



Florida Impaired Driving Coalition

Meeting Report

March 2-3, 2023

Prepared for:

Florida Department of Transportation

Prepared by:

Cambridge Systematics, Inc.



1.0 Attendees

The participants in the November 7 & 8, 2022 Florida Impaired Driving Coalition (FIDC) meeting are listed below.

Name	Agency Represented	Attendance
Anne Rollyson	Florida Safety Council	<input type="checkbox"/>
Sgt. Anthony Palese	Florida Highway Patrol (FHP)	<input checked="" type="checkbox"/>
Chief Art Bodenheimer	Lake Alfred Police Department	<input type="checkbox"/>
Sgt. Ben Shaw	Jacksonville Sheriff's Office	<input checked="" type="checkbox"/>
Brandy Howard	SunCoast Safety Council	<input checked="" type="checkbox"/>
Dr. Brett Kirkland	Florida Dept. of Law Enforcement, Alcohol Testing Program (FDLE, ATP)	<input type="checkbox"/>
Chief Brett Railey	Florida Police Chiefs Association	<input checked="" type="checkbox"/>
Lt. Channing Taylor	Florida Highway Patrol (FHP)	<input type="checkbox"/>
Chris Craig	Florida Dept. of Transportation, State Safety Office (FDOT-SSO)	<input checked="" type="checkbox"/>
Chris Earl	Florida Safety Council	<input checked="" type="checkbox"/>
Chrystal Williams	Florida Dept. of Health, Office of Medical Marijuana Use (FDOH, OMMU)	<input type="checkbox"/>
Cpl. Daniel Darren	Collier County Sheriff's Office	<input checked="" type="checkbox"/>
Dennis Siewert	Florida Dept. of Law Enforcement, Toxicology (FDLE, Toxicology)	<input type="checkbox"/>
Chief David Ennis	Retired Chief of Police	<input type="checkbox"/>
Delton Perry	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	<input checked="" type="checkbox"/>
Ellen Snelling	Tampa Alcohol Coalition	<input checked="" type="checkbox"/>
Elvia Marcus	Miami-Dade County State Attorney's Office	<input checked="" type="checkbox"/>
Ernie Bradley	Florida Dept. of Transportation, State Safety Office (FDOT-SSO)	<input checked="" type="checkbox"/>



Name	Agency Represented	Attendance
Geoff Luebkekmann	The Florida Restaurant & Lodging Association / Regulatory Compliance Services, Inc.	<input type="checkbox"/>
Helen Justice	DUI Counterattack, Hillsborough, Inc.	<input type="checkbox"/>
Sgt. Hugh Gross	Hillsborough County Sheriff's Office	<input checked="" type="checkbox"/>
Isabel Perez-Morina	Advocate Program, Inc./Florida Association of Community Corrections	<input checked="" type="checkbox"/>
DS. John Howard	St. Johns County Sheriff's Office	<input type="checkbox"/>
Jon Askins	Institute of Police Technology and Management (IPTM)	<input type="checkbox"/>
Juan Cardona	Institute of Police Technology and Management (IPTM)	<input checked="" type="checkbox"/>
Kathy Jimenez-Morales	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	<input type="checkbox"/>
Det. Kevin Millan	Miami Beach Police Department	<input type="checkbox"/>
Kyle Clark	International Association of Chiefs of Police (IACP)	<input type="checkbox"/>
Larry Coggins	Mothers Against Drunk Driving (MADD)	<input checked="" type="checkbox"/>
Dr. Lisa Reidy	University of Miami, Division of Toxicology (UM-Toxicology)	<input type="checkbox"/>
Lora Hollingsworth	Florida Dept. of Transportation, State Safety Office (FDOT-SSO)	<input type="checkbox"/>
Malcom Osteen	United States Probation/United States Coast Guard (Reserve)	<input type="checkbox"/>
Marcie Padron	Orange County Sheriff's Office	<input type="checkbox"/>
Lt. Col. Mark Brown	Florida Highway Patrol (FHP)	<input type="checkbox"/>
Sgt. Mark Eastty	Pinellas County Sheriff's Office	<input checked="" type="checkbox"/>
Mary Lewis	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	<input type="checkbox"/>
Sgt. Matthew Rosenbloom	Pasco County Sheriff's Office	<input type="checkbox"/>
Melissa Gonzalez	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	<input checked="" type="checkbox"/>



