

MEETING OF THE GOVERNOR AND CABINET
AS HEAD OF THE DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES

JANUARY 30, 2007

AGENDA

Agency Contact: David F. Westberry, 850/617-3100

1. Respectfully submit the Minutes for the October 3, 2006, Cabinet meeting.

Attachment #1.
Recommend.

2. Respectfully submit the Quarterly Report for the quarter ending September 2006.

Attachment #2.
Recommend.

3. Respectfully recommend appointment of the following doctors to a four-year term on the Department of Highway Safety and Motor Vehicles' Medical Advisory Board provided for by Section 322.125(1), Florida Statutes.

Dr. Francis C. Skilling, Jr., Ophthalmology, Tallahassee
Dr. David Y. Huang, Internal Medicine, Pulmonology, Tallahassee
Dr. Ira J. Goodman, Neurology, Orlando
Dr. David P. Campbell, Ophthalmology, Sarasota
Dr. Frederick F. Flink, Optometry, Tallahassee

Dr. Skilling, Dr. Huang, Dr. Goodman, and Dr. Campbell are in good standing with the Florida Medical Association. Dr. Flink is in good standing with the Florida Optometric Association.

Attachment #3.
Recommend.

4. Respectfully submit the following draft rule amendment for final adoption in Chapter 15 of the Florida Administrative Code (F.A.C.).

Rule 15A-6, F.A.C., Administrative Suspension Review Hearings. This rule action amends the current rule to reflect the 2006 revision to Section 322.2615, Florida Statutes, Suspension of license; right to review. Provides for further separation of the administrative suspension of the driving privilege and the criminal charge for a violation of Section 316.193, Florida Statutes, Driving under the influence (DUI). The lawful arrest for the criminal charge for DUI is no longer an issue to be considered at a review hearing conducted pursuant to Section 322.2615, Florida Statutes. The changes allow for the crash report to be submitted into evidence for the hearing officers' consideration when making their decision and hearing officers are only authorized to issue subpoenas to officers and witnesses identified in particular documents submitted pursuant to Section 322.2615(2), Florida Statutes. In addition, a law enforcement agency may appeal any decision of the department invalidating a suspension by a petition for writ of certiorari.

Attachment #4.
Recommend.

5. Respectfully submit the following draft rule amendment for final adoption in Chapter 15 of the Florida Administrative Code (F.A.C.).

Rule 15A-9, Breath Alcohol Ignition Interlock Devices. This rule action allows for the review of cases in which drivers with documented medical issues are unable to utilize the ignition interlock device. The proposed rule allows for consideration of a reduction in the allowable minimum breath sample for convicted persons unable to provide an adequate breath sample at the standard setting, and provides conditions for the license reinstatement of convicted persons that are otherwise incapable of properly operating the ignition interlock device.

Attachment #5.
Recommend.

<http://www.hsmv.state.fl.us/agenda>