



Florida Impaired Driving Coalition Meeting Report

August 2-3, 2018

Prepared For:

Florida Department of Transportation

Prepared By:

Cambridge Systematics, Inc.



1.0 Attendees

Members:

Name	Agency Represented	Attendance
Ann Marie Johnson		<input checked="" type="checkbox"/>
Chief Art Bodenheimer	Lake Alfred Police Department	<input type="checkbox"/>
Dr. Brett Kirkland	Florida Department of Law Enforcement, Alcohol Testing Program	<input type="checkbox"/>
Chief Brett Railey	Florida Police Chiefs Association	<input checked="" type="checkbox"/>
Lt. Channing Taylor	Florida Highway Patrol	<input checked="" type="checkbox"/>
Chris Craig	Florida Department of Transportation	<input checked="" type="checkbox"/>
Chris Earl	Florida Safety Council	<input checked="" type="checkbox"/>
Darrell Edmonds	Institute of Police Technology and Management	<input checked="" type="checkbox"/>
Frank Franco	Department of Business and Professional Regulation	<input type="checkbox"/>
Garett Berman	State Attorney's Office 17th Judicial Circuit	<input checked="" type="checkbox"/>
Helen Justice	DUI Counterattack, Hillsborough, Inc.	<input checked="" type="checkbox"/>
Isabel Perez-Morina	Advocate Program, Inc./Florida Association of Community Corrections	<input type="checkbox"/>
Juan Cardona	Law Enforcement Liaison	<input type="checkbox"/>
Senior Judge Karl Grube	Trial Court Judge	<input checked="" type="checkbox"/>
Kathy Jimenez-Morales	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
Kevin Milan	Miami Beach Police Department	<input checked="" type="checkbox"/>
Kyle Clark	Institute of Police Technology and Management	<input checked="" type="checkbox"/>
Larry Coggins	Mothers Against Drunk Driving (MADD)	<input checked="" type="checkbox"/>
Dr. Lisa Reidy	University of Miami, Toxicology Division	<input type="checkbox"/>
Lora Hollingsworth	Florida Department of Transportation	<input type="checkbox"/>
Magnus Hines	Florida Dept. of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
Marcie Padron	Orange County Sheriff's Office	<input type="checkbox"/>
Matthew Rosenbloom	Pasco County Sheriff's Office	<input checked="" type="checkbox"/>
Melissa Branca	Florida Students Against Destructive Decisions (SADD)	<input type="checkbox"/>
Nicholas Trovato	Florida Association of State Prosecutors; Circuit Court - 16th	<input type="checkbox"/>
O'Neal Jackson	Hillsborough County Sheriff's Office	<input checked="" type="checkbox"/>

Ray Graves	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
Richard Smith	Seminole Tribal Police Department	<input checked="" type="checkbox"/>
Richie Frederick	Department of Highway Safety and Motor Vehicles	<input type="checkbox"/>
Robert Hagar	Broward County Sheriff's Office	<input checked="" type="checkbox"/>
Scott Parker	University of South Florida Police Department	<input checked="" type="checkbox"/>
Steve Harriett	Florida Sheriff's Association	<input checked="" type="checkbox"/>
Tim Cornelius	Collier County Sheriff's Office	<input checked="" type="checkbox"/>
T.J. Graham	Florida Department of Law Enforcement, Alcohol Testing Program	<input checked="" type="checkbox"/>
Vernon Howell	Florida Department of Highway Safety and Motor Vehicles	<input type="checkbox"/>
Vin Petty	State Attorney's Office Sixth Judicial Circuit	<input checked="" type="checkbox"/>

Traffic Safety Partners

Name	Agency Represented	Attendance
Christian Bax	Florida Dept. of Health Office of Compassionate Use	<input type="checkbox"/>
Courtney Cappola	Florida Dept. of Health Office of Compassionate Use	<input type="checkbox"/>
Capt. Christi Esquinaldo	Hillsborough County Sheriff's Office	<input type="checkbox"/>
Dave Pinsker	Mothers Against Drunk Driving (MADD)	<input type="checkbox"/>
Joe Pecchio	AAA	<input type="checkbox"/>
Karen Morgan	AAA	<input type="checkbox"/>
Matt Nasworthy	AAA	<input type="checkbox"/>
Mike Fraher	Florida Dept. of Business and Professional Regulation	<input type="checkbox"/>
Murray Brooks	SCRAM Systems	<input checked="" type="checkbox"/>
Olimpia Jackson	United States Navy	<input type="checkbox"/>
Steve Frisco	State Attorney's Office 8th Judicial Circuit	<input type="checkbox"/>
Tanesha Williams	Florida Sheriff's Association	<input type="checkbox"/>

Coalition Support

Danny Shopf	Cambridge Systematics, Inc.	<input checked="" type="checkbox"/>
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Others in Attendance

- Judge Andrew Cameron, 9th Judicial Circuit
- Jason Ivey, Tennessee Department of Transportation
- Members of the Tennessee Impaired Driving Task Force

2.0 Meeting Notes – August 2

Welcome & Introductions

Kyle Clark, Chair, introduced himself and welcomed members to the meeting. He asked members to introduce themselves and note which agency/organization they represent. Chris Craig noted that members from the Tennessee Impaired Driving Task Force would be observing the meeting to identify best practices to apply to their Task Force.