Name	Agency Represented	Attendance
Melissa Valido	Students Against Destructive Decisions (SADD)	<input type="checkbox"/>
Corporal Michael White	Tampa Police Department	<input checked="" type="checkbox"/>
Mike Zinn	Florida Dept. of Transportation, District 7 (FDOT-D7)	<input checked="" type="checkbox"/>
Lt. Michael Marden	Lake County Sheriff's Office	<input type="checkbox"/>
Nicholas Tiscione	Palm Beach County Sheriff's Office	<input checked="" type="checkbox"/>
Capt. Rachel Bryant	Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, Statewide Boating Safety Unit (FWC)	<input type="checkbox"/>
Ray Graves	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	<input checked="" type="checkbox"/>
Richie Frederick	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	<input checked="" type="checkbox"/>
Ross Weiner	Broward State Attorney's Office	<input type="checkbox"/>
Sgt. Ryan Clifton	Broward Sheriff's Office	<input type="checkbox"/>
Shayla Platt	Florida Dept. of Law Enforcement, Alcohol Testing Program (FDLE-ATP)	<input type="checkbox"/>
Spencer Hathaway	7th Judicial Circuit State Attorney's Office	<input type="checkbox"/>
Stephen Talpins	Miami-Dade County State Attorney's Office	<input type="checkbox"/>
Theresa Chestnut	Florida Dept. of Transportation, District 1 (FDOT-D1)	<input type="checkbox"/>
Thomas Graham	Florida Dept. of Law Enforcement, Alcohol Testing Program (FDLE-ATP)	<input type="checkbox"/>
Tim Cornelius	Institute of Police Technology and Management (IPTM)	<input checked="" type="checkbox"/>
Tim Roberts	Institute of Police Technology and Management (IPTM)	<input checked="" type="checkbox"/>
Todd Schimpf	Florida Dept. of Health Office of Medical Marijuana Use (FDOH-OMMU)	<input checked="" type="checkbox"/>
Ofc. Tom Apsey	Seminole Police Department, Seminole Tribe of Florida	<input type="checkbox"/>
Tom Moffett	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	<input type="checkbox"/>



Name	Agency Represented	Attendance
Vernon Howell	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	<input type="checkbox"/>
Vin Petty	Tallahassee Community College, Florida Public Safety Institute (TSRP-FPSI)	<input checked="" type="checkbox"/>
Capt. William Jarvis	Florida Dept. of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Bureau of Law Enforcement (ABT)	<input checked="" type="checkbox"/>
Hon. William Overton	Trial Court Judge	<input checked="" type="checkbox"/>

Traffic Safety Partners

Name	Agency Represented	Attendance
Danny Shopf	Cambridge Systematics (CS)	<input checked="" type="checkbox"/>
Elizabeth Chedester	Center for Urban Transportation Research (CUTR)	<input type="checkbox"/>
Olimpia Jackson	United States Navy	<input type="checkbox"/>
Chanyoung Lee	Center for Urban Transportation Research (CUTR)	<input checked="" type="checkbox"/>
Ryan Huff	Center for Urban Transportation Research (CUTR)	<input checked="" type="checkbox"/>
Joe Pecchio	AAA	<input type="checkbox"/>
Karen Morgan	AAA	<input type="checkbox"/>
Matt Nasworthy	AAA	<input type="checkbox"/>
Murray Brooks	SCRAM Systems	<input type="checkbox"/>
Dr. Patricia Byers	University of Miami Miller School of Medicine / Department of Surgery	<input type="checkbox"/>
Sandy Ho	Great Bay Distributors	<input type="checkbox"/>

Other Attendees

2.0 Meeting Notes – March 2, 2023

Welcome, Introductions, and Agenda

Kyle Clark, International Association of Chiefs of Police (IACP), introduced himself and welcomed participants to the Florida Impaired Driving Coalition (FIDC) meeting and thanked everyone for joining. He facilitated a round of introductions and provided updates on the following items of interest happening nationally and what they mean for impaired driving.

Kyle said the curricula for impaired driving enforcement (SFST, ARIDE, and DRE) was completed on February 28, 2023 and is being disseminated. He highlighted an ongoing New Jersey Case (New Jersey vs Olenowski) and said the supreme court decision has been paused but we should know more soon. Impaired Driving and Traffic Safety Conference will be held in Anaheim, California on August 9-11, 2023. He said IACP has developed a test question bank so DRE testing will be adjusted quarterly. IACP has determined that the number of law enforcement and DREs has declined in the last several years and is working on developing a DRE recruitment plan. The plan will target all law enforcement officers, including agency heads, to demonstrate the benefits of having DREs available and showcase the successes of the DRE program. The team is also developing a DRE toolkit to get offers the resources they need when they become DREs as well as educational materials to prepare officers for their DRE testing. IACP is also working on service recognition and awards for DREs to help encourage DRE retention.

