

1 A bill to be entitled
2 An act relating to motor vehicle emissions;
3 amending s. 316.008, F.S.; to provide
4 enforcement vehicle emissions violations;
5 amending s. 325.202, F.S.; revising
6 definitions; amending s. 320.055, F.S.;
7 revising a cross reference to conform; amending
8 s. 325.203, F.S.; exempting certain new motor
9 vehicles from inspection requirements;
10 providing for termination of program under
11 certain circumstances; creating s. 325.205,
12 F.S.; conforming the state implementation plan;
13 amending s. 325.207, F.S.; providing for a new
14 contract term with annual renewals; eliminating
15 liquidated damages; revising provisions
16 relating to the termination of motor vehicle
17 emissions contracts; providing for contracts in
18 each program area; amending s. 325.2135, F.S.;
19 revising procedures to be included in motor
20 vehicle emissions contracts; reducing maximum
21 fee for inspection; expanding inspection
22 testing; creating s. 325.2175, F.S.; providing
23 for testing the accuracy of inspection
24 equipment; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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

30 316.008 Powers of local authorities.--
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1 (7) A county or municipality may enact an ordinance
2 providing for the violation of vehicle emissions standards as
3 determined by a mobile or hand-held unit, as defined in s.
4 325.202. The ordinance shall provide for a warning to repair
5 the vehicle in accordance with emissions standards, and to
6 retest the vehicle within 90 days or be subject to the
7 nonrenewal of the vehicle registration.

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

10 325.202 Definitions.--As used in this act, the term:

11 (1) "Air pollution control equipment" means any
12 equipment or feature installed by the manufacturer or replaced
13 with a device or system equivalent in design and function to
14 the part that was originally installed on the motor vehicle
15 which constitutes an operational element of the air pollution
16 control system or mechanism of a motor vehicle.

17 (2) "Contractor" means any person, corporation, or
18 partnership with whom the department may enter into a contract
19 for the purchase, lease, design, construction, equipment,
20 maintenance, personnel, management, and operation of an
21 inspection station.

22 (3) "Dealer certificate" means an inspection
23 certificate issued to a motor vehicle dealer, motor vehicle
24 broker as defined in s. 320.27, mobile home dealer as defined
25 in s. 320.77, or recreational vehicle dealer as defined in s.
26 320.771, indicating that a motor vehicle has passed an
27 emissions inspection, which grants the dealer or broker 12
28 months in which to sell at retail the identified motor vehicle
29 owned by the dealer or broker.

30 (4) "Department" means the Department of Highway
31 Safety and Motor Vehicles.

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

4 (6) "Inspection" means the determination of the level
5 of exhaust emissions of a motor vehicle and of the existence
6 of tampering.

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

11 (8) "Inspection station" means a facility, other than
12 a self-inspection facility, situated in a permanent structure
13 or a mobile unit, for the purpose of conducting emissions
14 inspections of motor vehicles as required by this act. Mobile
15 or hand-held units may substitute permanent structures, for
16 the purpose of conducting emissions inspections of motor
17 vehicles as required by this act and violations of emissions
18 standards as determined by mobile or hand-held units are
19 enforceable under s. 316.008.

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

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

27 (10)(11) "Program area" means Hillsborough and
28 Pinellas Counties, so long as the Department of Highway Safety
29 and Motor Vehicles has a vendor under state contract to
30 operate a motor vehicle inspection program in these counties.
31 Additionally, "program area" includes counties that

1 voluntarily request inclusion under the provision of s.
2 325.204 ~~designated by the Department of Environmental~~
3 ~~Protection as air-quality nonattainment areas in accordance~~
4 ~~with this act, counties which voluntarily request inclusion~~
5 ~~pursuant to the provisions of s. 325.204, and counties~~
6 ~~previously designated as nonattainment areas that are~~
7 ~~operating under a United States~~
8 ~~Environmental Protection Agency-approved maintenance plan.~~

9 (11)~~(12)~~ "Reinspection facility" means any motor
10 vehicle repair shop as defined in s. 559.903(7) which has been
11 licensed by the department pursuant to the provisions of s.
12 325.212.

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

18 (13)~~(14)~~ "Tamper" means to dismantle, remove, or
19 render ineffective any air pollution control equipment which
20 has been installed on a motor vehicle by the vehicle
21 manufacturer except to replace such device or system with a
22 device or system equivalent in design and function to the part
23 that was originally installed on the motor vehicle.

24 (14)~~(15)~~ "Short-term rental vehicle" means a motor
25 vehicle leased without a driver and under a written agreement
26 to one or more persons from time to time for a period of less
27 than 3 months.

