



Florida Impaired Driving Coalition Meeting Report

February 20-21, 2019

Prepared For:

Florida Department of Transportation

Prepared By:

Cambridge Systematics, Inc.



1.0 Attendees

Members:

Name	Agency Represented	Attendance
Chief Art Bodenheimer	Lake Alfred Police Department	<input checked="" type="checkbox"/>
Dr. Brett Kirkland	Florida Department of Law Enforcement, Alcohol Testing Program	<input type="checkbox"/>
Chief Brett Railey	Florida Police Chiefs Association	<input 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 type="checkbox"/>
Ernie Bradley	Florida Department of Transportation	<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 checked="" type="checkbox"/>
Juan Cardona	Law Enforcement Liaison	<input checked="" 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 type="checkbox"/>
Kevin Milan	Miami Beach Police Department	<input 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 checked="" 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"/>
Mark Brown	Florida Highway Patrol	<input checked="" type="checkbox"/>
Matthew Rosenbloom	Pasco County Sheriff's Office	<input 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"/>

Ray Graves	Florida Department of Highway Safety and Motor Vehicles	<input 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"/>
Robin Anderson	Hillsborough County Sheriff's Office	<input type="checkbox"/>
Scott Parker	University of South Florida Police Department	<input type="checkbox"/>
Steve Harriett	Florida Sheriff's Association	<input type="checkbox"/>
Tim Cornelius	Collier County Sheriff's Office	<input type="checkbox"/>
Tim Dempsey	Indian River Shores Public Safety	<input checked="" type="checkbox"/>
T.J. Graham	Florida Department of Law Enforcement, Alcohol Testing Program	<input 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 type="checkbox"/>

Traffic Safety Partners

Name	Agency Represented	Attendance
Chanyoung Lee	USF Center for Urban Transportation Research (CUTR)	<input checked="" 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"/>
Megan Cott	USF Center for Urban Transportation Research (CUTR)	<input checked="" type="checkbox"/>
Mike Fraher	Florida Dept. of Business and Professional Regulation	<input type="checkbox"/>
Murray Brooks	SCRAM Systems	<input type="checkbox"/>
Olimpia Jackson	United States Navy	<input type="checkbox"/>
Sandy Richardson	National Highway Traffic Safety Administration	<input type="checkbox"/>
Steve Frisco	State Attorney's Office 8th Judicial Circuit	<input type="checkbox"/>
Stephanie Ghazvini	Florida Sheriff's Association	<input checked="" type="checkbox"/>

Coalition Support

Danny Shopf

Cambridge Systematics, Inc.

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Others in Attendance

- Judge Andrew Cameron, 9th Judicial Circuit

2.0 Meeting Notes – February 20

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, FDOT introduced Dr. Chanyoung Lee from the USF Center for Urban Transportation Research (CUTR) and said CUTR would be supporting the coalition and travel reimbursement going forward.

FIDC Strategic Action Plan – Goal 1

Chris Craig noted that the agenda for this meeting was in a new format designed to provide additional emphasis to the FIDC Strategic Action Plan. He indicated that the discussions during the meeting would be framed around the actions in the Action Plan. Danny Shopf, Cambridge Systematics, identified the first action – Expand the Florida Impaired Driving Coalition Membership – and asked coalition members to provide updates. (**Potential membership is listed below in bold.** *Action items to be addressed at the next meeting are in italics and underlined*).

