

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

October 25th, 2016
AGENDA

<http://www.flhsmv.gov/agenda/2016/10252016Agenda.pdf>

1. Respectfully submit the Minutes for the September 20th, 2016 Cabinet Meeting.

Attachment #1.
Recommend Approval.

2. Respectfully submit the 2017 Legislative Concepts.

Attachment #2.
Recommend Approval.

Attachment # 1

HIGHWAY SAFETY AND MOTOR VEHICLES

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3 GOVERNOR SCOTT: Next I'd like to recognize
4 Terry Rhodes with the Department of Highway Safety
5 and Motor Vehicles.

6 EXECUTIVE DIRECTOR RHODES: Good morning,
7 Governor.

8 GOVERNOR SCOTT: Hey, Terry.

9 EXECUTIVE DIRECTOR RHODES: General, CFO, and
10 Commissioner.

11 Today we've got four agenda items for your
12 consideration today, the first one being request
13 for approval of the May Cabinet meeting.

14 GOVERNOR SCOTT: Is there a motion on Item 1?

15 ATTORNEY GENERAL BONDI: So moved.

16 GOVERNOR SCOTT: Is there a second?

17 COMMISSIONER PUTNAM: Second.

18 GOVERNOR SCOTT: Comments or objections?

19 (NO RESPONSE).

20 GOVERNOR SCOTT: Hearing none, the motion
21 carries.

22 EXECUTIVE DIRECTOR RHODES: Thank you.

23 Item Number 2 is we're requesting approval of
24 our Agency's 2017 and '18 legislative budget
25 request. Currently there are -- I'd like to

1 withdraw two items there: Item Number 12 is the
2 Enterprise Content Management for 250,000; and I'd
3 like to withdraw Number 14, which is the
4 Rapid Application Development for 522,000.

5 That represents right now 13 budget items
6 totaling, with these two withdrawals, over
7 \$40 million; and that's about -- 9.6 million is
8 recurring. This represents about a 3% increase, or
9 a little over 12 million from our current year
10 that's right now of \$469 million.

11 And basically, it's -- primarily it's the
12 infrastructure. It's able to support our missions
13 and it's, you know, a lot of enterprise and
14 motorist modernization, so that -- it's all
15 spending authority. It's currently out of
16 trust funds, so there is no general revenue
17 associated with this.

18 And, Governor, I can go item by item, or if
19 there are any questions --

20 GOVERNOR SCOTT: I don't think so. We've all
21 seen it. Why don't we just open it for questions.

22 Does anybody have any questions?

23 CFO ATWATER: No.

24 ATTORNEY GENERAL BONDI: Reviewed it.

25 GOVERNOR SCOTT: Commissioner, do you have

1 any?

2 COMMISSIONER PUTNAM: We've had some good
3 conversations with Director Rhodes and look forward
4 to following up on this.

5 GOVERNOR SCOTT: Okay. All right. So is
6 there a motion on Item 2?

7 ATTORNEY GENERAL BONDI: So moved.

8 GOVERNOR SCOTT: Is there a second?

9 CFO ATWATER: Second.

10 GOVERNOR SCOTT: Florida law requires the
11 Governor to independently submit budget
12 recommendations; accordingly, I am abstaining from
13 the vote on this item. The record should reflect
14 the abstention.

15 Are there any other comments or objections?

16 (NO RESPONSE).

17 GOVERNOR SCOTT: Hearing none, the motion is
18 approved with one abstention.

19 Item number 3, appointments.

20 EXECUTIVE DIRECTOR RHODES: Governor, if I
21 may, there's just one item that we've been working
22 closely with the Department of Management Services
23 in reference to salary considerations for
24 law enforcement, and I know a lot of our partners
25 in the law enforcement arena were looking at that.

1 So, again, working collaboratively, and then coming
2 back to you and the Cabinet to discuss that or
3 brief your offices.

4 I would, you know, like to put that as a
5 placeholder for the law enforcement salaries.

6 GOVERNOR SCOTT: Okay. Makes sense.

7 EXECUTIVE DIRECTOR RHODES: All right. Item
8 Number 3, we're seeking approval of appointments
9 and reappointments to our Medical Review Board.
10 This program evaluates drivers' mental and physical
11 ability to operate vehicles safely, if there are
12 any questions.

13 GOVERNOR SCOTT: Is there a motion on the
14 item?

15 ATTORNEY GENERAL BONDI: So moved.

16 GOVERNOR SCOTT: Is there a second?

17 CFO ATWATER: Second.

18 GOVERNOR SCOTT: Comments or objections?

19 (NO RESPONSE).

