

Bill No. SB 1092

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senator Klein moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (7) of section 316.008, Florida Statutes, is added to read:

316.008 Powers of local authorities.--

(7) A county or municipality may enact an ordinance providing for the violation of vehicle emissions standards as determined by a mobile or hand-held unit, as defined in s. 325.202. The ordinance shall provide for a warning to repair the vehicle in accordance with emissions standards, and to retest the vehicle within 90 days or be subject to the nonrenewal of the vehicle registration.

Section 2. Section 325.202, Florida Statutes, is amended to read:

325.202 Definitions.--As used in this act, the term:

(1) "Air pollution control equipment" means any equipment or feature installed by the manufacturer or replaced

Bill No. SB 1092

Amendment No. ____

1 with a device or system equivalent in design and function to
2 the part that was originally installed on the motor vehicle
3 which constitutes an operational element of the air pollution
4 control system or mechanism of a motor vehicle.

5 (2) "Contractor" means any person, corporation, or
6 partnership with whom the department may enter into a contract
7 for the purchase, lease, design, construction, equipment,
8 maintenance, personnel, management, and operation of an
9 inspection station.

10 (3) "Dealer certificate" means an inspection
11 certificate issued to a motor vehicle dealer, motor vehicle
12 broker as defined in s. 320.27, mobile home dealer as defined
13 in s. 320.77, or recreational vehicle dealer as defined in s.
14 320.771, indicating that a motor vehicle has passed an
15 emissions inspection, which grants the dealer or broker 12
16 months in which to sell at retail the identified motor vehicle
17 owned by the dealer or broker.

18 (4) "Department" means the Department of Highway
19 Safety and Motor Vehicles.

20 (5) "Federal act" means the federal Clean Air Act, as
21 amended, and regulations issued by the United States
22 Environmental Protection Agency under that act.

23 (6) "Inspection" means the determination of the level
24 of exhaust emissions of a motor vehicle and of the existence
25 of tampering.

26 (7) "Inspection certificate" means a serially numbered
27 form issued by an inspection station, reinspection facility,
28 or self-inspector indicating that the identified motor vehicle
29 has been inspected and passed inspection.

30 (8) "Inspection station" means a facility, other than
31 a self-inspection facility, situated in a permanent structure

Bill No. SB 1092

Amendment No. ____

1 or a mobile unit, for the purpose of conducting emissions
2 inspections of motor vehicles as required by this act. Mobile
3 or hand-held units may substitute permanent structures, for
4 the purpose of conducting emissions inspections of motor
5 vehicles as required by this act and violations of emissions
6 standards as determined by mobile or hand-held units are
7 enforceable under s. 316.008.

8 (9) "Motor vehicle" means any self-propelled vehicle
9 required to be registered under s. 320.02.

10 ~~(10) "Nonattainment area" means an area which has been~~
11 ~~designated by the administrator of the United States~~
12 ~~Environmental Protection Agency (EPA), pursuant to the federal~~
13 ~~act, as exceeding national primary or secondary ambient air~~
14 ~~quality standards for the pollutants carbon monoxide or ozone.~~

15 (10)~~(11)~~ "Program area" means Hillsborough and
16 Pinellas Counties, so long as the Department of Highway Safety
17 and Motor Vehicles has a vendor under state contract to
18 operate a motor vehicle inspection program in these counties.
19 Additionally, "program area" includes counties that
20 voluntarily request inclusion under the provision of s.
21 325.204 designated by the Department of Environmental
22 Protection as air-quality nonattainment areas in accordance
23 with this act, counties which voluntarily request inclusion
24 pursuant to the provisions of s. 325.204, and counties
25 previously designated as nonattainment areas that are
26 operating under a United States
27 Environmental Protection Agency-approved maintenance plan.

28 (11)~~(12)~~ "Reinspection facility" means any motor
29 vehicle repair shop as defined in s. 559.903(7) which has been
30 licensed by the department pursuant to the provisions of s.
31 325.212.

