

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

March 9, 2011  
AGENDA

Agency Contact: Sharon Rudd, 850-617-3100

<http://www.flhsmv.gov/agenda/2011/030911Agenda.pdf>

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1. Respectfully submit the Minutes for November 9, 2010 Cabinet Meeting.

Attachment #1.  
Recommend Approval.

2. Respectfully submit the 2<sup>nd</sup> Quarter Performance Report for Fiscal Year 2010-2011.

Attachment #2.  
Recommend Approval.

3. Respectfully submit Rule 15A -10.009, Program Jurisdiction in Chapter 15 of the Florida Administrative Code (F.A.C.) for Final Adoption.

The purpose of this rule action is to prohibit private probation service providers to self refer (including the distributor of lists and poster displays) a client to a DUI program that is owned in whole or part by that probation service provider; also requires DUI programs to document that the probationer was advised of their right to choose a licensed DUI program.

Attachment #3.  
Recommend Approval.

THE CABINET  
STATE OF FLORIDA

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Representing:

DIVISION OF BOND FINANCE  
FINANCIAL SERVICES COMMISSION, INSURANCE REGULATION  
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
ADMINISTRATION COMMISSION  
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION  
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
STATE BOARD OF ADMINISTRATION

The above agencies came to be heard before  
THE FLORIDA CABINET, Honorable Governor Crist presiding,  
in the Cabinet Meeting Room, LL-03, The Capitol,  
Tallahassee, Florida, on Tuesday, November 9, 2010,  
commencing at approximately 9:12 a.m.

Reported by:

MARY ALLEN NEEL  
Registered Professional Reporter  
Florida Professional Reporter  
Notary Public

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(Presented by JULIE JONES)

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ADMINISTRATION COMMISSION  
(Presented by MIKE BARRY)

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FLORIDA LAND AND WATER ADJUDICATORY COMMISSION  
(Presented by MIKE BARRY)

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BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND  
(Presented by MIMI DREW)

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1 GOVERNOR CRIST: All right. Department of  
2 Highway Safety and Motor Vehicles, Director Jones.  
3 Hi, Julie.

4 MS. JONES: Governor and Cabinet members, I  
5 have 11 agenda items.

6 GOVERNOR CRIST: What?

7 MS. JONES: I'm going to go quickly, though,  
8 sir.

9 GOVERNOR CRIST: Did you say 11?

10 MS. JONES: Eleven.

11 GOVERNOR CRIST: Yes, that's what I thought.

12 MS. JONES: I was saving them especially for  
13 today.

14 Item Number 1, we respectfully request  
15 approval of the minutes from the August 10th  
16 Cabinet meeting.

17 GOVERNOR CRIST: Is there a motion on the  
18 minutes?

19 COMMISSIONER BRONSON: So move.

20 CFO SINK: Second.

21 GOVERNOR CRIST: Moved and seconded. Show the  
22 minutes approved without objection.

23 MS. JONES: Item Number 2, we respectfully  
24 request approval of the Department's substantive  
25 legislative package for the upcoming 2011 session.

1 We've kept these items to items that are technical  
2 in nature or noncontroversial. You'll find that  
3 our package focuses on legislative changes that  
4 further our mission for safety and security through  
5 education, service, and enforcement.

6 The proposal before you clarifies some areas  
7 of law that are inconsistent or unclear. For  
8 example, health care professionals may notify law  
9 enforcement when it has been determined that a  
10 driver is involved in a crash that has an alcohol  
11 content in their blood above the .08 level.  
12 However, current law does not allow the same  
13 information string to occur for drivers that have  
14 been driving under the influence of an illegal  
15 substance, and we wish to clarify this.

16 We create consistency between sections of law  
17 within our governing statutes. An example would be  
18 that following the statutory change last session  
19 for penalties for driving on an expired license, a  
20 situation has been created whereby driving on a  
21 license that's suspended for less than four months  
22 has one penalty, a suspended license over six  
23 months has a different penalty, and five and six  
24 months has no penalty. So we need to go back in,  
25 and again, it's just a plan to fix that

1 inconsistency.

2 Governor, pursuant to your expressed interest,  
3 I have a placeholder in our legislative package for  
4 distracted driving legislation. We've initiated  
5 discussions with our legislative partners in the  
6 law enforcement community to put a task force  
7 together to see how such a law would be crafted.  
8 This is what a number of other states have been  
9 looking at.

10 GOVERNOR CRIST: You mean like no texting  
11 while driving?

12 MS. JONES: That's correct, sir. And the  
13 criticism of the no-texting regulation has always  
14 been, well, what about doing your nails, makeup,  
15 reading, reading newspapers? And so rather than  
16 focus at one symptom, we would like to get the law  
17 enforcement community and our legislative partners  
18 to weigh in on something that's a little bit more  
19 comprehensive and enforceable. So we'll be  
20 reporting back probably to the next -- to the new  
21 Cabinet on what that might look like, but that will  
22 be a placeholder in our legislative package.

23 As a follow-up to the August 10th Cabinet  
24 meeting, I wanted to address your question  
25 regarding the cap on registration and processing

1 fees. This was the car dealer issue.

2 After a lot of research, we've determined that  
3 we don't have the authority to do rulemaking, but  
4 we can go forward with something that's  
5 legislative. So I want to address your concerns.  
6 I'm proposing a work group comprised of consumer  
7 advocates, industry, and other affected  
8 stakeholders to come together and determine what  
9 that cap would be and how expansive that cap would  
10 be. There's a lot of entities, private, franchise,  
11 private businesses that might be covered by this,  
12 and we want to understand the stakeholder base and  
13 then determine what that cap -- what that amount  
14 would be and then bring that forward again back to  
15 the new Cabinet.

16 So with that, I'm happy to answer any  
17 questions and would request approval of this item.

18 GOVERNOR CRIST: Commissioner.

19 COMMISSIONER BRONSON: Thank you, Governor. I  
20 guess, Julie, one of the things that hit me on the  
21 substance issue is, if someone is not on a  
22 prescription that has the same basic chemical  
23 content to be charged with substance abuse while  
24 driving, and if that same chemical substance has  
25 been prescribed by medical doctor for a medical

1 reason, and an accident occurs on the road and that  
2 person is checked, how are you going -- and what is  
3 going to be the reaction between someone who may  
4 have been stopped and the blood alcohol or a blood  
5 test run to find out if there's substance abuse if  
6 it has been prescribed as a medical condition? Is  
7 it now going to be -- the doctor's going to tell  
8 that person you shouldn't drive while you're on  
9 this medication? How is all that going to play  
10 into the issue of substance as compared to alcohol?  
11 We know what that is. That's .08. How are you  
12 going to handle that part of it through the law  
13 that's going to have to be enacted here?