20 GOVERNOR SCOTT: Hearing none, the motion
21 carries.

22 Item 4.

23 EXECUTIVE DIRECTOR RHODES: Yes, sir, and this
24 is -- we're respectfully requesting approval of our
25 Department's Annual Performance Report. You'll

1 find my responses to the Subjective Leadership
2 Assessment at the end of the document.

3 And with your permission, you know, before we
4 start the scoring process, I'd like to give you a
5 quick snapshot of where we've ended up this year.
6 At the close of '15/'16, the Department has made
7 significant strides towards our performance
8 measures. On an average, we exceeded the target
9 for three of the measures, and remain committed to
10 reaching the others through process improvement
11 initiatives and partnership with our stakeholders.

12 Performance Measure Number 5, which is
13 customer wait times, it increased from last year by
14 more than 3%. And in Performance Measure Number 1,
15 FHP response times, we've stayed steady from last
16 year. We understand that we weren't able to hit
17 the target for Performance Measure Number 8, the
18 first-time pass rate, but we feel that with the
19 efforts that we've made in enhancing with the
20 official new Florida Handbook and increased
21 partnership about our driver education schools and
22 our providers of the test across the state, we're
23 hopeful to continue to see the number rise next
24 year.

25 And I look forward to reporting more of our

1 progress next meeting, and we'll continue to
2 analyze our processes to improve our services for
3 our citizens and our customers.

4 Governor, in an effort to proceed with the
5 scoring process, I've brought my Chief Performance
6 Officer, Larry Gowan, here to assist with the
7 scoring tabulation. And I'm not quite sure about
8 the process, but he's available here to do so.

9 GOVERNOR SCOTT: Okay. Does everybody have
10 your scoring?

11 ATTORNEY GENERAL BONDI: Yes.

12 GOVERNOR SCOTT: Okay.

13 MS. OLSON: Larry, do you want to collect
14 these from them, I'm guessing?

15 GOVERNOR SCOTT: I like the part of school
16 where you pass things back, get rid of them.

17 EXECUTIVE DIRECTOR RHODES: There's no
18 pressure, Larry.

19 GOVERNOR SCOTT: Excuse me just a second,
20 Commissioner, you want to --

21 COMMISSIONER PUTNAM: Yeah, just to kind of
22 ease the tension there, Terry, while he's
23 tabulating, I want to say that with the exception
24 of those handful of ones I gave you --

25 ATTORNEY GENERAL BONDI: Awww.

1 GOVERNOR SCOTT: It's not true --

2 COMMISSIONER PUTNAM: -- I felt like your
3 narratives -- and I'm so glad that we added the
4 subjective part because it really allows us to see
5 into your management philosophy.

6 The Agency self reflection that's revealed in
7 your narrative answers, the candor: We're falling
8 short here, we've made great strides there, we
9 still have a culture that needs improvement with
10 regard to this, we continue to excel here, I felt
11 like was one of the more helpful ones that I've
12 seen of all of the agencies because it's not fluff.

13 It's a candid reflection of where you feel
14 good as leader of the Agency and the things that
15 are occupying your time because they continue to
16 need improvement; and I just -- I really appreciate
17 the thoughtfulness that you put into those answers.

18 EXECUTIVE DIRECTOR RHODES: Thank you,
19 Commissioner.

20 GOVERNOR SCOTT: I'll tell you from my
21 standpoint, I mean you can tell you really care and
22 you're constantly trying to get better, and you
23 have a wonderful group of people. I meet
24 individuals that work at Highway Safety all over
25 the state, and they love working there, and they

1 know that everybody cares about them.

2 EXECUTIVE DIRECTOR RHODES: Thank you. We
3 care about them. And again, with the Cabinet and
4 Governor, y'all are always very supportive, and
5 thank you. Whenever there's an event or things --
6 incidents, when calls are made, and cards are sent,
7 pictures are signed, and that means a lot to all of
8 our employees and the recognition that y'all
9 provide them, so thank you.

10 ATTORNEY GENERAL BONDI: Your professionalism
11 is really second to none. Thank you.

12 EXECUTIVE DIRECTOR RHODES: Thank you,
13 General.

14 GOVERNOR SCOTT: The best state, so why
15 wouldn't it be the best?

16 COMMISSIONER PUTNAM: There's nothing wrong
17 with having things other than fives on your score
18 sheet if it's an accurate reflection of where
19 you're aspiring to be.

20 Speaking of that, on the pass rate, is that
21 only for the operator's license, or is that
22 included -- or the 15-year-old test include --

23 EXECUTIVE DIRECTOR RHODES: That's for the
24 Class E, the operator's -- I mean that's for the
25 learner's permit, yes.

