are counterproductive, inefficient and costly. They hurt our economy and undermine public safety. They increase the number of uninsured drivers and drive up the cost of insurance for all Floridians.

The more than one million suspensions issued annually in the state for unpaid court fines and fees not only cause significant personal and economic harm but burden Florida taxpayers forced to pay the cost of citing, arresting, and even imprisoning those who drive with a suspended license. Florida must reform its driver's license suspension policies so that Florida and all Floridians can thrive.

Statewide reform is needed to eliminate driver's license suspension for nonpayment of court debt and automatically reinstate previously debt-based suspended licenses.

Endnotes

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