

MEETING OF THE GOVERNOR AND CABINET
AS HEAD OF THE DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES

March 9, 2010

AGENDA

Agency Contact: Lee Ann Korst, 850-617-3100

1. Respectfully submit the Minutes for November 17, 2009 Cabinet Meeting.

Attachment #1.
Recommend Approval.

2. Respectfully submit Rule 15B-2.13, F.A.C., Approved Speed Measuring Devices for final adoption in Chapter 15 of the Florida Administrative Code (F.A.C.).

This amendment will incorporate speed measuring devices that have been approved since last revision to Rule 15B-2.013.

Attachment #2.
Recommend Approval.

3. Respectfully submit Repeal of Rules 15C-4 Private Recreational Vehicle Inspection, F.A.C., 15C-5 Motor Vehicle Inspection, F.A.C and 15C-6 Motor Vehicle Emissions, F.A.C. for final adoption in Chapter 15 of the Florida Administrative Code (F.A.C.).

The Florida Statutes which provided rulemaking authority for these rules have been repealed and the Department has not performed the inspections since 1996, 1981 and 2000, respectively.

Attachment #3.
Recommend Approval.

4. Respectfully submit the 2nd Quarter Performance Report for Fiscal Year 2009-2010.

Attachment #4.
Recommend Approval.

THE CABINET
STATE OF FLORIDA

Representing:

STATE BOARD OF ADMINISTRATION
DIVISION OF BOND FINANCE
FINANCIAL SERVICES COMMISSION, FINANCIAL REGULATION
FINANCIAL SERVICES COMMISSION, INSURANCE REGULATION
DEPARTMENT OF REVENUE
DEPARTMENT OF VETERANS' AFFAIRS
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATION COMMISSION
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

The above agencies came to be heard before
THE FLORIDA CABINET, Honorable Governor Crist presiding,
in the Cabinet Meeting Room, LL-03, The Capitol,
Tallahassee, Florida, on Tuesday, November 17, 2009,
commencing at approximately 9:14 a.m.

Reported by:

MARY ALLEN NEEL
Registered Professional Reporter
Florida Professional Reporter
Notary Public

ACCURATE STENOGRAPHY REPORTERS, INC.
2894 REMINGTON GREEN LANE
TALLAHASSEE, FLORIDA 32308
(850) 878-2221

1 GOVERNOR CRIST: Department of Highway Safety
2 and Motor Vehicles, Julie Jones. Your first
3 appearance as the new executive director. I know
4 you'll make it a great one.

5 MS. JONES: Yes, sir. And I would
6 respectfully request you take it easy on me on my
7 first meeting.

8 GOVERNOR CRIST: To do what? I didn't hear
9 you.

10 MS. JONES: It was worth a try.

11 GOVERNOR CRIST: Take it easy on you? We take
12 it easy on everybody. We're pretty kind around
13 here.

14 MS. JONES: Yes, you are.

15 Governor and Cabinet members, today the
16 Department has seven agenda items for your
17 consideration and approval. Item 1, we
18 respectfully request approval of the minutes from
19 the August 25th Cabinet meeting.

20 GOVERNOR CRIST: Is there a motion to approve?

21 CFO SINK: Move it.

22 ATTORNEY GENERAL McCOLLUM: Second.

23 GOVERNOR CRIST: Moved and seconded. Show the
24 minutes approved without objection.

25 MS. JONES: Item 2, we respectfully request

1 approval to initiate rulemaking for Rule 15A-11,
2 which relates to commercial driving schools. This
3 rule is very similar to the current provisions we
4 have for truck driving schools. This creates
5 consistency and codifies existing agency practice.

6 CFO SINK: Move it.

7 ATTORNEY GENERAL McCOLLUM: Second.

8 GOVERNOR CRIST: Show it approved without
9 objection.

10 MS. JONES: Item 3, respectfully request
11 approval to initiate rulemaking for Rule 15B-2.013,
12 which relates to approved speed measuring devices.
13 This cleans up some language relative to how we
14 designate speed guns and adds a new device to the
15 list so local law enforcement can use yet another
16 approved device.

17 ATTORNEY GENERAL McCOLLUM: I move Item 3.

18 CFO SINK: Second.

19 GOVERNOR CRIST: Moved and seconded. Show it
20 approved without objection.

21 MS. JONES: Item 4 is the approval to initiate
22 rulemaking to repeal three rules. We have three
23 rules that we have not -- we don't have statutory
24 authority for, and it has been while, '96, '81, and
25 2000. Rule 15C-4 relates to private recreational

1 vehicle inspections, 15C-5 relates to motor vehicle
2 safety inspections, and 15C-6 relates to motor
3 vehicle emission inspections. This is a case where
4 a statute has been repealed and we didn't clean our
5 rules up.

6 CFO SINK: Move it.

7 ATTORNEY GENERAL McCOLLUM: Second.

8 GOVERNOR CRIST: Show it approved without
9 objection.

10 MS. JONES: Item 5 is a request for approval
11 for the Department's first quarter performance
12 measures. During the first quarter, the Department
13 met the majority of its performance expectations,
14 and I would like to talk briefly about just a
15 couple of our wins.

16 We went live with the new online organ donor
17 registry. This is our donatelifeflorida.org. And
18 since this went live, this quarter we've gotten
19 200,000 additional donors into our system, so
20 that's a huge win.

21 We're also trying to create some efficiencies
22 with law enforcement partners, and we've started
23 doing some equipment related installations for FDLE
24 to try to save them some money and better utilize
25 our vehicle facility in Middleburg.

1 Also, I wanted to mention that our last and
2 latest phase of Real ID information has gone live.
3 The website, www.gathergoget.com, allows users to
4 create a personalized checklist of documents that
5 you're going to have to bring in to a driver's
6 license office in order to be Real ID compliant.
7 And so we're pushing information out early and
8 often to get people used to the new criteria that
9 will be effective in January.

10 Now, one challenge that we've had relative to
11 our performance is our wait times in driver's
12 license offices. And we've created some
13 efficiencies because of the new queuing system, and
14 in doing so, we've had some performance issues with
15 our staff to learn the queuing system and some IT
16 issues. So when the system goes down, our wait
17 times appear to be longer, when indeed they're not.

18 So I would like to defer on this one until
19 next quarter, because I think we have technical
20 issues more so than actual performance issues with
21 our staff. I'm very proud of the work that our
22 team has done relative to our performance measures
23 and would request approval of this first quarter
24 performance.

25 ATTORNEY GENERAL McCOLLUM: I move Item 7.

1 GOVERNOR CRIST: I just have one question.
2 Your last comment, does that mean that you think
3 the wait times aren't what they're shown to be?

4 MS. JONES: That's correct. I think the
5 measure that you see, the wait times that appear to
6 be long, when indeed they're not. If the queuing
7 system -- you walk into a driver's licens office
8 and you get a ticket, and they use that number to
9 bring through the process. And in doing so, if the
10 system goes down, you're in limbo, that number, and
11 so it artificially says that you were there for two
12 hours because the system was down, and we probably
13 got you out in 15 or 20 minutes.

14 GOVERNOR CRIST: And you think you have a way
15 to rectify that?

16 MS. JONES: Yes, we do. We're working with
17 the vendor to fix this.

18 GOVERNOR CRIST: Thank you. There was a
19 motion?

20 CFO SINK: Motion? Second.

21 GOVERNOR CRIST: Second? Show it approved
22 without objection.

23 MS. JONES: Item 6 is the Department's
24 legislative budget request. We approached this LBR
25 request balancing the critical needs of the

1 Department, knowing the critical state of the
2 State's budget. It has seven issues, and I would
3 say key to the issue is our leadership development
4 plan which recognizes the need to reinvest in our
5 people. The plan sets forward standards for levels
6 of leadership training and education and then
7 compensates the individual if they complete the
8 course of study.

9 The second issue is very critical to the
10 Department, and this gets back to the previous
11 issue, our IT system. Driver's license issuance,
12 tag and title work, and state law enforcement
13 depend on our computer systems, which are 20 years
14 old. We still have some shifting of information
15 off of old mainframes. And we need a plan to move
16 into the 21st Century, so this budget request is a
17 plan, the architecture and design work for a new
18 system.

19 We have two budget requests that are
20 nonrecurring that are related to the operation of
21 our buildings and infrastructure, and two for --
22 nonrecurring issues for equipment for the Highway
23 Patrol. Those particular issues, we're looking for
24 alternative funding sources from a federal grant,
25 and then also from our Law Enforcement Trust Fund,

1 so it doesn't affect the Highway Safety Operating
2 Trust Fund. So --

3 GOVERNOR CRIST: Is there a motion?

4 CFO SINK: Move it.

5 ATTORNEY GENERAL McCOLLUM: Second.

6 GOVERNOR CRIST: Moved and seconded. Show it
7 approved with my abstention, as I have to submit an
8 independent budget recommendation.

9 MS. JONES: Our last item, Item 7, is a
10 request for approval of the Department's
11 substantive legislative package for the 2010
12 legislative session. It contains a number of
13 cleanup items, but to highlight three what I
14 consider major issues, we are proposing a penalty
15 for aggressive driving. Right now, now aggressive
16 driving is defined in statute, but there is no
17 penalty, and this would establish a penalty.

18 GOVERNOR CRIST: How do you define that?

19 MS. JONES: You simultaneously break -- two or
20 more moving violations, so you might be speeding
21 and following too close, weaving, inappropriate
22 lane changes associated with speeding.

23 What we want to do here, right now you get a
24 ticket for each individual offense, but you're
25 really not identified as an aggressive driver. By

1 putting a penalty specific to aggressive driving,
2 we actually label you as an aggressive driver, and
3 the penalty would require you to go to driver
4 school. So we're now trying to create some
5 behavior modification in addition to also making it
6 mandatory court.

7 GOVERNOR CRIST: Get a little counseling?

8 MS. JONES: Pardon me?

9 GOVERNOR CRIST: I made a joke. Sorry.

10 CFO SINK: I'll bet your insurance company is
11 not going to like it either.

12 MS. JONES: Another proposal relates to DUI
13 convictions. Currently if you get a succession of
14 DUI charges, oftentimes a court will try to lump
15 them together to save money, snf you might make one
16 court appearance on more than one DUI violation.
17 And right now, it's not specific in law, and they
18 treat those multiple violations as one violation
19 relative to the penalty. We want to make sure that
20 the penalty matches the numbers of times you were
21 actually arrested.

22 The final issue relates to electronic
23 signatures on noncriminal citations. Right now,
24 law enforcement has to turn in paper copies of
25 citations to the court, sometimes multiple copies,

1 and also a hard copy to the Department. We would
2 like for nonmoving, noncriminal violations to allow
3 the entire process to be made electronic, and this
4 will go a long way to saving us money. It also
5 will allow departments that currently have laptops
6 to do that whole transaction electronically. This
7 would not be for criminal violations, just
8 noncriminal.

9 Again, I can answer questions.

10 GOVERNOR CRIST: I have a recommendation to
11 maybe add to your legislative agenda. The notion
12 of outlawing texting while driving, would you be
13 willing to take a look at that as part of your
14 legislative package also?

15 MS. JONES: Absolutely, Governor.

16 GOVERNOR CRIST: I think it would provide more
17 safety for our people.

18 MS. JONES: Yes, sir. There's currently 13
19 bills that we're tracking between the House and the
20 Senate, and we decided proactively not to put
21 something in the agenda until something jelled and
22 we could work with our legislative partners, but we
23 assumed that that would be a part of the package
24 ultimately.

25 THE COURT: But you support the concept?

1 MS. JONES: Yes, absolutely, sir.

2 GOVERNOR CRIST: Great. Thank you, ma'am.
3 General, I think you had a comment?

4 ATTORNEY GENERAL McCOLLUM: I'm just going to
5 move this item. I think there are a lot of things
6 in here, by the way, that you didn't discuss, and
7 we don't want to force you to take the time to do
8 that today. But there's really good stuff in here,
9 and so I move the item.

10 CFO SINK: Second.

11 GOVERNOR CRIST: Moved and seconded. Show it
12 approved without objection. Thank you. Great job.

13 MS. JONES: Thank you.

14 ATTORNEY GENERAL McCOLLUM: Governor, may I
15 correct --

16 GOVERNOR CRIST: General, sure.

17 ATTORNEY GENERAL McCOLLUM: Make sure the
18 record stands corrected. I had moved as Item 7
19 what is really Item 5 now because it got
20 consolidated. That was the performance report. We
21 did move it, and we did pass it.

22 GOVERNOR CRIST: Yes, sir.

23 ATTORNEY GENERAL McCOLLUM: Thank you.

24

25

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and
- (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
 - (a) Are filed not more than 90 days after the notice; or
 - (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
 - (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
 - (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
 - (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

[] (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

[] (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or

[] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15B-2.013

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie L. Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

1
Number of Pages Certified

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15B-2.013, Approved Speed Measuring Devices

RULE NUMBERS:

RULE TITLE:

15B-2.013

Approved Speed Measuring Devices

Summary of Rule

Rule Chapter 15B-2.013, Changes are being made to the Department's rule on Approved Speed Measuring Devices so that speed measuring devices that have been approved, since the last revision, could be incorporated into section 15B-2.013.

Statement of Facts and Circumstances Justifying the Rule

Section 15B-2.013, F.A.C., provides a listing of all currently approved speed measuring devices for use in the State of Florida. The devices are listed by the manufacturer's corporate name and model number. Since the last revision to section 15B-2.013, there has been several speed measuring devices approved for use in the State of Florida that needed to be included in the rule. This rule revision incorporates the newly approved speed measuring devices.

Federal Standards Statement

A Federal Standard or Rule that impacts or is affected by this rule change does not exist.

Summary of Hearing

The proposed rule development was noticed in the September 11, 2009, Florida Administrative Weekly, Volume 35, Number 36. The proposed rule was noticed in the November 25, 2009, Florida Administrative Weekly, Volume 35, Number 47. No timely request for a hearing was received by the agency and no hearing was held. A Notice of Public Meeting advertising the September 11, 2009, Governor and Cabinet Meeting was notice in the November 25, 2009, Florida Administrative Weekly, Volume 35, Number 36, to advertise the proposed rule development. A second Notice of Public Hearing was noticed in the November 25, 2009, Florida Administrative Weekly, Volume 35, Number 47, to advertise the rule as proposed.

THE FULL TEXT OF THE PROPOSED RULE IS:

RULE TITLE:

RULE NUMBER:

Speed Measuring Devices

15B-2

Rule Titles:

Rule Numbers:

Approved Speed Measuring Devices

15B-2.013

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

(a) – (c) – **No Change**

(d) Kustom Electronics, Inc., or Kustom Signals, Inc.

1-29 – **No Change**

30. Raptor RP-1

(e) – (g) – **No Change**

(2) – (4) – **No Change**

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

(a)-(c)-**No Change**

(d) Laser Atlanta Optics, Inc. or Laser Atlanta, LLC – Model Speed Laser, Model Speed Laser B-Model Speed Laser R, Model Speed Laser S.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History–New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04, 1-1-09.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and
- (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
 - (a) Are filed not more than 90 days after the notice; or
 - (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
 - (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
 - (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
 - (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

[] (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

[] (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or

[] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15C-4

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie L. Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

5
Number of Pages Certified

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15C-4, FAC, Private Recreational Vehicle Inspections

RULE NUMBERS:	RULE TITLE:
15C-4.001	Recreational Vehicle Inspection.
15C-4.002	Minimum Requirements for Approval to Conduct Private and Dealer Inspections.
15C-4.004	Certification.
15C-4.005	Duties and Responsibilities.
15C-4.006	Monitoring.
15C-4.007	Code Provisions.
15C-4.008	General.
15C-4.009	Forms.

Summary of Rule

Rule Chapter 15C-4, Private Recreational Vehicle Inspections, rules 15C-4.001 through 15C-4.009, F. A. C., are being repealed because they are obsolete, the Department no longer has statutory authority to perform private recreational vehicle inspections.

