

Florida Impaired Driving Coalition Meeting Report

September 1-2, 2021

Prepared For:

Florida Department of Transportation Prepared By:

Cambridge Systematics, Inc.

1.0 Attendees

Members:

Name	Agency Represented	Attendance
Anne Rollyson	Florida Safety Council	\boxtimes
Sgt. Anthony Palese	Florida Highway Patrol	
Chief Art Bodenheimer	Lake Alfred Police Department	\boxtimes
Sgt. Ben Kenney	Hillsborough County Sheriff's Office	
Brandy Howard	SunCoast Safety Council	\boxtimes
Dr. Brett Kirkland	Florida Department of Law Enforcement (FDLE), Alcohol Testing Program (ATP)	\boxtimes
Chief Brett Railey	Florida Police Chiefs Association (FPCA)	\boxtimes
Brittany Fox	Second Judicial Circuit, Felony Division C	\boxtimes
Lt. Channing Taylor	Florida Highway Patrol (FHP)	\boxtimes
Chris Craig	Florida Department of Transportation (FDOT), State Safety Office	\boxtimes
Chris Earl	Florida Safety Council	\boxtimes
Christy Crump	Florida Restaurant & Lodging Association	\boxtimes
Crystal Williams	Florida Dept. of Health, Office of Medical Marijuana Use	
Daniel Darren	Collier County Sheriff's Office	
Dennis Siewert	Florida Department of Law Enforcement (FDLE), Toxicology	\boxtimes
Elvia Medina Marcus	Miami-Dade State Attorney's Office	
Ernie Bradley	Florida Department of Transportation (FDOT), State Safety Office	
Helen Justice	DUI Counterattack, Hillsborough, Inc.	\boxtimes
Isabel Perez-Morina	Advocate Program, Inc./Florida Association of Community Corrections	\boxtimes
Deputy John Howard	St. Johns County Sheriff's Office	\boxtimes
Juan Cardona	University of North Florida, Institute of Police Technology and Management (IPTM)	
Kathy Jimenez-Morales	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	
Ofc. Kenneth Leedham	Stuart Police Department	
Det. Kevin Millan	Miami Beach Police Department	
Kyle Clark	International Association of Chiefs of Police (IACP)	\boxtimes
Larry Coggins	Mothers Against Drunk Driving (MADD)	\boxtimes

Dr. Lisa Reidy	University of Miami (UM), Division of Toxicology	\boxtimes
Lora Hollingsworth	Florida Department of Transportation (FDOT), State Safety Office	
Malcom Osteen	United States Probation/United States Coast Guard (Reserve)	\boxtimes
Marcie Padron	Orange County Sheriff's Office	\boxtimes
Chief Mark Brown	Florida Highway Patrol (FHP)	
Sgt. Mark Eastly	Pinellas County Sheriff's Office	
Sgt. Matthew Rosenbloo	om Pasco County Sheriff's Office	
Melissa Valido	Students Against Destructive Decisions (SADD)	\boxtimes
Lt. Michael Marden	Lake County Sheriff's Office	
Nicholas Tiscione	Palm Beach County Sheriff's Office	\boxtimes
Nick Trovato	Florida Association of State Prosecutors	\boxtimes
Capt. Rachel Bryant	Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, Statewide Boating Safety Unit	
Ray Graves	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	\boxtimes
Richie Frederick	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	\boxtimes
Sgt. Robert Hager	Broward County Sheriff's Office	
Cpl. Scott Parker	University of South Florida (USF) Police Department	\boxtimes
Shayla Platt	Florida Dept. of Criminal Justice System, Alcohol Testing Program	
Spencer Hathaway	7th Judicial Circuit State Attorney's Office	\boxtimes
Stephen Talpins	Miami-Dade County State Attorney's Office	
Todd Schimpf	Florida Dept. of Health Office of Medical Marijuana Use	\boxtimes
Ofc. Tom Apsey	Seminole Police Department (Seminole Tribe of Florida)	\boxtimes
Tom Moffett	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	\boxtimes
Vernon Howell	Florida Dept. of Highway Safety and Motor Vehicles (FLHSMV)	
Vincent Petty	Traffic Safety Resource Prosecutor Program	\boxtimes
Capt. William Jarvis	Florida Dept. of Business and Professional Regulation	
Hon. William Overton	Trial Court Judge	
Sgt. William Weaver	Orlando Police Department	\boxtimes