Bill No. SB 1092

Amendment No. ____

1 (12)~~(13)~~ "Self-inspector" means any person or
2 governmental entity that owns or leases at least 25 motor
3 vehicles, including vehicles held for resale by a motor
4 vehicle dealer licensed under chapter 320, and is licensed by
5 the department to inspect such vehicles.

6 (13)~~(14)~~ "Tamper" means to dismantle, remove, or
7 render ineffective any air pollution control equipment which
8 has been installed on a motor vehicle by the vehicle
9 manufacturer except to replace such device or system with a
10 device or system equivalent in design and function to the part
11 that was originally installed on the motor vehicle.

12 (14)~~(15)~~ "Short-term rental vehicle" means a motor
13 vehicle leased without a driver and under a written agreement
14 to one or more persons from time to time for a period of less
15 than 3 months.

16 Section 3. Subsection (4) of section 320.055, Florida
17 Statutes, is amended to read:

18 320.055 Registration periods; renewal periods.--The
19 following registration periods and renewal periods are
20 established:

21 (4) For a vehicle subject to registration under s.
22 320.08(13), for vehicles subject to registration under s.
23 320.08(6)(a) that are short-term rental vehicles, as defined
24 in s. 325.202~~(14)~~~~(15)~~, and for any vehicle for which a
25 registration period is not otherwise specified, the
26 registration period begins June 1 and ends May 31. For a
27 vehicle subject to this registration period, the renewal
28 period is the 30-day period beginning June 1.

29 Section 4. Paragraphs (k) and (l) of subsection (4) of
30 section 325.203, Florida Statutes, are amended and subsection
31 (9) is added to said section to read:

Bill No. SB 1092

Amendment No. ____

1 325.203 Motor vehicles subject to annual inspection;
2 exemptions.--

3 (4) The following motor vehicles are not subject to
4 inspection:

5 (k) New motor vehicles, as defined in s. 319.001(4).
6 Such vehicles are exempt from the inspection requirements of
7 this act ~~at the time of the first registration by the~~
8 ~~original owner and, thereafter, are subject to the inspection~~
9 ~~requirements of this act. Beginning May 1, 2000, such vehicles~~
10 ~~are exempt from those inspection requirements for a period of~~
11 ~~2 years from the date of purchase.~~

12 (1) New motor vehicles as defined in s. 319.001(4)
13 which are utilized as short-term rental vehicles and licensed
14 under s. 320.08(6)(a). Such vehicles are exempt from the
15 inspection requirements ~~of this act at the time of the first~~
16 ~~registration. Said vehicles are also exempt from the~~
17 ~~inspection requirements of this act at the time of the first~~
18 ~~registration renewal by the original owner, provided this~~
19 ~~renewal occurs prior to the expiration of 12 months from the~~
20 ~~date of first registration of the motor vehicle. Beginning May~~
21 ~~1, 2000, such vehicles are exempt from those inspection~~
22 ~~requirements for a period of 2 years from the date of~~
23 ~~purchase.~~

24 (9) Should the Department of Environmental Protection
25 determine that levels of nitrogen oxide emitted from
26 stationary sources be of a level to offset the gains achieved
27 or anticipated to be achieved by the motor vehicle inspection
28 program such program shall be subject to termination pursuant
29 to the contract and this act. This provision shall not be
30 used to mandate or permit additional regulatory authority for
31 the department concerning stationary sources.

Bill No. SB 1092

Amendment No. ____

1 Section 5. Section 325.205, Florida Statutes, is
2 created to read:

3 325.205 State implementation plan.--

4 The Department of Environmental Protection shall seek
5 the necessary approval by January 1, 2001, to amend the state
6 implementation plan to reflect the current motor vehicle
7 inspection plan and any air quality improvements which offset
8 the motor vehicle inspection program reductions in accordance
9 with the Clean Air Act. Once approval is received from the
10 United States Environmental Protection Agency then the
11 department shall seek an expedited amendatory process to amend
12 the plan.

13 Section 6. Subsections (8) and (11) of section
14 325.207, Florida Statutes, are amended to read:

15 325.207 Inspection stations; department contracts;
16 inspection requirements; recordkeeping.--

17 (8) Any contract authorized under this section shall
18 contain:

19 (a) A contract term of 1 year not less than 5 years of
20 actual test operations with annual renewals thereafter subject
21 to the concurrence of the Department of Highway Safety and
22 Motor Vehicles and the Department of Environmental Protection.

