



Florida Impaired Driving Coalition

December 2016 Meeting Summary

December 8, 2016 1:00-5:00 pm

December 9, 2016 8:30 am-12:00 pm

Florida Public Safety Institute, 75 College Dr. Suite 203, Havana, FL, Room CRB 214

Thursday, December 8, 2016

Members in Attendance:

Name	Agency Represented	Attendance
Kim Allen	Florida Public Safety Institute	<input type="checkbox"/>
Corporal Susan Barge	Florida Highway Patrol	<input checked="" type="checkbox"/>
Garett Berman	State Attorney's Office 17th Judicial Circuit	<input checked="" type="checkbox"/>
Chief Art Bodenheimer	Lake Alfred Police Department	<input type="checkbox"/>
Danielle Branciforte	Florida Students Against Destructive Decisions (SADD)	<input type="checkbox"/>
Juan Cardona	Law Enforcement Liaison	<input checked="" type="checkbox"/>
Kyle Clark	Institute of Police Technology and Management	<input checked="" type="checkbox"/>
Chris Craig	Florida Department of Transportation	<input checked="" type="checkbox"/>
Chief James Cruse	Florida Police Chiefs Association	<input checked="" type="checkbox"/>
Matthew Dunagan	Florida Sheriffs Association	<input type="checkbox"/>
Darrell Edmonds	Institute of Police Technology and Management	<input checked="" type="checkbox"/>
Jacqueline Edwards	Florida Students Against Destructive Decisions (SADD)	<input checked="" type="checkbox"/>
Captain Christi Esquinaldo	Hillsborough County Sheriff's Office	<input type="checkbox"/>
Felecia Ford	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>
Mike Fraher	Department of Business and Professional Regulation	<input type="checkbox"/>
Frank Franco	Department of Business and Professional Regulation	<input type="checkbox"/>
Dr. Bruce Goldberger	University of Florida College of Medicine	<input type="checkbox"/>
Melissa Gonzalez	Florida Department of Transportation	<input checked="" type="checkbox"/>
Ray Graves	Florida Department of Highway Safety and Motor Vehicles	<input checked="" type="checkbox"/>

The Honorable Karl Grube	Trial Court Judge	<input type="checkbox"/>
Lora Hollingsworth	Florida Department of Transportation	<input type="checkbox"/>
Kira Houge	Florida Department of Transportation	<input checked="" type="checkbox"/>
Olimpia Jackson	United States Navy	<input type="checkbox"/>
Kathy Jimenez-Morales	Florida Department of Highway Safety and Motor Vehicles	<input type="checkbox"/>
Ann Marie Johnson	Florida Department of Law Enforcement	<input checked="" type="checkbox"/>
Helen Justice	DUI Counterattack, Hillsborough, Inc.	<input type="checkbox"/>
Dr. Brett Kirkland	Florida Department of Law Enforcement	<input checked="" type="checkbox"/>
Luis Lopez	Jacksonville Sheriff's Office	<input type="checkbox"/>
Andy Meresse	Tallahassee Police Department	<input checked="" type="checkbox"/>
Karen Morgan	AAA	<input type="checkbox"/>
Matt Nasworthy	AAA	<input checked="" type="checkbox"/>
Vin Petty	State Attorney's Office Sixth Judicial Circuit	<input checked="" type="checkbox"/>
Dave Pinsker	Mothers Against Drunk Driving (MADD)	<input type="checkbox"/>
Brett Railey	Florida Police Chiefs Association	<input checked="" type="checkbox"/>
Danny Shopf	Consultant Support - Cambridge Systematics	<input checked="" type="checkbox"/>
Julie Taylor	County Court & Juvenile Duval State's Attorney	<input type="checkbox"/>
Channing Taylor	Florida Highway Patrol	<input checked="" type="checkbox"/>
Nicholas Trovato	Florida Association of State Prosecutors; Circuit Court - 16th	<input checked="" type="checkbox"/>

Others in Attendance:

- Tim Roberts - Law Enforcement Liaison (sitting in for Juan Cardona)

Welcome & Introductions

Danny Shopf welcomed members to the meeting and introduced himself. He asked members to introduce themselves and note which agency/organization they represent. Next Chris Craig handed out copies of and provided a brief overview of the Strategic Highway Safety Plan (SHSP), paying specific attention to the Impaired Driving Section of the plan.