Statement of Facts and Circumstances Justifying the Rule

Florida Statute 320.8256, rulemaking authority for this rule has been repealed; therefore the Department no longer has statutory authority to perform private recreational vehicle inspections.

Federal Standards Statement

A Federal Standard or Rule that impacts or is affected by this rule change does not exist.

Summary of Hearing

The proposed rule repeal was noticed in the December 4, 2009, Florida Administrative Weekly, Volume 35, Number 48. A Notice of Public Hearing was submitted to the Governor and Cabinet Meeting on November 17, 2009, and the Notice of Hearing was published in the December 4, 2009, Florida Administrative Weekly, Volume 35, Number 48. No timely request for a hearing was received by the agency and no hearing was held.

THE FOLLOWING RULES ARE HEREBY REPEALED:

RULE NUMBERS:	RULE TITLES:
15C-4.001	Recreational Vehicle Inspection.
15C-4.002	Minimum Requirements for Approval to Conduct Private and Dealer Inspections.
15C-4.004	Certification.
15C-4.005	Duties and Responsibilities.
15C-4.006	Monitoring.
15C-4.007	Code Provisions.
15C-4.008	General.
15C-4.009	Forms.

15C-4.001 Recreational Vehicle Inspection.

This chapter provides the procedures for inspection of recreational vehicles by a private firm, person, dealer or agency, and obtaining approval to conduct such inspections.

Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History—New 11-5-80, Formerly 15C-4.01, Amended 1-13-92.

15C-4.002 Minimum Requirements for Approval to Conduct Private and Dealer Inspections.

(1) Application for certification as a recreational vehicle inspector shall be filed on form HSMV-81105, 6/91, Certification Application as Private or Dealer Recreational Vehicle Inspector, which is provided by the Department and hereby adopted by reference. Application shall be submitted to the Division of Motor Vehicles, Bureau of Mobile Home and Recreational Vehicle Construction, Neil Kirkman Building, Tallahassee, Florida 32399.

(2) Graduation from a standard high school, two years of experience in building inspection or construction, and a basic knowledge of plumbing, heating, and electrical systems in recreational vehicles. An equivalency diploma issued by a State Department of Education or by the United States Armed Forces Institute may be substituted for high school graduation.

(3) In order to assure the highest degree of quality control in the construction and inspection of recreational vehicles, the applicant must pass a written examination concerning that subject, administered by the Department prior to being approved as a Private or Dealer Recreational Vehicle Inspector.

(4) Applicant shall be given sixteen hours of orientation prior to being granted certification by the Department.

Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History—New 11-5-80, Formerly 15C-4.02, Amended 1-13-92.

15C-4.004 Certification.

(1) A Certificate, form HSMV-81107, 6/91, or HSMV-81108, 6/91, as applicable, which is provided by the Department and hereby adopted by reference, shall be issued to the recreational vehicle inspector on an annual basis, commencing January 1 and terminating December 31 of each calendar year.

(2) Application for certification renewal shall be filed on form HSMV-81106, 6/91, Certification Renewal Request for Private or Dealer Recreational Vehicle Inspector, which is provided by the Department and hereby adopted by reference. Application for renewal must be submitted at least thirty days prior to the expiration of current certification.

(3) In order for certification to be continued, the Private or Dealer Recreational Vehicle Inspector will be required to attend Department approved training seminars relating to recreational vehicle codes, laws, rules and regulations, a minimum of forty hours annually.

(4) Willful violation of any provision of these rules will be grounds for cancelling or refusing to renew certification.

Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History—New 11-5-80, Formerly 15C-4.04, Amended 1-13-

15C-4.005 Duties and Responsibilities.**(1) Inspections.**

(a) The Private Recreational Vehicle Inspector shall be responsible for inspecting only new and used recreational vehicles, approving and validating only those units that comply with the codes, laws, rules and regulations adopted by the Department.

(b) The certified Dealer Recreational Vehicle Inspector shall be responsible for the inspection of used recreational vehicles in inventory and offered for sale, approving only those units that comply with the codes, laws, rules and regulations adopted by the Department.

(2) Validation Stickers.

(a) Validation stickers shall be numbered and letter prefixed for identification of the inspector affixing the stickers. Validation stickers shall be issued to the Private or Dealer Recreational Vehicle Inspector upon receipt of form HSMV-81301, 6/91, Application for Validation Sticker(s), which is provided by the Department and hereby adopted by reference. Application is to be submitted to the Division of Motor Vehicles (Bureau of Mobile Home and Recreational Vehicle Construction) and shall be forwarded by certified mail/return receipt requested. An acknowledgment receipt, form HSMV-81321, 6/91, Receipt for Validation Sticker(s) for Private or Dealer Recreational Vehicle Inspector, which is provided by the Department and hereby adopted by reference, shall be forwarded with the validation stickers. The inspector must verify the number of stickers received, sign and date receipt, and return receipt immediately to the Division of Motor Vehicles (Bureau of Mobile Home and Recreational Vehicle Construction).

(b) A limited supply of validation stickers shall be issued to the Private and Dealer Recreational Vehicle Inspector. Validation stickers must be used in numerical order. The Private and Dealer Recreational Vehicle Inspector shall be responsible for the security of the validation stickers upon his receipt. Any lost or damaged stickers must be reported immediately to the Division of Motor Vehicles (Bureau of Mobile Home and Recreational Vehicle Construction).

(3) Equipment. The Private and Dealer Recreational Vehicle Inspector shall be responsible for providing the tools, equipment and applicable code books necessary to make appropriate inspections. The following equipment and books are needed:

(a) GFI Tester

(b) Continuity Tester

(c) 100 Ft. Extension Cord

(d) Flashlight

(e) Ladder (minimum 10 ft.)

(f) Inspection Mirror

(g) Measuring Tape

(h) Assorted hand tools sufficient to disassemble the recreational vehicle portions to be inspected.

(i) Code Books (ANSI A119.2, ANSI A119.5, Handbook for ANSI A119.2, Handbook for ANSI A119.5, and the National Electrical Code)

(4) Red Tags.

(a) All recreational vehicle units not conforming to the code provisions shall be red tagged. Units which have been red tagged or notice of violation written, using form HSMV-81087, 7/84, Notice of Violation or Non-compliance, which is provided by the Department and hereby adopted by reference, shall not be sold or offered for sale until corrections have been made and reinspection completed by a Private or Dealer Recreational Vehicle Inspector or a Florida MH/RV Inspector. A unit cited with a notice of violation or red tagged can only be released by a Private or Dealer Recreational Vehicle Inspector or a Florida MH/RV Inspector.

(b) All units with deviations, written up on a notice of violation or red tagged, shall not be moved from the dealer lot location, storage lot, or location where unit is tagged or notice of violation written, without prior approval from the Division of Motor Vehicles (Bureau of Mobile Home and Recreational Vehicle Construction).

(c) New or used recreational vehicles found with deviations during an inspection will not have a validation

sticker affixed to the unit. In the event a unit is found with a validated seal and deviations, the unit shall be red tagged until corrections are made and unit has been reinspected by the Private or Dealer Recreational Vehicle Inspector or Florida MH/RV Inspector.

(5) Record Keeping and Reporting.

(a) The Private and Dealer Recreational Vehicle Inspector shall be responsible for providing the Department with reports covering recreational vehicle inspections.

(b) Inspector Validation Sticker Inventory, form HSMV-81040, 6/90, which is provided by the Department and hereby adopted by reference is to be completed daily as validation stickers are affixed to units and maintained by the inspector as a permanent record.

(c) Inspector's Weekly Validation Report, form HSMV-81041, 1/88, which is provided by the Department and hereby adopted by reference, is to be completed weekly by the transfer of data from the Inspector's Validation Sticker Inventory, form HSMV-81040, 6/90, which is provided by the Department and hereby adopted by reference. Report is to be mailed to the Division of Motor Vehicles (Bureau of Mobile Home and Recreational Vehicle Construction) on Friday afternoon of each week and on the last day of each month for those days completing the month.

(d) Notice of Violation or Non-compliance, form HSMV-81087, 7/84, which is provided by the Department and hereby adopted by reference, is to be completed in its entirety. The DMV copy and the manufacturer's copy are to be sent to the Division of Motor Vehicles (Bureau of Mobile Home and Recreational Vehicle Construction) the same day as notice is written.

(e) A Used Recreational Vehicle Checklist, form HSMV-81001, 2/89, which is provided by the Department and hereby adopted by reference, or Used Park Trailer Checklist, form HSMV-81092, 2/89, which is provided by the Department and hereby adopted by reference, is to be completed in its entirety on each used recreational vehicle inspected and glued or taped in the clothes closet when the recreational vehicle is in compliance with the Used Recreational Vehicle or Park Trailer Checklist and seal has been validated.

Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History—New 11-5-80, Formerly 15C-4.05, Amended 1-13-92.

15C-4.006 Monitoring.

The Private and Dealer Recreational Vehicle Inspector will be monitored periodically by the Department's personnel for compliance with codes set forth in Sections 320.8231 and 320.8232, Florida Statutes, and applicable provisions of Section 320.822 to Section 320.90, and these rules and regulations. The frequency of the monitoring will be at the Department's discretion. Any deficiencies will be discussed during monitoring visits.

Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.824(2), 320.8231, 320.8232 FS. History—New 11-5-80, Amended 2-8-81, Formerly 15C-4.06, Amended 1-13-92.

15C-4.007 Code Provisions.

The following code provisions shall be utilized in performing the inspection of recreational vehicles, including park trailers:

(1) Used Recreational Vehicle and Park Trailer Code Checklists according to the standard adopted in Section 320.8232, Florida Statutes, for the inspection of used recreational vehicles.

(2) ANSI A119.2 Standard for Recreational Vehicles, approved by the American National Standards Institute pursuant to the standards adopted in Section 320.8231, Florida Statutes, for the inspection of new recreational vehicles.

(3) ANSI A119.5, Standard for Park Trailers, approved by the American National Standards Institute pursuant to the standards adopted in Section 320.8231, Florida Statutes, for the inspection of new park trailers.

Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.8231, 320.8232, 320.824(1) FS. History—New 11-5-80, Amended 2-8-81, Formerly 15C-4.07, Amended 1-13-92.

15C-4.008 General.

No products, materials or method of installation will be accepted or allowed, unless incorporated in the code provisions set forth in Rule 15C-4.007, F.A.C.

Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History—New 11-5-80, Formerly 15C-4.08.

15C-4.009 Forms.

All forms mentioned in or required by this rule may be obtained without cost by contacting the Bureau of Mobile Home and Recreational Vehicle Construction, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Tallahassee, Florida 32399.

Specific Authority 320.8256(1) FS. Law Implemented 120.53(1)(b), 320.8256 FS. History—New 11-5-80, Formerly 15C-4.09, Amended 1-13-92.

RULEMAKING AUTHORITY: 393.066(3) FS.
LAW IMPLEMENTED: 393.0661(3) FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: January 6, 2010, 10:00 a.m. – 12:00 Noon EST
PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399, (850)488-6680
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399 (850)922-0371. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)922-0371
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

SUMMARY: Rules 15C-4.001 through 15C-4.009, F.A.C., Private Recreational Vehicle Inspections, are being repealed because they are obsolete and the Department no longer has the authority to perform private recreational vehicle inspections.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 320.8256 FS.
LAW IMPLEMENTED: 320.8256, 320.824(1), 320.824(2), 320.8231, 320.8232, 120.53(1)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, December 29, 2009, 9:00 a.m.
PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Gentry

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-4.001 Recreational Vehicle Inspection.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.01, Amended 1-13-92, Repealed.

15C-4.002 Minimum Requirements for Approval to Conduct Private and Dealer Inspections.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.02, Amended 1-13-92, Repealed.

15C-4.004 Certification.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.04, Amended 1-13-92, Repealed.

15C-4.005 Duties and Responsibilities.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.05, Amended 1-13-92, Repealed.

15C-4.006 Monitoring.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.824(2), 320.8231, 320.8232 FS. History–New 11-5-80, Amended 2-8-81, Formerly 15C-4.06, Amended 1-13-92, Repealed.

Section II Proposed Rules

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-4.001	Recreational Vehicle Inspection
15C-4.002	Minimum Requirements for Approval to Conduct Private and Dealer Inspections
15C-4.004	Certification
15C-4.005	Duties and Responsibilities
15C-4.006	Monitoring
15C-4.007	Code Provisions
15C-4.008	General
15C-4.009	Forms

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-4.001 through 15C-4.009, F.A.C., Private Recreational Vehicle Inspections, because they are obsolete. Section 320.8256, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform private recreational vehicle inspections. The effect will be to repeal Rule Chapter 15C-4, F.A.C.

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and
- (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
- (a) Are filed not more than 90 days after the notice; or
- (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
- (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
- (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

[] (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

[] (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or

[] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15C-5

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie L. Jones

Executive Director
Title

Department of Highway Safety and Motor Vehicles
Agency

11
Number of Pages Certified

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15C-5, FAC, Motor Vehicle Inspection

RULE NUMBERS:	RULE TITLE:
15C-5.001	Type Inspection Station.
15C-5.002	Procedure for Appointment as an Inspection Station.
15C-5.003	Minimum Requirements for Official Vehicle Inspection Station; (Public).
15C-5.004	Equipment Required for Official Inspection Station.
15C-5.005	Approved Testing Devices.
15C-5.006	Responsibility of Station Owner or Operator.
15C-5.007	Approval of Certified Inspectors.
15C-5.008	Duties and Responsibilities of Authorized Inspectors.
15C-5.009	Period of Inspection.
15C-5.010	Inspection Certificates.
15C-5.011	Delinquent Fees.
15C-5.012	Replacement Certificates.

Summary of Rule

Rule Chapter 15C-5, Motor Vehicle Inspection, rules 15C-5.001 through 15C-5.012, F. A. C., , are being repealed because they are obsolete and the Department no longer has statutory authority to perform motor vehicle inspections.

Statement of Facts and Circumstances Justifying the Rule

Florida Statute 325.26, rulemaking authority for this rule has been repealed; therefore the Department no longer has the statutory authority to perform motor vehicle inspections.

Federal Standards Statement

A Federal Standard or Rule that impacts or is affected by this rule change does not exist.

Summary of Hearing

The proposed rule repeal was noticed in the December 4, 2009, Florida Administrative Weekly, Volume 35, Number 48. A Notice of Public Hearing was submitted to the Governor and Cabinet Meeting on November 17, 2009, and the Notice of Hearing was published in the December 4, 2009, Florida Administrative Weekly, Volume 35, Number 48. No timely request for a hearing was received by the agency and no hearing was held.

THE FOLLOWING RULES ARE HEREBY REPEALED:

RULE NUMBERS:	RULE TITLES:
15C-5.001	Type Inspection Station.
15C-5.002	Procedure for Appointment as an Inspection Station.
15C-5.003	Minimum Requirements for Official Vehicle Inspection Station; (Public).
15C-5.004	Equipment Required for Official Inspection Station.
15C-5.005	Approved Testing Devices.
15C-5.006	Responsibility of Station Owner or Operator.
15C-5.007	Approval of Certified Inspectors.
15C-5.008	Duties and Responsibilities of Authorized Inspectors.
15C-5.009	Period of Inspection.
15C-5.010	Inspection Certificates.
15C-5.011	Delinquent Fees.
15C-5.012	Replacement Certificates.

15C-5.001 Type Inspection Station.

The types of inspection stations authorized in Florida are as follows:

(1) County Operated Stations: An official Inspection Station to which the Department has granted authority to inspect any and every vehicle presented for inspection. These stations are operated by a County Government in counties in which no private concern may inspect vehicles for the public.

(2) Privately Operated Stations: An official Inspection Station to which the Department has granted authority to inspect any and every vehicle presented for inspection and is privately owned and/or operated.

