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APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
FEB 10 2015 KH/WP

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MEMORANDUM

TO: Mayor Teresa Jacobs
and
Board of County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Peter Lichtman, Assistant County Attorney *PL*

DATE: January 21, 2015

SUBJECT: **Consent Agenda Item for the Board Meeting on February 10, 2015**
Proposed Revised Administrative Regulation 2.12.04, titled "County Motor Vehicle Operations"

Attached for your review is a proposed revision to Administrative Regulation 2.12.04.

I. EXPLANATION & SUMMARY OF PROPOSED REGULATION:

At the request of the Orange County Administrator's Office, the attached regulation was reviewed in depth and revisions were made to ensure that the regulation is consistent with current practices and procedures.

It is my intent to place the proposal on the February 10, 2015. Consent Agenda for approval by the Board of County Commissioners. Please advise me of any questions, comments, or modifications you may wish to make prior to that meeting.

II ACTION REQUESTED:

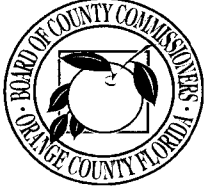
Approval of proposed revision to Administrative Regulation 2.12.04, titled
"County Motor Vehicle Operations"

AMC
Attachment

cc: Ajit Lalchandani, County Administrator
Eric Gassman, Chief Accountability Officer

PROPOSED REVISIONS TO ADMIN REG.

05/15/14

 <p style="font-weight: bold; margin: 0;">ORANGE COUNTY ADMINISTRATIVE REGULATIONS</p>	No.: 2.12.04
	Date: 02/16/87
	Approved By: BCC Revised: 6/27/06; 07/29/08; 08/04/09
Title: COUNTY MOTOR VEHICLE OPERATIONS	Page 1 of 5

I. POLICY

- A. It is the policy of the Orange County Board of Commissioners (BCC) that every effort will be made to prevent employee involvement in motor vehicle accidents. All Employees and personnel (hereafter "employee" or "employees") shall comply with all safety laws and regulations which apply to motor vehicles in the State of Florida, with local ordinances within the State, and with the Orange County Safety and Health Manual, and. ~~All personnel shall comply with this policy Administrative Regulation. An Employees shall report to his/her supervisor all any traffic citations incurred while operating County vehicles and equipment, to his/her supervisor. An Employees who violates motor vehicle safety laws and regulations or this Administrative Regulation are shall be subject to disciplinary action up to and including and possible termination.~~
- B. Any ~~person~~ employee who possesses a mental or physical disability affecting the ability to safely operate a motor vehicle shall be prohibited from driving while on County business, in accordance with Section 322.126, Florida Statutes.
- C. The Self Insurance Program covers County employees while driving a County vehicle only within the scope of their employment with the County. An employee ~~Vehicle operators~~ who receives a citations for any violation of Florida Statute, and/or local ordinances within the State, while operating a County vehicle shall be personally responsible for payment of incurred fines and court costs.
- D. No employee will operate a County vehicle without a valid Florida Driver's License; provided, however, that no employee with a Florida Drivers License containing a Florida Driver's License Restriction C (business purposes) or D (employment purposes) may operate a County vehicle.
- E. Personal use of a County vehicle is not permitted.
- F. Use of personal vehicles for County business shall be governed by Administrative Regulations 2.12.03 and 2.12.08.



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- G. ~~Employees shall pay all red light camera citations directly to the agency, authority or governing body issuing the citation. Employees shall provide proof of payment or proof of challenge (appeal) to the citation. Should such citation not be paid upon ninety (90) days, the amount of the citation, including interest and penalties, may be deducted from the next available pay check for that employee.~~

Under Section 316.0083, Florida Statutes, counties and municipalities have the right to issue notices of violation and traffic citations to the registered owners of vehicles for running a red light. In the event the County is cited because a County-owned vehicle ran a red light, the employee who had custody of the vehicle at the time of the red light violation, or other person authorized in law who has personal knowledge of the matter, shall file a timely Affidavit Acknowledging Responsibility, thereby transferring responsibility for the notice of violation and any subsequent traffic citation to the employee who had custody of the vehicle at the time of the red light violation.