Danny gave an overview of the agenda before moving on to the next agenda item.

FIDC Strategic Action Plan Goals, Objectives, and Action Steps

Danny Shopf, Cambridge Systematics, led a review of the proposed FIDC Action Plan and asked participants to share their questions and comments related to the proposed language.

Participants had the following questions and comments:

Program Management

- Add substance abuse and treatment providers to the list of membership to include on the FIDC.

Prevention

- Add an action related to conducting last drink surveys to help the FIDC better identify trends and target educational efforts in areas and establishments with a high rate of impaired drivers.
- Reorganize Objective 2C to better illustrate the connection between proposed Action Steps 2C.1 and 2C.5.
- Consider leveraging the FLHSMV Drive With Care Program to conduct an underage impaired driving pilot program.

Communication Program

- Review IACP's workplace training programs and determine if the FIDC can draw best practices from there.



- Consider coordinating with major Florida employers, including Disney World, to determine if they have impaired driving resources included as a part of their employee assistance or employee training programs.
- Revise Action Step 3B.7 to focus on promoting what the Florida Division of Alcoholic Beverage and Tobacco and other partners can provide to support law enforcement agencies.

Program Evaluation and Data

- What is a realistic timeframe for evaluating data? Impaired driving data seems to fluctuate significantly, even six months after the fatality or serious injury was initially reported.
 - Likely need to wait 6-12 months before it stabilizes. It takes a while for the toxicological lab to finalize results and for officers to update the record. It can also be delayed if a court case is involved.
- Revise Action Step 4A.8 to focus more on surveying law enforcement about the challenges of DUI enforcement, rather than on diversion programs specifically.

Drive Sober or Get Pulled Over Media

Chris Craig, FDOT, provided an overview of the upcoming Drive Sober or Get Pulled Over media wave related to St. Patrick's Day. He reviewed Florida's overall fatality and serious injury trends and the impaired driving fatality and serious injury trends. He then reviewed the approach Florida is taking to impaired driving media campaigns, including distributing resources across Florida's 10 designated market areas (DMAs) and various sources of media, including radio, digital audio, digital video, paid social media, and billboards. He then shared several examples of the media that will be shared, including billboard design, social media designs, digital audio commercials, and digital video commercials.

Participants had the following questions and comments:

- Please send the various media information to the coalition members so they can follow and repost media information.
 - **Ernie will share a link to www.DriveSoberFL.com with the coalition and direct them to the pre-drafted social media posts for the St. Patrick's Day holiday.**
- It looks like buying digital video and social media is the greatest bang for your buck.

Legislative Updates

Ernie Bradley, FDOT, shared relevant legislative updates with the FIDC.

Participants and the following questions and comments:

- **[SB 296 – Lawful Breath Test for Alcohol](#)**
 - Larry Coggins, MADD, noted that this is not the recommended MADD legislation, but MADD is supporting the current bill as filed. He noted this bill has passed through both the senate and the house and has support. The bill includes the requirement for ignition interlock for DUI refusals.

- Vin Petty, TSRP, noted that this is good for addressing the alcohol issue but does not account for drug impairment. If passed, this language could cause some confusion related to drug impaired driving and related implied consent.
 - Currently, a refusal requires a driver license suspension for one year. Does the ignition interlock apply after the license is returned?
 - Ray Graves, FLHSMV, noted the language has been revised to note the interlock will be applied when the individual receives a license, including a hardship license.
 - There are also challenges related to the clarity of the ownership of the vehicle. This becomes challenging when drivers are sharing vehicles with family members or friends.
 - Judge Overton noted another barrier created through this legislation is the cost of the ignition interlock device could be prohibitive.
 - Chris Craig said if the legislation passes, the FIDC will have to work on updated language for implied consent cards that are distributed by the LEL and TSRP programs. He also noted that FDOT could help publicize information to the updated legislation to make the public aware of the change and its impact, if it passes.
 - There may also be an opportunity to develop model language to ensure the legislation is aligned with Florida and national recommendations and best practices.
- **SB 432 – Driving Under the Influence**
 - Vin noted this legislation is requiring the court to determine if a DUI can be pled down to a reckless driving, unless a driver elects to take a diversion program. He said there is also a shift from driver privilege to driver license which could cause challenges. He did note with those exceptions, there are some good provisions in here related to DUI diversion programs that we would like to see passed, including the requirement that diversion programs report to FLHSMV which would help us better track users that have been through a program previously.
 - **SB 448 - Operating Vehicles and Vessels Under the Influence**
 - Vin said this is the change the coalition has discussed previously Florida would use the broader language of “any impairing substance.” He noted the critics of this legislation will say this is too broad so there are additional elements that clarify there are exceptions for substances with prescriptions and are being used as directed.
 - Chief Railey, Florida Police Chief’s Association, noted there is some confusion around the affirmative defense component of this proposed legislation. He noted both the Florida Police Chief’s Association and Florida Sheriff’s Association are supportive of this legislation.