(3) Fleet Stations (self inspector): An official Inspection Station to which the Department has granted authority to inspect only those vehicles which are owned by, or under bona fide lease to, the entity in whose name the Fleet Station license is issued; including city, county or state governmental agencies.

Specific Authority 325.26 FS. Law Implemented 325.20, 325.21, 325.27 FS. History—New 5-7-81, Formerly 15C-5.01.

15C-5.002 Procedure for Appointment as an Inspection Station.

(1) Those desiring to make application for an Official Inspection Station shall do so in writing to the Chief, Bureau of Vehicle Inspection, Division of Motor Vehicles, Neil Kirkman Building, Tallahassee, Florida 32301. Application blanks (Form MVI-21) will be furnished, and upon completion, shall be returned to the above address to be processed.

(2) Initial qualifications for Inspection Station applicants are as follows:

(a) Must have good character and have a good reputation for honesty.

(b) Have adequate knowledge of the equipment requirements for motor vehicles as required under the laws of Florida.

(c) Be able to satisfactorily conduct the mechanical inspections as required by law.

(d) Have adequate facilities as to space and equipment in order to check each of the items of safety equipment inspection.

(e) Have general knowledge of motor vehicles sufficient to recognize a mechanical condition which is not safe.

(3) During the investigation (character, appearance, etc.) a Department Facility Examiner will call at the place the inspections are to be performed by the applicant for a personal inspection of the premises and personnel to determine the ability of the applicant to conduct inspections in accordance with the provisions of the Safety Equipment Inspection Statute as enacted by the Legislature. If application is approved on initial investigation, applicant will be advised to proceed with the installation of inspection equipment.

(4) After such installation, the Department Facility Examiner will reinspect the equipment and facilities. If approved, a Certificate of Appointment will be issued. The Certificate of Appointment of Station License is valid for a period of not more than seven (7) years, except county operated or fleet stations.

(5) When all conditions of appointment have been met, the Certificate of Appointment will be delivered to the station by the Department Facility Examiner assigned to supervise the station. The Certificate of Appointment and Inspector Certificates will be framed under glass and prominently displayed at or near the point in the garage where inspections are conducted.

(6) No type certificate other than the Certificate of Appointment and Inspector Certificates will be displayed in the glassed frame required for such certificates.

(7) When there is a change in personnel who are authorized to purchase or receive Inspection Certificates, a new authorization form properly filled out will be required.

Specific Authority 325.26 FS. Law Implemented 325.20, 325.26 FS. History—New 5-7-81, Formerly 15C-5.02.

15C-5.003 Minimum Requirements for Official Vehicle Inspection Station; (Public).

SPACE REQUIREMENTS

(1) Entrance 14' wide × 14' high × 45' deep for each individual inspection lane. Exceptions may be made on multi-lane stations which must have at least one lane meeting above requirements. The Department may make other exceptions as it deems necessary.

(2) Entire space must be in a permanent type building with two permanent walls and permanent roof. Temporary expedients such as tents, arbors, or sheds are not acceptable.

(3) The floor of the building must be leveled, hard-surfaced, and of any material except dirt. Wood floors which sag under the vehicles' weight are not acceptable.

(4) Each area of the building used for inspecting must be approved by the Department Facility Examiner.

(5) The complete inspection shall be conducted with the entire vehicle inside the approved building in an approved and marked inspection area (except tests made with decelerometer), except that vehicles which are too large to get inside the building door shall be inspected as close as possible to the approved inspection area.

Specific Authority 325.26 FS. Law Implemented 325.20 FS. History—New 5-7-81, Formerly 15C-5.03.

15C-5.004 Equipment Required for Official Inspection Station.

(1) HEADLAMP TESTING MACHINE

(a) The machine shall have been in regular production and catalogued under a symbol number by the manufacturer for a period of at least one year.

(b) Shall conform to the requirements of SAE Recommended Practice, Headlamp Testing Machines – SAE J600a (1972 SAE Handbook).

(c) Shall be in good repair and adjustment and shall be calibrated daily or before each use.

(d) Shall be used in accordance with manufacturer's instructions.

(e) Must record candle power output.

(f) Must record aim of all types of headlamps horizontally and vertically in inches at 25 feet.

(g) When a headlamp tester is used, the track, securely attached to the floor and leveled, will be required.

(h) When caster-type headlamp testers now in use in Inspection Stations need repairs or replacement to the base area, these machines will be replaced by track models.

(2) MECHANICAL HEADLAMP AIMERS

(a) This machine shall have been in regular production and catalogued under a symbol number by the manufacturer for a period of at least one year. (Approved for Fleet Stations only.)

(b) Mechanical aimers shall conform to the requirements of SAE Recommended Practice, Headlamp Aiming Device for Mechanically Aimable Sealed Beam Headlamp Units – SAE J602a (1972 SAE Handbook).

(c) Mechanical Aimers shall only be used on headlamps with aiming pads. All headlamps not equipped with all complete pads shall be tested by a headlamp testing machine, or replaced with new lamp.

(d) Shall be in good repair and adjustment.

(e) Shall be used according to the manufacturer's instructions.

(f) Must record candlepower output.

(g) The mechanical aimer shall be equipped with calibrating rings. Aimers shall be calibrated daily or before

each use.

(h) When used, a line 4 inches wide and 8 feet long clearly painted on the floor, and directly above the mechanical aimer will be operated, will be required.

(i) Must record aim of headlamps horizontally and vertically in inches at 25 feet.

(3) BRAKE TESTING MACHINE

(a) The machine shall have been in regular production and catalogued under a symbol number by the manufacturer for a period of at least one year.

(b) The machine shall be of the Drive-On and Stop Type, or Roller Type, and thereby, capable of quickly and accurately measuring and recording the brake effort of a vehicle under actual stopping conditions.

(c) The machine shall be designed to adequately withstand the stresses involved in the continuous production line type vehicle testing of passenger cars and trucks and shall, therefore, have a minimum vehicle weight capacity of no less than 16,000 pounds per vehicle end.

1. Fleets may be equipped with a brake machine with a minimum vehicle weight capacity of no less than 8,000 pounds per vehicle end.

(d) All Public Inspection Stations must be equipped with a brake machine with a minimum vehicle weight capacity of not less than 16,000 pounds per vehicle end. All new applications for Public Inspection Stations, including change of locations or ownership, must comply with these requirements.

(e) The machine shall be capable of automatically weighing, in pounds, the brake effort of each of the wheels of a vehicle, recording such brake effort on a separate indicator for each wheel when the vehicle is brought to a stop on the machine by brake application, regardless of the weight of the vehicle.

(f) The machine shall be capable of indicating or allowing for calculations to be made to determine total braking force of the vehicle.

(g) The machine must be properly installed and kept properly calibrated and clean at all times.

(4) INERTIA-TYPE PORTABLE DECELEROMETER

(a) Approved for Fleet Stations only, or by County and Private Stations when testing vehicles of such size that testing cannot be conducted in the approved testing area.

(b) Use of the decelerometer will not be permitted by any station upon the public streets or highways.

(c) Shall have been in regular production and catalogued under a symbol number by the manufacturer for a period of at least one year.

(d) In all instances where fleet operators use the decelerometer, the following procedures will be required. A minimum of one wheel, or set of wheels in cases such as dual wheels, shall be removed from each braking axle for purposes of exposing the brake lining and drum. A brake lining gauge, brake drum gauge, and brake disc and pad gauges, will be required to determine measurement of same. Measurements shall be recorded on the back of the station file (yellow) copy of MVI-12.

1. Wheel pull is not necessary on vehicles designed with exposed brake lining and drum.

2. Pulling of wheels and recording of measurements on station copy (YELLOW) not required on current year model vehicles with less than 10,000 miles on the odometer.

(e) Manuals indicating manufacturer's specification for replacements on lining, discs, pads, and brake drums are required.

(5) LIFT JACKS

(a) Must be of sufficient tonnage capacity to handle vehicle to be inspected.

(b) Must be capable of hoisting the front end of the vehicle by the lower control arm and by the frame. NOTE: When power operated lifts are used, in the event of a power failure manually operated lifts or jacks will be required.

(6) BALL JOINT AND PLAY CHECKERS

(a) Shall have been in regular production and cataloged under a symbol number by the manufacturer for a period of at least one year.

(b) Shall be capable of accurately measuring the horizontal and axial motion of the vehicle's front steering mechanism.

(7) ADDITIONAL TOOLS REQUIRED

- (a) Tread depth gauge capable of measuring in 32nd's of an inch, and adequate for measuring tread depth.
- (b) A windshield scraper for removing old certificate.
- (c) A measuring device clearly indicating a 24 inch measurement (to measure for directional signals).
- (d) A measuring device clearly indicating a 14 foot measurement (to measure for directional signals).
- (e) A measuring device clearly indicating a 24 inch measurement, a 60 inch measurement, and an 80 inch measurement (to measure reflector height of vehicles and to measure for side marker and clearance lamps and side reflectors). (Roll type tapes of sufficient length will be permissible for Fleets only.)
- (f) Glass-faced frames will be used to display the Certificate of Appointment and Inspector Certificates.
- (g) A minimum of two "Approved Vehicle Safety Inspection Station" signs to be displayed as required by the Bureau of Motor Vehicle Inspection. Fleet Stations will be exempt from this requirement.
- (h) Squeegee for applying Inspection Certificates.
- (i) All Privately Operated Stations shall display a sign with 6 inch letters, reading "REPAIR WORK NOT REQUIRED HERE" at the entrance to every inspection lane.
- (j) Hole punch (must punch 1/4 inch hole).
- (k) All required equipment will be kept in or near the authorized inspection area at all times.
- (l) At County Operated Inspection Stations, a sign will be required stating "NO ADJUSTMENTS OR REPAIR WORK WILL BE MADE AT THIS INSPECTION STATION." Six (6) inch letters will be used on the sign.
- (m) WHEN ANY TESTING EQUIPMENT BECOMES DEFECTIVE, OUT OF CALIBRATION OR MALFUNCTIONS IN ANY MANNER, THE SUPERVISING DEPARTMENT FACILITY EXAMINER WILL BE NOTIFIED AND USE OF SAME SHALL BE DISCONTINUED UNTIL REPAIRS HAVE BEEN MADE AND APPROVED BY THE SUPERVISING DEPARTMENT FACILITY EXAMINER. FAILURE TO COMPLY WITH THIS REGULATION MAY RESULT IN SUSPENSION OR REVOCATION OF LICENSE.
- (n) All Public Inspection Stations must be equipped with an operational telephone and be listed in the telephone directory.

Specific Authority 325.26 FS. Law Implemented 325.20 (1)(a), 325.26 FS. History—Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Amended 5-7-81, Formerly 15C-5.04.

15C-5.005 Approved Testing Devices.

HEADLIGHT TESTERS WEAVER

- Model WX-45 MECHANICAL
- Model WX-45A HEADLAMP
- Model WX-50 AIMERS
- Model WX-50A HOPKINS
- Model WX-51 LEV-L-LITE
- Model WX-51A Model B-4, B-4A
- Model WX-46 and all other
- Model WX-46A Aimers made under

BEAR this patent

- Model 560
- Model 561
- Model 565

HUNTER

- Model 25-32-2
- Model 25-33-2
- Model 25-34-2
- Model 25-36-2

JOHN BEAN

- Model 270 DN

ATLAS

Model 675656

Model 675657

Model 675658

Model 675659

AMERICAN MOTORS

Model AM-25-33-2

Model AM-25-34-2

Model AM-25-35-2

Model AM-25-36-2

LIFT OR JACK WEAVER

Model EC-196 Model EC-10201-A0024

Model EC-196-M Model EC-107A

Model EC-100 Model EC-108A

Model EC-102 Model EC-193A

Model EC-105 Model EC-193AM

Model EC-106 Model EC-194A

Model EC-107 Model EC-194AM

Model EC-108 Model EC-20201-A0024

Model EC-197

GLOBE BEAR

Model HL502

Model Adapter 19609

Model W125

Model W126

Model Air AJ2

JOYCE

Model

Any portable jack capable of lifting front wheels clear off floor so that ball joints can be checked

BALL JOINT CHECKER

BEAR

Model 55

K. D. MANUFACTURING COMPANY

Model KD-223

HUNTER

Model G55-S

JOHN BEAN

Model 60

ASSO'D INT. CORP.

Model 125

MOOG

BRAKE TESTERS

WEAVER

Model WY-75-36 Model WY-30

Model WY-300 Model WY-60

Model WY-400 Model WY-40-SA

Model WY-600 Model WY-70-SA

Model WY-900 Model WY-75

BEAR

Model 450W

Model 4505
Model 451W
Model 4506
Model 495
Model 1145 Autorol
Model 1148 Autorol
Model 1172 Truckrol
Model 1173 Truckrol

MAXWELL

AMMCO

Model BTS 35
Model BTS 55

CLAYTON

Model B-8-CP-200

SUN BRAKE TESTING EQUIPMENT

Model RAM 937

BRAKE RESETTING GAUGE

K. D. MANUFACTURING COMPANY

Model 227

BRAKE LINING GAUGE

K. D. MANUFACTURING COMPANY

Model 275

VERNIER CALIPER (Motorcycles only)

Part No. 20657

DISC BRAKE GAUGES

Rotor Gauge KD-2112

Disc Brake Lining Wear

Gauge KD-2115, KD-7375

DECELEROMETERS

AMMCO

Model 7350
Model 7375

And all other equipment that is tested and approved by AAMVA and cleared through MVI Headquarters, Tallahassee.

Specific Authority 325.26 FS. Law Implemented 325.20(1)(d) FS. History—Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Formerly 15C-5.05.

15C-5.006 Responsibility of Station Owner or Operator.

(1) On the Application for Designation as an Official Vehicle Inspection Station, the owner or operator has pledged himself as follows:

(a) That he will act as directed by the Bureau of Motor Vehicle Inspection in inspecting vehicles in accordance with regulations.

(b) That all inspectors have successfully completed the prescribed course set by the Bureau of Motor Vehicle Inspection for motor vehicle inspectors and to hold a Certificate of Approval authorizing him to inspect vehicles.

(c) That he and his employees are thoroughly familiar with the Official Rules and Regulations.

(d) That he will use only employees authorized by the Bureau of Motor Vehicle Inspection to do the actual inspecting in accordance with the requirements.

(e) That he will notify the supervising Department Facility Examiner at once when an authorized inspector leaves his employ and surrender the Inspector's Certificate of Approval and Manual.

(f) That he and/or his employees will inspect every vehicle presented for all items required to be inspected by Section 325.19 Florida Statutes, and to inspect said vehicle in accordance with Florida law and these Rules and Regulations.

(g) To maintain in good working order all required tools and equipment prescribed in the minimum requirements and to cease operations immediately when this condition is not met.

(h) To maintain a clean, well lighted and orderly place of business and surrounding area. (He is responsible for his employees in this respect.)

(2) To keep an up-to-date set of inspection records at the inspection station which can be examined by any authorized Department Facility Examiner at any time. Records shall be kept until written authorization is received to destroy same.

(3) To keep an adequate supply of Inspection Certificates and all other supplies on hand.

(4) There can be no excuse for loss or theft of Inspection Certificates and other supplies. You are responsible for Inspection Certificates and supplies issued to your station, and they shall be kept under lock and key. All losses of certificates must be reported at once to the Department Facility Examiner supervising the station, and to the Chief of Motor Vehicle Inspection (Notarized Statement). An investigation will be conducted which could result in the suspension of the station license for failure to properly safeguard the inspection certificates and supplies.

(5) To refrain from the use of alcohol or drugs in any degree except when prescribed by a licensed physician, providing that normal faculties shall not be impaired while on duty.

(6) To make inspections and to affix certificates of inspection only at the business location designated on the Certificate of Appointment, to affix Inspection Certificates only to those vehicles which have been properly inspected and have met the requirements, and to submit the required inspection reports to the Bureau of Motor Vehicles.