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

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1 320.055 Registration periods; renewal periods.--The
2 following registration periods and renewal periods are
3 established:

4 (4) For a vehicle subject to registration under s.
5 320.08(13), for vehicles subject to registration under s.
6 320.08(6)(a) that are short-term rental vehicles, as defined
7 in s. 325.202(14)+15), and for any vehicle for which a
8 registration period is not otherwise specified, the
9 registration period begins June 1 and ends May 31. For a
10 vehicle subject to this registration period, the renewal
11 period is the 30-day period beginning June 1.

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

15 325.203 Motor vehicles subject to annual inspection;
16 exemptions.--

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

19 (k) New motor vehicles, as defined in s. 319.001(4).
20 Such vehicles are exempt from the inspection requirements of
21 this act ~~at the time of the first registration by the~~
22 ~~original owner and, thereafter, are subject to the inspection~~
23 ~~requirements of this act. Beginning May 1, 2000, such vehicles~~
24 ~~are exempt from those inspection requirements for a period of~~
25 ~~2 years from the date of purchase.~~

26 (1) New motor vehicles as defined in s. 319.001(4)
27 which are utilized as short-term rental vehicles and licensed
28 under s. 320.08(6)(a). Such vehicles are exempt from the
29 inspection requirements ~~of this act at the time of the first~~
30 ~~registration. Said vehicles are also exempt from the~~
31 ~~inspection requirements of this act at the time of the first~~

1 ~~registration renewal by the original owner, provided this~~
2 ~~renewal occurs prior to the expiration of 12 months from the~~
3 ~~date of first registration of the motor vehicle. Beginning May~~
4 ~~1, 2000, such vehicles are exempt from those inspection~~
5 ~~requirements for a period of 2 years from the date of~~
6 ~~purchase.~~

7 (9) Should the Department of Environmental Protection
8 determine that levels of nitrogen oxide emitted from
9 stationary sources be of a level to offset the gains achieved
10 or anticipated to be achieved by the motor vehicle inspection
11 program such program shall be subject to termination pursuant
12 to the contract and this act. This provision shall not be
13 used to mandate or permit additional regulatory authority for
14 the department concerning stationary sources.

15 Section 5. Section 325.205, Florida Statutes, is
16 created to read:

17 325.205 State implementation plan.--

18 The Department of Environmental Protection shall seek
19 the necessary approval by January 1, 2001, to amend the state
20 implementation plan to reflect the current motor vehicle
21 inspection plan and any air quality improvements which offset
22 the motor vehicle inspection program reductions in accordance
23 with the Clean Air Act. Once approval is received from the
24 United States Environmental Protection Agency then the
25 department shall seek an expedited amendatory process to amend
26 the plan.

27 Section 6. Subsections (8) and (11) of section
28 325.207, Florida Statutes, are amended to read:

29 325.207 Inspection stations; department contracts;
30 inspection requirements; recordkeeping.--

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1 (8) Any contract authorized under this section shall
2 contain:

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

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

10 (c) Minimum requirements for adequate staff,
11 equipment, management, and operating hours which may include
12 evening or weekend hours or both.

13 (d) Provisions for surveillance by the department of
14 the contractor to ensure compliance with emissions test
15 standards and applicable procedures, rules, regulations, and
16 laws.

17 (e) Provision for the state, upon default of the
18 contractor, to terminate the contract with the contractor and
19 assume operation of the motor vehicle emissions inspection
20 station.

21 (f) Provision for the state, upon termination of the
22 term of the contract or upon assumption of the operation of
23 the program pursuant to paragraph (e), to have transferred or
24 assigned to it, for reasonable compensation, any interest in
25 land, buildings, improvements, services, and equipment used by
26 the contractor in the operation of an inspection station.

27 (g) Provision for the state, upon termination of the
28 term of the contract or upon assumption of the operation of
29 the program, to have transferred and assigned to it, for
30 reasonable compensation, any contract rights and related
31 obligations for land, buildings, improvements, and equipment

1 used by the contractor in the operation of the inspection
2 station.