14 MS. JONES: Commissioner, your question has  
15 two elements. The first element, our proposal is  
16 relative to illegal substances, not legally  
17 prescribed drugs. Today, if you misuse a legally  
18 prescribed drug and you are not capable of driving  
19 and you cause an accident, that's a contributing  
20 factor that our investigative -- that our traffic  
21 homicide investigators or our traffic investigators  
22 would take into consideration.

23 It's common to go to a crash scene and in the  
24 course of the investigation, especially with a  
25 fatality where you would gather a lot more

1 information, arrest someone and go through their  
2 purse or their glove box and find prescribed drugs.  
3 We check to see what those prescribed drugs are,  
4 were they prescribed properly, and then was it a  
5 contributing factor to an accident. We do that  
6 now.

7 This is relative to illegal drugs, marijuana,  
8 cocaine, things that you would not normally have in  
9 your possession, and certainly not legally.

10 COMMISSIONER BRONSON: Well, Governor, I  
11 understand that. I mean, I understand that you're  
12 looking at illegally obtained factors in a car  
13 accident, let's say, or if you're stopped and it's  
14 determined that your focus is not where it needs to  
15 be when you're driving, and you can have a test  
16 done, and that type of thing.

17 But you're still going to have the potential  
18 of accidents from prescribed -- now, supposedly,  
19 presumably you wouldn't be charged with a vehicular  
20 charge of criminal intent, but you're still going  
21 to have that issue as to whether that person should  
22 have been told not to drive on a prescribed  
23 medication that has the same result as an illegally  
24 obtained drug of the same type. So I was just  
25 trying to figure out how that's going to work in

1           this process and whether that's going to create  
2           even more work, or are basically doing all of that  
3           now anyway?

4           MS. JONES: Governor and Cabinet members, I  
5           would submit to you that we're already doing that  
6           now. But we have an opportunity, especially when  
7           you have a serious accident where the individual  
8           that is possibly at cause, you go to the hospital,  
9           they draw blood, and we don't have access to the  
10          information on illegal substances like we do for  
11          alcohol.

12          We're just trying to get a level playing  
13          field. Although alcohol is a legal substance,  
14          above a certain amount it becomes illegal, and  
15          we're trying to get the other illegal substances at  
16          least to give law enforcement a fighting chance to  
17          figure out what happened and make the appropriate  
18          charges.

19          ATTORNEY GENERAL McCOLLUM: I just have a  
20          curiosity question. What kind of substances and  
21          things are we going to be experimenting with on  
22          license plates other than metal? Is it plastic?  
23          You've got a proposal to allow the license plates  
24          to -- to look at other alternatives, but no  
25          explanation of really what that might be.

1 MS. JONES: South Carolina has a plate that's  
2 actually a plastic polymer. And it's not raised,  
3 but it has a special film on it that would last  
4 longer than our current plates.

5 And you can actually print on demand. And so  
6 if we got to that point -- it's not tomorrow, but  
7 it's a future technology. Instead of having car  
8 dealers and tax collectors have large volumes of  
9 inventory, they could actually print a plate on  
10 demand.

11 Specifically what we're considering in this  
12 pilot, there are some new plates that actually have  
13 a chip in them that display your tag number on the  
14 plate. It's pretty cool technology. And the  
15 future would be, you have a plate that could  
16 display your specialty plate of choice in the  
17 background. As it went through a tolling facility,  
18 the background goes away, and the numbers are  
19 displayed very distinctly so there's no  
20 distraction. If your plate expires, the chip  
21 automatically knows and displays "expired" on the  
22 tag. This is wave of the future. The law right  
23 now does not allow us to pilot some of this new  
24 technology, and we just want to be able to do it  
25 with our own tags.

1           ATTORNEY GENERAL McCOLLUM: All right. Thank  
2           you.

3           MS. JONES: Yes, sir. We're getting sneaky.

4           ATTORNEY GENERAL McCOLLUM: I move Item 2.

5           CFO SINK: Second.

6           GOVERNOR CRIST: Moved and seconded. Show it  
7           approved without objection.

8           MS. JONES: Item 3, we respectfully request  
9           approval of the Department's legislative budget  
10          request for 2011-12. Recognizing tough economic  
11          times, the Department is requesting only six  
12          critical items.

13          Our total request is just over \$30 million,  
14          but 25.7 million of that 30 is replacement of  
15          Florida Highway Patrol pursuit vehicles. The  
16          vehicle replacement issue replaces 997 vehicles  
17          that will be over 100,000 miles by June 30, 2012.  
18          Our current base budget only allows for the  
19          replacement of 111 vehicles. We have a significant  
20          backlog, obviously, for replacement. This is a  
21          critical officer safety issue. Highway Patrol  
22          troopers regularly drive vehicles at high rates of  
23          speed on crowded interstate highways, so from an  
24          officer safety standpoint, high mileage vehicles  
25          are very dangerous.

1           The remaining requests are either related to  
2           the safety of our members or use of technology, to  
3           save state resources and operate more efficiently.  
4           The request includes funding for mold remediation  
5           in field offices, the replacement of the Highway  
6           Patrol's personal protection equipment, license  
7           plate readers, enhancement of our license  
8           verification system, and funding to start the  
9           merger of our driver's license and motor vehicle  
10          data.

11           I'm happy to answer any questions.

12           CFO SINK: Move Item 3.

13           COMMISSIONER BRONSON: Second.

14           GOVERNOR CRIST: Moved and seconded. Show it  
15          approved without objection.

16           MS. JONES: Item 4, we respectfully request  
17          approval for the Department's first quarter annual  
18          performance measures. We are just getting started  
19          this fiscal year, so it's early to note significant  
20          progress on our measures. However, Governor, I  
21          would like to update you on the significant  
22          improvements we've made in the driver's license  
23          customer service in Dade County.

