

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

August 02, 2011
AGENDA

Agency Contact: Steven Fielder, 850-617-3195

<http://www.flhsmv.gov/agenda/2011/080211Agenda.pdf>

1. Respectfully submit the Minutes for June 16, 2011 Cabinet Meeting.

Attachment #1.
Recommend Approval.

2. Respectfully submit Rule15C-18 Electronic Filing System for Proposed Rulemaking in Chapter 15 of the Florida Administrative Code (F.A.C.).

The proposed rule amendment corrects form number and revises form HSMV 82083 to provide for tax collector signature in lieu of supplying copies of agreements between counties. The proposed amendments to Rules 15C-18.004 and 15C-18.006, F.A.C. (EFS Agent Participation Requirements and Electronic Filing System Requirements; Disclosure to Customer), revise Form HSMV 82083, Application to Become an Authorized Electronic Filing System Agent/Change of Certified Service Provider.

.
Attachment #2.
Recommend Approval.

T H E C A B I N E T
S T A T E O F F L O R I D A

Representing:

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

The above agencies came to be heard before
THE FLORIDA CABINET, the Honorable Governor Scott
presiding, in the Cabinet Meeting Room, LL-03, The
Capitol, Tallahassee, Florida, on Thursday, June 16,
2011, commencing at approximately 9:08 a.m.

Reported by:

MARY ALLEN NEEL
Registered Professional Reporter
Florida Professional Reporter
Notary Public

ACCURATE STENOGRAPHY REPORTERS, INC.
2894 REMINGTON GREEN LANE
TALLAHASSEE, FLORIDA 32308
850.878.2221

APPEARANCES:

Representing the Florida Cabinet:

RICK SCOTT
Governor

PAM BONDI
Attorney General

JEFF ATWATER
Chief Financial Officer

ADAM PUTNAM
Commissioner of Agriculture

* * *

I N D E X

VOTES		PAGE
DEPARTMENT OF VETERANS' AFFAIRS		4
PAROLE COMMISSION		8, 9
DIVISION OF BOND FINANCE (Presented by BEN WATKINS)		
ITEM	ACTION	PAGE
1	Approved	10
2	Approved	11
FINANCIAL SERVICES COMMISSION, FINANCIAL REGULATION (Presented by ANDREA MORELAND)		
ITEM	ACTION	PAGE
1	Approved	15
2	Approved	16

INDEX CONTINUEDFINANCIAL SERVICES COMMISSION, INSURANCE REGULATION
(Presented by BELINDA MILLER)

ITEM	ACTION	PAGE
1	Approved	17
2	Approved	19
3	Deferred	20
4	Discussed	20

DEPARTMENT OF REVENUE
(Presented by LISA VICKERS)

ITEM	ACTION	PAGE
1	Approved	46
2	Approved	47
3	Approved	47
4	Approved	48

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
(Presented by JULIE JONES)

ITEM	ACTION	PAGE
1	Approved	64
2	Approved	67
3	Approved	71
4	Approved	72

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
(Presented by PHILLIP MILLER)

ITEM	ACTION	PAGE
1	Approved	74
2	Approved	77
3	Approved	79

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
(Presented by BOB BALLARD)

ITEM	ACTION	PAGE
1	Approved	80
2	Approved	83

CERTIFICATE OF REPORTER		84
-------------------------	--	----

1 GOVERNOR SCOTT: All right. The next agenda
2 is the Department of Highway Safety and Motor
3 Vehicles presented by Julie Jones.

4 Good morning, Julie.

5 MS. JONES: Governor and Cabinet members, good
6 morning. Item Number 1 -- I have four items to
7 present today. Item Number 1, we respectfully
8 request approval of the minutes from the March 9,
9 2011 Cabinet meeting.

