

By the Committee on Environmental Protection and
 Representatives Fuller, Levine, Greenstein and Healey

1 A bill to be entitled
 2 An act relating to motor vehicle emissions;
 3 amending s. 325.202, F.S.; deleting the term
 4 "nonattainment area" and redefining the term
 5 "program area"; amending s. 320.055, F.S.;
 6 revising a cross reference to conform; amending
 7 s. 325.203, F.S.; deleting obsolete statutory
 8 language; amending s. 325.207, F.S.; providing
 9 for a new contract term with two 1-year
 10 renewals; eliminating liquidated damages;
 11 revising provisions relating to the termination
 12 of motor vehicle emissions contracts; providing
 13 for contracts in each program area; amending s.
 14 325.2135, F.S.; revising procedures to be
 15 included in motor vehicle emissions contracts;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Section 325.202, Florida Statutes, is
 21 amended to read:
 22 325.202 Definitions.--As used in this act, the term:
 23 (1) "Air pollution control equipment" means any
 24 equipment or feature installed by the manufacturer or replaced
 25 with a device or system equivalent in design and function to
 26 the part that was originally installed on the motor vehicle
 27 which constitutes an operational element of the air pollution
 28 control system or mechanism of a motor vehicle.
 29 (2) "Contractor" means any person, corporation, or
 30 partnership with whom the department may enter into a contract
 31 for the purchase, lease, design, construction, equipment,

1 maintenance, personnel, management, and operation of an
2 inspection station.

3 (3) "Dealer certificate" means an inspection
4 certificate issued to a motor vehicle dealer, motor vehicle
5 broker as defined in s. 320.27, mobile home dealer as defined
6 in s. 320.77, or recreational vehicle dealer as defined in s.
7 320.771, indicating that a motor vehicle has passed an
8 emissions inspection, which grants the dealer or broker 12
9 months in which to sell at retail the identified motor vehicle
10 owned by the dealer or broker.

11 (4) "Department" means the Department of Highway
12 Safety and Motor Vehicles.

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

16 (6) "Inspection" means the determination of the level
17 of exhaust emissions of a motor vehicle and of the existence
18 of tampering.

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

23 (8) "Inspection station" means a facility, other than
24 a self-inspection facility, situated in a permanent structure
25 or a mobile unit, for the purpose of conducting emissions
26 inspections of motor vehicles as required by this act.

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

29 ~~(10) "Nonattainment area" means an area which has been~~
30 ~~designated by the administrator of the United States~~
31 ~~Environmental Protection Agency (EPA), pursuant to the federal~~

1 ~~act, as exceeding national primary or secondary ambient air~~
2 ~~quality standards for the pollutants carbon monoxide or ozone.~~
3 ~~(10)(11)~~ "Program area" means Hillsborough and
4 Pinellas Counties, so long as the Department of Highway Safety
5 and Motor Vehicles has a vendor under state contract to
6 operate a motor vehicle inspection program in these counties.
7 Additionally, "program area" includes counties that
8 voluntarily request inclusion under the provision of s.
9 325.204 designated by the Department of Environmental
10 ~~Protection as air-quality nonattainment areas in accordance~~
11 ~~with this act, counties which voluntarily request inclusion~~
12 ~~pursuant to the provisions of s. 325.204, and counties~~
13 ~~previously designated as nonattainment areas that are~~
14 ~~operating under a United States~~
15 ~~Environmental Protection Agency approved maintenance plan.~~
16 ~~(11)(12)~~ "Reinspection facility" means any motor
17 vehicle repair shop as defined in s. 559.903(7) which has been
18 licensed by the department pursuant to the provisions of s.
19 325.212.
20 ~~(12)(13)~~ "Self-inspector" means any person or
21 governmental entity that owns or leases at least 25 motor
22 vehicles, including vehicles held for resale by a motor
23 vehicle dealer licensed under chapter 320, and is licensed by
24 the department to inspect such vehicles.
25 ~~(13)(14)~~ "Tamper" means to dismantle, remove, or
26 render ineffective any air pollution control equipment which
27 has been installed on a motor vehicle by the vehicle
28 manufacturer except to replace such device or system with a
29 device or system equivalent in design and function to the part
30 that was originally installed on the motor vehicle.
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1 (14)~~(15)~~ "Short-term rental vehicle" means a motor
2 vehicle leased without a driver and under a written agreement
3 to one or more persons from time to time for a period of less
4 than 3 months.

5 Section 2. Subsection (4) of section 320.055, Florida
6 Statutes, is amended to read:

7 320.055 Registration periods; renewal periods.--The
8 following registration periods and renewal periods are
9 established:

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

18 Section 3. Paragraphs (k) and (l) of subsection (4) of
19 section 325.203, Florida Statutes, are amended to read:

20 325.203 Motor vehicles subject to annual inspection;
21 exemptions.--

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

24 (k) New motor vehicles, as defined in s. 319.001(4).
25 Such vehicles are exempt from the inspection requirements of
26 this act at the time of the first registration by the original
27 owner and, thereafter, are subject to the inspection
28 requirements of this act. ~~Beginning May 1, 2000, such vehicles~~
29 ~~are exempt from those inspection requirements for a period of~~
30 ~~2 years from the date of purchase.~~

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1 (1) New motor vehicles as defined in s. 319.001(4)
2 which are utilized as short-term rental vehicles and licensed
3 under s. 320.08(6)(a). Such vehicles are exempt from the
4 inspection requirements of this act at the time of the first
5 registration. Said vehicles are also exempt from the
6 inspection requirements of this act at the time of the first
7 registration renewal by the original owner, provided this
8 renewal occurs prior to the expiration of 12 months from the
9 date of first registration of the motor vehicle. ~~Beginning May~~
10 ~~1, 2000, such vehicles are exempt from those inspection~~
11 ~~requirements for a period of 2 years from the date of~~
12 ~~purchase.~~

13 Section 4. 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 2 ~~not less than 5~~ years of
20 actual test operations with two 1-year renewals that are
21 subject to the concurrence of the Department of Highway Safety
22 and Motor Vehicles and the Department of Environmental
23 Protection.

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

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

30 (d) Provisions for surveillance by the department of
31 the contractor to ensure compliance with emissions test

1 standards and applicable procedures, rules, regulations, and
2 laws.

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

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

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

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

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

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

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

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

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

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

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

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

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

28 Section 5. Section 325.2135, Florida Statutes, is
29 amended to read:

30 325.2135 Motor vehicle emissions inspection program;
31 contracts; fees.--The department ~~may extend the current~~

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

21 Section 6. This act shall take effect July 1, 2000.
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