Review of Action Items and Activity Report

FIDC members reviewed the action items from the previous meeting and provided a brief summary of progress made on each item. **(Action items are listed below in bold. *Action items to be addressed at the next meeting are in italics and underlined*).**

Outreach Efforts about Membership

Department of Education – Melissa Branca could not attend. Chris Craig noted an invitation was sent out to Nichole Wilder, Assistant Director of the Office of Healthy Schools, requesting her participation on the FIDC. She has not sent in a response. *Chris will provide an update at the November FIDC Meeting.*

- Steve Harriet recommended identifying a School Resource Officer and offered to identify a potential member.

Toxicological Lab Representation – An invitation was sent to Chip Walls requesting his participation. He has indicated he is interested to Garrett Berman. Garrett noted that many of the toxicological lab representatives are extremely busy and though they are interested in participating, they have difficulty finding the time to do so. *Garrett will provide an update at the November FIDC Meeting.*

Law Enforcement Representation – Chris reviewed the travel expense budget and determined enough funds were available to send invitations to each law enforcement representative recommended at the February FIDC meeting. Several new law enforcement representatives were able to attend the August meeting.

Judicial Membership – Judge Andrew Cameron attended the meeting.

Military Representation – Malcolm Osteen, Coast Guard, is back in the US after being deployed and is interested in participating. Ray will coordinate with him prior to the November FIDC Meeting. *Ray will provide an update at the November FIDC Meeting.*

Other Activities to Report from the Past Quarter – Prior to the meeting, [an article](#) was shared with the FIDC that indicated impaired driving arrests were down and suggested this was due to the increase in impaired individuals using ride sharing services such as UBER and LYFT.

- Coalition members agreed that while ride sharing services may play a role in the reduction of impaired driving arrests, officer attitude, the time it takes to process a DUI, and reduced law

enforcement personnel also contributed to the reduction in arrests. Research is currently being conducted to evaluate the effect of DUI Diversion programs on DUI arrest rates.

Model Language Update

Over Service Model Language

Vin Petty provided an update on Over Service Model Language. He noted that 16 states have criminal penalties to establishments/individuals overserving customers. Florida's over service law only applies to establishments that knowingly overserve individuals with a known drinking problem. To adequately develop model language related to over service, the FIDC would also need to draft language related to the criminal punishments associated with over service. Vin noted that Florida's current over service legislation is written to protect vendors and unlikely to be changed. Rather than focus on writing model language, he recommended the FIDC provide a model program, such as the Hillsborough County SAVE Program, that is focused on educating establishments serving alcohol.

Alcohol Exclusion Model Language

Ann Marie Johnson provided an update on Florida's Alcohol Exclusion Law. She noted that in Florida, insurance companies are not required to pay for damage or medical procedures if an individual is determined to be impaired. Only 15 states have repealed their Alcohol Exclusion Laws and it would be difficult to do so in Florida. Ann Marie determined there is no model language that can be proposed and the recommendation would be to repeal Florida's Alcohol Exclusion Law. Ann Marie agreed to begin drafting a white paper outlining the challenges associated with Florida's Alcohol Exclusion Law.

Chemical Test Refusal Model Language

Judge Grube provided an update on Florida's Chemical Test Refusal Rate. He noted that Florida has a 35 percent refusal rate which is among the highest in the nation even though DUI arrests have declined. Judge Grube has updated the Chemical Test Refusal Model Language the FIDC developed two years ago and Danny will post it on the FIDC website.

Driving with License Suspended Model Language

Garett noted that a recent case created a potential issue with Florida's Implied Consent language. The case determined that a driver who was never issued a driver's license could not have their license suspended and Garett is concerned that the implied consent language could be misleading if read to someone who has never had a license. He offered to draft model language that more clearly defines driving privilege to avoid any potential issues with the implied consent language.

DUI Counter Attack Presentation

Helen Justice gave a presentation on DUI Counter Attack. DUI Counter Attack is a non-profit organization in Hillsborough County that includes standardized DUI courses and psychological evaluations/assessments for impaired driving offenders. Upon completion of the course, a certificate of completion is submitted to DHSMV and DHSMV is notified if the offender does not complete the program.