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

11 ATTORNEY GENERAL BONDI: Move to approve.

12 GOVERNOR SCOTT: Is there a second?

13 CFO ATWATER: Second.

14 GOVERNOR SCOTT: Moved and seconded. Show
15 Item 1 approved without objection.

16 MS. JONES: Item Number 2, we respectfully
17 request approval for the Department's Third Quarter
18 performance report. I'll highlight a few measures
19 that we did well in and I'm proud of and a few that
20 present an opportunity for improvement.

21 Driver's license wait times continue to be a
22 focus for the Department. We're experiencing a
23 very high turnover rate for driver's license
24 examiners in offices that have been legislatively
25 targeted to be closed, and we're moving employees

1 over to the receiving tax collector. In doing so,
2 we create vacancies, and we can only guarantee
3 reemployment for short periods of time. So we're
4 reallocating existing staff across the state in
5 order to lower the wait times.

6 On a positive note, we recently opened a super
7 center in Miami-Dade County's Mall of the Americas.
8 This is a first for us. It's one-stop shopping.
9 It's a huge facility in a mall, and we're offering
10 restaurant-style pagers. When you go in, if
11 there's anything more than a 15-minute wait, we'll
12 give you a pager, and it gives you an opportunity
13 to shop the mall. And when the pager goes off and
14 you come back to the driver's license office,
15 you're first in line. You actually step back into
16 the beginning of the process.

17 We have been shifting vacancies as we close
18 driver's license offices to Dade and Broward
19 Counties again to increase the numbers of employees
20 that we have there to reduce wait times.

21 Another measure that we're focusing on is our
22 customer call center. Staff typically looks at
23 problem-solving from a very simple aspect: More
24 money, more people. And this year we've taken a
25 different tack with our call center to use

1 technology and to really delve into what the exact
2 questions are, why are they being asked, and fix
3 the process and not throw more money and people.
4 We've got several significant initiatives that are
5 going to bring those call times down, and I'll, I
6 think, be bringing some very good news in the
7 future to the Cabinet.

8 On a positive note, we saw a slight increase
9 in motor vehicle titling and registrations. This
10 is good news for the overall look for the economy
11 from our perspective because this means more
12 consumers have purchased new and used cars in the
13 third quarter.

14 Relative to public safety, we assisted nearly
15 70,000 motorists in the third quarter, and the
16 Patrol exceeded its goal of responding to calls for
17 roadside service in 30 minutes or less.

18 Next year, next fiscal year, the Department is
19 going to be taking on the law enforcement duties of
20 the Office of Motor Carrier Compliance. It's my
21 intention to use this as an opportunity to
22 completely reorganize the Florida Highway Patrol.
23 In doing so, we believe in the next three years,
24 through attrition and reorganization, we'll be able
25 to put 150 to 200 more troopers on the road. And

1 this means expanding supervisory rates. Specialty
2 positions, we've got a lot of speciality positions
3 that we don't need anymore, technology, shifting
4 sworn positions to non-sworn positions. So up to
5 200 positions in the next couple of years back on
6 the road as troopers, and that will be -- create a
7 higher level of service to our residents and to our
8 visitors.

9 So with that, that is my third quarter
10 performance.

11 GOVERNOR SCOTT: Is there a motion on Item 2?

12 COMMISSIONER PUTNAM: So moved.

13 GOVERNOR SCOTT: Is there a second?

14 ATTORNEY GENERAL BONDI: Second.

15 GOVERNOR SCOTT: Moved and seconded. Show
16 Item 2 approved without objection.

17 MS. JONES: Item 3, we respectfully request
18 approval for the Department's annual performance
19 contract. And if you've looked at this, I'm sure
20 you've seen we've taken a completely different tack
21 on how we're going to measure our performance in
22 the future. This provides for more outcome
23 measures as opposed to output measures. And we
24 have four pillars that tie to our strategic plan.

25 The first one is public safety. Outcomes

1 for -- positive outcomes for public safety are
2 based on moving the needle on highway fatalities,
3 crashes, and injuries, percent of time our
4 enforcement section spends on enforcement and
5 education, and then the timely investigation of
6 crimes and intelligence gathering.