1 COMMISSIONER PUTNAM: So it is the
2 learner's permit?

3 EXECUTIVE DIRECTOR RHODES: Uh-huh.

4 GOVERNOR SCOTT: So why -- you know, when I
5 was doing mine, the guys -- they always failed
6 every guy it seemed like in the driving; and in
7 contrast, every young lady always passed.

8 COMMISSIONER PUTNAM: I've seen that with
9 tickets too.

10 GOVERNOR SCOTT: Yeah, I've never been stopped
11 without getting a ticket, I don't think, so --

12 That would be -- I don't know how you could do
13 better -- I don't know how your agency could do
14 better at that anyway. I think that's a hard one
15 to measure.

16 EXECUTIVE DIRECTOR RHODES: It was, and,
17 of course, the -- Director Jones initiated that,
18 and I really do believe it was a major improvement
19 with the new testing; and we want young and new
20 drivers to study, we do. But, again, providing the
21 tools and the information accessible for them and
22 updated information from the statistical
23 information to show them about driving behavior.

24 MS. OLSON: We're almost there.

25 EXECUTIVE DIRECTOR RHODES: Huh? We're almost

1 there? This is tough.

2 COMMISSIONER PUTNAM: You'd think ones and
3 twos would be easy to add up.

4 EXECUTIVE DIRECTOR RHODES: Oh, my goodness.

5 COMMISSIONER PUTNAM: He's going to have
6 fingers left over.

7 GOVERNOR SCOTT: Well, I think we can go ahead
8 and accept this because we're accepting the
9 reports, so -- and then you get the numbers.

10 So is there a motion to accept the report?

11 ATTORNEY GENERAL BONDI: So move.

12 GOVERNOR SCOTT: Is there a second?

13 CFO ATWATER: Second.

14 GOVERNOR SCOTT: Comments or objections?

15 (NO RESPONSE).

16 GOVERNOR SCOTT: Hearing none, the motion
17 carries.

18 EXECUTIVE DIRECTOR RHODES: Thank you all.

19 GOVERNOR SCOTT: Thank you.

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Attachment # 2



Legislative Concepts

Providing Highway Safety and Security through Excellence in Service, Education and Enforcement

Fiscal Year 2017–2018

2017 Legislative Concepts

▪ Truancy reporting

Statutory Reference: Section 322.091, Florida Statutes

Current Situation: State law requires DHSMV to report to each school district on a quarterly basis, those students whose driving privilege has been suspended for truancy. This function is now automated for all school districts to access. Any school needing information on students whose licenses have been suspended under s. 322.091, F.S. can access in real time.

Proposed Change: Removes obsolete language related to the manual reporting of students whose driving privileges have been suspended for truancy. This report is no longer generated and distributed to each school district since the process has been automated. By placing this information on an accessible website, the individual school boards access the information when needed.

▪ Law Enforcement Officer Training Reimbursement

Statutory Reference: Section 943.16, Florida Statutes

Current Situation: State law allows law enforcement agencies to collect training costs from their employee if they leave within two years of completing their training. The Florida Highway Patrol continues to lose qualified members to other law enforcement agencies due to higher pay, opportunities closer to their home along with other issues.

Proposed Change: Increase the reimbursement requirement from 2 years to 3 years. This change will encourage more members to stay another year and complete their obligation to the agency for training them.

▪ Use of Drones

Statutory Reference: Section 934.50, Florida Statutes

Current Situation: State law prohibits the use of drones, unmanned aerial vehicles, by law enforcement for surveillance and evidence gathering. This prohibits the FHP from collecting evidence from traffic crashes. There is potential for drone use by the FHP for complex traffic crash scenes where aerial photos and aerial scene mapping can aid in clearing the roads more expeditiously.

Proposed Change: Creates a pilot program in coordination with the FDOT traffic management to allow law enforcement to use drones for traffic crash management and clearance.

2017 Legislative Concepts

- **Federal Motor Carrier Safety Administration Compatibility (FMCSA)**

Statutory Reference: Section 316.302, Florida Statutes

Current Situation: In 2007, the FMCSA delivered a 2007 Motor Carrier Safety Assistance Program (MCSAP) review. The findings concluded that Florida Statutes have multiple compatibility concerns with federal regulations.

Proposed Change: This proposal addresses several of these concerns, updates the newly enacted regulation or amendments within three years, and provides for language clarification. These changes resolve compatibility concerns from FMCSA between existing state law and federal regulations.