Offenders Participating in Multiple DUI Level One Courses

Ray Graves provided an update on the number of offenders participating in more than one DUI Level 1 course. Over 900,000 records were checked between 1999 and 2018 and only 36 offenders completed the DUI Level 1 course more than once. There were no demographic or geographical trends associated with these 36 cases. He said it seems like Florida's DUI diversion programs have been good about not allowing multiple DUI offenders to participate in a DUI Diversion Program as a first time offender more

than once. The FIDC agreed that there should be a standardized reporting process for Florida's DUI Diversion Programs to ensure offenders cannot participate in a DUI Diversion Program as a first-time offender more than once.

DUI Diversion Subcommittee

Judge Grube provided an overview of the DUI Diversion White Paper he developed with support from the DUI Diversion Subcommittee. He noted that, according to the NHTSA, "Effective DWI control systems can use a variety of adjudication and sanction methods and requirements. The key feature is that an alcohol-related offense must be retained on the offender's record. Otherwise, offenders who recidivate will receive less severe penalties than if the original charge had been retained on their record." Currently, none of Florida's DUI Diversion Programs retain the alcohol-related offense, or any indication that a DUI Diversion Program was completed on the offender's record. Florida's DUI Diversion Programs:

- are not statutory in nature;
- do not operate under a state recognized standard;
- vary greatly and do not result in uniform dispositions;
- are created, administered, and regulated by State Attorneys exercising their prosecutorial executive discretion; and
- do not require judicial approval and are not subject to judicial review.

Judge Grube will work with the DUI Diversion Subcommittee to finalize the white paper before the November FIDC Meeting.

24/7 Program Best Practices

Ray provided an update on 24/7 Program Best Practices. He attended the 24/7 National Conference in Sacramento in 2018 and found several resources related to these programs. He noted that national success rates for 24/7 programs are very encouraging and provided resources to Danny to post on the FIDC website. Ray emphasized that a successful 24/7 program needs buy in from law enforcement and judges. Steve Harriett volunteered to work with Ray and Chris Craig to give a 24/7 presentation to Seminole County and evaluate them as a potential candidate for a 24/7 Pilot Program.

Adjourn

Meeting adjourned at 5:00 p.m.

3.0 Meeting Notes – August 3

Review of Day 1

Kyle provided an overview of the discussion from Day 1.

Florida LEL Program

Tim Roberts gave a presentation on Florida's Law Enforcement Liaison (LEL) Program. He noted that Florida's LEL Program was established in 2000 based on the national model. Florida's LELs support law enforcement in the three NHTSA national safety waves (Click It Or Ticket and Drive Sober or Get Pulled Over), participate in traffic safety coalitions (including the FIDC), participate in community traffic safety teams (CTSTs), and assist with the coordination of law enforcement agencies. Tim shared examples of resources and educational materials produced by Florida's LEL program, including implied consent cards that were developed in coordination with the FIDC.

Impaired Driving Media

Chris provided an impaired driving media update. He said NHTSA requires states to participate in three traffic safety waves (Click It or Ticket and Driver Sober Or Get Pulled Over) and shared examples of the statewide media campaigns related to impaired driving. Surveys are conducted prior to, during, and after media waves to identify if and how Floridians are seeing the impaired driving safety message. Chris indicated that TV, electronic messaging boards on the roadways, and billboards are consistently identified as the top options for where survey respondents see the message. Overall, Florida's awareness of the campaign has continued to increase, with just under half of the sample (49.1%) reporting that they had seen or heard the campaign, compared to (44.7%) in 2017.

Chris also noted that Florida will be releasing a media campaign related to impaired driving during Labor Day weekend. He shared examples of commercials that will appear on the radio, Pandora, Spotify, and Facebook to promote the safety message.

Drug Impaired Driving Update

Kyle Clark gave a presentation on drug impaired driving. The number of drivers impaired by both alcohol and drugs killed in crashes increased by 16 percent between 2006 and 2016. He noted that testing for alcohol is relatively consistent but testing for drugs is more difficult because response to the drugs (as they affect driving ability) vary from person to person and there is not necessarily a correlation between the presence of a drug in one's system and that person's level of impairment. He said alcohol prevalence is much higher on weekend nights but drug prevalence seems to be consistent during the day and night and both on weekdays and weekends, making it much more difficult to identify. Kyle also reviewed the GHSA recommendations related to drug impaired driving with the coalition.

FIDC Action Plan Update

Danny reviewed the FIDC Action Plan and made edits to the status of each action item on-screen based on input from Coalition members.

Next Steps

Chris provided an overview of next steps and travel reimbursement information. The next meeting is November 15-16, 2018 in Orlando at the FHP/FDOT Building. Chris will send a Doodle Poll to identify availability for the following FIDC Meeting.

Adjourn

Meeting adjourned at 12:00 p.m.

Contact information for Florida Impaired Driving Coalition questions:

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