

Bill No. HB 2179, 1st Eng.

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Klein moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 1, between lines 28 and 29,

15

16 insert:

17 Section 3. Subsection (10) of section 325.202, Florida  
18 Statutes, is repealed, and present subsection (11) of that  
19 section is amended, to read:

20 325.202 Definitions.--As used in this act, the term:

21 (10)(11) "Program area" means Hillsborough and  
22 Pinellas Counties as long as the Department of Highway Safety  
23 and Motor Vehicles has a vendor under state contract to  
24 operate a motor vehicle inspection program in these counties.

25 Additionally, the term includes counties that voluntarily  
26 request inclusion under the provisions of s. 325.204.

27 ~~designated by the Department of Environmental Protection as~~  
28 ~~air-quality nonattainment areas in accordance with this act,~~  
29 ~~counties which voluntarily request inclusion pursuant to the~~  
30 ~~provisions of s. 325.204, and counties previously designated~~  
31 ~~as nonattainment areas that are operating under a United~~

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1 ~~States Environmental Protection Agency approved maintenance~~  
2 ~~plan.~~

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

5 320.055 Registration periods; renewal periods.--The  
6 following registration periods and renewal periods are  
7 established:

8 (4) For a vehicle subject to registration under s.  
9 320.08(13), for vehicles subject to registration under s.  
10 320.08(6)(a) that are short-term rental vehicles, as defined  
11 in s. 325.202(14)~~s. 325.202(15)~~, and for any vehicle for  
12 which a registration period is not otherwise specified, the  
13 registration period begins June 1 and ends May 31. For a  
14 vehicle subject to this registration period, the renewal  
15 period is the 30-day period beginning June 1.

16 Section 5. Subsections (8) and (11) of section  
17 325.207, Florida Statutes, are amended to read:

18 325.207 Inspection stations; department contracts;  
19 inspection requirements; recordkeeping.--

20 (8) Any contract authorized under this section shall  
21 contain:

22 (a) A contract term of not less than 7 5 years of  
23 actual test operations with a 6-month cancellation provision.  
24 Annual renewals thereafter are subject to the concurrence of  
25 the Department of Highway Safety and Motor Vehicles and the  
26 Department of Environmental Protection.

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

30 (c) Minimum requirements for adequate staff,  
31 equipment, management, and operating hours which may include

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1 evening or weekend hours or both.

2 (d) Provisions for surveillance by the department of  
3 the contractor to ensure compliance with emissions test  
4 standards and applicable procedures, rules, regulations, and  
5 laws.

6 (e) Provision for the state, upon default of the  
7 contractor, to terminate the contract with the contractor and  
8 assume operation of the motor vehicle emissions inspection  
9 station.

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

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

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

28 (i) A provision that no damages of any type, including  
29 liquidated damages, shall be ~~procedure for determining the~~  
30 ~~damages~~ payable by the state to the contractor if the  
31 Legislature or the department abolishes the inspection program

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

23 (j) Any other provision, including periodic audits of  
24 inspection fees collected, deemed necessary by the department  
25 for the administration or enforcement of the emissions  
26 inspection contract.

27 (k) A provision requiring compliance with minority  
28 business enterprise procurement goals set forth in s. 287.0945  
29 in contracts for the construction of inspection stations and  
30 for document printing costs and costs associated with the  
31 maintenance, repair, reconstruction, renovation, and expansion

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1 of inspection stations. Each contractor shall submit to the  
2 department no later than March 1 of each year an affidavit  
3 certifying compliance with the provisions of this paragraph.

4 (l) A provision requiring a performance bond of \$1  
5 million, which the department may, after the second year of  
6 inspection operations under the contract, elect to waive  
7 entirely, reduce in amount, or waive in exchange for another  
8 appropriate means of security in a like or reduced amount.

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

16 (n) A provision authorizing the department to amend  
17 the contract if the Legislature enacts legislation that  
18 changes the number of motor vehicle model years that are  
19 subject to inspection requirements.

20 ~~(o) A provision authorizing the contract to be amended~~  
21 ~~or canceled by the department upon statewide implementation of~~  
22 ~~clean fuel requirements promulgated by the United States~~  
23 ~~Environmental Protection Agency.~~

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

31 Section 6. Section 325.2135, Florida Statutes, is

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1 amended to read:

2           325.2135 Motor vehicle emissions inspection program;  
3 contracts; fees.--The department ~~may extend the current~~  
4 ~~emissions inspection program contracts for a period of time~~  
5 ~~sufficient to implement new contracts resulting from~~  
6 ~~competitive proposals, and shall enter into and implement one~~  
7 ~~contract or more contracts~~ by June 30, 2000, for a biennial  
8 inspection program for vehicles, except the current model year  
9 and the two prior model years, using an enhanced inspection  
10 ~~the basic~~ test for hydrocarbon emissions, and carbon monoxide  
11 emissions, and oxides of nitrogen. The requirements for the  
12 program included in the contract proposals must be based on  
13 the requirements under this chapter unless those requirements  
14 conflict with this section. No contract entered into under  
15 this subsection may be for longer than 7 years, with annual  
16 renewals thereafter in accordance with the provisions of  
17 paragraph s. 325.207(8)(a). Any contract authorized under this  
18 section must contain a provision that, ~~after 4 years,~~the  
19 department reserves the right to cancel the contract upon 6  
20 months' notice to the contractor, upon a determination by the  
21 Secretary of Environmental Protection that a motor vehicle  
22 emissions program is no longer needed in the program area.  
23 Notwithstanding the provisions of s. 325.214, the fee for  
24 motor vehicle inspection proposed by the Department of Highway  
25 Safety and Motor Vehicles may not exceed \$19 per inspection.

26  
27 (Redesignate subsequent sections.)  
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30 ===== T I T L E    A M E N D M E N T =====

31 And the title is amended as follows:

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On page 1, line 7, after the semicolon,  
insert:  
amending s. 325.202, F.S.; deleting the term  
"nonattainment area" and redefining the term  
"program area"; amending s. 320.055, F.S.;  
conforming a cross-reference; amending s.  
325.207, F.S.; providing for a new 7-year  
contract term with annual renewals; eliminating  
liquidated damages; revising provisions  
relating to the termination of motor vehicle  
emissions contracts; providing for contracts in  
each program area; amending s. 325.2135, F.S.;  
revising procedures to be included in motor  
vehicle emissions contracts;