

By the Committee on Agriculture; and Senator Simpson

575-02731-14

20141092c1

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

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Effective October 1, 2014, subsection (7) of
17 section 316.545, Florida Statutes, is amended to read:

18 316.545 Weight and load unlawful; special fuel and motor
19 fuel tax enforcement; inspection; penalty; review.—

20 (7) There is created within the Department of
21 Transportation the Commercial Motor Vehicle Review Board,
22 consisting of three permanent members who shall be the Secretary
23 of the Department of Transportation, the executive director of
24 the Department of Highway Safety and Motor Vehicles, and the
25 Commissioner of Agriculture, or their authorized
26 representatives, and three additional members appointed pursuant
27 to paragraph (b), which may review any penalty imposed upon any
28 vehicle or person under the provisions of this chapter relating
29 to weights imposed on the highways by the axles and wheels of

575-02731-14

20141092c1

30 motor vehicles, to special fuel and motor fuel tax compliance,
31 or to violations of safety regulations.

32 (a) The Secretary of ~~the Department of~~ Transportation or
33 his or her authorized representative shall be the chair of the
34 review board.

35 (b) The Governor shall appoint a fourth member from the
36 road construction industry and a fifth member from the trucking
37 industry, and the Commissioner of Agriculture shall appoint a
38 sixth member from the agriculture industry. Each member
39 appointed under this paragraph must be a registered voter and
40 citizen of the state and must possess business experience in the
41 private sector. Members appointed pursuant to this paragraph
42 shall each serve a 2-year term. A vacancy occurring during the
43 term of a member appointed under this paragraph shall be filled
44 only for the balance of the unexpired term. Members of the board
45 appointed under this paragraph may be removed from office by the
46 Governor for misconduct, malfeasance, misfeasance, or
47 nonfeasance in office ~~Each permanent member of the review board~~
48 ~~may designate one additional person to be a member of the review~~
49 ~~board.~~

50 (c) Each member, before entering upon his or her official
51 duties, shall take and subscribe to an oath before an official
52 authorized by law to administer oaths that he or she will
53 honestly, faithfully, and impartially perform the duties
54 devolving upon him or her in office as a member of the review
55 board and that he or she will not neglect any duties imposed
56 upon him or her by s. 316.3025, s. 316.550, or this section ~~The~~
57 ~~review board may execute its responsibilities by meeting as a~~
58 ~~single group or as subgroups consisting of one authorized~~

575-02731-14

20141092c1

59 ~~representative of each permanent member.~~

60 (d) The chair of the review board is responsible for the
61 administrative functions of the review board.

62 (e) Four members of the board shall constitute a quorum,
63 and the vote of three members including the chair, or otherwise
64 four members, shall be necessary for any action taken by the
65 board. A vacancy on the board shall not impair the right of a
66 quorum of the board to exercise all of the rights and perform
67 all of the duties of the board.

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

70 Section 2. The appointment of additional members to the
71 Commercial Motor Vehicle Review Board in accordance with changes
72 made by this act to s. 316.545, Florida Statutes, shall be made
73 no later than September 1, 2014, for terms beginning October 1,
74 2014.

75 Section 3. Except as otherwise expressly provided in this
76 act, this act shall take effect July 1, 2014.