Traffic Safety Partners

Name	Agency Represented	Attendance
Name	AECIICA INCIDICACIILCA	Attenuance

Chanyoung Lee	USF, Center for Urban Transportation Research (CUTR)	
Joe Pecchio	AAA	
Julissa Sarmiento	University of Miami Miller School of Medicine /	\bowtie
	Department of Surgery	
Karen Morgan	AAA	\boxtimes
Matt Nasworthy	AAA	
Megan Cott	USF, Center for Urban Transportation Research (CUTR)	\boxtimes
Murray Brooks	SCRAM Systems	
Olimpia Jackson	United States Navy	
Dr. Patricia Byers	University of Miami Miller School of Medicine /	
	Department of Surgery	
Sandy Ho	Great Bay Distributors	\boxtimes

Coalition Support

Name	Agency Represented	Attendance
Danny Shopf	Cambridge Systematics	\boxtimes
Nusrat Sharmin	Cambridge Systematics	\boxtimes
Alan Amidon	Cambridge Systematics	\boxtimes

Others in Attendance

- Carmen Dixon, FDOH, Office of Medical Marijuana
- Summer Vail, FDOH, Office of Medical Marijuana
- Issac Brown, FDOH, Office of Medical Marijuana
- Hugh Gross, Hillsborough County Sherif Office
- Janice Martinez, LEL, District 7
- Timothy Roufa, FLHSMV, FHP
- Brad (Digital Decision) FDOT, Ped Bike Coalition
- Osvalso Caner

2.0 Meeting Notes - September 1

Welcome & Introductions

Kyle Clark, IACP, introduced himself and welcomed everyone to the Florid Impaired Driving Coalition (FIDC) Meeting. He welcomed representatives from the Florida Department of Health, Office of Medical Marijuana Use: Todd Schimpf, Carmen Dixon, Summer Vail, Isaac Brown, and Ofc Tom Apsey from the Seminole Tribe Police Department. He reminded participants that this is a public meeting and asked members of the public to save their input for the public comment period listed on the agenda. He asked Danny Shopf, Cambridge Systematics, to facilitate introductions.

Kyle said the Standardized Field Sobriety Test (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) program curricula revisions are ongoing, noting that in-person workshops are being cancelled slowing down progress for toward revising and completing training curricula. A dry lab video can be shown in the SFST class in place of a live session, which is expected to be filmed in September and competed by 2022. He said IPTM successfully held their symposium and at the DRE National conference. He said IPTM held their traffic safety symposium, and IACP held a training conference on DAID from Aug 14-16, 2021, in Orlando, FL.

He said IACP and NHTSA produced a new roll-call style video concerning the utilization of DREs to be shown at as many law enforcement agencies as possible. The video shows how to approach impaired driving enforcement as well as how and when to involve a DRE. He said NHTSA is developing an ARIDE refresher online class that will be only available to those that have completed the full 16-hour class. The Law Enforcement Liaisons (LELs) offered to promote this video on the LEL website.

FIDC Strategic Action Plan - Goal 1

Danny identified the first action of the FIDC Strategic Action Plan – expand the Florida Impaired Driving Coalition Membership – and asked Coalition members to provide updates.

(Potential membership is listed below in bold. <u>Action items to be addressed at the next meeting are in italics and underlined</u>).

Outreach Efforts About Membership

Military Representation – Malcolm Osteen was recruited, but not present. Ernie has not had contact with him, will circle back with him and Ray. He said he will provide an update during the next meeting.

Department of Education Representation – Chris Earl, Florida Safety Council, did not have any updates to report. Chris Craig reported FDOT is actively trying to get a representative from the Florida Department of Education.

Multicultural Representation – Ernie Bradley, FDOT, reached out and invited representatives from the Seminole Tribe Police department and is waiting to hear back.