7 The second pillar is reliable service
8 delivery. We're going to measure our positive
9 outcomes as successful motor services transactions,
10 timely completion of customer services, and
11 customer service surveys.

12 Number 3 is leveraging technology. This
13 pillar is defined by the number of customers served
14 via the Internet, research and development
15 projects, and computer services uptime to our
16 business partners.

17 The last pillar is talent creation and
18 development. This priority is measured by job
19 satisfaction surveys, leadership training and
20 development, and succession planning and
21 implementation.

22 Thirty-four measures will feed into these four
23 pillars, which are tied to the agency's strategic
24 plan. We will update these four pillars in the
25 form of gauges on our Internet site monthly so our

1 customers can click on a gauge and drill down into
2 the data that rolls up to show a status for how
3 we're doing in these four particular areas.

4 New to the performance contract this year are
5 specific measures for the motor carrier function.
6 Motor carrier, like I said, was transferred from
7 DOT to Highway Safety during this last legislative
8 session. New measures include numbers of
9 commercial motor vehicle crashes and vehicle
10 inspections and the tracking of temporary operating
11 heavy truck permits. We include these specific
12 measures because we want to insure that the
13 applicable data is collected and the service that
14 is currently provided by DOT is maintained or
15 increased to draw down federal DOT dollars.

16 We're excited about the new format and the
17 opportunity in the future to give you empirical
18 data as opposed to just counting widgets and
19 bringing you numbers.

20 GOVERNOR SCOTT: Julie, this is impressive.
21 Are there national studies -- I assume every state
22 is managed a little bit differently, so is there a
23 way to measure yourself against any other states on
24 some of these thing?

25 MS. JONES: Yes, sir. As a matter of fact, I

1 just returned from a meeting of my counterparts in
2 the southeastern United States this week, and we
3 met. Driver's license wait times is a chronic
4 problem in every state.

5 And if you'll look at -- I have a rather
6 aggressive number that I'm shooting for in the
7 future. I will tell you right up front that I'm
8 not going to meet it in the next couple of
9 quarters. But if I don't set the bar high for our
10 staff, then -- the 95 percent that's in the new
11 measures is something we were very close in '07 and
12 '08, and because of Real ID and some other things,
13 we've fallen back.

14 So, yes, we do meet with our sister states. I
15 met recently with the Department of Motor Vehicles
16 in Texas, because they are newly constituted. They
17 were just created, pulled out of DOT this past year
18 in Texas. They asked me to come and speak to them,
19 because as dismal as some of our numbers are, we're
20 better than a lot of other states. And we try to
21 cross-pollinate. I believe in not inventing the
22 wheel. If somebody else is doing it better, I'll
23 steal their stuff. And so, yes, we do a lot of
24 conversation between the states.

25 Item Number 4 is my last item.

1 COMMISSIONER PUTNAM: I'm not sure we --

2 GOVERNOR SCOTT: I think we need to approve
3 Item 3.

4 MS. JONES: Oh, I'm sorry.

5 GOVERNOR SCOTT: Is there a motion on Item 3?

6 ATTORNEY GENERAL BONDI: Move to approve.

7 GOVERNOR SCOTT: Is there a second?

8 CFO ATWATER: Second.

9 GOVERNOR SCOTT: Moved and seconded. Show
10 Item 3 approved without objection.

11 MS. JONES: Governor, if I could, something
12 that I'm excited about but I cannot tell you when
13 I'm going to implement, the last piece of this
14 performance plan, I'm going to try to connect a
15 per-transaction amount in this when I build my data
16 cubes, so I will be able to tell you how much I'm
17 spending on transaction and correlate that cost to
18 the customer service piece. And that's something I
19 picked up this past week at this conference, and I
20 think that will go a long way to tying budget with
21 performance.

22 Item Number 4 is our last item. I
23 respectfully request approval for a four-year term
24 for two Medical Advisory Board members. These
25 board members generously volunteer their time and

1 expertise to review the status of at-risk drivers
2 on behalf of the Department. We appreciate their
3 willingness to serve and the contribution that they
4 make to keeping our roadways safe.

