

1 A bill to be entitled
 2 An act relating to the Commercial Motor Vehicle Review
 3 Board; amending s. 316.545, F.S.; providing for an
 4 appeal to the board for an excess weight citation
 5 under certain circumstances; providing for citation
 6 revocation by the board; revising the membership of
 7 the board; providing for appointment of additional
 8 members by the Governor and the Commissioner of
 9 Agriculture; providing for terms of the additional
 10 members; providing qualifications for such members;
 11 providing for removal of members by the Governor under
 12 certain circumstances; providing for action by a
 13 quorum of the board; requiring that the additional
 14 appointments be made by a specified date; providing
 15 effective dates.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Paragraph (a) of subsection (2) of section
 20 316.545, Florida Statutes, is amended to read:

21 316.545 Weight and load unlawful; special fuel and motor
 22 fuel tax enforcement; inspection; penalty; review.—

23 (2) (a) Whenever an officer of the Florida Highway Patrol
 24 or weight inspector of the Department of Transportation, upon
 25 weighing a vehicle or combination of vehicles with load,
 26 determines that the axle weight or gross weight is unlawful, the

27 | officer may require the driver to stop the vehicle in a suitable
28 | place and remain standing until a determination can be made as
29 | to the amount of weight thereon and, if overloaded, the amount
30 | of penalty to be assessed as provided herein. However, any gross
31 | weight over and beyond 6,000 pounds beyond the maximum herein
32 | set shall be unloaded and all material so unloaded shall be
33 | cared for by the owner or operator of the vehicle at the risk of
34 | such owner or operator. Except as otherwise provided in this
35 | chapter, to facilitate compliance with and enforcement of the
36 | weight limits established in s. 316.535, weight tables published
37 | pursuant to s. 316.535(7) shall include a 10-percent scale
38 | tolerance and shall thereby reflect the maximum scaled weights
39 | allowed any vehicle or combination of vehicles. As used in this
40 | section, scale tolerance means the allowable deviation from
41 | legal weights established in s. 316.535. Notwithstanding any
42 | other provision of the weight law, if a vehicle or combination
43 | of vehicles does not exceed the gross, external bridge, or
44 | internal bridge weight limits imposed in s. 316.535 and the
45 | driver of such vehicle or combination of vehicles can comply
46 | with the requirements of this chapter by shifting or equalizing
47 | the load on all wheels or axles and does so when requested by
48 | the proper authority, the driver shall not be held to be
49 | operating in violation of said weight limits. When a driver is
50 | issued a citation for exceeding weight limits established in s.
51 | 316.535 determined by means of portable scales, the driver may
52 | proceed to the next weigh station or public scales for

53 verification of weight. If the vehicle is found to be in
54 compliance with the weight requirements of this chapter at the
55 fixed scale, the driver may submit by United States mail both
56 the portable scale citation and certified scale ticket to the
57 Commercial Motor Vehicle Review Board for revocation of the
58 citation.

59 Section 2. Effective October 1, 2015, subsection (7) of
60 section 316.545, Florida Statutes, is amended to read:

61 316.545 Weight and load unlawful; special fuel and motor
62 fuel tax enforcement; inspection; penalty; review.—

63 (7) There is created within the Department of
64 Transportation the Commercial Motor Vehicle Review Board,
65 consisting of three permanent members who shall be the Secretary
66 of ~~the Department of~~ Transportation, the executive director of
67 the Department of Highway Safety and Motor Vehicles, and the
68 Commissioner of Agriculture, or their authorized
69 representatives, and four additional members appointed pursuant
70 to paragraph (b), which may review any penalty imposed upon any
71 vehicle or person under the provisions of this chapter relating
72 to weights imposed on the highways by the axles and wheels of
73 motor vehicles, to special fuel and motor fuel tax compliance,
74 or to violations of safety regulations.

75 (a) The Secretary of ~~the Department of~~ Transportation or
76 his or her authorized representative shall be the chair of the
77 review board.

78 (b) The Governor shall appoint one member from the road

79 construction industry, one member from the trucking industry,
80 and one member with a general business or legal background. The
81 Commissioner of Agriculture shall appoint one member from the
82 agriculture industry. Each member appointed under this paragraph
83 must be a registered voter and citizen of the state and must
84 possess business experience in the private sector. Members
85 appointed pursuant to this paragraph shall each serve a 2-year
86 term. A vacancy occurring during the term of a member appointed
87 under this paragraph shall be filled only for the remainder of
88 the unexpired term. Members of the board appointed under this
89 paragraph may be removed from office by the Governor for
90 misconduct, malfeasance, misfeasance, or nonfeasance in office
91 ~~Each permanent member of the review board may designate one~~
92 ~~additional person to be a member of the review board.~~

93 (c) Each member, before entering upon his or her official
94 duties, shall take and subscribe to an oath before an official
95 authorized by law to administer oaths that he or she will
96 honestly, faithfully, and impartially perform the duties
97 devolving upon him or her in office as a member of the review
98 board and that he or she will not neglect any duties imposed
99 upon him or her by s. 316.3025, s. 316.550, or this section ~~The~~
100 ~~review board may execute its responsibilities by meeting as a~~
101 ~~single group or as subgroups consisting of one authorized~~
102 ~~representative of each permanent member.~~

103 (d) The chair of the review board is responsible for the
104 administrative functions of the review board.

105 (e) Four members of the board shall constitute a quorum,
106 and the vote of four members shall be necessary for any action
107 taken by the board. A vacancy on the board shall not impair the
108 right of a quorum of the board to exercise all of the rights and
109 perform all of the duties of the board.

110 (f)~~(e)~~ The review board may hold sessions and conduct
111 proceedings at any place within the state.

112 Section 3. The appointment of additional members to the
113 Commercial Motor Vehicle Review Board in accordance with the
114 changes made by this act to s. 316.545, Florida Statutes, shall
115 be made by September 1, 2015, for terms beginning October 1,
116 2015.

117 Section 4. Except as otherwise expressly provided in this
118 act, this act shall take effect July 1, 2015.