(7) No owner or operator shall indicate in any manner that the Bureau of Motor Vehicles "RECOMMENDS" one inspection station in preference to another. (The Bureau of Motor Vehicle Inspection only "APPROVES" inspection station.)

(8) To have a reputation for sound business practices, high moral character, and obedience to law and order.

(9) To have a sufficient number of approved inspectors on duty at all times to adequately serve the public needs. This number shall be determined by the Bureau of Motor Vehicle Inspection.

(10) DAYS AND HOURS OF OPERATION.

Inspection stations shall be operated for the convenience of the motoring public. The proposed schedule of operating for all public inspection stations should be submitted to the Bureau of Motor Vehicle Inspection for approval and shall provide for evening and weekend operation, and must be posted at the entrance to the inspection station in clear public view. (Does not apply to Fleet Operators.)

(a) Being open until noon on Saturdays would comply with the weekend requirement.

(b) In determining evening hours, this will be determined on an individual location basis.

(11) No business will be appointed as an Official Inspection Station until all requirements have been met. Businesses meeting those qualifications will be required to complete all additional forms necessary and furnish proof of liability insurance. All required forms will be delivered and explained by the Department Facility Examiner who makes the investigation on the premises. NOTE: Failure to comply with any of the above listed responsibilities could result in station suspension or revocation. If a station license has been suspended or revoked, a new application must be submitted.

(12) CHANGE OF LOCATION OR OWNERSHIP

(a) Persons operating under a Certificate of Appointment contemplating a change of location or ownership must notify the Bureau of Motor Vehicle Inspection.

(b) A new application must be made for appointment of Inspection privilege for the new location or ownership. This requires a new inspection of the premises and/or ownership by the Bureau of Motor Vehicle Inspection.

(c) To eliminate any period of non-operation, such application should be made to give ample time for investigation of the new station and/or ownership (30 days).

(d) Upon effective date of a change of ownership or location, all inspection privileges will cease unless a new

Certificate of Appointment has been issued to the new ownership or location.

(e) Persons operating under a Certificate of Appointment who are NOT contemplating a change of location or ownership but want to make a change in NAME ONLY must submit such request in writing to the Chief of the Bureau of Motor Vehicle Inspection.

(f) Upon receipt of such request, a new certificate will be issued. After receiving the Certificate of Appointment, the old certificate must be returned to the Bureau of Motor Vehicle Inspection immediately.

(13) GOING OUT OF BUSINESS

(a) Inspection station operators upon going out of business shall immediately notify the Department Facility Examiner and surrender to him all Certificates of Appointment of the Station and Inspectors, and all unused Inspection Certificates, final reports of inspections, Manuals, and all other such station forms and supplies.

(b) Failure to comply with any of the above could interfere with reappointment.

(c) Stations applying for reappointment shall be required to submit an application for approval.

Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.25, 325.27 FS. History—New 5-7-81, Formerly 15C-5.06.

15C-5.007 Approval of Certified Inspectors.

(1) Before any person can inspect vehicles under the Safety Equipment Inspection Law, he first must have successfully completed the prescribed course set by the Bureau of Motor Vehicle Inspection and hold a Certificate of Approval authorizing him to inspect vehicles.

(2) The person must demonstrate his ability to efficiently and correctly operate the various testing devices required in the inspection program.

(3) If a certified inspector changes his location of work, said inspector must surrender his Certificate of Appointment and Manual and reapply for appointment and prove his ability to correctly operate the testing equipment at any other inspection station.

(4) If an inspector becomes inactive for more than one (1) year, reappointment can be obtained by a new application, complete investigation, reschooling, and equipment checkout.

(5) County employed inspectors may perform inspections at the various County Stations within said County.

(6) The Bureau of Motor Vehicle Inspection reserves the right to withdraw, for cause, its authorization of any inspector or to re-examine an inspector at any time, or require attendance at any procedure updating training program at any time.

(7) No person who is under the age of 18 years will be authorized to inspect vehicles.

(8) A valid Florida driver license is required of each person who desires to be authorized to inspect vehicles.

(9) Those desiring to make application as an Approved Inspector should contact the Chief of the Bureau of Motor Vehicle Inspection, Division of Motor Vehicles, Neil Kirkman Building, Tallahassee, Florida 32301.

(10) It is important that each Official Inspection Station Operator properly instructs all employees in accordance with the rules and regulations as set forth herein. Continued supervision of all authorized inspectors should be maintained.

(11) Licensed Motor Vehicle Inspectors may inspect vehicles at more than one location provided he is properly checked out on the equipment in each station, and licensed to inspect at each station.

Specific Authority 325.26 FS. Law Implemented 325.20, 325.22, 325.23, 325.26 FS. History—New 5-7-81, Formerly 15C-5.07.

15C-5.008 Duties and Responsibilities of Authorized Inspectors.

(1) The authorized inspector pledges himself as follows:

(2) To always properly and thoroughly conduct the official inspection of vehicles presented for that purpose. This is a grave responsibility that should not be taken lightly.

(3) That in affixing Inspection Certificates to an approved vehicle, he is placing a "certificate of safety" on the vehicle indicating that the vehicle has met all the safety inspection requirements as required by law and that he and his employees will conduct honest, efficient, and thorough inspections in accordance with the safety equipment inspection statute and these Rules and Regulations.

(4) That he owes a duty to himself and to the public to be sure that no life may be jeopardized by his errors, carelessness, or indifference.

(5) That he owes a duty to his employers who have pledged to assist in safeguarding the lives of motorists by guarding against the operation of unsafe vehicles.

(6) That he assumes this responsibility willingly to perform his duty to the very best of his ability and to place safety, first and foremost which is the intent of the law.

(7) That he will be particularly mindful of every prescribed test, inasmuch as this is the means of determining the requirements of the vehicle whether or not it meets the requirements.

(8) That after completing the inspection, he will inform the owner/operator of any equipment that barely meets requirements.

(9) To see that all equipment is of an approved type and that all equipment is properly adjusted as prescribed.

(10) That he is interested in properly discharging his duties as an Official Inspection Station and will, at all times, have a current Inspection manual immediately available.

(11) That in performing the inspection, he will remember that he assumes full responsibility for the quality of the inspection and that his identification number is placed on the inspection forms.

(12) That he will always remember that he has been authorized because he has demonstrated his knowledge, ability, honesty, and integrity to act as an agent of the State of Florida in inspecting vehicles.

(13) That any deviation from the established rules, regulations, and/or procedures committed by the authorized inspector is a reflection on his character and for deviations, he can expect full prosecution by law.

(14) To refrain from the use of alcohol or drugs in any degree except when prescribed by a licensed physician, providing that normal faculties shall not be impaired.

(15) The inspector will be prohibited from recommending or referring a vehicle owner, whose car has been rejected, to a specific garage for repair work.

(16) Inspectors shall maintain a clean and orderly appearance, and shall be courteous and patient in their contacts with the public at all times.

(17) Inspectors are responsible for Inspection Certificates and supplies issued to them; all losses or theft of Certificates must be reported at once to the owner and the Trooper supervising the inspection station. An investigation will be conducted which could result in the suspension of the Inspector's Certificate.

Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20 FS. History—Formerly 15-7.04, New 5-16-68, Revised 5-9-70, 1-19-73, Amended 12-14-74, Formerly 15-7.08, Formerly 15C-5.08.

15C-5.009 Period of Inspection.

(1) Every inspection certificate issued shall be valid for not less than 1 year and shall expire at midnight on the day of the month designated on said inspection certificate. The day of expiration of said certificate shall be established by the reinspection schedule promulgated by the department. Such schedule shall provide for mid-month and end-of-month expiration dates.

REGARDLESS OF THE PERIODS OF INSPECTION, EVERY INSPECTION STATION WILL INSPECT EVERY VEHICLE PRESENTED FOR INSPECTION.

(2) A vehicle rejected by a station shall be reinspected by the same station at no additional cost to the owner or operator after required adjustments are made within a period of thirty (30) days. In any case where a part must be ordered to correct a defect and cannot be received and installed within the 30 day period herein provided, the authorized receipt and statement, together with a dated copy of the order for the part, shall operate as a temporary valid inspection permit until the part is received, which time period shall not exceed ninety (90) days.

(3) The purchaser of any new vehicle or the owner of any vehicle brought into this State for the first time and which is required to be registered in this State, and required to be inspected in this State, may operate any such vehicle without inspection for not more than ten (10) working days from the date of purchase or from the date on which it was brought into the State. No delinquent fee will be required.

(4) Any person who has been absent from the State and whose safety equipment inspection certificate for any vehicle owned by him and required to be inspected under the provisions of Section 325.12, Florida Statutes, shall

have expired during such absence may operate such vehicle or allow it to be operated on the streets or highways of the State without reinspection for not more than ten (10) working days from the date on which said person first returns to the State. No delinquent fee shall be charged upon showing proof of being out of state at the time the Inspection Certificate expired.

Specific Authority 325.26 FS. Law Implemented 325.12, 325.13, 325.15, 325.16 FS. History—New 5-7-81, Formerly 15C-5.09.

15C-5.010 Inspection Certificates.

(1) The Approved Official Inspection Certificate required by Sections 325.14, 325.12, 325.13(4), 316.285(3), Florida Statutes, shall have the following characteristics:

- (a) Size – 2-1/2 inches × 4 inches.
- (b) Color – To be changed annually, colors to run January 1 through December 31.
- (c) Shall be numbered consecutively, starting with number (1).
- (d) Shall have numerical insert or number stamped on certificate indicating month of expiration.
 1. Shall have month of expiration punched.
- (e) Great Seal of the State of Florida shall appear on Certificate.
- (f) Shall have the following wording on each side of inspection certificate:
 1. State of Florida.
 2. Inspection Certificate.
 3. Division of Motor Vehicles.
 4. Expires last day of month punched.
 5. Serial number described in (c) above.
 6. Year that certificate expires.
 7. Months listed January through December.
 8. Number of month described in (d) above.

(2) All orders for Inspections Certificates shall be made on Form MVI-8 accompanied with the required fee of forty (40) cents for each certificate and made payable to:

“MOTOR VEHICLE INSPECTION FEES”

(3) All orders should be directed to the Chief, Bureau of Motor Vehicle Inspection, Neil Kirkman Building, Tallahassee, Florida 32301.

(4) All payments for certificates shall be made by personal, certified, cashiers, governmental checks, or money orders.

(5) Demands for inspection certificates should be anticipated enough in advance that orders can be filled from Tallahassee before the station supply is depleted.

(6) Every inspection station will be required to have a supply of inspection Certificates on hand at all times.

(7) All inspection supplies (unused certificates, bulletins, and all other forms) are the property of the Bureau of Motor Vehicle Inspection and must be safeguarded against loss. All losses of Certificates, and/or inspection receipts (MVI-12), must be reported at once to the Facility Examiner supervising that station and to the Chief, Bureau of Motor Vehicle Inspection, Division of Motor Vehicles, in Tallahassee, in writing (Notarized Statement). Show lost or stolen certificates on the weekly report. Every precaution against loss of certificates must be taken. **YOU ARE RESPONSIBLE FOR CERTIFICATES ISSUED TO YOUR STATION AND WILL BE HELD ACCOUNTABLE FOR THEM.**

(8) Refund Requests.

(a) All requests for refunds on unused certificates must be returned to Bureau of Motor Vehicle Inspection Headquarters, Tallahassee, with an MVI-9 (Refund Request) within 45 days after the end of each inspection period. Certificates that are unusable – mutilated, torn, punched, etc. (not the fault of the printer) – will not be refunded. No refunds will be made after this date. All requests for refunds should be mailed separately. However, all unused Certificates will be forwarded to Motor Vehicle Inspection Headquarters, Tallahassee, with MVI-9 attached for accounting purposes.

Specific Authority 325.26 FS. Law Implemented 325.23 FS. History—New 5-7-81, Formerly 15C-5.10.

15C-5.011 Delinquent Fees.

(1) All delinquent fees collected will be reported to Bureau of Motor Vehicle Inspection Headquarters, Tallahassee, by check attached to MVI-32. Delinquent fee check is to be made out in the following manner:

Payable to: "MOTOR VEHICLE INSPECTION DELINQUENT FEE."

(2) If the last day of the month falls on Saturday, Sunday, or a holiday and the inspection station is normally closed those days, a vehicle may be presented for inspection on the first working day following expiration date. The expired inspection certificate shall be considered valid and no delinquent fee shall be charged.

Specific Authority 325.26 FS. Law Implemented 325.13, 325.24 FS. History--New 5-7-81, Formerly 15C-5.11.

15C-5.012 Replacement Certificates.

(1) In the event that any current valid Florida Inspection Certificate is inadvertently removed, stolen, disfigured, or by any other means necessitates replacement of same on any lawfully inspected vehicle, the following procedures shall be followed:

(2) The vehicle operator shall present his copy of the vehicle inspection form (MVI-12) verifying that the vehicle has previously passed inspection at any licensed Florida Inspection Station.

(3) The inspector shall verify that the vehicle indicated on the MVI-12 form is the same as the vehicle then being presented for another certificate.

(4) A new MVI-12 form shall be completed on the vehicle on which the wording "REPLACEMENT CERTIFICATE" shall be boldly printed across the front.

(5) The expiration of the replacement certificate shall be the same month as the original certificate. This information shall be obtained from the original MVI-12 form.

(6) The vehicle should not be reinspected. However, no Inspection Certificate shall be issued any vehicle which obviously does not meet the inspection requirements.

(7) Only a fee of 40 cents shall be charged for the replacement certificate.

(8) The following cases will be considered valid reasons for issuance of a replacement certificate:

(9) Where old certificate is on the broken windshield and presented along with proof (repair bill or receipt of windshield purchase) the windshield has been replaced, or the owner presents an MVI-12 form showing it was inspected.

(10) When a certificate has been mutilated, voided, defaced, or improperly installed and the certificate is still affixed to the windshield and the owner has the MVI-12.

(11) When the certificate has been stolen and the owner has the MVI-12.

Specific Authority 325.26 FS. Law Implemented 325.23 FS. History--New 1-19-73, Repromulgated 12-14-74, Formerly 15-7.12, Formerly 15C-5.12.

15C-4.007 Code Provisions.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.8231, 320.8232, 320.824(1) FS. History-New 11-5-80, Amended 2-8-81, Formerly 15C-4.07, Amended 1-13-92, Repealed

15C-4.008 General.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History-New 11-5-80, Formerly 15C-4.08, Repealed

15C-4.009 Forms.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 120.53(1)(b), 320.8256 FS. History-New 11-5-80, Formerly 15C-4.09, Amended 1-13-92, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Gentry, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Field Operations, 2900 Apalachee Parkway, Mail Stop 64, Tallahassee, Florida 32399
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

- RULE NOS.: RULE TITLES:
15C-5.001 Type Inspection Station
15C-5.002 Procedure for Appointment as an Inspection Station
15C-5.003 Minimum Requirements for Official Vehicle Inspection Station; (Public)
15C-5.004 Equipment Required for Official Inspection Station
15C-5.005 Approved Testing Devices
15C-5.006 Responsibility of Station Owner or Operator
15C-5.007 Approval of Certified Inspectors
15C-5.008 Duties and Responsibilities of Authorized Inspectors
15C-5.009 Period of Inspection
15C-5.010 Inspection Certificates
15C-5.011 Delinquent Fees
15C-5.012 Replacement Certificates

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspection, because they are obsolete. Section 325.26, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform motor vehicle inspections. The effect will be to repeal Rule Chapter 15C-5, F.A.C.

SUMMARY: Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspection, are being repealed because they are obsolete and the Department no longer has the authority to perform motor vehicle inspections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 325.26 FS.

