



# Commercial Motor Vehicle Review Board (CMVRB)

## Annual Report

July 1, 2021 to June 30, 2022  
Fiscal Year (FY) 2022

**Prepared by:**

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## Overview

Chapter 316, *Florida Statutes (FS)*, and Rule 14A, *Florida Administrative Code (FAC)*, provide for an appeal process for commercial carriers who have received citations<sup>1</sup>. This process provides the carriers with an opportunity to be heard before the Commercial Motor Vehicle Review Board (Board). The Board does not adjudicate guilt. Rather, the Board serves to grant relief where appropriate.

The Board consists of three permanent members:

- Florida Department of Transportation (FDOT) Secretary,
- Director of the Department of Highway Safety and Motor Vehicles, and
- Commissioner of the Department of Agriculture and Consumer Services.

And four additional members:

- Member representing the agriculture industry as appointed by the Commissioner of the Department of Agriculture,
- Member from the road construction industry as appointed by the Governor,
- Member from the trucking industry as appointed by the Governor, and
- Member with a general business or legal background as appointed by the Governor

The fiscal year (FY) 2022 members were:

- Chairman of the Board, Secretary Kevin Thibault (represented by Jeffery Frost),
- Executive Director Terry Rhodes (represented by Tod Browning),
- Commissioner Nicole Fried (represented by Alan Walker),
- Member from the agriculture industry, vacant,
- Member from the road construction industry, Scott Christy,
- Member from the trucking industry, Kathy Panozzo, and
- Member with a general business or legal background, Scott Reagan

Any person who wishes to have a penalty, which was issued pursuant to Section 316.516, 316.545, 316.550, or 316.3025, *FS*, considered by the Board shall file a written request for hearing before the Board. The request must be received by the Board no later than 60 days after the date the citation was issued. It is the Board's responsibility to consider testimony or other evidence that supports modification, cancellation, or revocation of penalties imposed pursuant to Section 316.516, 316.545, 316.550, or 316.3025, *FS*.

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<sup>1</sup> Citation, in the context of this report, refers to commercial motor vehicle citations.

Rule 14A-1.004(4), *FAC*, allows for persons, firms, or corporations assessed a penalty for violations of Section 316.516, 316.545, 316.550, or 316.3025, *FS*, that have complied with all applicable requirements of the rule to appear in person, through an authorized representative, or through legal counsel. Parties have an opportunity to present to the Board any written or oral evidence relating to the Board's consideration of these matters.

Members of the Board may direct questions to any witness at any time during the proceedings, and only testimony and evidence pertinent to the Board's action is allowed. Irrelevant and immaterial or unduly repetitious testimony or evidence is not permitted.

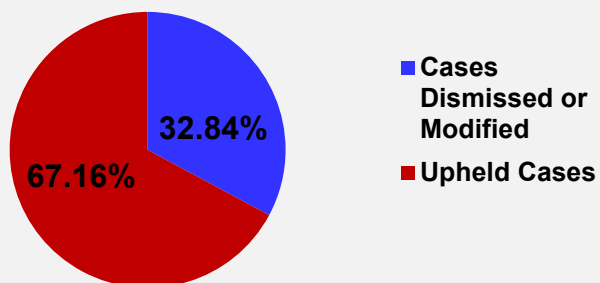
In each case, after the conclusion of both presentations and all inquiries by the Board Members, the Board renders a decision regarding the penalties imposed. Written confirmation of that decision is sent to the protesting parties within thirty (30) days. Pursuant to Rule 14A-1.004(7), *FAC*, the Board's decision is final. A rehearing may be requested if additional evidence is presented pursuant to a request from the Board. Parties may request a rehearing by filing such a request within 14 days of the date of the Board's decision letter.

## Summary of Fiscal Year 2022

The Florida Highway Patrol, Office of Commercial Vehicle Enforcement, and FDOT, Office of Maintenance Motor Carrier Size and Weight, issued 68,211 citations during FY 2022. This fiscal year 1,020 protests were received and met the criteria to be heard before the Board, which is a 29.61% increase in the number of cases heard by the CMVRB from the previous fiscal year.

