

CHAPTER 98-254

Committee Substitute for House Bill No. 1377

An act relating to motor vehicle emissions inspections; directing the Department of Highway Safety and Motor Vehicles to hire an independent expert consultant to do a study; prohibiting the department from entering into a contract for a motor vehicle inspection program; providing circumstances for issuance of request for proposals and one or more contracts; amending s. 325.214, F.S.; setting the fee for inspections; establishing funds for the study; providing an effective date.

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

Section 1. (1) The Department of Highway Safety and Motor Vehicles shall hire an independent expert consultant to develop appropriate request-for-proposal specifications and a range of inspection fees for the motor vehicle emissions inspection program based on an annual and a biennial inspection program for vehicles 4 model years old and older, using the basic test for hydrocarbon emissions and carbon monoxide emissions and other mobile source testing for nitrous oxides or other pollutants, and no later than January 1, 1999, to report to the President of the Senate and the Speaker of the House of Representatives setting forth the relevant facts and the department's recommendations. Notwithstanding the provisions of chapter 325, Florida Statutes, the department and the Governor and Cabinet, acting as head of that agency, are prohibited from entering into any contract or extension of a contract for any form of motor-vehicles-emissions testing without legislative approval through the enactment of specific legislation directing the department to implement an inspection program and establishing a fee for the program.

(2) If no specific legislation is passed during the 1999 legislative session to direct the department to implement a motor vehicle inspection program, the department may issue a Request for Proposal and enter one or more contracts for a biennial inspection program for vehicles five model years and older using the basic test for hydrocarbon emissions and carbon monoxide emissions. The requirements for the program included in the proposals must be based on the requirements under chapter 325, Florida Statutes, unless those requirements conflict with this section. No contract entered into under this subsection may be for longer than 2 years. Notwithstanding the provisions of s. 325.214, if the fee for motor vehicle inspection proposed by the Department of Highway Safety and Motor Vehicles will exceed \$10 per inspection, the department may impose the higher fee if such fee is approved through the budget amendment process set forth in chapter 216 and notice is provided to the Chairmen of the Senate and House Transportation and Natural Resources Committees at the time it is provided to the Senate Ways and Means and House Appropriations Committees.

Section 2. Subsection (2) of section 325.214, Florida Statutes, is amended to read:

325.214 Motor vehicle inspection; fees; disposition of fees.—

(2) ~~The department shall set an inspection fee shall be not to exceed \$10. By rule, the department shall set a regulatory amount to be included in the fee which is commensurate with the cost of administering and enforcing the inspection program. It is the intent of the Legislature that the program be self-supporting.~~ Notwithstanding any other provision of law to the contrary, an additional fee of \$1 shall be assessed upon the issuance of each dealer certificate, which fee shall be forwarded to the department for deposit into the Highway Safety Operating Trust Fund.

Section 3. There is appropriated from the Department of Highway Safety Operating Trust Fund of the Department of Highway Safety and Motor Vehicles for fiscal year 1998-1999, the sum of \$125,000 to fund the study established in this act.

Became a law without the Governor's approval May 28, 1998.

Filed in Office Secretary of State May 27, 1998.