24           GOVERNOR CRIST: Thanks.

25           MS. JONES: Last July we initiated an

1 improvement plan by redirecting resources and  
2 improving processes. Since that time, we've seen  
3 over 7,000 customers before 8:00 a.m. As of this  
4 morning, we have served over 300,000 customers in  
5 this 15 weeks alone in that one county. We set a  
6 new benchmark last week of 5,000 customers in an  
7 office in one day. Our director of driver's  
8 license said she would buy any office lunch, every  
9 member in that office lunch if they made over 1,000  
10 in a day, and they've been creeping up 900, 999 in  
11 one office. And this is handing people a  
12 credential, not just pushing you in and out. You  
13 leave with a credential, so 5,000 in one day.

14 The 32 positions we reallocated to Dade County  
15 are filled and are working independently on the job  
16 now as of this month.

17 So with that, I would respectfully request  
18 approval of this item.

19 ATTORNEY GENERAL McCOLLUM: I move Item 4.

20 COMMISSIONER BRONSON: Second.

21 GOVERNOR CRIST: Moved and seconded. Show it  
22 approved without objection.

23 MS. JONES: Item 5, request approval for final  
24 adoption of Rule 15-1.012, which relates to the  
25 Department's delegation of authority. This rule

1 has not been updated since 1998. The changes  
2 provide the Department with operating authority  
3 comparable to that of other Cabinet agencies, while  
4 maintaining transparency through reporting.

5 CFO SINK: Move it.

6 COMMISSIONER BRONSON: Second.

7 ATTORNEY GENERAL McCOLLUM: Second.

8 GOVERNOR CRIST: Moved and seconded. Show it  
9 approved without objection.

10 MS. JONES: Item 6, we respectfully request  
11 approval for the final adoption of 15A-12. This  
12 relates to the Florida Rider Trainer Program. The  
13 rule sets standards for motorcycle education safety  
14 programs, including approving course curriculum and  
15 certifying of instructors. This program has been  
16 in place for 15 years using a contract to prescribe  
17 participation requirements for vendors. The Joint  
18 Administrative Procedures Committee, JAPC, has  
19 asked that we codify the contract requirements in  
20 rule.

21 CFO SINK: Move it.

22 COMMISSIONER BRONSON: Second.

23 GOVERNOR CRIST: Moved and seconded. Show it  
24 approved without objection.

25 MS. JONES: Item 7, we respectfully request

1 approval for final adoption of Rule 15C-17. This  
2 is the electronic temporary plate transfer rule.

3 The purpose of this rule is to implement a  
4 secure electronic process for the temporary  
5 transfer of license plates. This program allows  
6 all temporary plate issuers to electronically  
7 report the temporary transfer of plates to the  
8 Department in real time. So when you leave with a  
9 temporary tag or a temporarily transferred metal  
10 tag from a dealer, law enforcement has that  
11 information immediately.

12 ATTORNEY GENERAL McCOLLUM: I move Item 7.

13 COMMISSIONER BRONSON: Second.

14 GOVERNOR CRIST: Moved and seconded. Show it  
15 approved without objection.

16 MS. JONES: We request approval -- Item 8, we  
17 request approval for final adoption of Rule 15C-18.  
18 This is the electronic filing system. This system  
19 allows dealers to electronically submit title and  
20 registration transactions, which includes the  
21 issuance of a metal license plate. Real-time  
22 access again to this data provides critical  
23 information to law enforcement. This rule sets  
24 standards for participation, certification of  
25 service providers, system requirements, and

1 enforcement authority.

2 CFO SINK: Move it.

3 ATTORNEY GENERAL McCOLLUM: Second.

4 GOVERNOR CRIST: Moved and seconded. Show it  
5 approved without objection.

6 MS. JONES: Item 9, we respectfully request  
7 approval to initiate rulemaking for Rule 15A-10,  
8 which relates to DUI programs. We've actually been  
9 working on this rule with stakeholders for about  
10 two years, and we're ready to go live now.

11 The rule sets standards for the licensing and  
12 operation of DUI program providers, certification  
13 of the DUI program personnel, and the monitoring of  
14 the ignition interlock device clients.

15 This chapter has not been amended since 1997  
16 and needed to be updated.

17 GOVERNOR CRIST: Is there a motion on Item 9?

18 COMMISSIONER BRONSON: Motion on Item 9.

19 ATTORNEY GENERAL McCOLLUM: Second.

20 GOVERNOR CRIST: Moved and seconded. Show it  
21 approved without objection.

22 MS. JONES: Item 10, we respectfully request  
23 approval to initiate rulemaking on 15A-10.009.

24 This relates to probation and DUI program  
25 jurisdiction.

1           The update of this rule prohibits private  
2           probation service providers from self-referral of  
3           clients to a DUI program that is owned in whole or  
4           part by that probation service provider. This  
5           codifies a statutory change that was made by the  
6           2009 Legislature.

7           CFO SINK: Move it.

8           ATTORNEY GENERAL McCOLLUM: Second.

9           GOVERNOR CRIST: Moved and seconded. Show it  
10          approved without objection.

11          MS. JONES: Item 11, we respectfully request  
12          approval for a four-year extension to the  
13          appointment of six of our Medical Advisory Board  
14          members. Dr. Ricardo Ayala, Dr. Jeffrey Raskin,  
15          Dr. Francis Skilling, Dr. Ira Goodman, and  
16          Dr. David Huang are all licensed to practice  
17          medicine in Florida and are in good standing with  
18          the Florida Medical Association. Dr. Frederick  
19          Flink is licensed to practice optometry in Florida  
20          and is in good standing with the Florida Optometric  
21          Association.

22          These board members generously volunteer their  
23          time and expertise to review the status of at-risk  
24          drivers, and we appreciate their willingness to  
25          continue to serve and contribute to keeping

1 Florida's roads safe.

2 ATTORNEY GENERAL McCOLLUM: I move Item 11.

3 COMMISSIONER BRONSON: Second.

4 GOVERNOR CRIST: Moved and seconded. Show it  
5 approved without objection.

6 MS. JONES: I realize it's a lengthy agenda  
7 item, but I too would like to thank my bosses. You  
8 guys have been wonderful. I'm sort of the newbie  
9 around here. As a collegial group, I thank you  
10 very much for your leadership and everything that  
11 you've done to help the Department, and also your  
12 respective staffs. You probably know that they're  
13 your guardians, but they've been also great guides  
14 to us. So your Cabinet staff, I really hope to be  
15 serving with them in the future as well. But thank  
16 you very much for everything that you've done.

