



Commercial Motor Vehicle Review Board (CMVRB)

Annual Report

July 1, 2019 to June 30, 2020
Fiscal Year (FY) 2020

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 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) 2020 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 Keith Klopfer (July 2019-February 2020), Alan Walker (March 2020-June 2020)),
- Member from the agriculture industry, Philip McMillan (July 2019-September 2019),
- Member from the road construction industry, Wayne Veitch (July 2019-September 2019),
- Member from the trucking industry, Jared Fritts (July 2019-September 2019), and
- Member with a general business or legal background, John McTyre (July 2019-September 2019), Scott Reagan (February 2020-June 2020)

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. Only penalties that have been paid will be considered by the Board. 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.

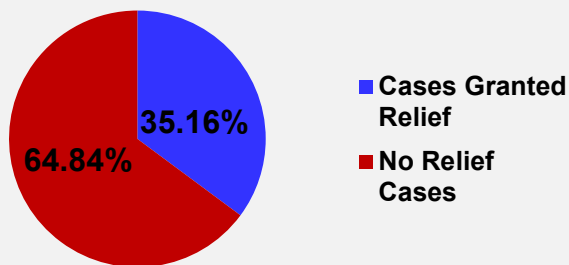
In each case, after the conclusion of both presentations and all inquiries by the Board Members, the Board renders a decision regarding the penalties imposed. Written confirmation of that decision is sent to the protesting parties within thirty (30) days. Pursuant to Rule 14A-1.004(7), *FAC*, the Board’s 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 2020

The Florida Highway Patrol, Office of Commercial Vehicle Enforcement, and FDOT, Office of Maintenance Motor Carrier Size and Weight, issued 59,342 citations during FY 2020. This fiscal year 640 protests were received and met the criteria to be heard before the Board, which is a 7% decrease in the number of cases heard by the CMVRB in 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.

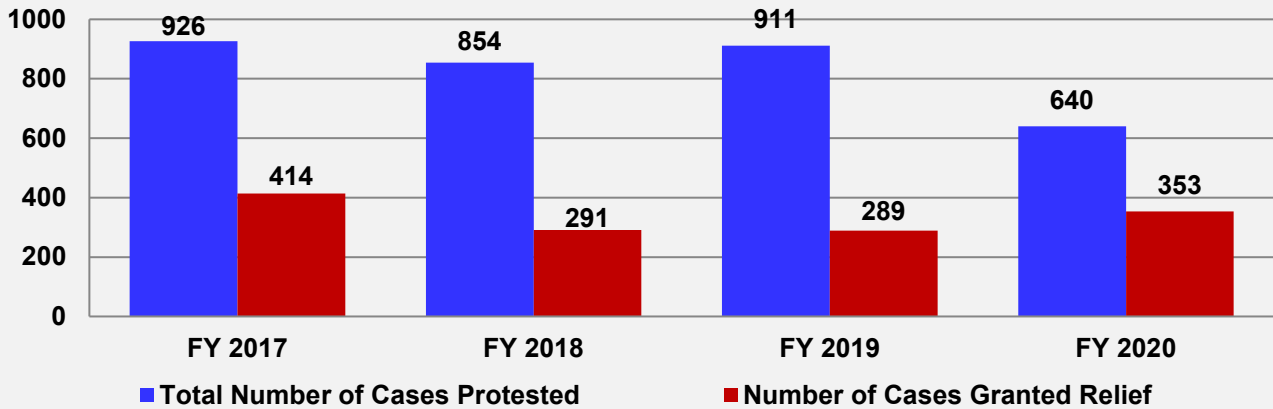
Figure 1 - FY 2019/20 Percentage of Cases Granted Relief



| Number of Cases Granted Relief | Total Number of Cases Protested |
|--------------------------------|---------------------------------|
| 225 | 640 |

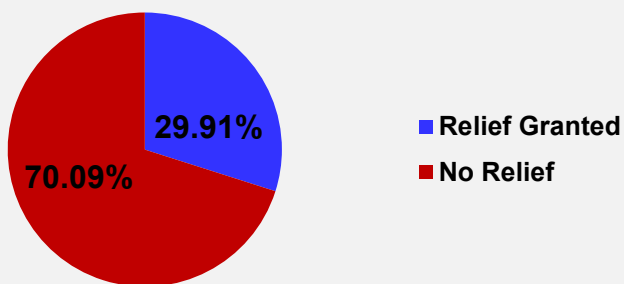
Note: 92 cases were granted full relief and 123 cases were issued partial relief.