Episodes of Acute Psychosis

Nick Tiscione, Palm Beach Sheriff’s Office, gave a presentation on Episodes of Acute Psychosis. He noted that psychotic episodes involving cannabis are atypical, but they are being reported. The increased influx of these episodes could be related to highly concentrated products, increased availability, and differing structures (including Delta 8). He noted that 78 percent of cases were polypharmacy cases, typically combining with a depressant, narcotic analgesic, and/or stimulant. He noted about half of cases include three or more substances



which could be increasing the risk of these atypical effects. He shared case examples illustrating the acute psychosis involving THC and other impairing substances.

Participants had the following questions and comments:

- What is considered a high dose of THC?
 - Decades ago, the marijuana plant material contained less than five percent of THC while modern plant material contains 30 percent or more. Some concentrates can contain more than 80 percent THC. Each of these cases would be considered a high dose.

Public Comment Period

There were no public comments.

Wrap up and Next Steps

Danny thanked attendees for their participation and said the meeting would reconvene at 9:00 AM. The meeting was concluded at 4:53 PM.

3.0 Meeting Notes – March 3, 2023

Recap of Day 1

Kyle Clark welcomed participants and thanked them for attending Day 2 of the FIDC meeting. Kyle gave a detailed recap of Day 1. Danny reviewed the agenda for Day 2.

FIDC Strategic Action Plan Goals, Objectives, and Action Steps

Danny led a review of the remaining sections of the proposed FIDC Action Plan and asked participants to share their questions and comments related to the proposed language.

Participants had the following questions and comments:

Alcohol and Other Drug Misuse

- Several other states of 24/7 programs or similar programs (like Hawaii Opportunity Probation with Enforcement - HOPE). This is still a priority for the FIDC. Consider conducting interviews with the law enforcement and judicial partners that participated in the Jacksonville pilot program and identify the benefits and challenges from their perspectives.
 - Consider coordination with the probation entities, like the HOPE program, to see if we can get more traction.
- Add a new Action Step related to reviewing and updating the best practices guide for DUI programs. We could also do a best practices guide focused on treatment.
- The FIDC should work on illustrating the success of DUI courts both nationally and in Florida to help promote additional DUI courts in Florida.

Criminal Justice System

- Add a new Action Step related to reviewing the FDLE basic recruit training and recommending best practices.

Office of Medical Marijuana Use Update

Todd Schimpf, Florida Department of Health, Office of Medical Marijuana Use, provided an update on recent activities. He said Florida is now up to 540 medical marijuana treatment centers (MMTCs) throughout the state. He said Emergency Rule 64ER23-1 will make an additional 22 MMTC licenses available in April 2023. He said there are now 11 Certified Marijuana Testing Labs (CMTLs) that test products before they can be sold in Florida. He said there is also a state lab that validates the results provided by the 11 CMTLs. He said there are now 1,700 approved medical marijuana products in Florida including the following routes of administration – edibles, inhalation, oral, smoking, sublingual, suppository, and topical.

Todd said in the last year, same day approval for online applications have been achieved. In February of 2022, DOH worked with FLHSMV began to interface to allow Florida residents to pull in their driver license photo and

proof of residency to improve the application approval process. In March 2022, the registry was updated to include a 35-day rolling dispensation limit to comply with statutory requirements.

In August 2022, a 70-day supply limit with associated daily maximum limits were established for approved routes of administration, other than smoking. He said there is a request for exception form available to physicians to exceed the daily dose limit established in August. This was established to curb the number of doctors consistently recommending maximum limits for all routes of administration. He did note that this exception may allow for larger possession limits than the standard four-ounce possession limit established in Florida Statutes.

Todd said DOH is developing a one-pager related to medical marijuana impaired driving. Currently FDOT is reviewing and providing comment before it is finalized by DOH. He said DOH is also finalizing a law enforcement tip card that includes the basics of the medical marijuana legislation and important possession and packaging requirements. He reviewed a variety of educational materials that are available on the DOH website.