17 GOVERNOR CRIST: Thank you, Julie. We  
18 appreciate you very much.

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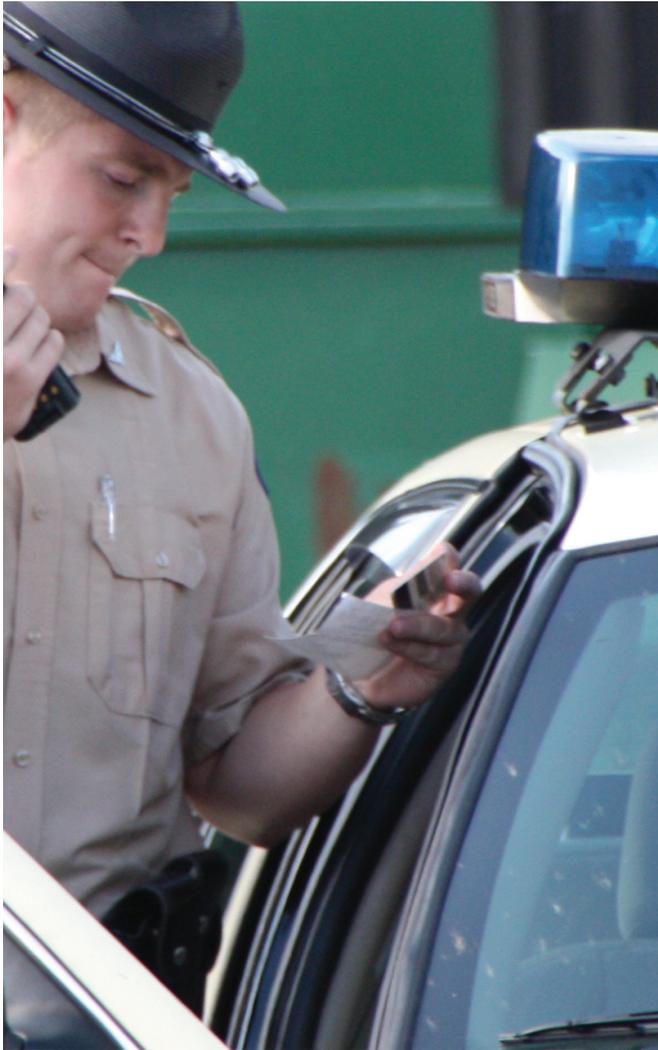
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# Second Quarter Performance Report: Fiscal Year 2010 — 2011



Providing Highway Safety and Security  
Through Excellence In Service, Education, and Enforcement

Julie Jones, Executive Director

## News

### Service Delivery: Ensuring Customer –Driven Excellence

- October 3-9 was *Register Your Emergency Contact Information Week*. This award-winning program has reached a new milestone, as more than 4 million Floridians have now registered their information.
- On the eve of Veterans Day, the Department joined with the Department of Veterans Affairs and Florida's Chief Financial Officer to promote Florida Vets Connect, an initiative to identify Florida's veterans and provide them with information about the benefits they may be entitled to through their brave service to our nation.
- The Department worked in conjunction with the Department of Homeland Security to streamline our customer service processes associated with the issuance of Federal Real ID compliant credentials, thus serving customers more timely and efficiently.
- The transition of driver license services to Florida's tax collectors continued, as the Department closed 2 offices and tax collectors opened 5 new offices. At year-end, there were 69 state and 138 tax collector offices (in 48 counties).



### Safety First: Protection Through Service, Education, and Enforcement

- During the quarter, the Department participated in numerous education campaigns directly related to public safety, including:
  - *National Drunk and Drugged Driving (3D) Prevention Month*. In December, DHSMV joined the Office of Drug Control to raise awareness of the risks of impaired driving.
  - *Stop on Red, Kids Ahead*. Focusing on school bus safety, the Department worked with the Florida Departments of Education and Transportation to highlight this safety campaign in conjunction with School Bus Safety Week in October.
  - *White Out Teen Fatalities*. An educational campaign in October featuring events at high schools statewide highlighted Teen Driver Safety Week.
- The Florida Highway Patrol continued its aggressive enforcement of traffic laws during several *Drunk Driving, Over the Limit, Under Arrest* campaigns. These strategic enforcement efforts were held during high traffic holiday periods, including:
  - Halloween
  - Thanksgiving and
  - Christmas
- In November, FHP joined state law enforcement agencies from the five southeastern states to protect emergency workers on our highways by focusing on those who violate the *Move Over* law. The week featured both educational and enforcement efforts to ensure awareness.



[FloridaSchoolBusSafety.gov](http://FloridaSchoolBusSafety.gov)



### Workforce: Valuing our Members

- *Project TNT* (Together Navigating Tomorrow) is an exciting and progressive initiative by and for our members to identify our biggest challenges and best solutions. Project TNT will chart a path that will ensure our continued success as the nation's premier highway safety agency.
- To further strengthen our growing relationship with Florida's Tax Collectors, members of DHSMV's Leadership Team participated in the *Tax Collector's Fall Education Forum*, leading and attending training sessions critical to our duties and responsibilities.
- The Florida Highway Patrol now has 42 new state troopers who joined its ranks with the graduation of the 119th Basic Recruit Class in October. The graduation marked the conclusion of an intensive 27-week training period that prepared them for their new career while instilling the FHP's core values of courtesy, service, and protection.