Figure 2 - FY Comparison - Number of Cases Granted Relief



| Fiscal Year | Percentage of Cases Granted Relief | Percentage of No Relief Cases |
|-------------|------------------------------------|-------------------------------|
| 2017 | 31.43% | 68.57% |
| 2018 | 33.84% | 66.16% |
| 2019 | 38.75% | 61.25% |
| 2020 | 35.16% | 64.84% |

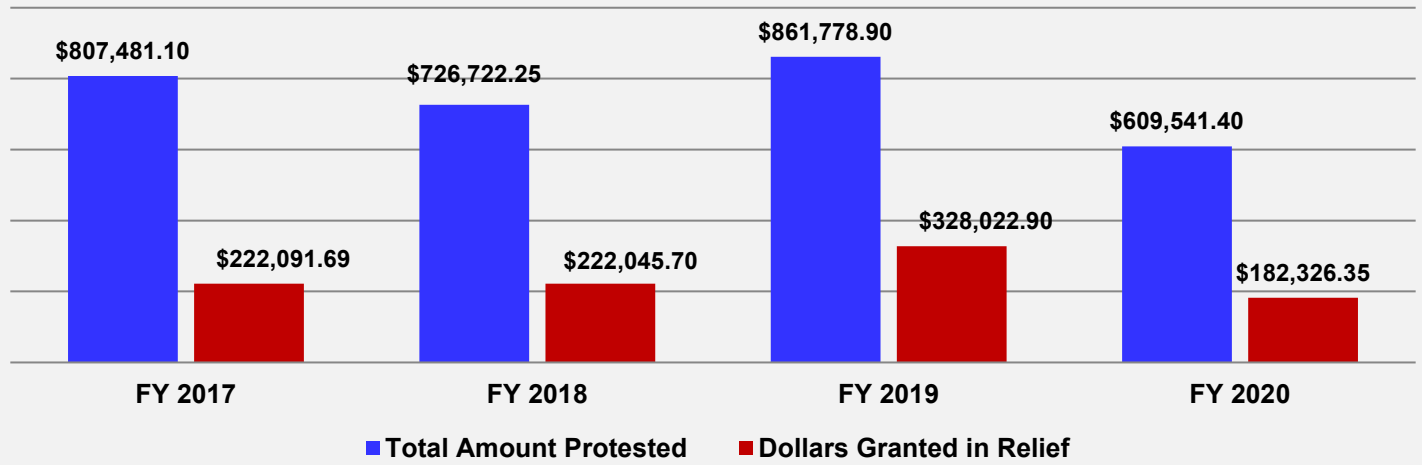
Figure 3 - Percentage of Dollars Granted in Relief



| Dollars Granted in Relief | Total Amount of Protested Dollars |
|---------------------------|-----------------------------------|
| \$182,326.35 | \$609,541.40 |

Note: \$55,514.40 was given in full relief and \$126,811.95 in partial relief.

Figure 4 - FY Comparison - Dollars Granted in Relief



| | Percentage of Dollars Granted in Relief |
|------|---|
| 2017 | 27.50% |
| 2018 | 30.55% |
| 2019 | 38.06% |
| 2020 | 29.91% |

Figure 5 summarizes the Board activities for all months in FY 2020.

Figure 5 – FY 2020 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-19 | 70 | \$29,943.80 | \$21,850.00 | \$1,030.00 | \$52,823.80 | 21 | \$11,500.00 | \$2,900.00 | \$155.00 | \$14,555.00 |
| Aug-19 | 73 | \$39,044.35 | \$22,250.00 | \$1,315.00 | \$62,609.35 | 31 | \$12,307.55 | \$8,675.00 | \$155.00 | \$21,137.55 |
| Sep-19 | 69 | \$38,823.15 | \$24,490.00 | \$1,505.00 | \$64,818.15 | 29 | \$14,216.75 | \$7,275.00 | \$410.00 | \$21,901.75 |
| Oct-19 | Cancelled | | | | | | | | | |
| Nov-19 | | | | | | | | | | |
| Dec-19 | | | | | | | | | | |
| Jan-20 | | | | | | | | | | |
| Feb-20 | | | | | | | | | | |
| Mar-20 | 131 | \$79,595.75 | \$43,740.00 | \$1,875.00 | \$125,210.75 | 47 | \$16,911.10 | \$17,850.00 | \$95.00 | \$34,856.10 |
| Apr-20 | 63 | \$45,931.35 | \$16,440.00 | \$950.00 | \$63,321.35 | 20 | \$14,653.90 | \$2,862.50 | \$0.00 | \$17,516.40 |
| May-20 | 45 | \$26,273.80 | \$12,050.00 | \$1,315.00 | \$39,638.80 | 9 | \$3,414.30 | \$2,750.00 | \$30.00 | \$6,194.30 |
| Jun-20 | 40 | \$17,616.15 | \$16,550.00 | \$1,450.00 | \$35,616.15 | 9 | \$6,549.05 | \$850.00 | \$345.00 | \$7,744.05 |
| TOTAL | 640 | \$362,841.40 | \$235,010.00 | \$11,690.00 | \$609,541.40 | 225 | \$110,563.85 | \$70,337.50 | \$1,425.00 | \$182,326.35 |

Conclusion

During FY 2020, the Board reviewed 640 cases: of these, 225 were awarded either full or partial relief. The Board's monthly activities have seen a decrease this fiscal year, reviewing on average 53 cases per month. It is expected that the Board will see an increase in protested citations in future years as commercial traffic increases.