- There were no questions or comments related to the SHSP.

Review of Action Items

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 to military & Department of Education representatives for FIDC**
 - Danielle Branciforte was coordinating the DOE outreach and was not present to discuss her progress. She will provide an update at the next meeting.
 - Kyle Clark has asked Olimpia Jackson with the U.S. Navy to participate. She has agreed to join the FIDC but cannot travel for meetings. She will join when meetings are in her area and call in to other meetings when possible.
 - The Florida Police Chiefs Association tried to contact Native American tribal law enforcement organizations; there is little to no interest in their involvement.
 - Ray Graves has contacts within the tribes and will provide their contact information to Kira Houge in order to follow up with those contacts.
- **Outreach efforts to State Supreme Court about uniform case numbering system**
 - Judge Grube & Danielle Branciforte were not present to report on this action item. They will provide an update at the next meeting.
- **Draft potential best practice language to amend current legislation to incorporate Title 21 as part of adopting the DEA schedule into DUI laws**
 - Title 21 would work to fix a loophole to incorporate DEA schedule and include more substances. FPAA may want to take the lead on this.
- **Best practices for consideration for legislative approval for centralizing DUI deferral programs**
 - The Bureau of Administrative Review enters sanctions that are independent of the criminal track. The driver's record will show an alcohol related event. The record will show if they have completed DUI school and show an administrative suspension. BAR should check for prior administrative suspensions and DUI school.
 - Nick Trovato will reach out to the diversion programs about identifying someone who has been through a diversion program.
- **How many Florida officers FPSI has trained in 2016 for SFST, ARIDE and SFST Instruction**
 - Kim Allen was not present to discuss this action item. Kim will provide an update at the next meeting.
 - Darrell Edmonds noted that 75 DREs were trained in 5 different classes throughout the state. This also included 29 FHP Troopers, of which 27 were trained through a grant made possible by Shaquille O'Neal and the Governor's Highway Safety Administration.
- **Rule certifying DRE officers, proposed model language**
 - Garrett Berman provided proposed model language to the FIDC prior to the meeting (attached). *Garrett will continue working on drafting proposed language related to this topic.*
 - FIDC members suggested including the word "or" be included between part 3 and 4 of the proposed revisions to 90.702.

- Garrett noted the proposed changes are dependent on whether the Supreme Court agrees that 90.702 will be allowed to change at all. If the court does not agree, no changes can be made.
- **FPAA stance on developing impaired driving subcommittee & willingness to support DUI refusal legislation**
 - Nick Trovato is in contact with the head of the FPAA. A message has been sent out and we are awaiting their vote in January. Nick will provide more information at the next meeting.
- **Current trends in invalidations of ALR suspensions for DUI-Felecia Ford**
 - Felecia Ford provided a data summary from January 2013 to September 2016 (attached).
 - She noted the reduction in the number of invalidations since 2013 is, in part, due to:
 - Actively offering training sessions for our law enforcement officers.
 - The number of requests for administrative hearings have been reduced.
 - Two major issues her office faces are:
 - The paperwork is not submitted in time. Emailing this paperwork may help streamline the submission process. BAR will continue to work with the departments to ensure they are getting the paperwork in as soon as possible.
 - The arresting officer does not appear in court. Too many invalidations are due to the officer not being present. DHSMV is encouraging law enforcement agencies to develop a standardized process for receiving properly served subpoenas.
- **LEL reach out activities to Community Traffic Safety Teams**
 - LELs are doing one-on-one meetings rather than quarterly meetings. LELs are reviewing each agency's impaired driving issue in their local area and meeting with them one-on-one to discuss the importance of impaired driving enforcement.
- **Ongoing activities promoting impaired driving HVE initiatives**
 - LELs are promoting the Christmas/New Year's wave of initiatives.
 - Tim Roberts noted that the Florida LEL website has good resources related to the HVE initiatives.
- **Bureau of Records response to adjusting the crash form for collecting drug impaired driving**
 - Ray Graves met with the new chief of the Bureau of Records. They are working on the new iteration of the crash report process.
 - Ray noted they welcome any ideas to incorporate new changes. The FIDC needs to evaluate the drug and impaired driving section and make recommendations for changes that improve reporting without causing undue burden on the reporting officers.