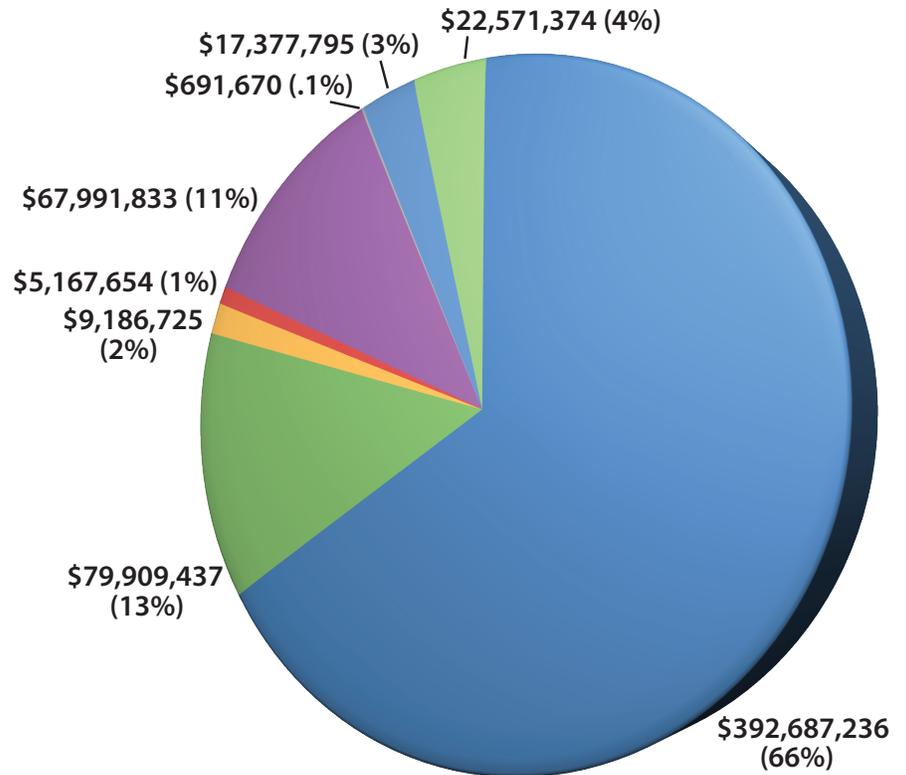


## Revenue Information

<b>2nd Quarter</b>	<b>Trust Fund</b> \$305,307,442	<b>General Revenue</b> \$235,843,314	<b>Total</b> \$541,150,753
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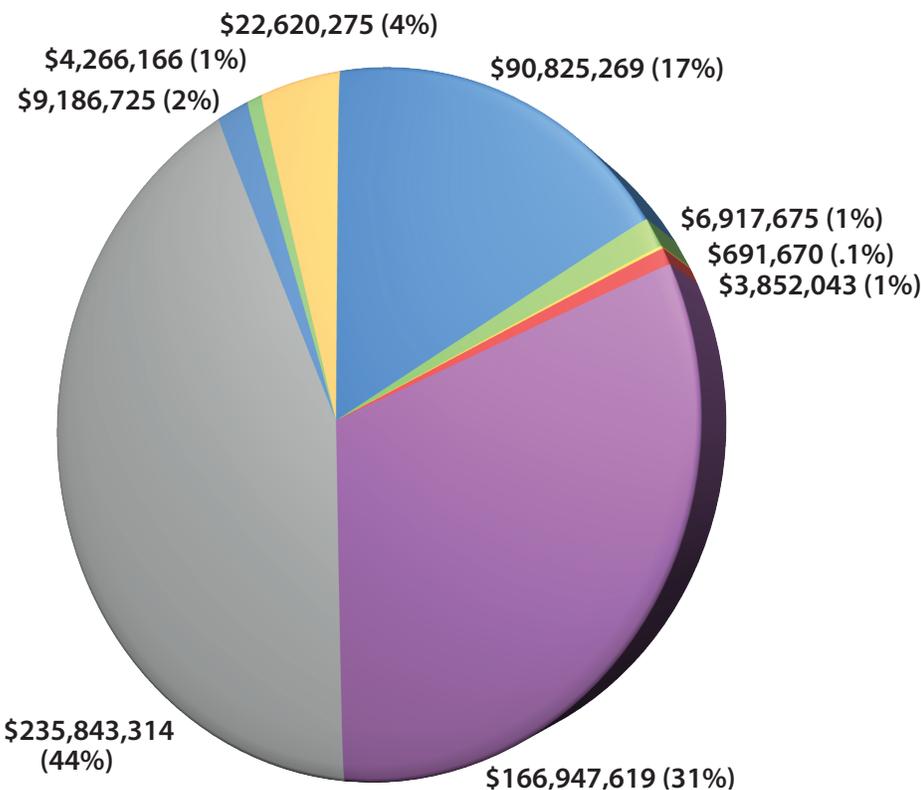
### Where The Money Comes From

- Licenses Plates and Decals
- Motor Vehicles Titles
- Motor Fuel Use Tax
- Fines and Forfeitures
- Driver Licenses
- International Registration Plan Receipts
- Driving Records/Transcript
- Other



### Where The Money Goes

- HSMV Agency Funding
- Specialized Plate-Sponsor
- International Registration Plan Program
- Law Enforcement Radio TF
- Dept of Transportation
- General Revenue Funded Programs
- Fuel Use Tax
- Air Pollutions Control program
- Other



## Performance Measures

Measure	2nd Qtr. 2009-10	2nd Qtr. 2010-11	YTD Actual 2010-11	Annual Standard
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### Service Delivery - Employ strategies that ensure customer-driven excellence.

1. Number of motorists assisted by FHP	74,775	67,153	137,911	300,000
2. Percent of driver license office customers waiting 15 minutes or less for service (1)	60.5%	51.2%	48.5%	80%
3. Percent of driver license office customers waiting less than 30 minutes for service (2)	81.5%	68.5%	65.6%	95%
4. Percent of customer service phone calls answered by the Customer Service Center within two minutes of being placed in the queue (3)	41.5%	22.1%	22.3%	70%
5. Number of highway crashes investigated by FHP	54,522	52,404	106,757	235,000
6. Percent of fatal highway crashes investigated by FHP to all fatal highway crashes investigated by law enforcement in Florida	58.9%	57.1%	59.7%	60%
7. Percent of traffic homicide investigations completed within 90 days of crash (4)	66.4%	65.0%	66.7%	80.0%
8. Percent of calls for service responded to within 30 minutes	69.6%	68.7%	69.4%	65.0%
9. Percent of traffic investigation hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	24.6%	24.2%	24.4%	23.0%
10. Percent of criminal investigation cases resolved within 30 days	75.7%	37.2%	51.2%	50%
11. Percent of professional compliance investigation cases completed within 45 days (5)	81.0%	60.0%	51.2%	80%
12. Number of corrections per 1,000 driver records maintained (6)	6.3	6.8	6.6	4.0
13. Number of driver licenses and identification cards issued (7)	1,267,487	1,235,252	2,521,416	6,200,000
14. Percent of vehicle/vessel titles issued without error	91%	95%	94%	92%
15. Number of motor vehicle/manufactured home/vessel titles issued	1,177,350	1,253,306	2,533,564	5,750,000
16. Number of motor vehicle/manufactured home/vessel registrations issued (8)	4,869,900	4,996,054	8,934,335	21,300,000
17. Percent of titles issued within three workdays of request	100%	100%	100%	98.0%
18. Percent of motor vehicle, manufactured home and recreation vehicle dealer licenses issued within five workdays of receipt of completed dealer application	99.6%	99.5%	99.7%	99.0%
19. Percent of paper titles issued for motor vehicles, manufactured homes and vessels to all titles issued	75.1%	77.5%	76.2%	80.0%
20. Percent of biennial motor vehicle, manufactured home and vessel registrations issued to all registrations issued eligible for biennial registration	5.6%	7.5%	7.7%	6.0%