LAW IMPLEMENTED: 325.12, 325.13, 320.15, 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.24, 325.25, 325.26, 325.27 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, December 29, 2009, 10:00 a.m.
PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Gentry, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Field Operations, 2900 Apalachee Parkway, Mail Stop 64, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-5.001 Type Inspection Station.
Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.21, 325.27 FS. History-New 5-7-81, Formerly 15C-5.01, Repealed

15C-5.002 Procedure for Appointment as an Inspection Station.
Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.26 FS. History-New 5-7-81, Formerly 15C-5.02, Repealed

15C-5.003 Minimum Requirements for Official Vehicle Inspection Station; (Public).
Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20 FS. History-New 5-7-81, Formerly 15C-5.03, Repealed

15C-5.004 Equipment Required for Official Inspection Station.
Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20 (1)(d), 325.26 FS. History-Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Amended 5-7-81, Formerly 15C-5.04, Repealed

15C-5.005 Approved Testing Devices.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20(1)(d) FS. History—Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Formerly 15C-5.05, Repealed.

15C-5.006 Responsibility of Station Owner or Operator.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.25, 325.27 FS. History—New 5-7-81, Formerly 15C-5.06, Repealed.

15C-5.007 Approval of Certified Inspectors.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.22, 325.23, 325.26 FS. History—New 5-7-81, Formerly 15C-5.07, Repealed.

15C-5.008 Duties and Responsibilities of Authorized Inspectors.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20 FS. History—Formerly 15-7.04, New 5-16-68, Revised 5-9-70, 1-19-73, Amended 12-14-74, Formerly 15-7.08, Formerly 15C-5.08, Repealed.

15C-5.009 Period of Inspection.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.12, 325.13, 325.15, 325.16 FS. History—New 5-7-81, Formerly 15C-5.09, Repealed.

15C-5.010 Inspection Certificates.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.23 FS. History—New 5-7-81, Formerly 15C-5.10, Repealed.

15C-5.011 Delinquent Fees.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.13, 325.24 FS. History—New 5-7-81, Formerly 15C-5.11, Repealed.

15C-5.012 Replacement Certificates.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.23 FS. History—New 1-19-73, Repromulgated 12-14-74, Formerly 15-7.12, Formerly 15C-5.12, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Julie Gentry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:
15C-6.001

RULE TITLES:

Motor Vehicle Emissions
Reinspection Facilities and Self-Inspectors
Exemptions and Waivers from the Requirements for Annual Emissions Inspections
Emissions Inspection Fee for Annual Emissions Inspections
Bureau of Emissions Control Forms
Motor Vehicle Safety Equipment Inspection Standards

15C-6.002

15C-6.003

15C-6.005

15C-6.007

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, because they are obsolete. Section 325.219, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform motor vehicle emissions inspections. The effect will be to repeal Rule Chapter 15C-6, F.A.C.

SUMMARY: Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, are being repealed because they are obsolete and the Department no longer has the authority to perform motor vehicle emissions inspections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 325.26, 325.205(3), 320.011 FS.

LAW IMPLEMENTED: 320.02(10), 325.203, 325.205, 320.209, 320.212, 325.213, 325.214 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, December 29, 2009, 11:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dwight Davis, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Mobile Home and Recreational Vehicle Construction, 2900 Apalachee Parkway, Mail Stop 66, Tallahassee, Florida 32399

CERTIFICATION OF THE
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- (1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and
- (2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and
- (a) Are filed not more than 90 days after the notice; or
- (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
- (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- (d) Are filed more than 90 days after the notice, but not less than 14 days nor more than 45 days after the adjournment of the final public hearing on the rule; or
- (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

[] (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

[] (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was considered; or

[] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business ombudsman.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Number:

15C-6

Under the provisions of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____.

Julie L. Jones

Executive Director

Title

Department of Highway Safety and Motor Vehicles

Agency

15

Number of Pages Certified

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

CHAPTER 15C-6, FAC, Motor Vehicle Emissions Inspection

RULE NUMBERS:	RULE TITLE:
15C-6.001	Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors.
15C-6.002	Exemptions and Waivers from the Requirements for Annual Emissions Inspections.
15C-6.003	Emissions Inspection Fee for Annual Emissions Inspections.
15C-6.005	Bureau of Emissions Control Forms.
15C-6.007	Motor Vehicle Safety Equipment Inspection Standards.

Summary of Rule

Rule Chapter 15C-6, Motor Vehicle Emissions Inspection, rules 15C-6.001 through 15C-6.007, F. A. C., are being repealed because they are obsolete and the Department no longer has the statutory authority to perform motor vehicle emissions inspections.

Statement of Facts and Circumstances Justifying the Rule

Florida Statute 325.219, rulemaking authority for this rule has been repealed; therefore the Department no longer has statutory authority to perform motor vehicle emissions inspections.

Federal Standards Statement

A Federal Standard or Rule that impacts or is affected by this rule change does not exist.

Summary of Hearing

The proposed rule repeal was noticed in the December 4, 2009, Florida Administrative Weekly, Volume 35, Number 48. A Notice of Public Hearing was submitted to the Governor and Cabinet Meeting on November 17, 2009, and the Notice of Hearing was published in the December 4, 2009, Florida Administrative Weekly, Volume 35, Number 48. No timely request for a hearing was received by the agency and no hearing was held.

THE FOLLOWING RULES ARE HEREBY REPEALED:

RULE NUMBERS:	RULE TITLES:
15C-6.001	Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors.
15C-6.002	Exemptions and Waivers from the Requirements for Annual Emissions Inspections.
15C-6.003	Emissions Inspection Fee for Annual Emissions Inspections.
15C-6.005	Bureau of Emissions Control Forms.
15C-6.007	Motor Vehicle Safety Equipment Inspection Standards.

15C-6.001 Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors.

(1) This rule sets forth the standards for licensing reinspection facilities and self-inspectors, operational standards and requirements, and a schedule of civil fines for failure to maintain those standards and requirements pursuant to the Florida Clean Outdoor Air Law, Sections 325.201 through 325.219, F.S.

(2) Definitions.

(a) The words or terms "department", "inspection", "inspection certificate", "inspection station", "motor vehicle" and "program area" as used in this rule shall have the meanings ascribed to them in Section 325.202, F.S.

(b) The following words or terms, as used in this rule, shall have the meanings ascribed herein to them unless context clearly requires otherwise.

1. "Private self-inspector" means any person or private entity other than a federal, state, or local government agency that owns or leases 25 or more motor vehicles that are subject to the requirements of Section 325.203, F.S., including vehicles held for resale by a motor vehicle dealer, as defined in Section 320.27, F.S., and is licensed by the department to inspect such vehicles.

2. "Governmental self-inspector" means any federal, state, or local government agency that owns or leases 25 or more motor vehicles that are subject to the requirements of Section 325.203, F.S., and is licensed by the department to inspect such vehicles.

3. "Reinspection facility" means a motor vehicle repair shop, as defined by Section 559.903(2), F.S., which has been licensed by the department to conduct reinspections of motor vehicles and to issue reinspection certificates.

4. "Bureau" means the Bureau of Emissions Control within the Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles.

5. "Loaded mode test" means an exhaust emissions test conducted on a chassis dynamometer, as specified in 40 CFR, 85.2214.

(3) Applications.

(a) No business or governmental agency located more than one half mile outside a program area will be licensed as a reinspection facility or a self-inspector.

(b) Each license application for a reinspection facility or self-inspector shall be made on form HSMV-86002, Application for a License as a Motor Vehicle Reinspection Facility or Self-Inspector, and shall be signed by the applicant or a person legally authorized to act on behalf of the applicant. If the applicant is a motor vehicle or mobile home dealer licensed under Section 320.27 or 320.77, F.S., he or she may use form HSMV-86015, Application for a License as a Motor Vehicle Emissions Reinspection Facility or Self-Inspector for Licensed Motor Vehicle or Mobile Home/R.V. Dealers. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(c) Each application shall be verified by oath or affirmation.

(d) Each applicant shall certify and provide documentation of the following:

1. The applicant must have purchased or leased, or intends to purchase or lease motor vehicle emissions testing equipment that complies with standards of Chapter 17-242, F.A.C. If the applicant does not service diesel powered motor vehicles he or she is not required to purchase or lease an opacity meter.

2. Each person who will be conducting emissions inspections must have completed a motor vehicle emissions testing course approved by the Department of Environmental Protection.

(e) Each applicant for a license as a reinspection facility or self-inspector who intends to conduct inspections at more than one facility shall submit a separate application for each facility.

(f) Licensed motor vehicle dealers applying for a license as a self-inspector must submit a separate application for each licensed dealership which will be inspecting vehicles, regardless of the number of facilities conducting inspections.

(g) Only licensed governmental self-inspectors may inspect motor vehicles and provide a certificate of inspection for motor vehicles which the licensee is not the registered owner or lessee, and such motor vehicles must be owned by another government agency.

1. An agreement between a governmental self-inspector and a government agency which involves the testing of motor vehicles owned or leased by that government agency must first be approved by the department. An agreement between a governmental self-inspector and a government agency to inspect motor vehicles shall be made on form HSMV-86028, Request for Approval of Inter-governmental Agreement. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

2. The inspection fee stated in the agreement shall be that set by the department in Rule 15C-6.003, F.A.C.

3. Before February 1 of each year, each state and local government agency which owns or leases motor vehicles that are subject to inspection shall submit to the department in the prescribed format a list of all motor vehicles that are subject to inspection and shall indicate pass/fail results of the inspection for each vehicle. Any vehicle that fails the initial inspection must pass a subsequent inspection or receive a waiver within 30 days of the initial inspection.

(h) Bonds and Fees.

1. Each applicant for a license as a reinspection facility must submit a surety bond or irrevocable letter of credit in the amount of \$25,000 payable to the department and valid for the licensing period. The bond or letter of credit shall be written by a surety company or bank authorized to do business in Florida and be signed by a Florida Licensed Resident Agent. If an applicant intends to have more than one testing facility a separate bond shall be submitted for each facility. If the applicant is a licensed motor vehicle or mobile home dealer under Section 320.27 or 320.77, F.S., the applicant shall submit his dealer license number in lieu of the surety bond.

2. Each applicant for a license as a private self-inspector must submit a surety bond or irrevocable letter of credit in the amount of \$5,000 payable to the department and valid for the licensing period as specified in Section 325.13(4), F.S. The bond or letter of credit shall be written by a surety company or bank authorized to do business in Florida and be signed by a Florida Licensed Resident Agent. If the applicant is a motor vehicle or mobile home dealer licensed under Section 320.27 or 320.77, F.S., the applicant shall submit his dealer license number in lieu of a surety bond.

3. Each applicant for a license as a reinspection facility or private self-inspector who is not a motor vehicle or mobile home dealer licensed under Section 320.27 or 320.77, F.S., shall complete form HSMV-86021, Surety Bond Reinspection Facility or Self-Inspector. Licensed motor vehicle or mobile home dealers, applying for a license as a reinspection facility or self-inspector shall complete form HSMV-86022, Surety Bond Rider for Licensed Motor Vehicle or Mobile Home/R.V. Dealers Applying for a License as a Reinspection Facility or Self-Inspector. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

4. Each applicant for a license as a reinspection facility or a private self-inspector must pay a nonrefundable application fee of \$100. Each applicant for a license as a reinspection facility who intends to conduct inspections at more than one facility shall submit a separate application fee for each facility. If the applicant is a licensed motor vehicle or mobile home dealer under Section 320.27 or 320.77, F.S., the applicant shall submit a nonrefundable application fee of \$25.

5. Each applicant for a license as a reinspector or as a private self-inspector who is not a motor vehicle dealer or a mobile home dealer licensed under Sections 320.27 or 320.77, F.S., shall pay the costs of verification of past criminal records verified through the state crime information center. Such costs are determined by the Florida Department of Law Enforcement and are specified in Rule 11C-6.004. Applicants will be informed of current costs at the time they attend the required training and information seminar for applicants.

(i) If the department determines that the vehicles in a self-inspector's fleet are not kept in a central location the department shall authorize the self-inspector to use a mobile inspection unit to conduct fleet inspections. The mobile

unit shall be designed to conduct the same inspection as the permanently located inspection stations, including loaded mode tests.

(i) A license as a self-inspector does not prevent the licensee from having his or her motor vehicles inspected at an inspection station.

(4) Certification and Licensing.

(a) No license shall be issued until the department has verified the facts set forth in the application and other information as required by Section 325.213, F.S., and has conducted an on-site inspection of the applicant's facility to determine that the required testing equipment has been installed and is operational. The verification of facts on the application relating to the applicant's criminal history shall not apply to applicants for a license as a governmental self-inspector. Additionally, no license for a reinspection facility or a self-inspector shall be issued unless the initial application is accompanied by documentation, issued by the department, that the applicant or a designated employee of the applicant has attended a training and information seminar provided by the department. Such seminar shall include, but not be limited to, licensing procedures and requirements, administration of emissions inspection program, emissions inspection data collection and transmission, quality assurance requirements and records keeping requirements.

(b) If the license application is complete, all supporting documents have been submitted, and preliminary review indicates the applicant is eligible for a license, the department shall notify the applicant that an on-site inspection of the applicant's facility will be conducted. If a review of the application indicates the applicant is ineligible for a license, the application shall be denied. If the application is incomplete, the applicant shall be notified, and requested to respond within 30 days. Failure to respond to such notification shall result in the application being denied.

(c) The on-site inspection by a department representative shall verify the information provided in the application.

(d) If the applicant or employees of the applicant fail to cooperate with the department's representative during the on-site inspection, the department shall not issue the applicant a license.

(e) After the on-site inspection is complete, the department representative shall forward an inspection report to the Bureau.

(f) If an application has been approved, the department shall issue a license. The license shall expire annually on December 31. If the applicant is licensed under Section 320.27 or 320.77, F.S., as a motor vehicle or mobile home dealer, the license shall expire when his or her motor vehicle or mobile home dealer license expires.

(g) A license as a reinspection facility or a private or governmental self-inspector is not transferable and cannot be reassigned.

(h) A licensed reinspection facility shall not use the term "State Inspection Facility" or any other term which implies that the facility is state owned or managed. Each reinspection facility must display a sign which identifies it as a "State Licensed Emissions Reinspection Facility" for identification purposes for as long as they continue to conform to the requirements for a license as a reinspection facility. Such identification signs must conform to local sign codes and must contain the license number assigned by the department to the reinspection facility. Licensed reinspection facilities may advertise their services and may use the term "State Licensed Emissions Reinspection Facility" in such advertisement, provided that the license number is included. No identification sign or advertisement shall contain any image or representation of the Great Seal of the State of Florida nor shall they contain any image or representation of any motor vehicle registration plate issued by the state of Florida. Sign and advertisements may contain the "MVIP" Motor Vehicle Inspection Program logo designed by the department.

(i) Unannounced and Scheduled Periodic Inspections.

1. A department representative shall conduct unannounced and scheduled periodic on-site inspections of reinspection facilities and self-inspectors during each licensing period to ensure that the facility continues to meet the requirements of these rules and the provisions of Sections 325.212 and 325.213, F.S.

2. If the department determines that the reinspection facility or self-inspector has failed to meet the requirements or conditions for a license as provided in these rules or Section 325.213(5), F.S., it shall impose a civil fine, suspend, or revoke the facility's license. The department shall reissue a license if a subsequent on-site

inspection indicates that the facility has taken corrective action and is in compliance with the department's requirements and the department has reason to believe the facility will continue to meet the standards set forth in this rule and Sections 325.212 and 325.213, F.S.

3. If the licensee or employees of the licensee fail to cooperate with the department representative during unannounced or scheduled inspections, the department shall suspend or revoke the license.

(5) Renewal Applications.