- Some of the other coalitions will want to make recommendations related to the crash reporting process, the FIDC will share this information with the other coalitions.
- Ray reported that a new driver's license design will be available at the end of 2017. This will be a phased in process that takes effect as drivers update their license.
- He mentioned that DUI training courses are specifically tailored to alcohol. He pointed out that drug trainings need to be included in our educational efforts as well.
- Ray suggested the coalition coordinate with judges to address the issue of allowing hardship licenses or waiving educational requirements for DUIs. There needs to be an agreement about how this is approached. The statute (Chapter 893 F.A.C.) is ambiguous allowing some drivers to find loopholes in the system.
- **Discuss wants/needs of statewide DUI tracking system**
 - Ray Graves noted that DHSMV is in the process of modernization that includes renewing the agency's data systems. DHSMV will use in-house staff to create a consolidated DUI data system that is intended to provide the repeat DUI offender's history.
 - Key Components in this process includes information about:
 - Roadside stops
 - Administrative hearings
 - DUI educational programs
 - Substance abuse treatment
 - Interlock
 - Diversion data
 - A member asked if this data system would be a repository for other information
 - The system will only be for DUIs. Eventually it may begin to accommodate other types of traffic citations.
 - A member asked how many years would this database cover?
 - Ideally, DHSMV would create a pilot test for the data base and move forward from there. It is unlikely the agency would have the resources available to incorporate data from previous years.

Discuss FIDC Data Needs for Inclusion in the TRCC Strategic Plan

Chris gave an overview of the Traffic Records Coordination Committee (TRCC). Presently there are more data needs than there are resources to accommodate those needs. The TRCC is working with a NHTSA GoTeam that will review the state's data systems and recommend best practices for managing the state's data systems. The TRCC will evaluate how the state is using resources based on this assessment. Chris asked the FIDC if there are any major data needs that should be forwarded to the TRCC for consideration.

- Felecia Ford noted there is a 4-month retention for all DUI hearings files. One packet can be anywhere from 12 to 200 pages creating storage issues for these records. Good notes are not

being retained on DUI hearings because of these storage issues. DHSMV would ideally like to maintain those files for 3 years to more effectively evaluate trends.

- Felecia noted that software called Legal Files is a possible solution to this problem. The licenses for this software are expensive.
- The Pacific Institute of Research and Education (PIRE, out of Maryland) contacted Ray Graves. PIRE would like to review driver risk inventories, and compare it to ignition interlock data and see if Florida's process of tying education, treatment, and interlock is more effective than other states that do not use this method.

