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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Governmental Oversight and Accountability
(Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(2) (a) Whenever an officer of the Florida Highway Patrol or
weight inspector of the Department of Transportation, upon



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11 weighing a vehicle or combination of vehicles with load,
12 determines that the axle weight or gross weight is unlawful, the
13 officer may require the driver to stop the vehicle in a suitable
14 place and remain standing until a determination can be made as
15 to the amount of weight thereon and, if overloaded, the amount
16 of penalty to be assessed as provided herein. However, any gross
17 weight over and beyond 6,000 pounds beyond the maximum herein
18 set shall be unloaded and all material so unloaded shall be
19 cared for by the owner or operator of the vehicle at the risk of
20 such owner or operator. Except as otherwise provided in this
21 chapter, to facilitate compliance with and enforcement of the
22 weight limits established in s. 316.535, weight tables published
23 pursuant to s. 316.535(7) shall include a 10-percent scale
24 tolerance and shall thereby reflect the maximum scaled weights
25 allowed any vehicle or combination of vehicles. As used in this
26 section, scale tolerance means the allowable deviation from
27 legal weights established in s. 316.535. Notwithstanding any
28 other provision of the weight law, if a vehicle or combination
29 of vehicles does not exceed the gross, external bridge, or
30 internal bridge weight limits imposed in s. 316.535 and the
31 driver of such vehicle or combination of vehicles can comply
32 with the requirements of this chapter by shifting or equalizing
33 the load on all wheels or axles and does so when requested by
34 the proper authority, the driver shall not be held to be
35 operating in violation of said weight limits. When a driver is
36 issued a citation for exceeding weight limits established in s.
37 316.535 determined by means of portable scales, the driver may
38 proceed to the next weigh station or public scales for
39 verification of weight. If the vehicle is found to be in



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40 compliance with the weight requirements of this chapter at the
41 fixed scale, the driver may submit by United States mail both
42 the portable scale citation and certified scale ticket to the
43 Commercial Motor Vehicle Review Board for revocation of the
44 citation.

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

47 316.545 Weight and load unlawful; special fuel and motor
48 fuel tax enforcement; inspection; penalty; review.—

49 (7) There is created within the Department of
50 Transportation the Commercial Motor Vehicle Review Board,
51 consisting of three permanent members who shall be the Secretary
52 of ~~the Department of~~ Transportation, the executive director of
53 the Department of Highway Safety and Motor Vehicles, and the
54 Commissioner of Agriculture, or their authorized
55 representatives, and four additional members appointed pursuant
56 to paragraph (b), which may review any penalty imposed upon any
57 vehicle or person under the provisions of this chapter relating
58 to weights imposed on the highways by the axles and wheels of
59 motor vehicles, to special fuel and motor fuel tax compliance,
60 or to violations of safety regulations.

61 (a) The Secretary of ~~the Department of~~ Transportation or
62 his or her authorized representative shall be the chair of the
63 review board.

64 (b) The Governor shall appoint one member from the road
65 construction industry, one member from the trucking industry,
66 and one member with a general business or legal background. The
67 Commissioner of Agriculture shall appoint one member from the
68 agriculture industry. Each member appointed under this paragraph



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69 must be a registered voter and resident of the state and must
70 possess business experience in the private sector. Members
71 appointed pursuant to this paragraph shall each serve a 2-year
72 term. A vacancy occurring during the term of a member appointed
73 under this paragraph shall be filled only for the remainder of
74 the unexpired term. Members of the board appointed under this
75 paragraph may be removed from office by the Governor for
76 misconduct, malfeasance, misfeasance, or nonfeasance in office
77 ~~Each permanent member of the review board may designate one~~
78 ~~additional person to be a member of the review board.~~

79 (c) Each member, before entering upon his or her official
80 duties, shall take and subscribe to an oath before an official
81 authorized by law to administer oaths that he or she will
82 honestly, faithfully, and impartially perform the duties
83 devolving upon him or her in office as a member of the review
84 board and that he or she will not neglect any duties imposed
85 upon him or her by s. 316.3025, s. 316.550, or this section ~~The~~
86 ~~review board may execute its responsibilities by meeting as a~~
87 ~~single group or as subgroups consisting of one authorized~~
88 ~~representative of each permanent member.~~

89 (d) The chair of the review board is responsible for the
90 administrative functions of the review board.

91 (e) Four members of the board constitute a quorum, and the
92 vote of four members shall be necessary for any action taken by
93 the board. A vacancy on the board does not impair the right of a
94 quorum of the board to exercise all of the rights and perform
95 all of the duties of the board.

96 (f) ~~(e)~~ The review board may hold sessions and conduct
97 proceedings at any place within the state. As an alternative to



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98 physical appearance, and in addition to any other method of
99 appearance authorized by rule, the Department of Transportation
100 shall provide space and video conference capability at each
101 district office to enable a person requesting a hearing to
102 appear remotely before the board, regardless of the physical
103 location of the board proceeding.

104 Section 3. The appointment of additional members to the
105 Commercial Motor Vehicle Review Board in accordance with the
106 changes made by this act to s. 316.545, Florida Statutes, shall
107 be made by September 1, 2015, for terms beginning October 1,
108 2015.

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

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113 ===== T I T L E A M E N D M E N T =====

114 And the title is amended as follows:

115 Delete everything before the enacting clause
116 and insert:

117 A bill to be entitled
118 An act relating to the Commercial Motor Vehicle Review
119 Board; amending s. 316.545, F.S.; providing for an
120 appeal to the board for an excess weight citation
121 under certain circumstances; providing for citation
122 revocation by the board; revising the membership of
123 the board; providing for appointment of additional
124 members by the Governor and the Commissioner of
125 Agriculture; providing for terms of the additional
126 members; providing qualifications for such members;



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127 providing for removal of members by the Governor under
128 certain circumstances; providing for action by a
129 quorum of the board; requiring the Department of
130 Transportation to provide space and video conference
131 capability at each district office to enable a person
132 requesting a hearing to appear remotely before the
133 board; requiring that the additional appointments be
134 made by a specified date; providing effective dates.
135