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

8 (i) No damages of any type, including liquidated
9 damages, shall be ~~A procedure for determining the damages~~
10 payable by the state to the contractor if the Legislature
11 abolishes the inspection program at any time prior to the
12 conclusion of the contract term. ~~This procedure must specify~~
13 ~~that the contractor and the department have 120 days from the~~
14 ~~effective date of the termination of the program to negotiate~~
15 ~~an amount to be paid to the contractor as reasonable~~
16 ~~compensation for its loss resulting from the termination of~~
17 ~~the contract due to the termination of the program. If the~~
18 ~~contractor and the department are not able to agree to an~~
19 ~~amount by the end of the 120-day period, the department shall~~
20 ~~determine the amount of reasonable compensation and notify the~~
21 ~~contractor in writing of its determination within 14 days of~~
22 ~~the end of the negotiation period and shall offer the~~
23 ~~contractor a point of entry to a proceeding under ss. 120.569~~
24 ~~and 120.57 pursuant to the department's rules of procedure.~~
25 ~~This provision must specify that payment of such compensation~~
26 ~~to the contractor is subject to appropriation of funds for~~
27 ~~this purpose by the Legislature and that the department agrees~~
28 ~~in good faith to request the Legislature to appropriate the~~
29 ~~funds to pay such reasonable compensation. The damages~~
30 ~~recoverable by the contractor if the Legislature abolishes the~~
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1 ~~program shall be limited to the funds appropriated by the~~
2 ~~Legislature pursuant to this section.~~

3 (j) Any other provision, including periodic audits of
4 inspection fees collected, deemed necessary by the department
5 for the administration or enforcement of the emissions
6 inspection contract.

7 (k) A provision requiring compliance with minority
8 business enterprise procurement goals set forth in s. 287.0945
9 in contracts for the construction of inspection stations and
10 for document printing costs and costs associated with the
11 maintenance, repair, reconstruction, renovation, and expansion
12 of inspection stations. Each contractor shall submit to the
13 department no later than March 1 of each year an affidavit
14 certifying compliance with the provisions of this paragraph.

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

20 (m) A provision requiring that the contractor
21 determine, for each county in the program area, the
22 availability of county facilities formerly used for the
23 inspection of motor vehicles and that the contractor explore
24 with appropriate county officials the feasibility of the
25 contractor's acquisition or lease of such facilities, if any,
26 for use as inspection stations.

27 (n) A provision authorizing the department to amend
28 the contract if the Legislature enacts legislation that
29 changes the number of motor vehicle model years that are
30 subject to inspection requirements.

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1 ~~(o) A provision authorizing the contract to be amended~~
2 ~~or canceled by the department upon statewide implementation of~~
3 ~~clean fuel requirements promulgated by the United States~~
4 ~~Environmental Protection Agency.~~

5 ~~(11) Before accepting proposals, the department shall~~
6 ~~divide the state into three or more contract zones. The~~
7 ~~department shall contract with a private contractor for the~~
8 ~~exclusive right to conduct vehicle inspections in each program~~
9 ~~area zone. However, any contractor may bid on more than one~~
10 ~~zone, and the department may contract with a contractor to~~
11 ~~conduct vehicle inspections in more than one contract zone.~~

12 Section 7. Section 325.2135, Florida Statutes, is
13 amended to read:

14 325.2135 Motor vehicle emissions inspection program;
15 contracts; fees.--The department may extend the current
16 ~~emissions inspection program contracts for a period of time~~
17 ~~sufficient to implement new contracts resulting from~~
18 ~~competitive proposals, and shall enter into and implement one~~
19 ~~contract or more contracts by June 30, 2000, for a biennial~~
20 ~~inspection program for vehicles, except the current model year~~
21 ~~and the six two prior model years, using an expanded~~
22 ~~inspection test ~~the basic test~~ for hydrocarbon emissions and~~
23 ~~carbon monoxide emissions and oxides of nitrogen. The~~
24 ~~requirements for the program included in the contract~~
25 ~~proposals must be based on the requirements under this chapter~~
26 ~~unless those requirements conflict with this section. No~~
27 ~~contract entered into under this subsection may be for longer~~
28 ~~than 1 year, with annual renewals thereafter, in accordance~~
29 ~~with the provisions of s. 325.207(8)(a) ~~7 years~~. Any contract~~
30 ~~authorized under this section must contain a provision that,~~
31 ~~after 4 years, the department reserves the right to cancel the~~

1 contract upon 6 months' notice to the contractor.
2 Notwithstanding the provisions of s. 325.214, the fee for
3 motor vehicle inspection proposed by the Department of Highway
4 Safety and Motor Vehicles may not exceed ~~\$8~~^{\$19} per
5 inspection.

6 Section 8. Section 325.2175, Florida Statutes, is
7 created to read:

8 325.2175 Inspection equipment--
9 Any air monitoring device utilized by the Department of
10 Environmental Protection in determining ambient air quality in
11 program areas and that registers levels indicating
12 nonattainment with federal air quality standards shall be
13 tested to determine the accuracy of such data and recalibrated
14 as necessary.

15 Section 9. This act shall take effect July 1, 2000.
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