(a) All renewal license applications for reinspection or self-inspection facilities shall be made on form HSMV-86002, Application for a License as a Motor Vehicle Reinspection Facility or Self-Inspector, and shall be signed by the applicant or a person authorized to act on behalf of the applicant. If the applicant is a motor vehicle or mobile home dealer licensed under Section 320.27 or 320.77, F.S., the applicant may use form HSMV-86015, Application for a License as a Motor Vehicle Emissions Reinspection Facility or Self-Inspector for Licensed Motor Vehicle or Mobile Home/R.V. Dealers. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(b) Each applicant for a renewal license as a reinspection facility shall submit a surety bond or irrevocable letter of credit in the amount of \$25,000, payable to the department and valid for the licensing period or a certificate of continuation issued by the surety company or bank confirming that the bond or letter of credit previously issued continues in force for the renewed licensing period, and a nonrefundable renewal fee of \$50. The bond or letter of credit shall be written by a surety company or bank authorized to do business in Florida and be signed by a Florida Licensed Resident Agent. An applicant with more than one testing facility shall submit a separate bond and a separate fee for each facility. If the applicant is a motor vehicle or mobile home dealer licensed under Section 320.27 or 320.77, F.S., the applicant shall submit its dealer license number in lieu of a surety bond and shall submit a nonrefundable renewal fee of \$25.

(c) Each applicant for a renewal license as a private self-inspector shall submit a surety bond or irrevocable letter of credit in the amount of \$5,000 payable to the department and valid for the licensing period or a certificate of continuation issued by the surety company or bank confirming that the bond or letter of credit previously issued continues in force for the renewed licensing period, and a nonrefundable renewal fee of \$50. The bond or letter of credit shall be written by a surety company or bank authorized to do business in Florida and be signed by a Florida Licensed Resident Agent. If the applicant is a motor vehicle or mobile home dealer licensed under Section 320.27 or 320.77, F.S., the dealer license number shall be submitted in lieu of a surety bond and shall also submit a nonrefundable renewal fee of \$25.

(d) Each applicant for a license as a reinspection facility or private self-inspector who is not a motor vehicle or mobile home dealer licensed under Section 320.27 or 320.77, F.S., shall complete form HSMV-86021, Surety Bond Reinspection Facility or Self-Inspector. Licensed motor vehicle or mobile home dealers, applying for a license as a reinspection facility or self-inspector shall complete form HSMV-86022, Surety Bond Rider for Licensed Motor Vehicle or Mobile Home/R.V. Dealers Applying for a License as a Reinspection Facility or Self-Inspector. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(e) A renewal application made subsequent to the license expiration date must be accompanied by a nonrefundable delinquent fee of \$50 in addition to the renewal application fee.

(f) A renewal application shall be denied for failure to meet the requirements of this rule or for the reasons set forth in Section 325.213(5), F.S.

(6) Records and Reporting Requirements.

(a) Reinspection facilities and self-inspectors shall prepare and transmit data electronically through inspection station contractors in their respective counties or electronically through vendors approved by the department. Governmental self-inspectors may, with prior approval of the department, transmit emissions inspection data by means of magnetic storage media directly to the department. Data to be transmitted shall include the following information for each motor vehicle inspected:

1. Pass/fail results.
2. For gasoline powered vehicles, percentage of carbon monoxide and parts per million of hydrocarbons being emitted from the motor vehicle tailpipe.
3. For diesel powered vehicles, percentage of opacity.

4. Results of the three-component-check as defined in Rule 17-242.200, F.A.C.
5. Vehicle identification number.
6. Vehicle license plate number.
7. Types of emissions-related repairs made to the vehicle since the previous inspection, if applicable.
8. Costs of repairs, if applicable.

(b) All information transmitted through inspection station contractors shall be transmitted in accordance with the contractual agreement with the inspection station contractor establishing the electronic communication network in that county and the data transmission requirements of the test analyzer specifications established in paragraph 17-242.600(3)(c), F.A.C. All information transmitted through department approved vendors or by means of magnetic storage media shall be transmitted in accordance with specifications and requirements for data transmission established for data transmission in the contract between the inspection station contractors and the data transmission requirements of the test analyzer specifications established in paragraph 17-242.600(3)(c), F.A.C.

(c) The results of each inspection conducted by a reinspection facility or a self-inspector shall be printed on an official HSMV-86003, Vehicle Emissions Inspection Report, form. A form HSMV-86004, About Your Vehicle Emissions Inspection Report, must accompany each HSMV-86003 form generated and issued by a reinspection facility. These forms must be ordered through the bureau for delivery by a vendor authorized by the department to print and sell such forms. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(d) Vendors authorized to print and sell HSMV-86003, Vehicle Emissions Inspection Report, and HSMV-86004, About Your Vehicle Emissions Inspection Report, forms may distribute forms only after specific orders have been approved by the bureau and may charge a uniform price per form, as determined by contract, actual mailing or freight costs and any applicable sales tax. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(7) Denial, Suspension, or Revocation.

(a) The department shall deny, suspend, or revoke the license of any reinspection facility or self-inspector, issued under Sections 325.212 and 325.213, F.S., for any violation of the provisions of Section 325.213(5), F.S., or for:

1. Non-performance of the contractual agreement with inspection station contractors.
2. Cancellation, by the surety company or bank which issued the required bond or irrevocable letter of credit, respectively, at the time of application for license, when the department receives such notification in writing from the surety company or the bank.
3. Revocation or suspension of a license under Section 320.27 or 320.77, F.S., if applicable, unless the licensee submits a bond to the department as required by this rule and Sections 325.212 and 325.213, F.S.

(b) The licensee whose license has been denied, suspended, or revoked shall be entitled to a hearing pursuant to Chapter 120, F.S., to contest such denial, suspension, or revocation, and the department shall notify such licensee of this entitlement.

(c) Licensees whose license has been suspended or revoked shall:

1. Cease operations as a reinspection facility or self-inspector,
2. Surrender the license document to the department, and
3. Surrender all unused HSMV-86003, Vehicle Emissions Inspection Report, forms to the department. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.
4. Remove any signs identifying the facility as a "State Licensed Emissions Reinspection Facility" and cease any advertising that states or implies that the facility is licensed as a reinspection facility.

(8) Operational standards and requirements and civil fines.

(a) Each reinspection facility and private self-inspector shall conduct emissions inspection operations in a manner consistent with the provisions of Sections 325.201 through 325.219, and Sections 215.22, 316.2935 and 320.02, F.S., and the rules of the Department of Highway Safety and Motor Vehicles and the Department of Environmental Regulation adopted thereunder.

(b) Any act in violation of the Clean Outdoor Air Law on the part of any reinspection facility or self-inspector shall result in the imposition of a civil fine as provided for in Section 325.213(9), F.S.

(c) Schedule of violations or deficiencies and fines and sanctions.

Violation or	Occurrence		
Deficiency	First	Second	Third
1. Failure to calibrate or maintain equipment (325.206(2), F.S.)	\$100 per day	\$250 per day	Suspension of license
2. Improper inspection procedure (325.206(2), F.S.)	\$500	\$1000	Suspension of license
3. Failure to comply with instructions of the department regarding modification of inspection equipment (325.212(5), F.S.)	\$1,000	Suspension of license upon second refusal to comply with an order	
4. Providing incorrect, incomplete, or illegible reports to motor vehicle owners (325.212(3), F.S.)	\$25 each report	\$50 each report	\$100 each report
5. Failure to transmit or deliver required reports, electronic or paper (325.212(7), F.S.)	\$25 per report per day	\$50 per report per day	\$100 per report per day
6. Failure to maintain records (325.213(1)(b), F.S.)	\$100	\$250	\$500
7. Allowing unauthorized or uncertified person to conduct inspection (325.213(1)(d), F.S.)	\$500	\$1000	Suspension of license
8. Unauthorized charging for inspection (325.212(1) and (9), F.S.)	\$500	\$1000	Suspension of license
9. Use of improper standards (325.212(5) and 325.213(1)(c), F.S.)	\$1000	Suspension of license	Revocation of license
10. Substituting vehicle for inspection purposes (325.213(5)(e), F.S.)	Suspension of license	Revocation of license	
11. Providing false information to enable vehicle owner to improperly obtain waiver or exemption (325.212(9), F.S.)	\$500	\$1000	Suspension of license

12. Inspecting vehicles not authorized to inspect (325.212(1) and 325.213(8), F.S.)	\$500	\$1000	Suspension of license
13. Failure to provide repair customer with required information. (Reinspection facility only.) (325.211(3), F.S.)	\$50	\$50	\$50
14. Use of uncertified equipment (325.212(5) and 325.213(1)(c), F.S.)	\$1000 per day	\$1000 per day	\$1000 per day
15. Possession or use of unauthorized inspection reports (325.216, F.S.)	Revocation of license		
16. Failure to cooperate or refusal to allow department employee or agent to inspect records or equipment (325.213(1)(b), F.S.)	Suspension of licenses	Revocation of license	
17. Relocating business without authorization (325.213(1)(b), F.S.)	Revocation of license		

(d) Failure to pay fines within the time allotted by the department shall result in license revocation.

(e) Unless otherwise specified in subsection (c), a fourth violation for any of the offenses listed in subsection (c) shall result in license revocation.

(f) To protect the integrity of the emissions inspection computer system and to assure that emissions inspection data entered on official motor vehicle records is correct and precise, the department shall temporarily lock out electronic computer support and security access to the emissions inspection system upon preliminary determination that a licensee has failed to properly calibrate or maintain emissions inspection equipment or has violated access security standards by allowing unauthorized or uncertified persons to conduct emissions inspections or reinspections. Such lock outs shall be removed upon confirmation that the malfunction has been rectified or the facility has employed certified inspector as applicable. Lock outs shall remain in place if the department files an administrative complaint against the licensee until the complaint is resolved.

Specific Authority 325.219 FS. Law Implemented 325.212, 325.213 FS. History—New 9-18-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98.

15C-6.002 Exemptions and Waivers from the Requirements for Annual Emissions Inspections.

(1) This rule sets forth the criteria and requirements for temporary exemptions, waivers, hardship exemptions, reciprocal inspection exemptions, and permanent exemptions.

(2) Motor Vehicles Subject to Annual Emissions Inspection.

(a) Unless exempt pursuant to Section 325.203(4), F.S., each motor vehicle which is owned or leased by a person who resides in a county designated as part of the program area or which is primarily used in a county

designated as part of a program area is subject to inspection.

1. A motor vehicle owner's county of residence is determined by the residence address provided on the registration certificate.

2. A motor vehicle lessee's county of residence is determined by the residence address provided on the lease agreement.

3. Proof of motor vehicle ownership is determined by presenting the certificate of title, certificate of registration, or a copy thereof.

(b) Unless exempt pursuant to Section 325.203(4), F.S., each motor vehicle which is owned or leased by a federal, state, or a local government agency, and which is primarily used in a county designated as part of a program area, is subject to inspection.

(c) Imported, nonconforming motor vehicles (grey-market) which are documented to be exempt from the federal emissions control requirements by the U.S. Environmental Protection Agency under Title 40, Code of Federal Regulations (C.F.R.), Part 85, Subpart P, are exempt from emissions inspection requirements of Chapter 325, F.S. Provided that such vehicles, upon the initial presentation of acceptable exemption documentation, shall have the registration records marked with a continuing exemption.

(d) Beginning January 1, 1991, any motor vehicle which is subject to inspection, and which has been rebuilt, assembled from parts, or which has had an engine exchange, must meet emissions standards for the model year of the motor vehicle chassis. Any motor vehicle which has received an exchanged engine prior to January 1, 1991 must comply with the procedure outlined in paragraph (2)(e) of this rule.

(e) For a kit car the model year will be considered the same as the year the engine was manufactured.

1. "Kit Car" means a motor vehicle made from a manufactured kit body which is placed on a frame which may be purchased with the kit body, purchased separately, or homemade. The engine and transmission are usually purchased separately or may be from the same vehicle as the frame.

2. A kit car owner whose vehicle is subject to this provision shall document the make and year of manufacture of the engine installed in the kit car. To document the make and year of the engine the owner shall provide a completed and endorsed form HSMV-86012, Exchanged Engine and Statutory Exemption Certification. The vehicle and engine examination section of form HSMV-86012 shall be endorsed by an automotive mechanic who is certified by the Institute of Automotive Service Excellence (ASE), by a licensed Florida motor vehicle dealer franchised to sell and service the make of engine being certified, or by other persons designated by the department. The owner shall present his or her motor vehicle to a department representative for verification of the year the engine was manufactured. The motor vehicle must be equipped with a functional catalytic converter, a fuel inlet restrictor, and an unvented fuel cap unless the engine installed in the kit car was originally manufactured to run on leaded fuel. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

3. If the motor vehicle has been inspected and the results indicate that it meets the emissions standards for the relevant model year, the department representative will update the registration record for the vehicle indicating that it has passed the inspection.

4. If the engine identification number is absent and the motor vehicle owner is unable to provide documentation as to the engine year, the vehicle will be required to meet emissions standards for model year 1975 motor vehicles as provided in Department of Environmental Regulation Chapter 17-242, F.A.C.

5. If the department representative determines that the engine was manufactured prior to 1975, the motor vehicle shall be exempt from annual emissions inspection requirements pursuant to Section 325.203(4)(b), F.S. The registration records of such vehicles shall be marked with a continuing exemption.

6. Motor vehicle owners requiring subsequent certification may submit a HSMV-86012 form with the vehicle and owner data section completed and a copy of the previously certified HSMV-86012 form. If the number on the engine can be readily confirmed and is the same as provided on the HSMV-86012 forms, the department representative may certify the subsequent form. If the engine number on the vehicle can not be readily confirmed, the owner must have subsequent forms endorsed as provided in subparagraph 1. of this subsection.

(f) Any motor vehicle which has been manufactured or rebuilt to operate exclusively on propane, natural gas or electricity will be exempt from emissions inspection upon verification by a department representative. Verification

shall be documented by the completion of form HSMV-86012. The vehicle and engine examination section of form HSMV-86012 shall be endorsed by an automotive mechanic who is certified by the Institute of Automotive Service Excellence (ASE), by a licensed Florida motor vehicle dealer franchised to sell and service the make and line of vehicle being certified, or by other persons designated by the department. Provided that vehicles exclusively powered by electric current, upon the initial presentation of acceptable exemption documentation, shall have registration records marked with a continuing exemption.

(3) Temporary Exemptions.

(a) An application for a temporary exemption must be submitted to the department on form HSMV-86009S, Application for Temporary Exemption. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(b) A temporary exemption for a motor vehicle shall be issued if one of the following criteria, as specified in Section 325.203(3), F.S., is met during the entire 180-day period prior to the vehicle's registration expiration date:

1. The motor vehicle is absent from the program area.

2. The motor vehicle is inoperative. "Inoperative" means that the mechanical condition of the vehicle makes it impossible or unsafe to drive, but does not include minor problems corrected by readily available open market purchases and installation of parts.

3. The motor vehicle owner or lessee is incapacitated or absent from the program area and the motor vehicle is not being driven in the program area. "Incapacitated" means medically unable to present a vehicle for an emissions test as documented by a physician.

(c) The temporary exemption shall be valid for a period determined by the department based upon the need expressed in the application. The temporary exemption period shall not exceed one year from the date of issuance or 30 days prior to the next registration expiration date whichever is sooner.

1. A motor vehicle owner who fails to have his or her vehicle inspected subsequent to the end of the temporary exemption period shall be ineligible for a subsequent temporary exemption the following year.

(4) Waivers.

