

HB 145

2015

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 the
4 membership of the board; providing for appointment of
5 additional members by the Governor and the
6 Commissioner of Agriculture; providing for terms of
7 the additional members; providing qualifications for
8 such members; providing for removal of members by the
9 Governor under certain circumstances; providing for
10 action by a quorum of the board; requiring that the
11 additional appointments be made by a specified date;
12 providing effective dates.

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

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16 Section 1. Effective October 1, 2015, 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 four 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
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 one member from the road
36 construction industry, one member from the trucking industry,
37 and one member with a general business or legal background. The
38 Commissioner of Agriculture shall appoint one member from the
39 agriculture industry. Each member appointed under this paragraph
40 must be a registered voter and citizen of the state and must
41 possess business experience in the private sector. Members
42 appointed pursuant to this paragraph shall each serve a 2-year
43 term. A vacancy occurring during the term of a member appointed
44 under this paragraph shall be filled only for the remainder of
45 the unexpired term. Members of the board appointed under this
46 paragraph may be removed from office by the Governor for
47 misconduct, malfeasance, misfeasance, or nonfeasance in office
48 ~~Each permanent member of the review board may designate one~~
49 ~~additional person to be a member of the review 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~~
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 four members shall be necessary for any action
64 taken by the board. A vacancy on the board shall not impair the
65 right of a quorum of the board to exercise all of the rights and
66 perform all of the duties of the board.

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

69 Section 2. The appointment of additional members to the
70 Commercial Motor Vehicle Review Board in accordance with the
71 changes made by this act to s. 316.545, Florida Statutes, shall
72 be made by September 1, 2015, for terms beginning October 1,
73 2015.

74 Section 3. Except as otherwise expressly provided in this
75 act, this act shall take effect July 1, 2015.