



Commercial Motor Vehicle Review Board (CMVRB)

Annual Report

July 1, 2022 to June 30, 2023
Fiscal Year (FY) 2023

Prepared by:

*Florida Department of Transportation
Commercial Vehicle Operations
605 Suwannee Street, MS 90
Tallahassee, Florida 32399-0450
(850) 410-5555*

Overview

Chapter 316, *Florida Statutes (FS)*, and Rule 14A, *Florida Administrative Code (FAC)*, provide for an appeal process for commercial carriers who have received citations¹. 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) 2023 members were:

- Chairman of the Board, Secretary Jared Purdue (represented by Jeffery Frost),
- Executive Director Terry Rhodes (July 2022-December 2022);
Dave Kerner (January 2023-June 2023) (represented by Tod Browning),
- Commissioner Nicole Fried (July 2022-December 2022);
Wilton Simpson (January 2023-July 2023) (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*.

¹ 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.

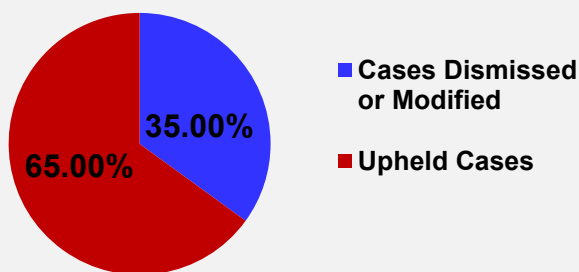
In each case, after the conclusion of both presentations and all inquiries by the Board Members, the Board renders a decision regarding the penalties imposed. Written confirmation of that decision is sent to the protesting parties within thirty (30) days. Pursuant to Rule 14A-1.004(7), *FAC*, the Board's 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 2023

The Florida Highway Patrol, Office of Commercial Vehicle Enforcement, and FDOT, Office of Maintenance Motor Carrier Size and Weight, issued 64,494 citations during FY 2023. This fiscal year 1,083 protests were received and met the criteria to be heard before the Board, which is a 6.18% 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.

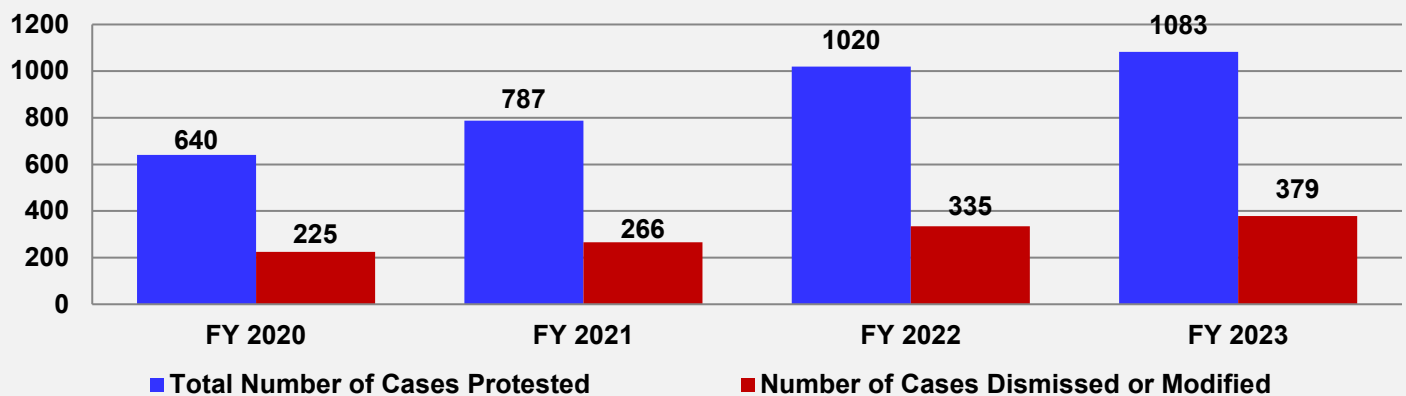
Figure 1 - FY 2022/23 Percentage of Cases Dismissed or Modified



Number of Cases Granted Relief	Total Number of Cases Protested
379	1083

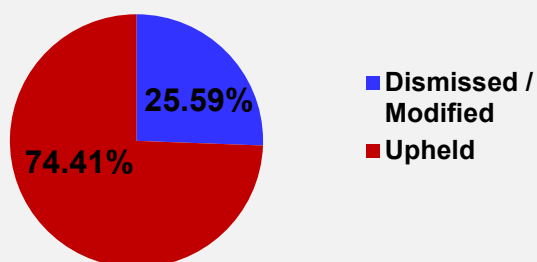
Note: 181 cases were dismissed, and 198 cases were modified.