Toxicology Lab Representation – Members agreed the current representation of toxicology labs is appropriate to support the needs of the FIDC.

Judicial Representation – Ernie said he had no updates and will continue reaching out and circling back. He welcomed any recommendations to be sent to either him or Chris.

Law Enforcement Representation – Ernie noted that law enforcement is well represented on this coalition, but the coalition could benefit from additional law enforcement representation from a small agency, as well as representation from an agency located within FDOT District 3. He said small agencies are defined in the Highway Safety Matrix where all geographies are categorized based on the population under the agency's jurisdiction.

- Chris (FDOT) said that the NHTSA assessment will be looking for representation from various sizes and geographies. We recommended targeting northern Florida and very rural areas. He emphasized the member toned to be the right fit and passionate about DUI endorsements.
- Janice Martinez, Law Enforcement Liaison (LEL), District Seven, noted that the Brooksville and Crystal River Police Departments have been absorbed into the Hillsborough County Sheriff's Office. She said that LELs could look at small agencies defined in the Highway Safety Matrix and find the right person requesting Ernie to send her the list of areas in the matrix.

Prosecution Representation – Members agreed that FIDC has a good prosecution representation covering North, Central, and South Florida and is comfortable with the current level of participation.

Defense Membership Representation – The coalition is not actively seeking this representation.

Vendor Representation – Currently the coalition is not actively seeking additional vendor representation.

Public Health Representation – Four members from Florida Dept. of Health, Office of Medical Marijuana Use are in attendance and will continue to participate.

FIDC Strategic Action Plan - Goal 2

Educate Local Vendors and Distributors on Over-Service – Danny said over service model language is posted to FIDC Website (add link), noting it could be used to educate vendors. Ernie said he is working with Brandy Howard, SunCoast Safety Council, to engage, educate and inform vendors on over service.

Community Traffic Safety Teams (CTSTs) – Chris (FDOT) said the agency is working with CTSTs in pushing impaired driving messages, looking at more impaired driving tips cards and other educational materials. He asked that members share materials or any content they find helpful for FDOT to adapt for the coalition and other safety partners.

FIDC Strategic Action Plan - Goal 4

Communications Plan – Danny said marketing plan is available on the website and identifies target audiences, as well as a handful of strategies for outreach. He said it will be important to monitor the data in Chanyoung's forthcoming presentation to ensure that the target audiences do not shift.

The communications plan identified handfuls of strategies for outreach tied to Drive Sober or Get Pulled Over campaign.

Melissa Valido, MADD, shared Teen Impaired Driving Materials:
 https://flteensafedriver.org/driver-education-resources/impaired-driving-prevention-materials/

- Kyle asked if there was any success persuading NHTSA that Florida does not necessarily align with national trends of impaired driving.
 - Chris (FDOT) said participating in national campaign around end of the year holidays is required but have had success in spreading out resources in targeting Florida problem areas during specific timeframes based on data-driven evaluation.
 - Danny mentioned that the assessment will be focused on targeted outreach efforts so the coalition should be strategic with implementation education and enforcement waves.

Impaired Driving Dara Presentation and Discussion

Chanyoung Lee, gave a presentation on trends in Florida's impaired driving data. He noted fatalities overall in Florida are still increasing. He reviewed the increase in fatalities in late 2020 and early 2021, noting some months have 20% more fatalities than expected based on historic trends. He said that about 30% of total fatalities, on average, involve impaired driving. He then reviewed the list of the counties with the highest number of fatalities and indicated the percent of those fatalities that involved impaired driving. Identifying counties with high numbers of total fatalities and a high proportion of those fatalities involving impaired driving could help to identify locations for additional enforcement and education resources. He noted the top crash types for impaired driving are "ran off roadway" and "rear end."