5 Dr. Baxter Byerly and Dr. Viet Bui are both
6 ophthalmologists. Both doctors are properly
7 licensed and in good standing with the medical
8 community.

9 GOVERNOR SCOTT: All right. Is there a motion
10 on Item 4?

11 ATTORNEY GENERAL BONDI: Move to approve.

12 GOVERNOR SCOTT: Is there a second?

13 CFO ATWATER: Second.

14 GOVERNOR SCOTT: Moved and seconded. Show
15 Item 4 approved without objection.

16 MS. JONES: Thank you.

17 COMMISSIONER PUTNAM: Governor?

18 GOVERNOR SCOTT: Excuse me, Julie. I think
19 Commissioner Putnam --

20 COMMISSIONER PUTNAM: I would love to follow
21 up with you on the commercial carrier piece,
22 because some of these measures are outputs, not
23 outcomes. Number of inspections, that's an output,
24 not an outcome. Rate of compliance would be an
25 outcome. And it's just a huge issue, obviously,

1 for a lot of the commodities. We hear an awful lot
2 about motor carrier compliance, and I know there's
3 a lot of conversations out there about the weigh
4 stations versus inspection stations and all that.
5 And I just appreciate the conversations you and I
6 have had in the past and would like to continue
7 those as you complete that merger.

8 MS. JONES: We will do that, sir.

9 And you're absolutely correct. They are --
10 some of these are outputs. I had to rely on DOT
11 and the motor carrier folks to tell me what is
12 required in order to meet the federal standards to
13 draw down big DOT's money. And there are some
14 things that they wanted to see highlighted. And
15 it's a trust issue right now transferring this to a
16 new department. And as with anything, I'm
17 flexible, and I would love to speak with you.
18 Thank you.

19 GOVERNOR SCOTT: Thank you.
20
21
22
23
24
25

Notice of Proposed Rule

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motorist Services

Rule No.: RULE TITLE:

15C-18.004: EFS Agent Participation Requirements

15C-18.006: Electronic Filing System Requirements; Disclosure to Customer

PURPOSE AND EFFECT: The proposed rule amendment corrects form number and revises form HSMV 82083 to provide for tax collector signature in lieu of supplying copies of agreements between counties.

SUMMARY: The proposed amendments to Rules 15C-18.004 and 15C-18.006, F.A.C. (EFS Agent Participation Requirements and Electronic Filing System Requirements; Disclosure to Customer), revise Form HSMV 82083, Application to Become an Authorized Electronic Filing System Agent/Change of Certified Service Provider.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency for Rules 15C-18.004 and 15C-18.006, F.A.C. and is available by contacting Selma Sauls at the address, telephone number, or e-mail address listed below. The following is a summary of the SERC: No adverse impact on economic growth, private-sector job creating or employment, or private sector investment. No adverse impact on business competitiveness or innovation. No increase in regulatory costs. No increased spending for the Agency anticipated. No costs to other states, local governmental entities, small counties or small cities. No impact on state or local revenues.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Section 320.03(10), Florida Statutes

LAW IMPLEMENTED: Section 320.03(10), Florida Statutes.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 28, 2011, at 10:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room A427, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Selma Sauls, Government Operations Consultant I, Bureau of Issuance Oversight, 2900 Apalachee Parkway, Tallahassee, Florida 32399, selmasauls@flhsmv.gov (850) 617-3001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Selma Sauls, Government Operations Consultant I, Bureau of Issuance Oversight, 2900 Apalachee Parkway, Tallahassee, Florida 32399, selmasauls@flhsmv.gov (850) 617-3001.

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-18.004 EFS Agent Participation Requirements.

(1) through (1)(c) No change.

(d) Apply to the Department on Form HSMV 82083 (Rev. 08/11), Application to Become an Authorized Electronic Filing System Agent/Change of Certified Service Provider, which is incorporated herein by reference and available via the Department website www.flhsmv.gov/html/forms.html.