Participants had the following questions and comments:

- Is there an equivalent of an open-container law for medical marijuana?
 - Yes, it is against the statute to use medical marijuana anywhere but private property. That means if someone is smoking in their car, they are breaking the law.
- How does DOH know when to suspend medical marijuana cards?
 - DOH doesn't know unless it is reported to them by law enforcement. Todd said only 200 cards were revoked last year for this reason, which is likely low, and reviewed how to make these reports to DOH.
 - At minimum, DOH needs the offender's name, date of birth, patient ID number (if available), and details of the violation (date, case number, etc.).
 - Judge Overton mentioned we should probably be able to coordinate with prosecutors because they are the ones ultimately bringing forth the charges. However, there are challenges because they cannot access the medical marijuana use registry (MMUR).
 - Richie Frederick, FLHSMV, said DOH may be able to coordinate with Florida Clerks of Courts and Comptrollers (FCCC) to get a report of all impaired driving charges related to medical marijuana to better track which medical marijuana cards should be revoked.
- Are the MMTCs required to discuss the dangers of using medical marijuana and driving impaired, for example?
 - Yes, there are required materials and pamphlets that are supposed to be included with all dispensations and staff are required to discuss these dangers with their patients.
- Are physicians allowed to recommend medical marijuana via telemedicine?
 - Throughout the COVID-19 pandemic, doctors were allowed to recommend medical marijuana via telemedicine, but that exception is no longer allowed, and patients are required to be seen in person before receiving a recommendation.
- Todd noted that DOH is trying to encourage more primary care physicians to start writing recommendations for medical marijuana rather than relying on doctors only writing recommendations for medical marijuana.

- Ellen noted there is a bill in the legislature that will allow a telehealth visit for medical marijuana recommendations, if it is not the first visit (which is required to be in-person).

FDOT Impaired Driving Subgrant Overview and Processes

Ernie Bradley, FDOT, gave presentation on the FDOT Impaired Driving Subgrant Processes. He introduced the highway safety matrices, indicating that this is the tool used to identify high-priority counties and cities. He said FDOT focuses resources on these high-priority counties and cities.

Ernie provided an overview of the subgrant lifecycle, starting with the concept paper submission and review. Any agency seeking subgrant funding must submit a concept paper on how they would use that funding to address their impaired driving challenges. FDOT evaluates all concept papers for inclusion in the Highway Safety Plan (HSP), and once approved by NHTSA, grant funding is made available to agencies. Ernie noted there are several very specific requirements to qualify for subgrant funding from FDOT. He said law enforcement agencies, colleges or universities, non-profits, and state agencies are all eligible to apply for this subgrant funding.

Ernie emphasized that funding for equipment is contingent on evidence of need. Concept papers with a majority of funding for equipment are discouraged and concept papers for equipment-only will not be considered for subgrant funding. He said subgrants are typically focused on traffic safety awareness, education, and outreach programs and/or high visibility enforcement operations. These subgrants typically include funding for overtime salary and benefits and registration costs for officer training. Ernie reviewed examples of allowable and non-allowable uses of subgrant funding.

Participants had the following questions and comments:

- In 2016, there was a marijuana impairment study that noted the top impaired driving behavior for drivers under the influence of marijuana was speeding. Is there any way we could include speed measurement devices with the impaired driving subgrant?
 - NHTSA prohibits the funding of speed measurement devices under impaired driving subgrants. NHTSA would have to change their requirements.
- Because monitoring is not included in the subgrant, does that mean the subgrant cannot be used to purchase interlock or court-ordered SCRAM for offenders?
 - That is correct, these devices cannot be purchased using this subgrant funding.
- Could we use vehicle wraps on driver education vehicles?
 - Typically, we have used wraps on law enforcement vehicles. FDOT could have the conversation with NHTSA and see if they would allow it.

Public Comment Period

There were no public comments.



Wrap Up and Next Steps

Danny said he would work with Chris and Ernie to finalize the Impaired Driving Strategic Action Plan and provide it to the FDIC prior to the next meeting. He provided dates for upcoming FIDC meetings:

- FY22-23 Q3 Meeting (May 4-5, 2023) Location: Orlando (Tentative)
- FY22-23 Q4 Meeting (August 17-18, 2023) Location: Orlando (Tentative)

Danny asked the coalition for recommendations for presentations they would find valuable at future FIDC meetings:

- Impaired Driving Subgrant Awards
- Intoxilyzer vendors
- Drive Sober After Action Report
- Innovative Practices Identified at the Law Enforcement Challenge (August 2023)

Adjourn

The coalition meeting ended at 12:06 pm.

Contact information for impaired driving questions:

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Manager
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