Participants had the following questions and comments:

- Lisa Reidy said Broward County is still processing a back log of DUI fatality cases that once processed will increase Broward's numbers.
 - Chris (FDOT) asked if there was a way to pull the data to see which counties were not fully updated. Chanyoung said there is, and he will coordinate with Chris on identifying these counties after the meeting.
- Kyle asked if the Miami-Dade and Broward proportion of impaired driving fatalities numbers seemed accurate, saying they seemed low for the number of impaired drivers.
 - These are likely low due to the lack of follow up from officers when testing results are delivered. There is also some lag-time on the data as it takes a while to be finalized.
 - CUTR can pull the 2020 data to see which records are not updated.
 - Chanyoung noted that including the suspected use cases helps to address the cases where
 officers have not updated the records. He also suggested that some agencies do more
 impaired driving enforcement due to having more officers trained in SFST.
- Richie Frederick, FLHSMV, is continuing to finalize the official crash data. He said when that data is finalized, it may adjust some of these numbers.
- Is there a way to get a breakdown in the types of drugs involved in fatalities?
 - The information should be available, but CUTR does not have access to it right now.
 - Kyle said the state DRE coordinator would be able to provide an overview for overall DUIs in FL for impaired driving arrests.
 - Aggregate numbers are certainly easier to get from FLHSMV.

- Chris (FDOT) shared the DRE Fact Sheet that includes information on the types of drug use DREs found during their evaluations between 2015 and 2019.
- Do we know how many of these were confirmed with toxicology results?
 - No, not that we are aware of.

FIDC Action Plan - Goal 5

24/7 Program Best Practices

Chris (FDOT) provided an overview of the 24/7 Program, where DUI offenders have the option to come into a police department twice a day to do breathe tests to make sure they are not under the influence of alcohol with the intent to help them get clean rather than go to jail. He said Florida had a pilot program in Jacksonville that was successful but ultimately shut down and the FIDC is actively looking for another jurisdiction to participate, though efforts have slowed over the last year due to shifting priorities during COVID-19. He said the program's success depends on the offenders coming in twice a day, in person, and the pilot needs to be administered by a jurisdiction with enough DUIs to justify participation. He said they are looking for a small to medium sized jurisdiction with enough impaired driving fatalities to get buy-in from law enforcement and judges. He noted it has been a challenge to find a participating agency, but that the program has been accepted in many states and proven to be effective.

DUI Diversion Program Best Practices

Danny noted an evaluation of DUI diversion program best practices are posted as a white paper on the FIDC website.

FIDC Action Plan - Goal 6

Updates DRE Face Sheets

Kyle reported that the DRE face sheets have been completed and testing is being conducted within the program. He noted that Iowa uses TraCS and are proponents of the DRE Face Sheets. He said TraCS will be able to begin using the DRE Face Sheet Information as a streamlined, fully integrated system once it is finalized and implemented.

- Chris (FDOT) noted that there will need to be follow up training so DREs are not uploading the information twice (once through TraCS and again through the existing DRE reporting processes).
- Kyle mentioned that the vendors typically deliver this information quarterly and that TraCS FL can provide information as often as NHTSA requests it.

Tracking ARIDE and SFST

Chris (FDOT) noted the issues with Florida Department of Law Enforcement (FDLE) tracking ARIDE and SFST trainings through their systems remains. FDOT is working with FLHSMV to see if there is an opportunity for them to track through their DUI systems. He said FLHSMV is looking at comprehensive DUI system to track DUI offender from citation to the end of their probation, and are still looking at developing a master system. He also said that no final decision made on that.

Florida Impaired Driving Coalition Assessment

Chris (FDOT) said NHTSA will bring in a team of experts to review the activities of the FIDC, compare them to national best practices, and provide recommendations for improvement. He said several coalition members will be identified to help support the assessment through the assessor interview process. He

noted that the last assessment was done in 2015. Ernie and Chris have scheduled an assessment for July 25-29th 2022, but whether it will be in person or virtual is to be determined. He said after the assessment is complete the coalition will update the Impaired Driving Action Plan using recommendations from the assessment and updates included in the recently adopted Strategic Highway Safety Plan. As July gets closer more information will be shared with the coalition about the assessment.