If the employee who had custody of the vehicle at the time of the red light violation fails to execute an Affidavit Acknowledging Responsibility or fails to pay the fine and related costs within the designated time frame, Orange County shall pay the fine and any related costs within twenty-eight (28) calendar days of the issuance of the notice or the deadline specified in the notice, whichever is earlier. If, after a predetermination hearing, a finding is made that the employee is responsible, the entire amount paid shall be deducted from the employee's pay and the employee shall be subject to disciplinary action up to and including termination.

Due to the serious nature of red light running offenses, the employee shall receive no less than a written reprimand for the first offense where the employee is found to be in violation of a red light ordinance. However, extenuating circumstances may increase the disciplinary action, up to and including termination. ~~Regardless,~~ ~~the~~ employee shall be referred to the Risk Management Division for vehicle safety training.

Additional red light camera infractions shall result in further disciplinary actions up to and including termination.

II. PROCEDURES

- A. A Division Managers shall:

1. Ensure that an annual driver's license survey is completed on all drivers under ~~their~~ his/her supervision who drive a County vehicle or who may



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drive his/her personal vehicle for County business.

2. Ensure that all supervisors of within his/her division are made aware of the contents of this Administrative Regulation.
3. Notify the Risk Management Division immediately upon receiving notice that the status of the driver's license of an employee under their his/her supervision who drives a County vehicle has had a changed in the status of their driver's license. ~~F~~(for example, upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).

B. A Supervisors shall:

1. Conduct a driver's license survey at least annually on all drivers under their his/her supervision who drives a County vehicle or who may drive his/her personal vehicle for County business.
2. Ensure that all vehicle operators under his/her supervision who operate a County vehicles owned or furnished by the BCC are made aware of the contents of this Regulation.
3. Advise and assist all County drivers of County vehicles under his/her supervision in the to promptly correction notify the Fleet Management Division of vehicle deficiencies which are to that need be corrected by the Fleet Management Division.
4. Notify the Division Manager immediately upon receiving notice that the status of a driver's license of an employee under their his/her supervision who drives a County vehicle has had a changed in the status of their driver's license. ~~F~~(for example, upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).

C. An ~~E~~employees who operates a County vehicles owned or furnished by the Orange County BCC shall:

1. Maintain a valid, appropriately classed Florida Driver's License without any restrictions that will may adversely impact affect the performance of his/her job duties or responsibilities, and shall specifically notify his/her supervisor if a Florida Driver's License Restriction C (business purposes) or D (employment purposes) is imposed on his/her license.
2. Notify his/her ~~Division Manager and/or s~~Supervisor immediately upon any



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- change in the status of ~~their~~ his/her drivers' license. ~~F~~(for ~~E~~example: upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).
3. Inspect ~~their~~ his/her assigned vehicles prior to operating ~~ionit~~. Inspection will include, but not be limited to, these safety items:
 - a. Foot brakes
 - b. Emergency brakes
 - c. Lights
 - d. Turn signals
 - e. Windshield wipers/washers
 - f. Tire condition and pressure
 - g. Mirror and glass
 - h. Exhaust system
 - i. Oil level
 - j. Automatic transmission fluid level (if applicable)
 - k. Brake fluid level
 - l. Radiator fluid level
 - m. Windshield fluid level
 4. Report any deficiencies discovered through the operation of the County vehicle operator's inspection, which are beyond ~~their~~ his/her capability to correct, to ~~their~~ his/her immediate supervisor. No vehicle should be operated with a known safety deficiency.
 5. Not operate a motor vehicle unless the employee and all passengers are restrained by a safety belt.
 6. Not temporarily install, nor allow to be temporarily installed, ~~in any County vehicle, any additional electronic equipment such as stereo tape decks and/or speakers.~~ Additional equipment of this type is not allowed in County vehicles unless it is permanently installed by the vehicle manufacturer or by the County.
 7. Not operate a motor vehicle while consuming alcoholic beverages or controlled substances or while under the influence of same.
 8. Not smoke in any County ~~owned~~ vehicle.
 9. ~~Attend~~ Complete the Driver Education Training Course, as required by Administrative Regulation 2.12.03.



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10. Refrain from using any cellular phones, Nextel-direct connect or radios, unless a hands-free device is in use.
11. Refrain from eating or drinking while driving a County vehicle.

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Safety and Health Manual; Administrative Regulation 2.12.03; Administrative Regulation 2.12.08

3. Upon completion, put into practice all the fundamentals of the Driver Training Education Course.

4. Immediately upon any change in the status of his/her driver's license, such as upgrading from operator to , CDL, cancellation, any restrictions, revocation or suspension, notify his/her Division Manager .