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



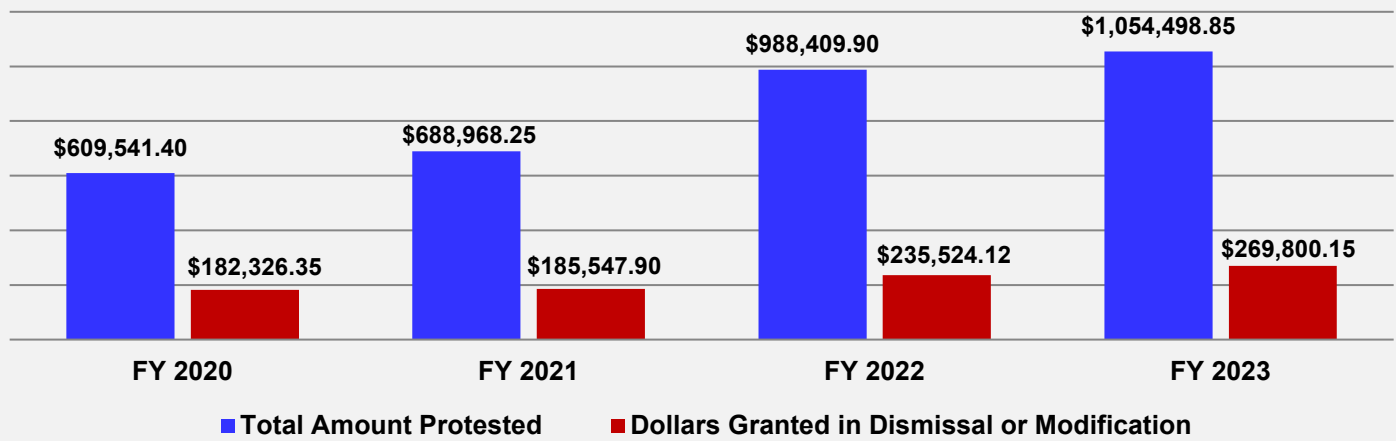
Fiscal Year	Percentage of Cases Dismissed or Modified	Percentage of Upheld Cases
2020	35.16%	64.84%
2021	33.80%	66.20%
2022	32.84%	67.16%
2023	35.00%	65.00%

Figure 3 - Percentage of Dollars Granted in Dismissal / Modification



Dollars Granted in Dismissal / Modification	Total Amount of Protested Dollars
\$269,800.15	\$1,054,498.85

Note: \$129,154.70 were dismissed and \$140,645.45 were modified.

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

	Percentage of Dollars Granted in Dismissal / Modification
2020	29.91%
2021	26.93%
2022	23.83%
2023	25.59%

Figure 5 summarizes the Board activities for all months in FY 2023.

Figure 5 – FY 2023 Summary of Protested Citations

Month/Yr	Total # Citations	Total Amount of Fines			Total Amount Protested	# of Cases Granted Relief	Total Amount of Refunds			Total Amount of Refunds
		weight	safety	fuel			weight	safety	fuel	
Jul-22	103	\$79,954.70	\$29,650.00	\$3,850.00	\$113,454.70	29	\$15,923.00	\$2,650.00	\$125.00	\$18,698.00
Aug-22	81	\$60,300.55	\$14,200.00	\$1,750.00	\$76,250.55	25	\$13,548.30	\$1,000.00	\$0.00	\$14,548.30
Sep-22	77	\$52,746.90	\$35,400.00	\$1,465.00	\$89,611.90	24	\$10,526.55	\$13,500.00	\$155.00	\$24,181.55
Oct-22	79	\$47,461.55	\$19,200.00	\$2,410.00	\$69,071.55	27	\$16,156.80	\$3,775.00	\$345.00	\$20,276.80
Nov-22	114	\$69,473.15	\$45,350.00	\$2,005.00	\$116,828.15	36	\$17,476.70	\$10,400.00	\$185.00	\$28,061.70
Dec-22	57	\$35,673.25	\$11,300.00	\$810.00	\$47,783.25	26	\$14,739.40	\$4,750.00	\$155.00	\$19,644.40
Jan-23	68	\$46,049.20	\$17,650.00	\$1,435.00	\$65,134.20	19	\$12,202.05	\$3,750.00	\$220.00	\$16,172.05
Feb-23	69	\$46,239.45	\$24,350.00	\$970.00	\$71,559.45	26	\$11,284.25	\$7,100.00	\$95.00	\$18,479.25
Mar-23	74	\$51,668.00	\$15,900.00	\$1,620.00	\$69,188.00	31	\$14,944.50	\$1,050.00	\$0.00	\$15,994.50
Apr-23	104	\$50,553.20	\$26,050.00	\$1,090.00	\$77,693.20	36	\$12,755.20	\$4,275.00	\$60.00	\$17,090.20
May-23	154	\$85,758.80	\$51,700.00	\$5,885.00	\$143,343.80	64	\$24,424.05	\$12,300.00	\$1,760.00	\$38,484.05
Jun-23	103	\$70,825.10	\$40,800.00	\$2,955.00	\$114,580.10	36	\$15,919.35	\$21,575.00	\$675.00	\$38,169.35
TOTAL	1083	\$696,703.85	\$331,550.00	\$26,245.00	\$1,054,498.85	379	\$179,900.15	\$86,125.00	\$3,775.00	\$269,800.15

Conclusion

During FY 2023, the Board reviewed 1,083 cases: of these; 379 were either dismissed or modified. The Board's monthly activities have seen an increase this fiscal year, reviewing on average 90 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.