Florida Smart ID

Chief Tim Roufa, FHP, gave a presentation on the Florida Smart ID. He said the Florida Smart ID is an application-based version of the Florida Driver's License. He said there are two primary use cases that are going to be rolled out immediately with more opportunities being integrated later. Vendors accepting Florida Real ID are required to have a verifier application that confirms the information on the Florida Real ID. The first use case is for age verification. The benefit of using a Florida Real ID is that users do not need to share any personal information with the vendor as the only information the vendor receives is whether the ID is verified and age is confirmed to be either under 18, between 18 and 21, or over 21. This information is also the most up to date information (including information on suspensions and expirations). He emphasized that information can only be shared device to device through a verification app and devices are not meant to change hands (i.e., a vendor should never handle a person's mobile device and vice versa).

From a law enforcement perspective, he said the Florida Smart ID is essentially the same as existing IDs. The same information is provided to the law enforcement officer and drivers are still required to provide that information to law enforcement officers. He noted that drivers are required to carry their physical driver license with them, even if they are using a Florida Smart ID so officers without access to a Florida Smart ID verification application can still refer to the physical driver license.

Chief Roufa said users with a Florida Smart ID will also get notifications about driver's license and registration status (upcoming expiration, etc.). He said in the future, this application could be used for airport security, hotel check in, rental car application, and voter registration.

From a law enforcement perspective, officers get an elevated assurance that the person sharing the information is the person on the license due to security requirements on mobile devices and the real-time verification of the information on the Florida Real ID. He noted that many agencies do not have the resources to put a mobile device into all of their officers' hands so many agencies may not be able to equip their officers with verifiers yet. If that is the case, officers will have to continue relying on physical IDs.

Participants had the following questions and comments:

- What has the law enforcement response/feedback been?
 - Different states have approached this differently. The standards have only recently been released so few states have created something with this level of security. Law enforcement concerns are often around wanting a contactless approach. Officers don't want to be responsible for touching or holding someone's device.
- He said for the foreseeable future, drivers are required to have a physical driver's license on them, even if they have a Florida Real ID.
- Is there a user fee associated with the app?
 - Yes, there will be a nominal fee to use the app.

- What is the minimum age requirement to use the app?
 - There is not a minimum age that we are aware of beyond the age requirements for an ID card. Note that this isn't just for a driver license but a digital ID card.

Public Comment Period

No comment from the public.

<u>Adjourn</u>

Day 1 Meeting adjourned at 3:35 p.m.

3.0 Meeting Notes - September 2

Review of Day 1

Kyle provided an overview of the discussion of Day 1 and invited Dr. Lee to share an update based on the data he presented previously.

Impaired Driving Crash Data

Chanyoung provided an update on the data presented on Day 1. He presented the proportion and number of impaired driving fatalities by county for the years 2017-2019 to check if the Miami-Dade outlier pattern in 2020 was evident in previous years. The data from previous years showed a similar pattern with Miami-Dade exhibiting the same comparatively low proportion of impaired driving fatalities. Marion, Duval, Orange, and Hillsborough counties exhibited the same high proportion of impaired driving fatalities. He said he looked at FLHSMV data as well and it confirmed the general pattern based on the previous three years of data.

Participants had the following questions and comments:

- Nicholas Tiscione asked if anyone from Miami-Dade was on the call. He asked if there was
 difference in EMS reporting before and after the start of the opioid epidemic in 2016-2017. He
 also asked if the Miami-Dade Medical examiner does toxicology tests for all traffic fatalities.
 - There was not anyone from Miami-Dade on the call, but it was answered that MDME does do toxicology tests for all traffic fatalities.
- Chris (FDOT) asked Chanyoung to break down into more detail the Miami-Dade data for the next meeting because of how much of an outlier is.
- Chris (FDOT) noted that FDOT has subgrant funding for increased enforcement, but that Duval, is
 not participating, despite being one of the top counties identified by Chanyoung's crash data
 analysis. He asked the coalition if anyone had a connection with the Jacksonville Sheriff's Office
 (JSO).
 - Kyle said he will connect his contact at JSO with the coalition.
 - Melissa said she has a contact with FHP PIO in Duval named Dylan Bryan who might be helpful. She said she was willing to connect him.
 - Channing Taylor, FHP, said that many of their DUI squads are depleted with only one to three people, with Trooper Farley and Trooper Montgomery in the First Coast region. He said additional enforcement is limited because troopers Farley and Montgomery are currently teaching ARIDE.
 - Juan Cordona, IPTM, said he will reach out to Chris (FDOT).