Membership Review

- Kira Houge reviewed the current membership roster. She asked members if they had any recommendations to add/remove a representative to/from the list. Below are the recommendations of the FIDC (*action items to be addressed at the next meeting are listed in italics and underlined*):
 - Add Thomas Jack Graham with FDLE ATP. *Kira Houge will reach out.*
 - Agency for Healthcare Administration should be removed. *Consider reaching out to the Department of Health and asking for a representative.*
 - Office of Compassionate Use representative would be a good addition to committee membership. *Sue Barge and Chief Railey provided contact information to Kira Houge, who will reach out.*
 - *Reach out to the Office of the Attorney General to see if they would interested in participating. Nick Trovato will reach out.*
 - *Reach out to Malcolm Osteen with the Coast Guard Reserve and Federal Probations. He mentioned that he would be interested in participating. Kira Houge will reach out.*
 - Add Pam Johnson from the Florida DUI Safety Council. *Kira Houge will reach out.*
 - Add Elise Batchelor, head of Driver Safety Office with a focus on Vulnerable Road Users
 - She will attend the next meeting with Ray Graves.
 - Add David Fear, Misdemeanor County Court. *Vin Petty will reach out.*
 - Add Sheri Collins from Palm Beach County. Update: Sherri has been appointed as a judge and will seek approval with her new position to join the Coalition.
 - Add Dr. Lisa Reidy, University of Miami Toxicology Lab director. *Dr. Kirkland will reach out.*
 - *Chief Railey will consider membership options from the Florida Sheriffs Association.*
 - *Need to follow up with Mike Fraher and ask if he will continue to attend.*
 - *Need to follow up with Julie Taylor and ask if she will continue to attend.*
 - *Ben Fox with the 18th Judicial Circuit is interested in joining the Coalition. Vin Petty has reached out to him.*

Legislative Updates

- Blood Draw Law Best Practices
 - During a meeting at the Institute of Police Technology and Management (IPTM) Symposium, the FIDC helped write a rough draft of an addition to be incorporated as Subsection 6 that allows for taking the blood sample. Florida is unusual in that we have a warrant statute that looks at misdemeanors and felonies differently.
 - This addition would have to be taken to the Legislature as a bill. It would include language that allows a warrant for a blood draw in a misdemeanor DUI.
- Ignition Interlock Updates
 - Ray Graves met with the interlock providers. The providers are suggesting that first time offenders should be required to be on interlock rather than just high BAC offenders and offenders with children in the vehicle.
 - A member suggested that the state could consider bringing interlock requirements to refusals as well. The refusal law could be strengthened to require use of an interlock for offenders refusing to be tested a second time.
- Breath Test First Refusals
 - During the legislative cycle, the misdemeanor/first offender language was dropped and the bill never made it to the floor. The FIDC will update the model language and send this along to Karen Morgan.
- Medical Marijuana
 - One of the members asked if there was an established level of impairment related to marijuana.
 - Currently, there is not. It is not clear based on testing how to determine the level of impairment.
 - Another member noted that the hardest aspect of marijuana impairment is to educate not only drivers, but officers and judges, that drugs do not behave the same way as alcohol. Blood is still the best way to confirm drugs in the system.
 - The Coalition agreed that we need to ensure that taxes collected from the sale of marijuana need to be directed toward highway safety. We need to ensure our safety measures are adequately considered in relation to marijuana impairment.
 - Master Corporal Susan Barge provided an overview of the medical marijuana procedures and practices. She clarified how the new law will affect marijuana enforcement and emphasized that medical marijuana is strictly regulated through the Florida Department of Health.
 - A member suggested developing a short Computer Based Training module for officers to help standardize the way DUIs are reported and submitted to ensure we are collecting complete data.

Friday, December 9, 2016

Impaired Driving Strategic Plan

Chris Craig reviewed the existing Strategic Plan and determined it was out of date. Rather than reviewing the plan with the Coalition, he recommended that FDOT staff update the plan and review it with the Coalition during the next meeting. The deadline for this plan update is July 1, 2017. Kyle recommended the document be shared with the Coalition before the meeting so members can come prepared for the discussion.

Chris noted that the FAST Act has been passed, however, a transportation funding bill has not been passed. We are still under continuing resolutions. NHTSA has changed what can be funded through grants. Many of the educational materials that were used in the past can no longer be funded with these grants. NHTSA has also created more restrictions on what police equipment can be funded through grants and has also prohibited funding for property-only grants.