23 (b) A clause stating that nothing in the contract
24 requires the state to purchase any asset or assume any
25 liability if such contract is not renewed.

26 (c) Minimum requirements for adequate staff,
27 equipment, management, and operating hours which may include
28 evening or weekend hours or both.

29 (d) Provisions for surveillance by the department of
30 the contractor to ensure compliance with emissions test
31 standards and applicable procedures, rules, regulations, and

Bill No. SB 1092

Amendment No. ____

1 laws.

2 (e) Provision for the state, upon default of the
3 contractor, to terminate the contract with the contractor and
4 assume operation of the motor vehicle emissions inspection
5 station.

6 (f) Provision for the state, upon termination of the
7 term of the contract or upon assumption of the operation of
8 the program pursuant to paragraph (e), to have transferred or
9 assigned to it, for reasonable compensation, any interest in
10 land, buildings, improvements, services, and equipment used by
11 the contractor in the operation of an inspection station.

12 (g) Provision for the state, upon termination of the
13 term of the contract or upon assumption of the operation of
14 the program, to have transferred and assigned to it, for
15 reasonable compensation, any contract rights and related
16 obligations for land, buildings, improvements, and equipment
17 used by the contractor in the operation of the inspection
18 station.

19 (h) A requirement that the contractor, in any
20 agreement executed by him or her for land, buildings,
21 improvements, and equipment used in the operation of the
22 inspection stations, reserve the right to assign to the state
23 any of his or her rights and obligations under such contract.

24 (i) No damages of any type, including liquidated
25 damages, shall be ~~A procedure for determining the damages~~
26 payable by the state to the contractor if the Legislature
27 abolishes the inspection program at any time prior to the
28 conclusion of the contract term. ~~This procedure must specify~~
29 ~~that the contractor and the department have 120 days from the~~
30 ~~effective date of the termination of the program to negotiate~~
31 ~~an amount to be paid to the contractor as reasonable~~

Bill No. SB 1092

Amendment No. ____

1 ~~compensation for its loss resulting from the termination of~~
2 ~~the contract due to the termination of the program. If the~~
3 ~~contractor and the department are not able to agree to an~~
4 ~~amount by the end of the 120-day period, the department shall~~
5 ~~determine the amount of reasonable compensation and notify the~~
6 ~~contractor in writing of its determination within 14 days of~~
7 ~~the end of the negotiation period and shall offer the~~
8 ~~contractor a point of entry to a proceeding under ss. 120.569~~
9 ~~and 120.57 pursuant to the department's rules of procedure.~~
10 ~~This provision must specify that payment of such compensation~~
11 ~~to the contractor is subject to appropriation of funds for~~
12 ~~this purpose by the Legislature and that the department agrees~~
13 ~~in good faith to request the Legislature to appropriate the~~
14 ~~funds to pay such reasonable compensation. The damages~~
15 ~~recoverable by the contractor if the Legislature abolishes the~~
16 ~~program shall be limited to the funds appropriated by the~~
17 ~~Legislature pursuant to this section.~~

18 (j) Any other provision, including periodic audits of
19 inspection fees collected, deemed necessary by the department
20 for the administration or enforcement of the emissions
21 inspection contract.

22 (k) A provision requiring compliance with minority
23 business enterprise procurement goals set forth in s. 287.0945
24 in contracts for the construction of inspection stations and
25 for document printing costs and costs associated with the
26 maintenance, repair, reconstruction, renovation, and expansion
27 of inspection stations. Each contractor shall submit to the
28 department no later than March 1 of each year an affidavit
29 certifying compliance with the provisions of this paragraph.

30 (l) A provision requiring a performance bond of \$1
31 million, which the department may, after the second year of

Bill No. SB 1092

Amendment No. ____

1 inspection operations under the contract, elect to waive
 2 entirely, reduce in amount, or waive in exchange for another
 3 appropriate means of security in a like or reduced amount.