FOR MORE INFORMATION CONTACT: Risk Management Division

REFERENCE: Interlocal Risk Management and Self Insurance Agreement and Safety and Health Manual

APPROVED: 2/16/87

REVISED: 6/27/06

2.12.04 COUNTY MOTOR VEHICLE OPERATIONS

I. POLICY

A. It is the policy of the Orange County Board of Commissioners (BCC) that every effort will be made to prevent employee involvement in motor vehicle accidents. All employees and personnel (hereafter "employee" or "employees") shall comply with all safety laws and regulations which apply to motor vehicles in the State of Florida, with local ordinances within the State, with the Orange County Safety and Health Manual, and with this Administrative Regulation. An employee shall report to his/her supervisor any traffic citations incurred while operating County vehicles and equipment. An employee who violates motor vehicle safety laws and regulations or this Administrative Regulation shall be subject to disciplinary action up to and including termination.

B. Any employee who possesses a mental or physical disability affecting the ability to safely operate a motor vehicle shall be prohibited from driving while on County business, in accordance with Section 322.126, Florida Statutes.

C. The Self Insurance Program covers County employees while driving a County vehicle only within the scope of their employment with the County. An employee who receives a citation for any violation of Florida Statute, and/or local ordinances within the State, while operating a County vehicle shall be personally responsible for payment of incurred fines and court costs.

D. No employee will operate a County vehicle

without a valid Florida Driver's License; provided, however, that no employee with a Florida Drivers License containing a Florida Driver's License Restriction C (business purposes) or D (employment purposes) may operate a County vehicle.

E. Personal use of a County vehicle is not permitted.

F. Use of personal vehicles for County business shall be governed by Administrative Regulations 2.12.03 and 2.12.08.

G. Under Section 316.0083, Florida Statutes, counties and municipalities have the right to issue notices of violation and traffic citations to the registered owners of vehicles for running a red light. In the event the County is cited because a County-owned vehicle ran a red light, the employee who had custody of the vehicle at the time of the red light violation, or other person authorized in law who has personal knowledge of the matter, shall file a timely Affidavit Acknowledging Responsibility, thereby transferring responsibility for the notice of violation and any subsequent traffic citation to the employee who had custody of the vehicle at the time of the red light violation.

If the employee who had custody of the vehicle at the time of the red light violation fails to execute an Affidavit Acknowledging Responsibility or fails to pay the fine and related costs within the designated time frame, Orange County shall pay the fine and any related costs within twenty-eight (28) calendar days of the issuance of the notice or the deadline specified in the notice, whichever is earlier. If, after a predetermination hearing, a finding is made that the employee is responsible, the entire amount paid shall be deducted from the employee's pay and the employee shall be subject to disciplinary action up to and including termination.

Due to the serious nature of red light running offenses, the employee shall receive no less than a written reprimand for the first offense where the employee is found to be in violation of a red light ordinance. However, extenuating circumstances may increase the disciplinary action up to and including termination. Regardless, the employee shall be referred to the Risk Management Division for vehicle safety training.

Additional red light camera infractions shall

result in further disciplinary actions up to and including termination.

II. PROCEDURES

A. A Division Manager shall:

1. Ensure that an annual driver's license survey is completed on all drivers under his/her supervision who drive a County vehicle or who may drive his/her personal vehicle for County business.

2. Ensure that all supervisors within his/her division are made aware of this Administrative Regulation.

3. Notify the Risk Management Division immediately upon receiving notice that the status of the driver's license of an employee under his/her supervision who drives a County vehicle has changed (for example, upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).

B. A Supervisor shall:

1. Conduct a driver's license survey at least annually on all drivers under his/her supervision who drives a County vehicle or who may drive his/her personal vehicle for County business.

2. Ensure that all vehicle operators under his/her supervision who operate a County vehicle are made aware of this Regulation.

3. Advise and assist all drivers of County vehicles under his/her supervision to promptly notify the Fleet Management Division of vehicle deficiencies that need be corrected by the Fleet Management Division.

4. Notify the Division Manager immediately upon receiving notice that the status of a driver's license of an employee under his/her supervision who drives a County vehicle has changed (for example, upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).