Outreach Efforts about Membership

Military Representation – Malcolm Osteen, Coast Guard, is back in the US after being deployed and is interested in participating. Ray Graves, DHSMV was not present to provide an update. *Ray will provide an update at the May 2019 FIDC Meeting.*

Department of Education – Chris Earl, Florida Safety Council volunteered to contact the Orange County superintendent and ask for membership recommendations. The Florida Sheriff's Association could work on identifying school resource officers who would be interested in participating. *Chris will provide an update at the May 2019 FIDC Meeting.*

Multicultural Representation – Chris Earl suggested contacting the newly appointed multicultural bureau chief of Orlando. *Chris will provide an update at the May 2019 FIDC Meeting.*

Toxicological Lab Representation – An invitation was sent to Chip Walls, Forensic Analytical & Clinical Toxicology Consultant and Training Specialists, requesting his participation. He has indicated his interest to Garrett Berman, State Attorney's Office. Garrett noted that many of the toxicology lab representatives are extremely busy and though they are interested in participating, they have difficulty finding the time to do so. Dr. Lisa Reidy, University of Miami, Toxicology Division, agreed to reach out to other toxicology lab representatives to gauge their interest in participating. *Garrett and Lisa will provide an update at the May FIDC Meeting.*

Prosecution Representation – Garrett suggested including Dave Fear since he is local to the central Florida area and may be able to attend regularly. Lisa suggested David Gilbert and offered to contact him on behalf of the coalition. *Garrett and Lisa will provide an updated at the May 2019 FIDC Meeting.*

FIDC Strategic Action Plan – Goal 2

Over Service Model Language

At the August 2018 meeting, Vin Petty, State Attorney's Office, provided an update on Over Service Model Language. He noted that 16 states have criminal penalties related 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 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. This action is currently on hold until a next step can be identified.

Over Service Education

Chris indicated that Christy Crump has offered to give a presentation on over-service at an upcoming FIDC meeting. The coalition agreed this would be beneficial and would like to schedule this presentation for the upcoming May 2019 FIDC Meeting.

Chris noted that community traffic safety teams (CTSTs) are interested in impaired driving educational materials and have asked the FIDC to provide suggestions.

- MADD has several educational resources and materials that can be made available to CTSTs.
- The Foundation for Advancing Alcohol Responsibility – www.responsibility.org
- AAA, SAVE, and NHTSA are other good resources for educational materials.

Ignition Interlock Legislation

Larry Coggins, MADD, shared the ignition interlock legislation submitted by MADD and asked FIDC members for their comments. He said the bill focuses on diversion with an emphasis on requiring ignition interlock for first-time offenders. Coalition members provided the following questions and comments:

- There are concerns about who is responsible for the offsets of a reduced fee for offenders that qualify for a financial hardship.
- There are concerns that this bill does not reference increased penalties for offenders with multiple DUIs.
- This bill has no reference to driving schools/diversion programs or to non-alcohol impairment.

FIDC Strategic Action Plan Goal 3

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. Danny reviewed the Chemical Test Refusal Model Language with the FDIC and asked for final comments before it was posted on the FIDC website.

DUI Diversion Programs

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. The FIDC provided additional comments on the white paper and approved it to be posted on the FIDC website.

Linking Citation Numbers to Impaired Driving Court Case Numbers

Chris Craig noted that the Florida Court Clerk and Comptrollers (FCCC was) working internally to update their system to include a reference to both numbering systems. They are currently waiting for approval from the Florida Department of Law Enforcement (FDLE).

Florida Impaired Driving Data

Dr. Lee gave a presentation on Florida's impaired driving data. He noted that NHTSA, FARS, and CAR are not consistent and that Florida is unlike the rest of the United States in terms of impaired driving trends. He noted that in Florida, the months of January, March, April, and May have the highest rates of impaired driving fatalities.

Recent IACP Resolutions for Impaired Driving

Kyle Clark, International Association of Chiefs of Police (IACP), gave an update on the recent resolutions for impaired driving. He noted that marijuana is legal in 11 states and rates of marijuana impaired driving has increased in these states. He noted that drug impaired driving happens substantially more during the daytime hours than alcohol impaired driving does. Research indicates that THC levels in the blood is not a reliable indicator of impairment and studies are being conducted to determine the best determinant for cannabis impairment. The IACP resolution suggests that blood test results should only be used to support the testimony of a trained Drug Recognition Expert (DRE).

Adjourn

Meeting adjourned at 5:00 p.m.