- **Serious disqualifying offense for a Commercial Motor Vehicle (CMV)**

Statutory Reference: Section 322.61, Florida Statutes

Current Situation: In 2013, s. 316.3025, F.S. was amended to codify Florida law that a federal prohibition existed on drivers of CMVs using handheld devices while driving. Section 322.61, F.S. should also have been amended to add this infraction to the list of serious disqualifying offenses.

Proposed Change: This proposed change incorporates violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense to align with federal regulations as noted in FMCSA compliance pre-audit.

- **International Registration Plan**

Statutory Reference: Sections 320.0715(1) and 320.01(24), Florida Statutes

Current Situation: The International Registration Plan (IRP) is a cooperative registration agreement among all of the states in the continental United States, the District of Columbia and certain Canadian provinces. The IRP allows a carrier to register once for all the jurisdictions, rather than dealing with each jurisdiction separately. The IRP jurisdictions voted in favor of amending the definition of Apportionable Vehicle which became effective January 1, 2016. This amendment removed Charter Buses as a vehicle exempt from IRP registration. All Charter Buses operating interstate are now required to obtain IRP registration or purchase trip permits. Florida is required by federal law to maintain its interstate commercial motor vehicle registration programs in conformance with the IRP.

Proposed Change: Revises the definition of "Apportionable Vehicle" to bring Florida's statutory definition of "apportionable vehicle" in alignment with the requirements of the International Registration Plan (IRP).

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▪ Issuance of Apportionable Vehicle Plates

Statutory Reference: Section 320.06 and 320.0715(1), Florida Statutes

Current Situation: Florida is a member of the International Registration Plan (the Plan) and registers apportionable vehicles pursuant to the provisions the Plan as provided for in state law. An Apportionable vehicle is one that displays a restricted plate, has a gross weight in excess of 26k lbs and has three or more axels. These plates are only valid for one year.

Proposed Change: Revises the issuance time frame for apportioned plates to be longer than one year, and will provide for free replacement for damaged or worn apportioned plates. This change will allow companies that utilize apportioned plates the ability to keep their license plates longer and will make placing the plates on fleets less burdensome.

▪ Transporter License Plates (TLP)

Statutory Reference: Chapter 320, Florida Statutes

Current Situation: State law does not authorize DHSMV or law enforcement to conduct inspections on the use of TLP. These plates are issued to any applicant who incidental to the conduct of his or her business, engages in the transporting of motor vehicles which are not currently registered to any owner and which do not have license plates. Current law does not require the applicant to prove they are a transporter plate eligible business.

Proposed Change: The Department seeks to prevent misuse of TLPs by providing clearer guidelines on the types of businesses that qualify to use these plates. To better manage the issuance and use of TLPs by requiring applicants to prove a need for this plate and to provide DHSMV and law enforcement with tools that will allow better oversight of the usage of the plate. DHSMV has discovered businesses are using TLP's on their company vehicles rather than on vehicles they are transporting. The vehicles are not properly insured or registered with the state of Florida. DHSMV has discovered TLPs issued in large quantities to a business with more issued in the business owner's personal name but have little or no authority to inquire as to whether the license plates are being used appropriately.

▪ Expedited Shipping Service

Statutory Reference: Section 322.21, Florida Statutes

Current Situation: Current law provides the authority to charge a service fee for customers to receive titles in an expedited timeframe. However, the law does not provide the authority for the Department to collect an expedited shipping cost related to driver licenses and identification cards from customers. For example, Florida residents needing an immediate driver license or identification card issuance, such as a replacement or renewal, who are not able to visit an office oftentimes call the customer service center to request expedited shipping of their transaction via the online portal.

2017 Legislative Concepts

To assist these customers, customer service agents must have the customer pre-pay directly to a mail courier service for the expedited shipping cost.

Proposed Change: Allows the Department to collect payment for expedited shipping of driver license and identification cards at the request of the customer for online transactions. Provides the Department the ability to automate this process; thereby, creating a more efficient process and improving customer service to those customers requesting such service.

▪ Stolen identification cards

Statutory Reference: Section 322.171(1)(b), Florida Statutes

Current Situation: Section 322.17(1)(b), F. S. provides for the replacement of a driver license for no fee when reported stolen and accompanied by a police report to the person to whom the same was issued. There is no statutory authority to issue no fee replacement *identification cards* when stolen even when a police report is provided. The Department does not have the authority to waive the replacement fee. It is believed that replacement identification cards of this type were to be included when the original law was enacted.

Proposed Change: This change allows the Department to serve its customers more consistently by providing them the ability to obtain a no fee identification card just as customers may obtain a no fee driver license if stolen by providing a copy of the police report.