(a) An application for a waiver must be submitted to a department representative at an inspection site designated by the department. The application shall be submitted on form HSMV-86011, Application for Waiver. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(b) To be eligible for a waiver, the motor vehicle owner must provide the department with documentation of the following:

1. The vehicle has been inspected in the time period prescribed in Section 325.203(1), F.S., and has failed at least two emissions inspections. Documentation shall consist of an original, photocopy or reprinted form HSMV-86005, Vehicle Emissions Inspection Report, which documents the original inspection and an original, photocopy or reprinted form HSMV-86005 or HSMV-86003, Vehicle Emissions Inspection Report issued for the reinspection. Alternately, the vehicle owner may submit printed documentation of inspection results from an inspection station's computer files. Also, the reinspection results for each pollutant that passed during the initial inspection shall not exceed the standard for that pollutant after emissions-related repairs and adjustments. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

2. The vehicle has not been tampered with by the current or previous owner. Documentation shall consist of a completed form HSMV-86054, Tamper Check Form, certified by an automotive mechanic who is certified by the Institute of Automotive Service Excellence (ASE), by a licensed Florida motor vehicle dealer franchised to sell and service the make and line of vehicle being certified, or by other persons designated by the department. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

3. A low emissions adjustment provided for in Section 325.209, F.S., has been done on the vehicle.

4. The applicant provides receipts for expenditures for emissions-related repairs and adjustments made to the vehicle, but excluding expenditures for repair or replacement of tampered with air pollution control equipment.

5. The costs of emissions-related repairs and adjustments made to the vehicle in order to qualify for a waiver were not covered by a manufacturer's warranty, on the emissions control systems, mandated pursuant to Sections 207(a) and 207(b) of the Federal Clean Air Act. This requirement is applicable only if the vehicle is less than five (5) model years old and has been driven less than 50,000 miles.

(c) Reinspection results subsequent to emissions-related repairs and adjustments indicate not less than a twenty-five (25) percent reduction in the measured concentration of each pollutant that exceeded the applicable standard for that pollutant during both the initial inspection and reinspection. Also, the reinspection results for each pollutant that passed during the initial inspection shall not exceed the standards for that pollutant after emissions-related repairs and adjustments. This requirement shall be waived, however, if the vehicle owner has spent more than the amounts specified in Section 325.209(2)(c)1. and 2., F.S., and the repair shop which did the emissions-related repairs and adjustments was incapable of obtaining a 25 percent reduction in the measured concentration of each pollutant that exceeded the applicable standard for that pollutant during the initial inspection or caused a pollutant that passed during the initial inspection to fail at reinspection.

(d) The waiver shall be valid for one year or until the next registration expiration date, whichever is sooner. Any vehicle which receives a waiver shall not be eligible for a consecutive waiver.

(5) Hardship Exemptions.

(a) An application for a hardship exemption must be submitted to a department representative at an inspection site designated by the department. The application shall be submitted on form HSMV-86013, Application for Hardship Exemption. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(b) When applying for a hardship exemption, the following items must be submitted with the application:

1. A copy of the motor vehicle inspection report showing that the vehicle failed inspection or documentation from the inspection station contractor showing that the inspection was aborted.

2. A copy of the motor vehicle owner's current and valid Florida Medicaid card, Supplemental Security Income (SSI) eligibility document, Special Supplemental Food Program for Women Infant and Children (WIC) assistance eligibility document, Aid to Families with Dependent Children (AFDC) assistance eligibility document, food stamp notice of decision letter, or other official statement from the Department of Health and Rehabilitative Services indicating the applicant is eligible to receive public assistance in Florida.

3. If the motor vehicle is less than 5 years old and has been driven less than 50,000 miles, written verification from a motor vehicle manufacturer or dealer that the motor vehicle is not covered by emissions control systems warranties pursuant to Sections 207(a) and 207(b) of the Federal Clean Air Act.

(c) An applicant will not be eligible for a hardship exemption if he or she has tampered with the motor vehicle emissions control equipment. If the applicant is the original owner of the motor vehicle he or she must present documentation that the vehicle has not been tampered with which shall consist of a form HSMV-86054, Tamper Check Form, certified by an automotive mechanic who is certified by the Institute of Automotive Service Excellence (ASE), by a licensed Florida motor vehicle dealer franchised to sell and service the make and line of vehicle being certified, or by other persons designated by the department. A motor vehicle that has been tampered with and has had only one registered owner is prima facie evidence that the currently registered owner tampered with the motor vehicle. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(d) The hardship exemption shall be valid for one year or until the next registration expiration date, whichever is sooner.

(6) Permanent Exemptions.

(a) An application for a permanent exemption shall be submitted to a department representative on form HSMV-86017S, Application for Permanent Exemptions. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(b) To be eligible for a permanent exemption, the motor vehicle owner must provide the department with a properly completed and endorsed form HSMV-86017S.

1. The primary and after market parts availability section of the HSMV-86017S form attesting to the fact that emissions control parts for the motor vehicle are no longer manufactured and are not available in the open market for original manufacturer equipment replacement parts or remanufactured parts shall be signed by a licensed Florida motor vehicle dealer franchised to sell and service the line and make of motor vehicle for which the permanent exemption is sought. If there is no such licensed franchised dealer available because the manufacturer is no longer in business, an authorized employee of the Bureau of Air Monitoring and Assessment, Department of Environmental Regulation may endorse the application.

(b) Form HSMV-86017S, Application for Permanent Exemption, shall be accompanied by documentation of the following: The vehicle has been inspected in the time period prescribed in Section 325.203(1), F.S., and has failed the emissions inspection or the inspection had to be aborted. Documentation shall consist of an original, photocopy or reprinted form HSMV-86005, Vehicle Emissions Inspection Report, or documentation from the inspection station contractor showing that the inspection was aborted. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

(d) Upon receipt and review of the application and other required documentation, if the application is in order, the department shall note the registration record of the vehicle so that it is permanently exempt from the emissions inspection requirement.

(7) Reciprocal Inspection Exemptions.

(a) To comply with Section 320.02(14), F.S., motor vehicle owners whose vehicles are subject to emissions inspection, but are continuously kept out of a program area in another state or jurisdiction, must obtain an exemption from Florida emissions inspection requirements by having those vehicles inspected in available emissions inspection programs in that state or jurisdiction. Motor vehicles which are brought into the state of Florida at any time are not eligible for this exemption.

(b) To be eligible for an exemption on the basis of a reciprocal inspection in another state or jurisdiction, the motor vehicle must have been inspected and must have passed the inspection or received a waiver or exemption in another state or jurisdiction at any time during the vehicle registration period and the vehicle owner must provide the department with a properly completed and endorsed form HSMV-86029S, Application for Reciprocal Inspection Exemption. Forms cited in this rule are adopted by reference in Rule 15C-6.005, F.A.C.

1. The Application for Reciprocal Inspection Exemption form must be accompanied by the original motor vehicle emissions inspection document or certificate issued for the vehicle subject to Florida emissions inspection requirements. The document or certificate must indicate whether or not the vehicle passed or failed the prevailing emissions standards.

2. If the emissions inspection program in those states or jurisdictions do not issue any type of document or certificate confirming or describing the results of an emissions inspection, the Inspection Verification and Results section of the Application for Reciprocal Inspection Exemption form must be completed and signed by an agency, licensee or entity authorized to administer emissions inspections.

(c) If no governmental emissions inspection program is operated, on a mandatory or voluntary basis, in the state or jurisdiction in which the motor vehicle is continuously maintained, the vehicle owner may obtain a Reciprocal Inspection Exemption by providing the department with written confirmation that no emissions inspection program is being operated in the state or jurisdiction. This written confirmation may be obtained from either the motor vehicle registration agency or any law enforcement officer in the state or jurisdiction.

(d) Upon receipt and review of the application and other required documentation, if the application is in order, the department shall note the registration record of the vehicle so that it is exempt from the emissions inspection requirement.

(e) The reciprocal inspection exemption period shall not exceed one year from the date of issuance or the next registration expiration date, whichever is sooner.

Specific Authority 320.011, 325.219 FS. Law Implemented 320.02(10), 325.203, 325.209 FS. History—New 6-21-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98.

15C-6.003 Emissions Inspection Fee for Annual Emissions Inspections.

(1) This rule establishes the motor vehicle emissions inspection fee to be collected by the inspection station contractors in each contract zone of the program area pursuant to Section 325.214, F.S., and also establishes the inspection fee to be collected by government self-inspectors which have been authorized by the department to inspect motor vehicles owned by other government agencies.

(2) Motor Vehicle Emissions Inspection Fee.

(a) The emissions inspection fee to be charged by inspection station contractors within each contract zone is \$10.00 per inspection.

1. The fee will be collected at an inspection station for the initial inspection and every even numbered reinspection.

2. The difference between the contractor contract price for an emissions inspection and the inspection fee shall constitute the department's administrative fee.

(b) The emissions inspection fee to be charged by a government self-inspector authorized by the department to inspect motor vehicles owned by other government agencies is \$5 per inspection. The fee shall be collected by the government self-inspector for the initial inspection and every even numbered reinspection.

Specific Authority 325.219 FS. Law Implemented 325.214 FS. History--New 9-18-90.

15C-6.005 Bureau of Emissions Control Forms.

(1) This rule sets forth the official forms, by control number, approval or revision date, and title, used by the Bureau of Emissions Control. Copies or specimens of the forms are available from the Bureau of Emissions Control, Division of Motor Vehicles, Department of Highway Safety and Motor Vehicles, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0500.

(2) The following forms are hereby adopted by reference:

- | | | | |
|------|-------------|------------|---|
| (a) | HSMV-86001 | (Reserved) | |
| (b) | HSMV-86002 | (01/91) | Application for License as a Motor Vehicle Emissions Reinspection Facility or Self Inspector |
| (c) | HSMV-86003 | (01/91) | Vehicle Emissions Inspection Report (Short Form) |
| (d) | HSMV-86004 | (01/91) | About Your Vehicle Emissions Inspection Report |
| (e) | HSMV-86005 | (01/91) | Motor Vehicle Inspection Report |
| (f) | HSMV-86006 | (02/91) | Self-Inspector Fleet Inventory |
| (g) | HSMV-86007 | (01/91) | Vehicle Safety Inspection Report |
| (h) | HSMV-86008 | (Reserved) | |
| (i) | HSMV-86009S | (06/91) | Application for Temporary Exemption |
| (j) | HSMV-86010 | (Reserved) | |
| (k) | HSMV-86011 | (02/91) | Application for Waiver |
| (l) | HSMV-86012 | (03/91) | Exchanged Engine and Statutory Exemption Certification |
| (m) | HSMV-86013 | (03/91) | Application for Hardship Exemption |
| (n) | HSMV-86014 | (03/91) | Investigative Report |
| (o) | HSMV-86015 | (01/91) | Application for a License as a Motor Vehicle Emissions Reinspection Facility or Self-inspector Licensed Motor Vehicle or Mobile Home/R.V. Dealers |
| (p) | HSMV-86016 | (Reserved) | |
| (q) | HSMV-86017S | (07/91) | Application for Permanent Exemption |
| (r) | HSMV-86018 | (Reserved) | |
| (s) | HSMV-86019 | (Reserved) | |
| (t) | HSMV-86020 | (Reserved) | |
| (u) | HSMV-86021 | (01/91) | Surety Bond Reinspection Facility or Self-Inspector |
| (v) | HSMV-86022 | (06/91) | Surety Bond Rider for Motor Vehicle or Mobile Home/R.V. Dealers Applying for a License as a Reinspection Facility or Self-Inspector |
| (w) | HSMV-86023 | (03/91) | Complaint Questionnaire |
| (x) | HSMV-86024 | (Reserved) | |
| (y) | HSMV-86025 | (Reserved) | |
| (z) | HSMV-86026 | (02/91) | Warranty Expiration Form |
| (aa) | HSMV-86027 | (01/91) | State Agency Fleet Vehicle Inventory |
| (bb) | HSMV-86028 | (01/91) | Request For Approval of Inter-governmental Agreement |
| (cc) | HSMV-86029S | (07/91) | Application for Reciprocal Inspection Exemption |
| (dd) | HSMV-86054 | (02/91) | Tamper Check Form |

15C-6.007 Motor Vehicle Safety Equipment Inspection Standards.

(1) This rule sets forth the standards for the voluntary safety inspection provided for by Section 325.205, F.S.

(2) Inspection of safety equipment items or systems shall be made on a "pass" or "fail" basis.

(3) The following items will be inspected:

(a) Brakes.

1. Braking action shall be tested using a low speed (approximately 3 to 4 miles per hour) roller-type dynamometer method. Dynamometer manufacturer's recommendations shall be followed.

2. The motor vehicle will be driven onto the brake tester. The system shall have the capability of sensing or estimating axle weight and electronically measuring the weight. If the computer has the capability of determining motor vehicle weight based on information retrieved through the vehicle identification number, the system need not electronically measure the vehicle weight. The rollers will begin rolling and the operator will apply the brakes gradually to their maximum position. After successfully completing the test, brake forces will be recorded and the differential between the right and left wheels computed. The same procedure will be used for the front brakes, rear brakes, and emergency brakes.

3. Data generated during the test procedure shall be transmitted electronically to a computer where a pass/fail determination will be made by comparing the data against predetermined test standards.

4. The roller-type brake dynamometer will have the following capabilities:

a. Measurement of the braking force of each wheel on an axle simultaneously at approximately 3 to 4 miles per hour.

b. Electronic transmission of test results to a computer for calculation of braking force balance, comparison of the braking forces and differential values against applicable standards, and compilation into the inspection report.

c. Have an accuracy of 3 percent of full scale.

d. Designed for use in an operating temperature of 35° to 110° with relative humidity between 0 and 100 percent non-condensing throughout the temperature range.

5. A motor vehicle shall fail the brake inspection if the reading on any one wheel has more than a 25 percent deviation from the reading of the other wheel on the steering axle. The total main braking force shall be at least 45 percent of the vehicle weight. The emergency braking force shall be at least 15 percent of the vehicle weight or sufficient to lift the vehicle from the brake tester, whichever is less.

(b) Headlamps.

1. The headlamps on all motor vehicles will be inspected for intensity and aim using a track-mounted electro-optical headlamp tester. The headlamp test will measure alignment of left and right headlamps. Each mode will measure high/low and left/right position with respect to vehicle horizontal and vertical position plus a measurement of candlepower for each lamp.

2. Data generated during the test procedure shall be transmitted electronically to a computer where a pass/fail determination will be made by comparing the data against predetermined test standards.

3. The headlamp tester shall have the following capabilities:

a. Measure beam intensity and aim, right and left.

b. Track mounted equipment.

c. Electronic transmission of intensity and alignment test results to a computer for comparison against applicable standards and compilation into the inspection report.

d. Measurement of headlamps with center lens height between 12 inches and 54 inches. Intensity measurement range shall be 0 to 125K candela.

e. Designed for use in an operating temperature of 35° to 110° with relative humidity between 0 and 100 percent non-condensing throughout the temperature range.

4. A motor vehicle shall fail the headlamp test if the test results do not comply with the Society of Automotive Engineers Recommended Standards for Headlamps Inspection Equipment, 1982 Edition, which is hereby incorporated by reference. Horizontal headlamp aim shall not deviate by more than nine inches to the left or right, and vertical headlamp aim shall not deviate by more than seven inches up or down.