### Safety - Protect our citizens' lives and personal security through service, education, and enforcement.

21. Florida highway fatality rate per 100 million vehicle miles traveled	Annual	Annual	Annual	1.5
22. Florida alcohol-related highway fatality rate per 100 million vehicle miles traveled	Annual	Annual	Annual	0.58
23. Florida's seat belt compliance rate	Annual	Annual	87.4%	85.0%

## Performance Measures

24. Percent of preventive patrol hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	52.9%	49.6%	49.9%	52.0%
25. Number/ percent of registered vehicles that meet Florida's minimum insurance requirements 95.0%	11,505,315 96.6%	11,607,122 96.6%	11,607,122 95.0%	N/A
26. Number/ percent of driving related sanctions issued to all sanctions issued	32,674 6.5%	28,946 5.9%	59,161 5.6%	130,000 5.0%
27. Percent of "Driving Under the Influence" course graduates who do not have another DUI conviction within four years of graduation	Annual	Annual	Annual	90%
28. Percent of new manufactured home warranty complaints to new manufactured homes titled	0.64%	0.93%	0.60%	0.60%
29. Number of manufactured homes inspected in plants (9)	766	749	1,581	6,000
30. Number of rebuilt salvage motor vehicles inspected	9,162	10,389	20,510	25,000
31. Number of dealer licenses issued (includes motor vehicle and manufactured home dealers, and manufacturers licenses)	Annual	Annual	Annual	12,800

## Workforce –Build an environment that regards our members as our most valuable resource.

32. Percent of FHP recruit graduates who passed certification exam on initial testing	100%	-	91%	95%
33. Percent turnover for all FHP troopers and corporals	3.4%	3.7%	3.7%	7.5%
34. Percent of administrative/training hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	22.5%	26.2%	25.7%	25.0%

## Performance Management –Take an integrated approach to measure, manage, and improve our organizational performance to further the agency's mission.

35. Agency administration and support costs as a percent to total agency costs	5.08%	4.76%	4.65%	5.00%
36. Number/percent of non-driving related sanctions issued to all sanctions issued	467,120 93.5%	462,165 94.1%	988,332 94.4%	2,470,000 / 95%
37. Cost per motor vehicle/manufactured home/vessel title issued	Annual	Annual	Annual	\$2.75
38. Percent of International Fuel Tax Agreement audits completed to all International Fuel Tax agreements	0.50%	0.55%	1.28%	3.00%
39. Percent of International Registration Plan Agreement audits completed to all International Registration Plan agreements	0.79%	0.93%	2.11%	3.00%

## Performance Measures

### Performance Explanation

**(1) (2) Percent of driver license office customers waiting 15 minutes or less for service and Percent of driver license office customers waiting less than 30 minutes for service** – Three major factors contributed to longer wait times:

- The Federal Real ID Act requirements – negatively impacted wait times as additional time is required to review and scan multiple types of identity and residency documentation.
- The Department closed 24 driver license offices since the inception (7/1/2008) of transitioning to Tax Collector Offices. However, our State issuance offices continue to conduct more DL transaction (60%) versus Tax Collector offices (40%). This can be attributed to the additional \$6.25 service fee that is not charged at State facilities.
- Due to funding constraints last fiscal year, vacant positions were held for 90-days, adversely impacting our ability to keep offices fully staffed. Since the first quarter, the Department has been filling vacancies without delay.

**(3) Percent of customer service phone calls answered by the Customer Service Center within 2 minutes of being placed in the queue** – The variance attributed to this measure is primarily due to call volume exceeding the number of available customer service representatives to answer incoming calls. Also, since the implementation of the Real ID Act, the call volume has increased. Research has been conducted to identify the most frequent types of calls and actions are being taken to reduce these recurring types of calls.

**(4) Percent of highway homicide investigations completed within 90 days of crash** – The complexity of traffic homicide investigations has increased and the Patrol has instituted measures to ensure that the thoroughness of all traffic homicide investigations continues. For example, the abbreviated reporting format has been eliminated to ensure a more comprehensive investigation and investigators are required to maintain constant contact with victim's family and the State Attorney's Office to provide them with periodic updates on case status. Also, laboratory analysis of evidence, including DNA analysis to identify drivers, can cause delays in completing investigations. These changes have resulted in increased time required to complete investigations.

**(5) Percent of professional compliance investigation cases completed within 45 days** – The complexity of specific cases has necessitated additional investigation time.

**(6) Number of corrections per 1,000 driver records maintained** – The majority of errors made on the driver's record, which requires a correction, are made by or reported by outside agencies (courts and other state motor vehicle agencies). The Department, through a Florida DOT grant, worked with various agencies to identify the causes for errors (clerk entry errors and reporting transmission errors). Consequently, a two-year plan has been developed, which defined business rules and system solutions to re-write internal systems to migrate and reduce citation data error transmissions.

**(7) Number of driver licenses and identification cards issued** – Several factors have impacted the driver license and identification card issuance. In September 2009, law changes increased driver license fees while also discontinuing the ability to issue both a driver license and an identification card to an individual (in order to comply with the Federal Real ID Act). Since this time, the Department has experienced a reduction in issuance of both types of credentials. Due to the decline in the economy, fewer people are relocating and fewer are choosing to update and replace their driver license information or identification card. An additional factor is that when the increased fees were announced, many people who were eligible to renew their licenses early chose to do so.