(1)(e) through (3) No change.

Rulemaking Authority 320.03(10)(a), FS. Law Implemented 320.03(10)(a), (b) FS. History-New 12-14-10,

Amended_____.

15C-18.006 Electronic Filing System Requirements; Disclosure to Customer.

(1) through (3) No change.

(4) An EFS agent that desires to change its Certified Service Provider shall submit the request to the Department on Form HSMV 82083, which is incorporated ~~herein~~ by reference in Rule 15C-18.004(1)(d).

(5) No change.

Rulemaking Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a), (b) FS. History-New 12-14-10,

Amended_____.

NAME OF THE PERSON ORIGINATING PROPOSED RULE: Julie Baker, Bureau Chief, Bureau of Issuance Oversight, Division of Motorist Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2011

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES - DIVISION OF MOTORIST SERVICES
2900 APALACHEE PARKWAY, NEIL KIRKMAN BUILDING - TALLAHASSEE, FL 32399-0610
**APPLICATION TO BECOME AN AUTHORIZED ELECTRONIC FILING SYSTEM AGENT /
CHANGE OF CERTIFIED SERVICE PROVIDER**

Check One:		DMS USE ONLY	
<input type="checkbox"/> Pursuant to section 320.03(10), Florida Statutes, I hereby make application to become authorized to process title and registration transactions using the Electronic Filing System.			
<input type="checkbox"/> I hereby request to change Certified Service Providers.			
Name of Entity / Business:			
Mailing address:	City:	State:	Zip:
Physical Address:	City:	State:	Zip:
Dealer License Number:	If licensed as a motor vehicle, mobile home or recreational vehicle dealer.		
County where physically located:	Appointing County where agent will process transactions:		
<i>If appointing county is different than where agent is physically located signature of the appointing Tax Collector is required.</i>			
_____ Signature of Appointing Tax Collector			
Business Telephone Number:	Cell Number:		
E-mail Address:			
Owner / Partner / Principal Name(s):			
1.			
2.			
3.			
Certified Service Provider: <i>(enter name of CSP)</i>			
<i>Applicant must have entered into a contract with a certified service provider prior to applying to become an EFS agent. If applicant is changing Certified Service Providers all pending or suspended transactions with the previous provider must be complete, a contract signed with the new certified service provider and notification to the state prior to using the new provider's services.</i>			
<input type="checkbox"/> All principals and prospective users have undergone a criminal background check			
<input type="checkbox"/> Indicia shall be secure and in a locked area during non-business hours or when not being used.			

I certify that the entity above meets the requirements to become an authorized electronic filing system (EFS) agent. The entity will abide by all laws, rules, procedures and contractual obligations required as an EFS agent. All principals and authorized users have undergone a criminal background check prior to having access to the EFS and indicia as provided by the Tax Collector. All indicia will be secure and in a locked area during non-business hours or during non-use and I understand that I am responsible for any unaccounted inventory. I further certify that all applicable inquiry fees will be paid to the state and that disclosures for EFS fees as required by rule will be made to prospective buyers. I will ensure that all title and registration transactions are done in accordance with laws and Department procedure. I further certify that state and county fees collected will be remitted electronically in accordance with state law. I understand that failure to comply with any laws, rules or contractual terms shall be grounds for the Department to revoke my authorization to use the EFS.

The applicant agrees to comply with section 119.0712 (2), Florida Statutes, and the Federal Driver's Privacy Protection Act (18 U. S. C. § 2721 et seq.). The applicant agrees that all personal information governed by these statutes will be used or redisclosed by the applicant only as permitted by these statutes. Any use or redisclosure of such personal information by the applicant except as permitted by these statutes will result in DHSMV revoking applicant's ability to use the system.

Under penalty of perjury, I do swear and affirm that the information contained in this application is true and correct and that applicant will abide by all laws of Florida and all applicable rules, policies and procedures of the Department of Highway Safety and Motor Vehicles.

Signature of owner or principal: _____ Date: _____