C. An employee who operates a County vehicle shall:

1. Maintain a valid, appropriately classed Florida Driver's License without any restrictions that may adversely affect the performance of his/her job duties or responsibilities, and shall specifically notify his/her supervisor if a Florida Driver's License Restriction C (business purposes) or D (employment purposes) is imposed on his/her license.

2. Notify his/her Supervisor immediately upon any change in the status of his/her drivers' license (for example: upgrading from driver to CDL, cancellation, any new restrictions, temporary disability, revocation, or suspension).

3. Inspect his/her assigned vehicle prior to operating it. Inspection will include, but not be limited to, these safety items:

- a. Foot brakes
- b. Emergency brakes
- c. Lights
- d. Turn signals
- e. Windshield wipers/washers
- f. Tire condition and pressure
- g. Mirror and glass
- h. Exhaust system
- i. Oil level
- j. Automatic transmission fluid level (if applicable)
- k. Brake fluid level
 1. Radiator fluid level
- m. Windshield fluid level

4. Report any deficiencies discovered through the operation of the County vehicle, which are beyond his/her capability to correct, to his/her immediate supervisor. No vehicle should be operated with a known safety deficiency.

5. Not operate a motor vehicle unless the employee and all passengers are restrained by a safety belt.

6. Not temporarily install, nor allow to be temporarily installed, any additional electronic equipment. Additional equipment of this type is not allowed in County vehicles unless it is installed by the vehicle manufacturer or by the County.

7. Not operate a motor vehicle while consuming alcoholic beverages or controlled substances or while under the influence of same.

- 8. Not smoke in any County vehicle.
- 9. Complete the Driver Education Training Course, as required by Administrative Regulation 2.12.03.
- 10. Refrain from using any cellular phones, direct connect or radios, unless a hands-free device is in use.
- 11. Refrain from eating or drinking while driving a County vehicle.

FOR MORE INFORMATION CONTACT: Risk Management Division
REFERENCE: Safety and Health Manual; Administrative Regulation 2.12.03; Administrative Regulation 2.12.08
APPROVED: 2/16/87
REVISED: 6/27/06; 7/29/08; 08/04/09; 02/10/15

2.12.05 CITIZEN INJURY IN COUNTY BUILDINGS

I. POLICY

It is the policy of the Board of County Commissioners, Orange County, to provide a safe environment for citizens who visit buildings which are under the supervision of Orange County personnel.

II. PROCEDURES

- A. Division Managers will make personnel under their supervision aware of the contents of this policy.
- B. The Risk Management Division will ensure that the Third-Party Administrator and/or Risk Management Division thoroughly investigates all incidents of citizen injury in the County's buildings as soon as possible after their occurrence.
- C. The Manager, Facilities Management Division, will ensure that his janitorial personnel are made aware of the contents of this policy and of their responsibility toward good housekeeping throughout all County buildings.
- D. Serious Injury or Condition: In the event the citizen experiences a stroke, seizure or similar condition, the County would not be responsible for

medical expenses. However, the emergency number 911 should be called for prompt medical attention.

E. Non-Serious Injury: If the citizen sustains an injury from a slip, trip, fall or similar situation, the County would not be responsible for medical expenses unless negligence on the County's part is proven by the injured party.

F. Any County employee who witnesses, or has knowledge of a citizen injury will, if the condition is of a serious nature, call the emergency number 911 and also notify Risk Management immediately after the occurrence of such an injury.

G. If the injury is of a non-serious nature, Risk Management will be called immediately to expedite the investigation of the incident.

H. The County Department witnessing the citizen injury will report the incident to the Third-Party Administrator within twenty-four (24) hours.

I. Orange County employees who witness the citizen injury, or assist the injured citizen in any way after the injury, should not admit County responsibility relative to the injury to either the injured party or to anyone else assisting or attending the injured party.

J. If applicable, the Risk Management Division and the Third-Party Administrator will coordinate to determine the payment of medical expenses.

FOR MORE INFORMATION CONTACT: Risk Management Division
REFERENCE: Interlocal Risk Management and Self Insurance Agreement and Safety and Health Manual
APPROVED: 2/16/87
REVISED: 6/27/06

2.12.07 PERSONAL PROPERTY INSURANCE COVERAGE

I. POLICY

It is the policy of the participating agencies and Elected Officials to provide property insurance for buildings, business personal property and personal property of others in their care, custody or control. Coverage will be provided in accordance with Interlocal Risk Management and Self-Insuring