4 (m) A provision requiring that the contractor
 5 determine, for each county in the program area, the
 6 availability of county facilities formerly used for the
 7 inspection of motor vehicles and that the contractor explore
 8 with appropriate county officials the feasibility of the
 9 contractor's acquisition or lease of such facilities, if any,
 10 for use as inspection stations.

11 (n) A provision authorizing the department to amend
 12 the contract if the Legislature enacts legislation that
 13 changes the number of motor vehicle model years that are
 14 subject to inspection requirements.

15 ~~(o) A provision authorizing the contract to be amended~~
 16 ~~or canceled by the department upon statewide implementation of~~
 17 ~~clean fuel requirements promulgated by the United States~~
 18 ~~Environmental Protection Agency.~~

19 ~~(11) Before accepting proposals, the department shall~~
 20 ~~divide the state into three or more contract zones. The~~
 21 ~~department shall contract with a private contractor for the~~
 22 ~~exclusive right to conduct vehicle inspections in each program~~
 23 ~~area zone. However, any contractor may bid on more than one~~
 24 ~~zone, and the department may contract with a contractor to~~
 25 ~~conduct vehicle inspections in more than one contract zone.~~

26 Section 7. Section 325.2135, Florida Statutes, is
 27 amended to read:

28 325.2135 Motor vehicle emissions inspection program;
 29 contracts; fees.--The department ~~may extend the current~~
 30 ~~emissions inspection program contracts for a period of time~~
 31 ~~sufficient to implement new contracts resulting from~~

Bill No. SB 1092

Amendment No. ____

1 ~~competitive proposals, and shall enter into and implement one~~
2 ~~contract or more contracts~~ by June 30, 2000, for a biennial
3 inspection program for vehicles, except the current model year
4 and the six two prior model years, using an expanded
5 inspection test ~~the basic test~~ for hydrocarbon emissions and
6 carbon monoxide emissions and oxides of nitrogen. The
7 requirements for the program included in the contract
8 ~~proposals~~ must be based on the requirements under this chapter
9 unless those requirements conflict with this section. No
10 contract entered into under this subsection may be for longer
11 than 1 year, with annual renewals thereafter, in accordance
12 with the provisions of s. 325.207(8)(a)7 years. Any contract
13 authorized under this section must contain a provision that,
14 ~~after 4 years,~~ the department reserves the right to cancel the
15 contract upon 6 months' notice to the contractor.
16 Notwithstanding the provisions of s. 325.214, the fee for
17 motor vehicle inspection proposed by the Department of Highway
18 Safety and Motor Vehicles may not exceed ~~\$8~~\$19 per
19 inspection.

20 Section 8. Section 325.2175, Florida Statutes, is
21 created to read:

22 325.2175 Inspection equipment--
23 Any air monitoring device utilized by the Department of
24 Environmental Protection in determining ambient air quality in
25 program areas and that registers levels indicating
26 nonattainment with federal air quality standards shall be
27 tested to determine the accuracy of such data and recalibrated
28 as necessary.

29 Section 9. This act shall take effect July 1, 2000.
30
31

Bill No. SB 1092

Amendment No. ____

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to motor vehicle emissions;

8 amending s. 316.008, F.S.; to provide

9 enforcement vehicle emissions violations;

10 amending s. 325.202, F.S.; revising

11 definitions; amending s. 320.055, F.S.;

12 revising a cross reference to conform; amending

13 s. 325.203, F.S.; exempting certain new motor

14 vehicles from inspection requirements;

15 providing for termination of program under

16 certain circumstances; creating s. 325.205,

17 F.S.; conforming the state implementation plan;

18 amending s. 325.207, F.S.; providing for a new

19 contract term with annual renewals; eliminating

20 liquidated damages; revising provisions

21 relating to the termination of motor vehicle

22 emissions contracts; providing for contracts in

23 each program area; amending s. 325.2135, F.S.;

24 revising procedures to be included in motor

25 vehicle emissions contracts; reducing maximum

26 fee for inspection; expanding inspection

27 testing; creating s. 325.2175, F.S.; providing

28 for testing the accuracy of inspection

29 equipment; providing an effective date.

30

31