

By Senator Simpson

18-00964A-14

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1 A bill to be entitled
2 An act relating to the Commercial Motor Vehicle Review
3 Board; transferring the board from the Department of
4 Transportation to the Department of Agriculture and
5 Consumer Services; amending s. 316.545, F.S.; revising
6 membership of the board; requiring appointment of
7 additional members; providing qualifications for such
8 members; directing the Governor to make appointments
9 to the board by a certain date; providing effective
10 dates.

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

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14 Section 1. Effective October 1, 2014, the powers, duties,
15 functions, records, personnel, property, pending issues,
16 existing contracts, administrative authority, pending review
17 proceedings, administrative rules, and unexpended balances of
18 appropriations, allocations, and other funds of the Commercial
19 Motor Vehicle Review Board within the Department of
20 Transportation are transferred by a type two transfer as defined
21 in s. 20.06(2), Florida Statutes, to the Department of
22 Agriculture and Consumer Services.

23 Section 2. Effective October 1, 2014, subsection (7) of
24 section 316.545, Florida Statutes, is amended to read:

25 316.545 Weight and load unlawful; special fuel and motor
26 fuel tax enforcement; inspection; penalty; review.—

27 (7) There is created within the Department of Agriculture
28 and Consumer Services ~~Department of Transportation~~ the
29 Commercial Motor Vehicle Review Board, consisting of two ~~three~~

18-00964A-14

20141092__

30 permanent members who shall be the ~~Secretary of the Department~~
31 ~~of Transportation, the executive director of the Department of~~
32 ~~Highway Safety and Motor Vehicles, and the Commissioner of~~
33 Agriculture and the executive director of the Department of Law
34 Enforcement, or their authorized representatives, and three
35 members appointed by the Governor. The board ~~which~~ may review
36 any penalty imposed upon any vehicle or person under the
37 provisions of this chapter relating to weights imposed on the
38 highways by the axles and wheels of motor vehicles, to special
39 fuel and motor fuel tax compliance, or to violations of safety
40 regulations. The Department of Highway Safety and Motor Vehicles
41 and the Department of Transportation shall provide the board
42 with such assistance, information, and documents as requested by
43 the board to enable the board to fulfill its duties and
44 responsibilities.

45 (a) The Commissioner of Agriculture ~~Secretary of the~~
46 ~~Department of Transportation~~ or his or her authorized
47 representative shall be the chair of the review board.

48 (b) Members of the board appointed by the Governor shall
49 each serve a 4-year term. Each appointed member must be a
50 registered voter and a citizen of this state and must possess
51 business experience in the private sector. There must be one
52 appointed member each from the agriculture industry, the
53 trucking industry, and the road construction industry ~~Each~~
54 ~~permanent member of the review board may designate one~~
55 ~~additional person to be a member of the review board.~~

56 (c) Members of the board shall serve without compensation;
57 however, appointed members are entitled to per diem and travel
58 expenses pursuant to s. 112.061 ~~The review board may execute its~~

18-00964A-14

20141092__

59 ~~responsibilities by meeting as a single group or as subgroups~~
60 ~~consisting of one authorized representative of each permanent~~
61 ~~member.~~

62 (d) The chair of the review board is responsible for the
63 administrative functions of the review board.

64 (e) The review board may hold sessions and conduct
65 proceedings at any place within the state.

66 Section 3. The appointments by the Governor to the
67 Commercial Motor Vehicle Review Board, in accordance with the
68 changes made by this act to s. 316.545, Florida Statutes, shall
69 be made no later than September 1, 2014, for terms beginning on
70 October 1, 2014.

71 Section 4. Except as otherwise expressly provided in this
72 act, this act shall take effect July 1, 2014.