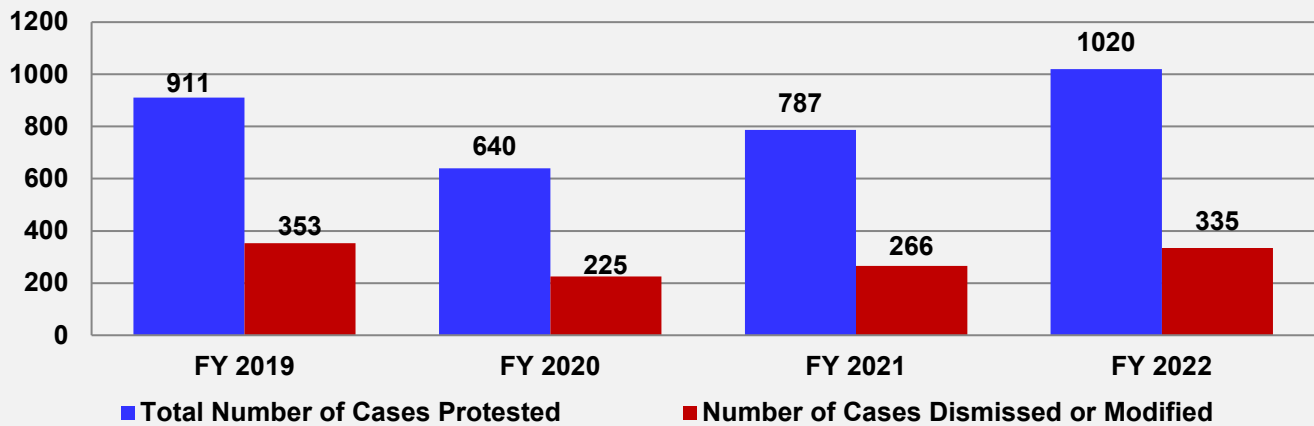
Figures 1 through 5 illustrate a summary of the Board hearings for this fiscal year as well as comparisons to the previous three.

**Figure 1 - FY 2021/22 Percentage of Cases Dismissed or Modified**

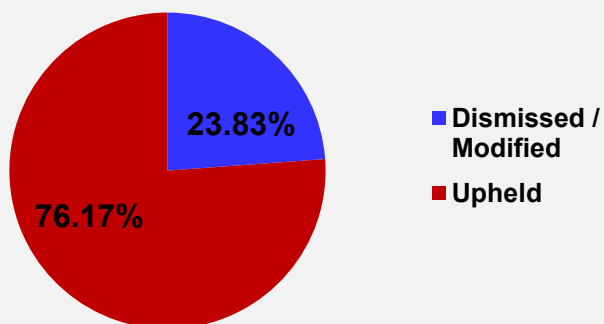


| Number of Cases Granted Relief | Total Number of Cases Protested |
|--------------------------------|---------------------------------|
| 335                            | 1020                            |

*Note: 117 cases were dismissed, and 218 cases were modified.*

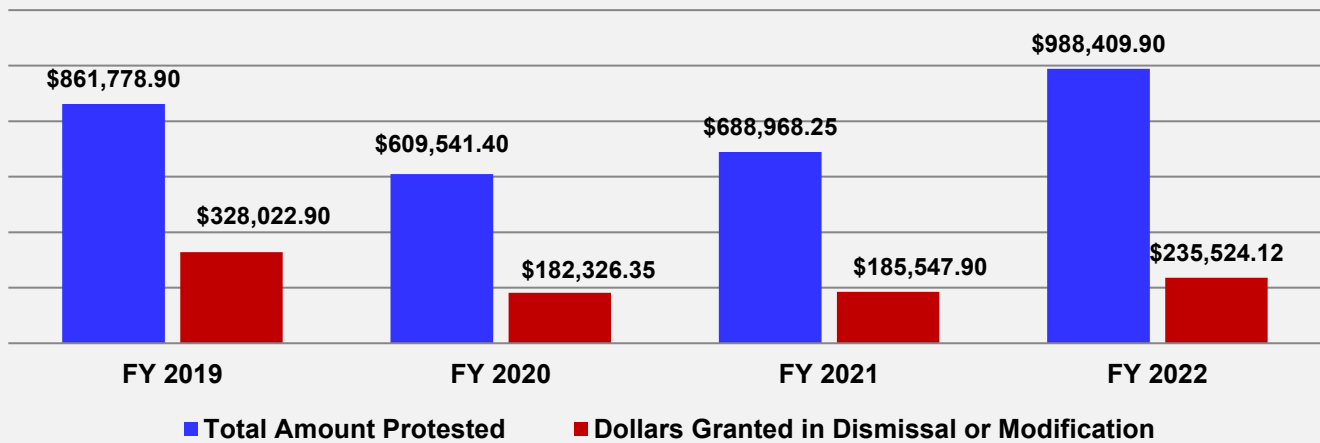
**Figure 2 - FY Comparison - Number of Cases Dismissed or Modified**

| Fiscal Year | Percentage of Cases Dismissed or Modified | Percentage of Upheld Cases |
|-------------|-------------------------------------------|----------------------------|
| 2019        | 38.75%                                    | 61.25%                     |
| 2020        | 35.16%                                    | 64.84%                     |
| 2021        | 33.80%                                    | 66.20%                     |
| 2022        | 32.84%                                    | 67.16%                     |

**Figure 3 - Percentage of Dollars Granted in Dismissal / Modification**

| Dollars Granted in Dismissal / Modification | Total Amount of Protested Dollars |
|---------------------------------------------|-----------------------------------|
| \$235,524.12                                | \$988,409.90                      |

*Note: \$66,300.60 were dismissed and \$169,223.52 were modified.*

**Figure 4 - FY Comparison - Dollars Granted in Dismissal / Modification**

|      | Percentage of Dollars Granted in Dismissal / Modification |
|------|-----------------------------------------------------------|
| 2019 | 38.06%                                                    |
| 2020 | 29.91%                                                    |
| 2021 | 26.93%                                                    |
| 2022 | 23.83%                                                    |

Figure 5 summarizes the Board activities for all months in FY 2022.