**(8) Number of motor vehicle/manufactured home/vessel registrations issued** – In FY 2009-2010, there were approximately two million biennial registration transactions, which was an increase of approximately 800,000 from the prior year. The increased biennial transactions mostly occurred during the three months prior to the September 1, 2009 registration fee increases. These biennial transactions account for a significant part of the decline in registration transactions resulting in FY 2010-2011, as these customers next registration renewal occurs in FY 2011-2012. However, despite the increase in biennial transactions, reduced public demand also occurred due to economic conditions causing fewer motor vehicles, manufactured homes and vessels to be registered.

**(9) Number of manufactured homes inspected in plants** – Production in mobile /manufactured home plants has continued to decrease due to reduced public demand resulting in fewer homes to be inspected in plants. The Department inspects 100% of all Florida in plant manufactured homes.

**Purchases**

**Purchases Made In Excess Of \$35,000.00 And Not In Conjunction With State Contracts  
October Through December 2010**

<p><b>ISA:</b> The objective of this project is to reduce toner costs by purchasing aftermarket toner cartridges that have been fully remanufactured to specifications equal to or exceeding the OEM cartridge standards for quality and performance. RFP# 028-10, Order No. A3256A.</p>	<p>Supplies Now Dayton, OH</p>	<p>\$67,980.00</p>
<p><b>ISA:</b> The purpose of this project is to provide hardware maintenance and system restoration for the FRVIS equipment including installation, de-installation and relocation of equipment services. Order No. A33C00, ITN# 023-10, Term 12/1/10 through 06/30/2011.</p>	<p>BLM Technologies of Florida, LLC Ft. Lauderdale, FL</p>	<p>\$721,609.21</p>
<p><b>DDL:</b> The procurement of these educational materials is used by the Department to help educate the motoring public and especially teen and beginning drivers on safe driving practices. Order No. A34409, Single Source.</p>	<p>Child Safety Solutions, Inc. Rockland, ME</p>	<p>\$64,980.00</p>

## Notice of Change/Withdrawal

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLESDivision of Driver Licenses

Rule No. : RULE TITLE :

15A-10.009: Program Jurisdiction

## NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36 No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

(1) through (3) No change.

(4) A ~~DUI programs that are also authorized as private probation services provider, authorized providers~~ under s. 948.15, F.S., shall not distribute a list of DUI programs in their service area or ~~self-refer persons who are~~ probationers to any DUI program owned in whole or in part by that private probation services provider or its affiliates. The DUI program shall document in writing, signed by the probationer, prior to the commencement of any services, that the probationer was advised of their right to choose any licensed DUI program that serves the county of their residence, employment or school attendance and that the probationer has not been referred by the private probation services provider to their DUI program. No advertising materials for a DUI program, including posters, brochures, pamphlets, or signs, shall ~~information will~~ be visible in any common areas of a private probation services facility, including the probation offices, hallways and any other area open to clients. Interior directional and exterior business signs are allowed. ~~This includes all forms of media including but not limited to: posters, brochures, pamphlets and signage.~~

Rulemaking Authority 322.02, 322.292, F.S. Law Implemented 316.192, 316.193, 322.2615, 322.292, F.S. History-  
New 1-4-95. Amended \_\_\_\_\_.

CERTIFICATION OF THE  
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
ADMINISTRATIVE RULES FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

- (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and
- (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
  - (a) Are filed not more than 90 days after the notice; or
  - (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
  - (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
  - (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
  - (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15A-10.009

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_.

  
\_\_\_\_\_  
Julie Jones

Executive Director  
\_\_\_\_\_  
Title

Department of Highway Safety and Motor Vehicles  
Agency

1  
\_\_\_\_\_  
Number of Pages Certified

15A-10.009 Program Jurisdiction

(4) A private probation services provider, authorized under s. 948.15, F.S., shall not distribute a list of DUI programs in their service area or refer probationers to any DUI program owned in whole or in part by that private probation services provider or its affiliates. The DUI program shall document in writing, signed by the probationer, prior to the commencement of any services, that the probationer was advised of their right to choose any licensed DUI program that serves the county of their residence, employment or school attendance and that the probationer has not been referred by the private probation services provider to their DUI program. No advertising materials for a DUI program, including posters, brochures, pamphlets, or signs, shall be visible in any common areas of a private probation services facility, including the probation offices, hallways and any other area open to clients. Interior directional and exterior business signs are allowed.

*Rulemaking Authority 322.02, 322.292, F.S. Law Implemented 316.192, 316.193, 322.2615, 322.292, F.S. History-  
New 1-4-95. Amended \_\_\_\_\_.*

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15-10.009, FAC, PROGRAM JURISDICTION

RULE NUMBERS:

RULE TITLE:

15A-10.009:

Program Jurisdiction

Summary of Rule

The purpose of the proposed rule action is to add a paragraph to the current rule to prohibit DUI programs which are also authorized as private probation services provider from distributing a list of DUI programs in their service area or to self-refer persons who are probationers to an DUI program owned in whole or in part by that private probation services provider or its affiliates; also requires DUI programs to document that the probationer was advised of their right to choose a licensed DUI program.

Statement of Facts and Circumstances Justifying the Rule

The revisions to Rule 15-10.009 are necessary so as to properly reflect the revisions in Florida Statutes.

Federal Standards Statement

A Federal Standard or Rule that impacts or is affected by this rule change does not exist.

Summary of Hearing

The Notice of Development of Rulemaking was noticed in the August 13, 2010, Florida Administrative Weekly, Volume 36, Number 32, setting out a Public Workshop for August 31, 2010. The workshop was held as noticed.

The Governor and Cabinet approved the proposed rules for publication of the Notice of Proposed Rulemaking during the Governor and Cabinet Meeting, a public meeting, on November 9, 2010.

