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LEGISLATIVE ACTION

Senate

House

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04/27/2009 03:48 PM

Senator Baker moved the following:

Senate Amendment

Delete lines 354 - 416
and insert:

Section 6. Subsection (5) of section 316.535, Florida
Statutes, is amended to read:

316.535 Maximum weights.—

(5) With respect to those highways not in the Interstate
Highway System, in all cases in which it exceeds state law in
effect on January 4, 1975, the overall gross weight on the
vehicle or combination of vehicles, ~~including all enforcement
tolerances,~~ shall be as determined by the following formula:



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$$W = 500((LN \div (N-1)) + 12N + 36)$$

where W = overall gross weight of the vehicle to the nearest 500 pounds; L = distance in feet between the extreme of the external axles; and N = number of axles on the vehicle. However, such overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds ~~including all enforcement tolerances~~. The scale tolerance provided in s. 316.545(2) shall be applicable to all weight limitations of this subsection, except when a vehicle exceeds the posted weight limit on a road or bridge. The scale tolerance provided in s. 316.545(2) shall not apply to cranes. Fines for violations of the total gross weight limitations provided for in this subsection shall be based on the amount by which the actual weight of the vehicle and load exceeds the allowable maximum weight determined under this subsection plus the scale tolerance provided in s. 316.545(2).

Section 7. Subsections (1) and (4) of section 339.2818, Florida Statutes, are amended to read:

339.2818 Small County Outreach Program.—

(1) There is created within the Department of Transportation the Small County Outreach Program. The purpose of this program is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads.

(4) (a) Small counties shall be eligible to compete for



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42 funds that have been designated for the Small County Outreach
43 Program for projects on county roads. The department shall fund
44 75 percent of the cost of projects on county roads funded under
45 the program.

46 (b) In determining a county's eligibility for assistance
47 under this program, the department may consider whether the
48 county has attempted to keep county roads in satisfactory
49 condition which may be evidenced through an established pavement
50 management plan.

51 (c) The following criteria shall be used to prioritize road
52 projects for funding under the program:

53 1. The primary criterion is the physical condition of the
54 road as measured by the department.

55 2. As secondary criteria the department may consider:

56 a. Whether a road is used as an evacuation route.

57 b. Whether a road has high levels of agricultural travel.

58 c. Whether a road is considered a major arterial route.

59 d. Whether a road is considered a feeder road.

60 e. Information as evidenced to the department through an
61 established pavement management plan.

62 ~~f.e.~~ Other criteria related to the impact of a project on
63 the public road system or on the state or local economy as
64 determined by the department.

65 Section 8. Subsections (2) and (3) of section 316.545,
66 Florida Statutes, are amended to read:

67 316.545 Weight and load unlawful; special fuel and motor
68 fuel tax enforcement; inspection; penalty; review.—

69 (2) (a) Whenever an officer, upon weighing a vehicle or
70 combination of vehicles with load, determines that the axle



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71 weight or gross weight is unlawful, the officer may require the
72 driver to stop the vehicle in a suitable place and remain
73 standing until a determination can be made as to the amount of
74 weight thereon and, if overloaded, the amount of penalty to be
75 assessed as provided herein. ~~However, any gross weight over and~~
76 ~~beyond 6,000 pounds beyond the maximum herein set shall be~~
77 ~~unloaded and all material so unloaded shall be cared for by the~~
78 ~~owner or operator of the vehicle at the risk of such owner or~~
79 ~~operator.~~ Except as otherwise provided in this chapter, to
80 facilitate compliance with and enforcement of the weight limits
81 established in s. 316.535, weight tables published pursuant to
82 s. 316.535(7) shall include a 10-percent scale tolerance and
83 shall thereby reflect the maximum scaled weights allowed any
84 vehicle or combination of vehicles. As used in this section,
85 scale tolerance means the allowable deviation from legal weights
86 established in s. 316.535. Notwithstanding any other provision
87 of the weight law, if a vehicle or combination of vehicles does
88 not exceed the gross, external bridge, or internal bridge weight
89 limits imposed in s. 316.535 and the driver of such vehicle or
90 combination of vehicles can comply with the requirements of this
91 chapter by shifting or equalizing the load on all wheels or
92 axles and does so when requested by the proper authority, the
93 driver shall not be held to be operating in violation of said
94 weight limits. Any vehicle or combination of vehicles which
95 exceed the gross, or external bridge weight limits imposed in
96 ss. 316.535(3), 316.535(4), or 316.535(5) over and beyond 6000
97 pounds shall be unloaded and all material so unloaded shall be
98 cared for by the owner or operator of the vehicle at the risk of
99 such owner or operator. Any vehicle or combination of vehicles



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100 which exceed the gross, or external bridge weight limits imposed
101 in s. 316.535(5) shall be unloaded and all material so unloaded
102 shall be cared for by the owner or operator of the vehicle at
103 risk of such owner or operator.