### Figure 5 – FY 2022 Summary of Protested Citations

| Month/Yr     | Total # Citations | Total Amount of Fines |                     |                    | Total Amount Protested | # of Cases Dismissed/ Modified | Total Amount of Dismissals / Modifications |                    |                   | Total Amount of Dismissals/ Modifications |
|--------------|-------------------|-----------------------|---------------------|--------------------|------------------------|--------------------------------|--------------------------------------------|--------------------|-------------------|-------------------------------------------|
|              |                   | weight                | safety              | fuel               |                        |                                | weight                                     | safety             | fuel              |                                           |
| Jul-21       | 102               | \$59,117.45           | \$27,050.00         | \$3,930.00         | <b>\$90,097.45</b>     | 28                             | \$24,107.45                                | \$6,250.00         | \$240.00          | <b>\$30,597.45</b>                        |
| Aug-21       | 87                | \$58,658.00           | \$28,500.00         | \$1,975.00         | <b>\$89,133.00</b>     | 40                             | \$27,228.00                                | \$4,335.00         | \$440.00          | <b>\$32,003.00</b>                        |
| Sep-21       | 72                | \$38,335.85           | \$17,140.00         | \$1,625.00         | <b>\$57,100.85</b>     | 26                             | \$10,615.35                                | \$6,350.00         | \$318.75          | <b>\$17,284.10</b>                        |
| Oct-21       | 60                | \$40,132.15           | \$21,190.00         | \$1,915.00         | <b>\$63,237.15</b>     | 18                             | \$10,558.55                                | \$14,400.00        | \$50.00           | <b>\$25,008.55</b>                        |
| Nov-21       | 59                | \$34,187.20           | \$33,950.00         | \$1,130.00         | <b>\$69,267.20</b>     | 18                             | \$5,069.25                                 | \$825.00           | \$185.00          | <b>\$6,079.25</b>                         |
| Dec-21       | 70                | \$41,830.00           | \$20,150.00         | \$1,685.00         | <b>\$63,665.00</b>     | 25                             | \$16,224.00                                | \$2,450.00         | \$230.00          | <b>\$18,904.00</b>                        |
| Jan-22       | 91                | \$60,753.80           | \$14,140.00         | \$3,275.00         | <b>\$78,168.80</b>     | 33                             | \$16,965.35                                | \$3,240.00         | \$545.00          | <b>\$20,750.35</b>                        |
| Feb-22       | 107               | \$72,098.90           | \$35,090.00         | \$2,120.00         | <b>\$109,308.90</b>    | 27                             | \$12,498.37                                | \$2,300.00         | \$30.00           | <b>\$14,828.37</b>                        |
| Mar-22       | 71                | \$39,387.20           | \$56,790.00         | \$1,810.00         | <b>\$97,987.20</b>     | 19                             | \$5,109.05                                 | \$6,800.00         | \$30.00           | <b>\$11,939.05</b>                        |
| Apr-22       | 85                | \$63,302.35           | \$14,850.00         | \$1,905.00         | <b>\$80,057.35</b>     | 31                             | \$17,116.50                                | \$3,275.00         | \$220.00          | <b>\$20,611.50</b>                        |
| May-22       | 103               | \$61,724.50           | \$21,300.00         | \$3,170.00         | <b>\$86,194.50</b>     | 40                             | \$18,641.05                                | \$2,050.00         | \$475.00          | <b>\$21,166.05</b>                        |
| Jun-22       | 113               | \$65,982.50           | \$34,250.00         | \$3,960.00         | <b>\$104,192.50</b>    | 30                             | \$11,267.45                                | \$4,850.00         | \$235.00          | <b>\$16,352.45</b>                        |
| <b>TOTAL</b> | <b>1020</b>       | <b>\$635,509.90</b>   | <b>\$324,400.00</b> | <b>\$28,500.00</b> | <b>\$988,409.90</b>    | <b>335</b>                     | <b>\$175,400.37</b>                        | <b>\$57,125.00</b> | <b>\$2,998.75</b> | <b>\$235,524.12</b>                       |

### Conclusion

During FY 2022, the Board reviewed 1,020 cases: of these; 335 were either dismissed or modified. The Board's monthly activities have seen an increase this fiscal year, reviewing on average 85 cases per month. It is expected that the Board will continue to see an increase in protested citations in future years as commercial traffic increases.