The Notice of Proposed Rule was noticed in the November 24, 2010, Florida Administrative Weekly, Volume 36, Number 47, setting out a Public Hearing for December 21, 2010. The hearing was held as noticed.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
OFFICE OF THE GENERAL COUNSEL

Proposed Rule: Is a SERC Required

Division (choose from drop-down list): Division of Driver License

Rule (number & description): 15a-10.009, DUI Program Jurisdiction, this rule specifies the jurisdiction of DUI Programs and the prohibition of self-referrals by probation service providers that own or affiliate with DUI programs.

Please remember to analyze the impact of the rule, NOT the statute, when completing this form.

I. Adverse Impact Determination

a. Economic? (Check all that apply.)

- Increased fees to be paid by licensee, applicant, registrant, etc.  
 Increased costs of doing business (equipment, software, etc.)  
 Increased personnel costs (additional employees, insurance, overtime, training, etc.)  
 Decreased opportunity for profit (limits on fees, scope of business/practice, ability to partner with others, etc.)

b. Non-economic? (Check all that apply.)

- Increased time and effort to comply (forms, tests, etc.)  
 Increased need for specialized knowledge (legal, technical, etc.)

If any of the above boxes are checked, answer "Yes," then continue to the next section. If no boxes are checked, answer "No," and skip to Section III below.  Yes  No

II. Small Business Determination

a. Are any of the affected entities a "small business?" (Check all that apply.)

- 200 or less permanent full-time employees;  
 Net worth less than \$5 million (including value of affiliates);  
 Independently owned and operated (NOT a subsidiary of another entity); AND,  
 Engaged in a commercial enterprise?

If ALL of the preceding boxes are checked, answer "Yes," and skip to Section III below.

If you did not check ALL of the above boxes, check "No," then continue to the next qualification.

Yes  No

b. Small Business Certification

- Does any affected entity have Small Business Administration 8(a) certification?  
 Yes (see, www.ccr.gov)  No

If the answers to I and II are "Yes," the agency must prepare a SERC.

III. Regulatory Cost Increase Determination

Direct:

- a. Increased Regulatory Cost: None  
b. Number of Entities Impacted: 24  
c. Multiply a. times b.: Cannot be determined  
d. Is c. greater than \$200,000?  Yes  No

Indirect:

- e. Any ascertainable indirect costs?  Yes  No  
f. Amount of Indirect Cost: \_\_\_\_\_

- g. Number of Entities Impacted: \_\_\_\_\_
- h. Multiply g. times f.: \_\_\_\_\_
- i. Is h. greater than \$200,000?  Yes  No
- j. Is h. plus c. greater than \$200,000?  Yes  No

If the answer to d., i., or j. is "Yes," the agency must prepare a SERC.

Prepared By (type name): Mike McGlockton

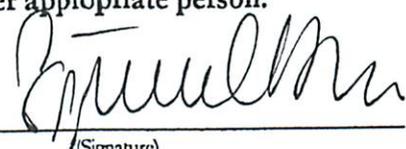
Date (type date): January 28, 2011

To be certified by the agency head, if the agency is within the purview of the Governor; otherwise,

certified by the agency's legal counsel or other appropriate person.

Is <sup>an amended</sup> SERC required?  Yes  No

Name: STEPHEN D. HURN  
(Print Name)

  
(Signature)

Title: GENERAL COUNSEL

Date: 2/22/2011

Phone: 850-617-3101

STATEMENT OF ESTIMATED REGULATORY COSTS  
PROPOSED AMENDMENTS FOR CHAPTER 15A-10.009

1. Estimate of number of individuals and entities likely to be required to comply and description of types of individuals likely to be affected.

Currently, there are three licensed DUI Programs that are also contracted probation service providers, who will be required to comply with the proposed amendments. These DUI Programs serve and monitor DUI offenders and ignition interlock device (IID) violators.

2. Estimate of cost to the agency and other government entities of implementing and enforcing the proposed rule and any anticipated effect of state or local revenues.

The cost of implementing the proposed rule changes will be covered by existing resources in place within the agency. The Department currently dedicates five full time staff within the Bureau of Driver Education and DUI programs. The proposed rule changes will not generate additional state or local revenues for the state.

3. Estimate of transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the rule requirements.

The transactional costs incurred by individuals and entities vary. The three licensed DUI programs that are also contracted probation service providers will have to develop a method of documenting that DUI offenders were advised of their right to choose the DUI program they wished to attend.

4. Analysis of the impact on small businesses and impact on small counties and cities.

The impact on small businesses and on small counties and cities would be minimal, if any. The proposed amendments affect only licensed DUI Programs who are contracted as probation service providers.

5. Additional useful information regarding the rule.

The proposed amendments were developed in response to the corresponding changes in 322.292(5), Florida Statutes, which required the Department to develop rules to administer the subsection.

**Julie L. Jones**  
Executive Director

2900 Apalachee Parkway  
Tallahassee, Florida 32399-0500  
www.flhsmv.gov



**Rick Scott**  
Governor

**Pam Bondi**  
Attorney General

**Jeff Atwater**  
Chief Financial Officer

**Adam Putnam**  
Commissioner of Agriculture

February 23, 2011

Ms. Jesslyn A. Krouskoup, Chief Attorney  
Joint Administrative Procedures Committee  
Room 120, Holland Building  
Tallahassee, FL 32399-1300

VIA FACSIMILE

Re: Rule Chapter 15A-10.009, Program Jurisdiction

Dear Ms. Krouskoup:

As a follow-up to my letter of February 22, 2011 and our telephone conversation of today, I have attached the following documents for your review regarding 15A-10.009:

1. Notice of Change as submitted to the FAW for publication on March 4, 2011;
2. Certification of the Rule;
3. Final Rule Text (incorporating all changes);
4. Summary of Rule, including the Statement of Facts and Circumstances Justifying the Rule, as well as the Federal Standards Statement;
5. SERC Checklist;
6. SERC prepared by the Department after the Notice of Proposed Rule was published.

The Department has reviewed this rule and has determined that an amended statement of regulatory costs is not required by Sections 120.541 (2)(a)1., 2. or 3., Florida Statutes, as amended by CS/CS/HB 1565. The Department has also determined that ratification by the legislature is not required by CS/CS/HB 1565.

Sincerely,

STEPHEN D. HURM  
General Counsel

DOUGLAS D. SUNSHINE  
Assistant General Counsel  
Telephone: (850) 617-3101

DDS/plt  
Enclosures  
cc: Julie Gentry, Bureau of Motorist Compliance