Chris said the state will continue to have a law enforcement liaison challenge and noted that we are trying to work within NHTSA guidelines to continue to support this effort.

He reminded membership that lobbying is prohibited through the grant that funds this Coalition.

FIDC Website

Chris informed membership that an FIDC website would be developed similar to the website for the Traffic Records Coordinating Committee (TRCC). The website will be designed as a resource for FIDC members, partners, and the public to locate information on impaired driving, find resources and educational materials, and identify additional partners. *Chris will bring draft concepts for the website to the next meeting.*

FIDC Charter

Chris reviewed the current FIDC charter. He asked members if any changes needed to be made.

Following are the changes that will be made to the FIDC charter:

- Change to **Governance of the FIDC** instead of IDC.
- Revise language to note that the current FIDC chair will serve for two years. The vice chair will then move into the chairperson position and a new vice chair will be elected.
 - Need to include a provision that allows for new elections of both the chair and vice chair if a vice chair is not able to move into the chairperson's position after his/her two years as chair.
- Revise language so it is no longer a requirement that the chair be from FDOT.
- Update language so it is clear that FDOT will be responsible for determining if a potential member is appropriate for the committee. FDOT will be responsible for telling volunteers they cannot participate for whatever reason. However, FDOT should consult with at least the chair, but likely the rest of the committee as well.
- Add language that requires members to provide background information (biography/CV) for the FIDC records. This will help the Coalition evaluate the expertise of its membership and identify gaps to fill when recruiting new members.
- Add language that allows for sub-committees or technical committees, but requires that a member of the FIDC is the chair.
- Remove the reference to only Florida entities. Change the language to state "...any **relevant** entity..."

Scheduling Upcoming Meetings

- March 30-31 in Orlando
- June 22-23 in Tallahassee
- August 24-25 in Tampa

Activity Report

- 1.1.2.a – Nick will be the new leader for the FPAA
- 1.1.2.d – Ray will provide contact information to Kira and she will follow up.
- 1.1.2.f – Consider reaching out to NOBLE through the Florida Police Chiefs Association. Leave as pending until FIDC can identify any other associations that should be included.
- 1.2.1.a – leave as is. Update to FDOT
- 1.2.1.b – Complete
- 2.1.1.a – Complete – Frank Franco
- 2.1.1.b – Address at next meeting.
- 2.2.1.a – In Progress
- 2.2.1.b – Ongoing Effort
- 3.1.1.a – Will follow up with AAA. Create the fact sheets and post them on the FIDC website.
- 3.2.1.a – Nick has a list of those with the deferral programs. Nick will send this information out.
- 3.3.1.a – We will need to wait and see on this one.
- 3.4.1.a – Ongoing.
- 3.5.1.a – Currently going through the process. Change to Pending DHSMV creation of a new system.
- 3.6.1.a – Pending until posted on the website.
- 3.7.1.a – Proposed and awaiting Jan 6 vote.
- 3.8.1.a – Judge Grube will report on this at the next meeting.
- 3.9.1.a – Pending other proposed legislation changes and modifications.
- 3.10.1.a – In Progress. Crash form is being updated to include drug impairment.
- 4.1.1.a – In Progress. Kira and Chris will revise and bring to next meeting.
- 4.1.1.b – In Progress. Draft will be provided at the next meeting.
- 4.1.1.c – Ongoing.
- 5.2.1.a – Complete.
- 5.2.1.b – Ongoing. An update will be provided annually at the first meeting of the year.
- 6.1.1.a – Leave as is.
- 6.1.2.b – Delete.
- 6.2.1.a – Working on a software solution that brings us closer to real time data through electronic DRE reporting.

Next Steps

- Felecia recommended we hear summaries of various case studies that will change the way DUI is handled in Florida. Felecia will follow up on this and try to bring something to the next meeting.