Legislative Updates

Florida Administrative Code Chapter 11D-8: Implied Consent Program

Nicholas Tiscione shared an update on 11D-8 saying one of the directors wanted to pursue oral fluid language. He said that would be a lower priority as blood testing is the higher priority and will need to be addressed first. 11D-8 will stay the same until then.

Definition of the Offense of DUI Model Language

Nicholas said that a bill is being submitted that will clearly define "impairing substance" from 316.194. He noted that Florida is one of five states that does not have a drug use component in its impaired driving law.

Participants had the following questions and comments:

- Vincent Petty, Traffic Safety Resource Prosecutor Program, recommended including "other."
 - Nicholas said it would be ideal to remove everything but "impairing substance." He noted, however, such an approach is not helpful in that adding a small clause is easier than removing a larger section. He concluded that matching other states is the best solution moving forward.

Implied Consent Cards Group Discussion

Breath Testing-

Vincent Petty reported from Oct 1st of this year, the new statute will go into effect and allow us to use the updated implied consent cards. They updated the language (both English and Spanish) of the consent forms so that Law Enforcement officers can charge a DUI offender on refusal to take a test even if they have been previously fined (previously it only allowed to charge 18 months of license suspension if offenders driving privilege was suspended but didn't include a clause that allowed a refusal charge for an offender with a previous fine). He said the cards and forms were updated for consistency. They will go into effect starting October 1, 2021. He said if the language is approved, he will get all the info out to State Materials Office (SMO) to get the cards printed.

 Richie Frederick, FLHSMV, said FLHSMV posted information in the DAVID Announcements board showing how to see the new correspondence code that reflects a prior penalty under 327.35215.

Urine Testing-

Vincent said the urine testing consent card is using the same previously defined language.

Blood Testing-

In Blood it was just one clause that needed to be added, while in Urine and breath two clauses were added. In the Blood Testing, consent form both drug and alcohol references were added.

- Chris (FDOT) said we need to verify the Spanish translation to ensure completeness.
- Are Troopers using what was provided by the FHP?
- Once finalized the new printed forms and cards by FDOT will be sent out to the LE agencies. FHP
 has their own cards that they use. It varies greatly with what the states ask them to use.
 - Channing Taylor We still run into older cards, and we expect the new cards will solve any isolated issues. He said he has 35 recruits that will get the new cards.
- Chris (FDOT) asked Channing to loop them with the right people to partner with before the release the cards for consistency and completeness.
 - Channing Taylor said Tom Moffett is part of the administrative review. He said he will speak
 Rich Coln, Chief Counsel at Florida Highway Patrol.
- The BUI statue is now referencing the DUI statues.

Public Comment Period

No comment from the public.

Next Steps

Ernie said he will reach out Florida Dept of Health, Office of Medical Marijuana Use to see if they would have anything to share with the coalition.

 Nicholas asked if there was interest in toxicology focused presentations and provided potential topic ideas related to cannabis including the effect of cannabidiol (CBD) and delta-8-THC, and designer benzodiazepines in counterfeit Xanax tables.

Ernie will send out a doodle poll for the next three meetings to save the dates. Currently we are planning to be in-person in December, but that may change.

He indicated the next FIDC meetings are scheduled as follows:

- FY 2022 Q1 Meeting (December 1-2, 2021), Location: TBD
- FY 2022 Q2 Meeting (TBD January March 2022), Location: TBD
- FY 2022 Q3 Meeting (TBD April June 2022), Location: TBD
- FY 2022 Q4 Meeting (TBD July August 2022), Location: TBD

<u>Adjourn</u>

Systematics

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Day 2 Meeting adjourned at 10:30 a.m.

Contact information for Florida Impaired Driving Coalition questions:

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