3.0 Meeting Notes – February 21

Review of Day 1

Kyle provided an overview of the discussion from Day 1.

FY 2019 Impaired Driving Subgrants

Ernie Bradley, FDOT, provided an update on the FY 2019 Impaired Driving Subgrants. He indicated that 18 agencies are participating in high visibility enforcement efforts supported by these subgrants. He noted that while many of the areas in Florida with the highest rate of impaired driving fatalities are represented, a few areas that have not submitted requests for grant funding. He said that additional funding is available and asked coalition members to reach out to their contacts to encourage them to request funding, especially if they are in areas with a high rate of impaired driving fatalities.

MADD Survey Results

Larry worked with the FIDC to create a survey for law enforcement to better understand why impaired driving fatalities have continued to increase while impaired driving citations have declined. The results of the survey can be found on the website at www.flimpaireddriving.com.

FIDC Strategic Action Plan – Goal 4

Communications Plan

Danny provided an update on the Impaired Driving Communications plan. He noted that Cambridge Systematics has just completed a communications plan for the Florida Occupant Protection Coalition and will start drafting the Impaired Driving Communications Plan for the coalition to review in FY 2020.

Perceptions Article

Chris provided a copy of an article published about the FIDC and asked coalition members to read it. The article suggested the educational materials created by the FIDC were just as beneficial to defense lawyers as they were to prosecution and could actually have a negative impact on impaired driving. The article also suggested it was inappropriate to have a judge participating in the coalition. Chris wanted coalition members to be aware of the article in the event they were asked about it.

FIDC Action Plan – Goal 5

24/7 Program Best Practices

At the August 2018 meeting, 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 that he provided to Danny to post on the FODC website. He noted that national success rates for 24/7 programs are very encouraging. Ray emphasized that a successful 24/7 program needs buy in from law enforcement and judges. Steve Harriett, Florida Sheriff's Association, 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. Prior to the May 2019 meeting, *Chris, Steve, and Ray will meet with the Seminole County Sheriff's Office to gauge their interest in starting a 24/7 Pilot program.*

Alcohol Exclusion Model Language

At the August 2018 meeting, Ann Marie Johnson, previously the Florida Highway Patrol Legal Counsel, 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 is no longer able to participate in the FIDC, so Vin will draft an Alcohol Exclusion White Paper to post on the FIDC website.

Quiz on DUI Recidivism

Judge Grube provided an overview of research that suggests recidivism rates of a first time offender are not substantially different than recidivism rates of other subsequent offenders. He emphasized that the best way to reduce recidivism is to ensure that all offenders who commit a second DUI are actually treated as a repeat offender, even if they have completed a diversion program.

FIDC Strategic Action Plan – Goal 6

DRE Face Sheets

Kyle noted the DRE Face Sheet updates are still underway.

Tracking Law Enforcement Training Related to Impaired Driving

All training tracked using existing systems are specified in Florida Administrative Code (FAC) and the systems will not incorporate new trainings unless they are included in the FAC. Coalition members had the following observations and suggestions for tracking these trainings:

- If there were salary increases attached to these trainings, tracking would be required.
- Is there an option to combine the trainings and include them as a full package. Would there be any interest in adding them to FAC and tracking them in this format?
- The FIDC will create a subcommittee to draft a white paper on tracking impaired driving related certifications.

Paid Media Update

Chris Craig provided a paid media update. He said that Florida is creating advertisements focused on impaired driving related to Cinco de Mayo with a target audience of men age 18-34 across all Florida Designated Market Areas (DMA). He shared several advertisements targeted at Cinco de Mayo on multiple media platforms including, television, radio, social media, music streaming services, and billboards.

Next Steps

Megan Cott, CUTR, gave an update on the new travel reimbursement information. Coalition members had questions about claiming per diem on the last day of travel and Megan said she would work with the USF legal team to find a solution. Chris said he would 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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Traffic Safety Administrator

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