~~(c) Side Slip Tester.~~

~~1. Motor vehicles will be tested for excessive toe-in or toe-out using a side slip tester. "Toe-in" is the condition where the front of the wheels are closer together than the rear of the wheels. "Toe-out" is the condition where the front of the wheels are further apart than the rear of the wheels. The tester will be positioned in the inspection lane so that the motor vehicle rolls over it as the vehicle enters a fixed position in the lane or as the motor vehicle travels between fixed positions. (A fixed position is a designated place in the inspection lane where the motor vehicle remains stationary and various tests are performed.)~~

~~2. Data generated during the test procedure shall be transmitted electronically to a computer where a pass/fail determination will be made by comparing the data against predetermined test standards.~~

~~3. The side slip tester will have the following capabilities:~~

~~a. Measurement of vehicle toe by tire scuff.~~

~~b. Electronic transmission of alignment or misalignment test results to a computer to calculate toe, comparison against a predetermined test standard and compilation into the inspection report.~~

~~c. Measurement of toe up to 105 feet/mile with a weight limit up to 2 1/2 tons per axle.~~

~~d. Designed for use in an operating temperature of 35° to 110° with relative humidity between 0 and 100 percent non-condensing throughout the temperature range.~~

~~e. Have an accuracy of 3 percent of full scale.~~

~~4. A motor vehicle shall fail the side slip test if the amount of toe-in is more than 60 feet per mile or the amount of toe-out is more than 45 feet per mile.~~

~~(d) Steering/Suspension.~~

~~1. Undercarriage shall be inspected by measuring motor vehicle front end suspension wheel to wheel end play at the axle. While one tire is in a fixed position, the other tire will be automatically moved angularly about a vertical axis to determine the amount of looseness or "play" in the front end suspension.~~

~~2. The undercarriage inspection shall employ an electronic front end alignment measurement device that has been adapted to electronically transmit data results to a computer where a pass/fail determination will be made by comparing the data against predetermined test standards.~~

~~3. The steering/suspension tester will have the following capabilities:~~

~~a. Measure the front end suspension wheel to wheel movement by angularly moving one wheel independently about a vertical axis.~~

~~b. Electronic transmission of test results to a computer for calculation of wheel to wheel end play and compilation of results into the inspection report.~~

~~c. Have an accuracy of 3 percent of full scale.~~

~~d. Designed for use in an operating temperature of 35° to 110° with relative humidity between 0 and 100 percent non-condensing throughout the temperature range.~~

~~4. A motor vehicle shall fail the steering/suspension test if the wheel to wheel end play exceeds 2 1/2 degrees for wheels 17 inches or less or 3 degrees for wheels larger than 17 inches.~~

~~(e) Upperbody Visual and Manual Inspection.~~

~~In addition to the aforementioned tests, each motor vehicle will undergo a series of visual and non-automated, functional tests as follows. The inspector will enter into the computer any observed defects by a pass or fail indication.~~

~~Prior to admitting a motor vehicle into the inspection lane, a visual inspection will be made to assure the safety of the motor vehicle in relation to the inspection process. The vehicle will be checked for leaking fluids and "unsafe" tires (bulges or exposed cords). Vehicles determined "unsafe" will not be inspected.~~

~~1. Tires and Wheels. A motor vehicle shall fail the inspection if:~~

~~a. Any tire in service has tread cuts, snags, or sidewall cracks or wear deep enough to expose cords, bumps, bulges, (not including sidewall ply splice) or knots indicating partial failure or separation of tire structure.~~

~~b. Any tire in service, with tread wear indicators, is worn so that the tread wear indicators contact the road in any two adjacent grooves at two locations spaced approximately equally around the outside of the tire.~~

~~c. Any tire in service, without tread wear indicators, is worn so that less than 2/32 inch (1.6 mm) tread remains~~

when measured in any two adjacent grooves at two locations spaced approximately equally around the outside of the tire.

2. **Headlamps and Lights.** A motor vehicle shall fail the inspection if:

a. Any lamp required by law to have a colored lens that has a cracked, broken, or missing lens, allowing white light to show.

b. Auxiliary equipment is placed on, in, or in front of any lamp.

3. **Windshield Wipers.**

A motor vehicle shall fail the inspection if:

a. Any wiper or wiper arm which was original equipment on the motor vehicle is missing.

b. Any wiper is not operational or fails to return to its original position or the blade fails to contact the windshield when lifted and released.

4. **Mirrors.** A motor vehicle shall fail the inspection if:

a. The motor vehicle does not have a functional rear or side view mirror.

b. Any rear view mirror (including side mirror) is cracked, broken, or discolored so as to impair or obstruct the vision of the motor vehicle operator.

5. **Seat Belts.** A motor vehicle shall fail the inspection if:

a. Front driver and passenger seat belts are missing.

b. The driver's side seat belt is not functional. (The inspector shall determine the functionality of the seat belt by visually observing the driver unbuckle and buckle the seat belt.)

6. **Horns.** A motor vehicle shall fail the inspection if the horn button or activating device does not function properly.

Specific Authority 325.205(3), 325.219 FS. Law Implemented 325.205 FS. History—New 8-2-89, Formerly 15C-7.001, Amended 8-4-92.

Julie L. Jones
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov

A SAFER
FLORIDA
HIGHWAY SAFETY AND MOTOR VEHICLES

Charlie Crist
Governor

Bill McCollum
Attorney General

Alex Sink
Chief Financial Officer

Charles H. Bronson
Commissioner of Agriculture

February 10, 2010

VIA HAND DELIVERY

Administrative Code Section
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

RE: Chapter 15C-6, F.A.C. Motor Vehicle Emissions Inspection

Dear Administrative Code Section:

Enclosed for final rule adoption are the original and two copies of the Certification of rule adoption, CD containing the rule language and other required documentation for the above referenced rules.

If you have any questions or need additional information, please contact me at the number listed below.

Sincerely,

ROBIN F. LOTANE
General Counsel

DOUGLAS D. SUNSHINE
Assistant General Counsel
2900 Apalachee Parkway, MS-02
Telephone (850) 617-3101

DDS/hjw
Enclosures

cc: Ed Broyles

15C-5.005 Approved Testing Devices.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20(1)(d) FS. History--Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Formerly 15C-5.05, Repealed.

15C-5.006 Responsibility of Station Owner or Operator.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.25, 325.27 FS. History--New 5-7-81, Formerly 15C-5.06, Repealed.

15C-5.007 Approval of Certified Inspectors.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.22, 325.23, 325.26 FS. History--New 5-7-81, Formerly 15C-5.07, Repealed.

15C-5.008 Duties and Responsibilities of Authorized Inspectors.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20 FS. History--Formerly 15-7.04, New 5-16-68, Revised 5-9-70, 1-19-73, Amended 12-14-74, Formerly 15-7.08, Formerly 15C-5.08, Repealed.

15C-5.009 Period of Inspection.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.12, 325.13, 325.15, 325.16 FS. History--New 5-7-81, Formerly 15C-5.09, Repealed.

15C-5.010 Inspection Certificates.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.23 FS. History--New 5-7-81, Formerly 15C-5.10, Repealed.

15C-5.011 Delinquent Fees.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.13, 325.24 FS. History--New 5-7-81, Formerly 15C-5.11, Repealed.

15C-5.012 Replacement Certificates.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.23 FS. History--New 1-19-73, Repromulgated 12-14-74, Formerly 15-7.12, Formerly 15C-5.12, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Gentry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-6.001	Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors
15C-6.002	Exemptions and Waivers from the Requirements for Annual Emissions Inspections
15C-6.003	Emissions Inspection Fee for Annual Emissions Inspections
15C-6.005	Bureau of Emissions Control Forms
15C-6.007	Motor Vehicle Safety Equipment Inspection Standards

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, because they are obsolete. Section 325.219, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform motor vehicle emissions inspections. The effect will be to repeal Rule Chapter 15C-6, F.A.C.

SUMMARY: Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, are being repealed because they are obsolete and the Department no longer has the authority to perform motor vehicle emissions inspections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 325.26, 325.205(3), 320.011 FS.

LAW IMPLEMENTED: 320.02(10), 325.203, 325.205, 320.209, 320.212, 325.213, 325.214 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, December 29, 2009, 11:00 a.m.
PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dwight Davis, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Mobile Home and Recreational Vehicle Construction, 2900 Apalachee Parkway, Mail Stop 66, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-6.001 Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.212, 325.213 FS. History–New 9-18-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98, Repealed.

15C-6.002 Exemptions and Waivers from the Requirements for Annual Emissions Inspections.

Rulemaking Specific Authority 320.011, 325.219 FS. Law Implemented 320.02(10), 325.203, 325.209 FS. History–New 6-21-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98, Repealed.

15C-6.003 Emissions Inspection Fee for Annual Emissions Inspections.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.214 FS. History–New 9-18-90, Repealed.

15C-6.005 Bureau of Emissions Control Forms.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.214 FS. History–New 2-11-92, Repealed.

15C-6.007 Motor Vehicle Safety Equipment Inspection Standards.

Rulemaking Specific Authority 325.205(3), 325.219 FS. Law Implemented 325.205 FS. History–New 8-2-89, Formerly 15C-7.001, Amended 8-4-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dwight Davis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.102
RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the handling and processing of incoming legal mail.

SUMMARY: The proposed rule eliminates the requirement that incoming legal mail be marked as "legal" or "confidential" in order to be processed as legal rather than routine mail; clarifies that staff are to remove any unauthorized packaging

before delivering the contents of incoming legal mailings to inmates; and amends form DC2-522, Incoming Legal and/or Privileged Mail Log, to add columns for staff to indicate an inmate's housing and job assignment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 20.315, 944.09, 944.11 FS.
LAW IMPLEMENTED: 944.09, 944.11 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.102 Legal Documents and Legal Mail.

(1) No change.

(2) Legal mail shall be defined as mail to and from the following entities:

(a) Municipal Mail to and from municipal, county, state and federal courts.

(b) State Mail to and from state attorneys.

(c) Private Mail to and from private attorneys.

(d) Public Mail to and from public defenders.

(e) Legal Mail to and from legal aid organizations.

(f) Mail to and from Agency clerks Clerks.

(g) Government Mail to and from government attorneys.

(3) through (7) No change.

(8) Processing of Legal Mail.

(a) through (b) No change.

(c) No packaging other than standard envelopes shall be given to inmates. The following types of packaging shall be removed by staff before providing the contents to the inmate: boxes, padded envelopes, envelopes that include metal parts, multilayer packaging, bubble wrap, packing peanuts, or other forms of extra packaging.

~~(d) The sender of incoming legal mail shall mark the outside of the envelope "legal confidential," "legal open only in the presence of the addressee," or similar language which would put the reader on notice that the mail is legal mail of a confidential nature. Mail from the courts subject to public inspection under Chapter 119, Florida Statutes, need not be marked as legal mail. Incoming mail that is not marked as legal~~



A SAFER
FLORIDA

HIGHWAY SAFETY AND MOTOR VEHICLES



2ND QUARTER PERFORMANCE REPORT
FISCAL YEAR 2009 - 2010

PROVIDING HIGHWAY SAFETY AND SECURITY
THROUGH EXCELLENCE IN SERVICE, EDUCATION, AND ENFORCEMENT

JULIE JONES, EXECUTIVE DIRECTOR

Leading the Way to... A Safer Florida!

Service Delivery – *ensuring customer-driven excellence.*

- Over three million individuals representing 17% of driver license and identification card holders have registered their Emergency Contact Information with the Department.
- The Department issued 18% of its driver license and identification cards through the internet. This represents an increase of 4% over the same period a year ago.
- Customers have completed over 18% of their motor vehicle transactions through the internet. This represents an increase of nearly 23% over the same period a year ago.
- State driver license field offices processed nearly 3.2 million transactions July through December 2009.



Safety – *protecting our citizens through service, education, and enforcement.*

- The Florida Highway Patrol during the last six months of 2009:
 - Made over 5,000 DUI arrests through enhanced enforcement efforts and concentrated focus during highly traveled holiday periods;
 - Issued over 71,000 seatbelt citations;
 - Made over 1,900 drug arrests;
 - Effected over 3,850 felony arrests;
 - Delivered over 1,300 safety talks; and
 - Rendered assistance to nearly 152,000 motorists.
- Florida's statewide safety belt use reached a record 85.2% this year, topping last year's 81.7%, and beating the national safety belt use rate (84%) for the first time. The National Highway Traffic Safety Administration estimates with Florida's passage of the primary seatbelt law, 124 lives will be saved.
- 3,470 child seat inspections were conducted during the first six months of the fiscal year.



Workforce – *valuing our members.*

- The turnover rate for Florida Highway Patrol Troopers and Corporals dropped from 4.2% in July 2009 to 3.41% in December 2009.
- The turnover rate for members serving in the Customer Service Call Center dropped from 11.7% in July 2009 to 7.4% in December 2009.
- Lieutenant Bill Leeper, FHP Troop G, received IACP's *J. Stannard Baker Award* for lifetime achievement in traffic safety.
- During October, the National Highway Traffic Safety Administration recognized the Florida Fatality Analysis Reporting System with the State and Winning Team awards for outstanding contributions to NHTSA's vision of saving lives, preventing injuries, and reducing vehicle-related crashes.



Performance Management – *improving our organizational performance.*

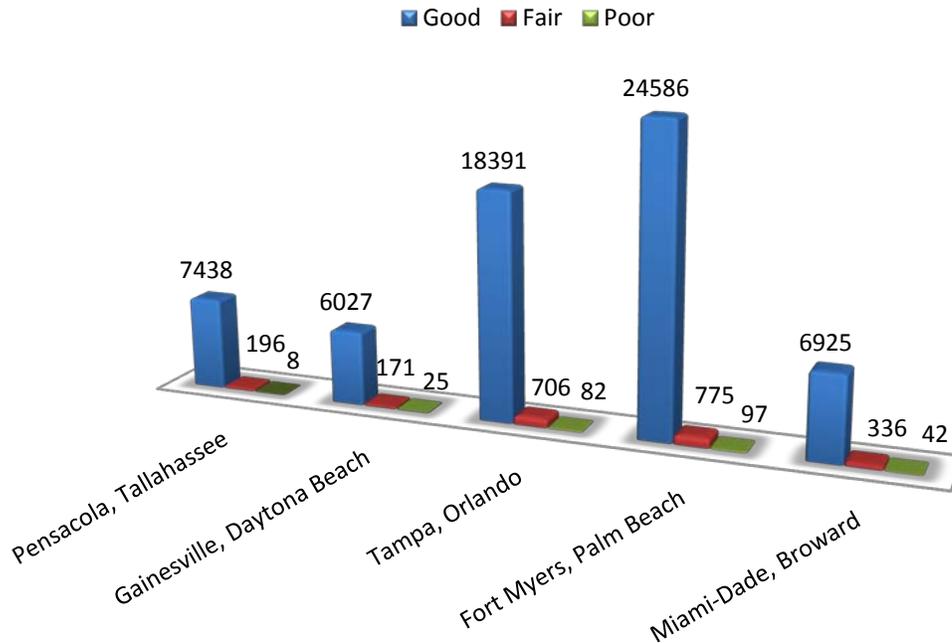
- 118 of the 222, or 53% of tax collector offices currently offer driver license services as of December 2009. This represents an increase from 24% of the tax collector offices that were delivering driver license services in December 2008.
- During this quarter the Department implemented a new e-learning system which will enhance training and further reduce travel.
- Driver license field offices recently instituted a new cash management procedure which has enhanced customer service, reduced overtime payments, and increased revenues.
- Based on survey input from the Florida Highway Patrol, Sheriff's Association, and Police Chief's Association, the font type and size printed on motor vehicle registration decals was enlarged and enhanced. The new font was put into use statewide in November 2009, and is expected to add increased visibility of the decal information further assisting law enforcement.



Customer Service Information

Driver License In-Office Surveys: The following information is based on the overall service satisfaction score from over 65,000 surveys received from state driver license field offices during the first and second quarter.

Overall Service Satisfaction



Listening to Our Customers: Our agency touches nearly every household in the state and in order to meet our customers' needs we need their input. The Office of Performance Management developed a survey to solicit input from the public regarding current operations; to identify where we are meeting and exceeding public expectations; and to identify areas of improvement. The survey included questions about the Department's service, education and enforcement activities and encouraged customers to provide their thoughts on highway safety in Florida. The Department received nearly 47,000 responses during a two-month period. Here are some highlights of the results:

- 78% of respondents agreed or strongly agreed that they felt safe while traveling along Florida's roadways.
- 84 % of respondents rated overall job performance of FHP in their area either good or excellent.
- Respondents indicated that distracted driving and speeding were the areas they most wanted to see FHP increase enforcement efforts.
- 87% of respondents who used the Department's online services within the last 12 months rated their experience as either good or excellent.
- 86% of respondents indicated that they waited 30 minutes or less at a driver license office before being served.
- 94% of respondents rated the conduct of the employee who assisted them (via phone or in office) as good or excellent.

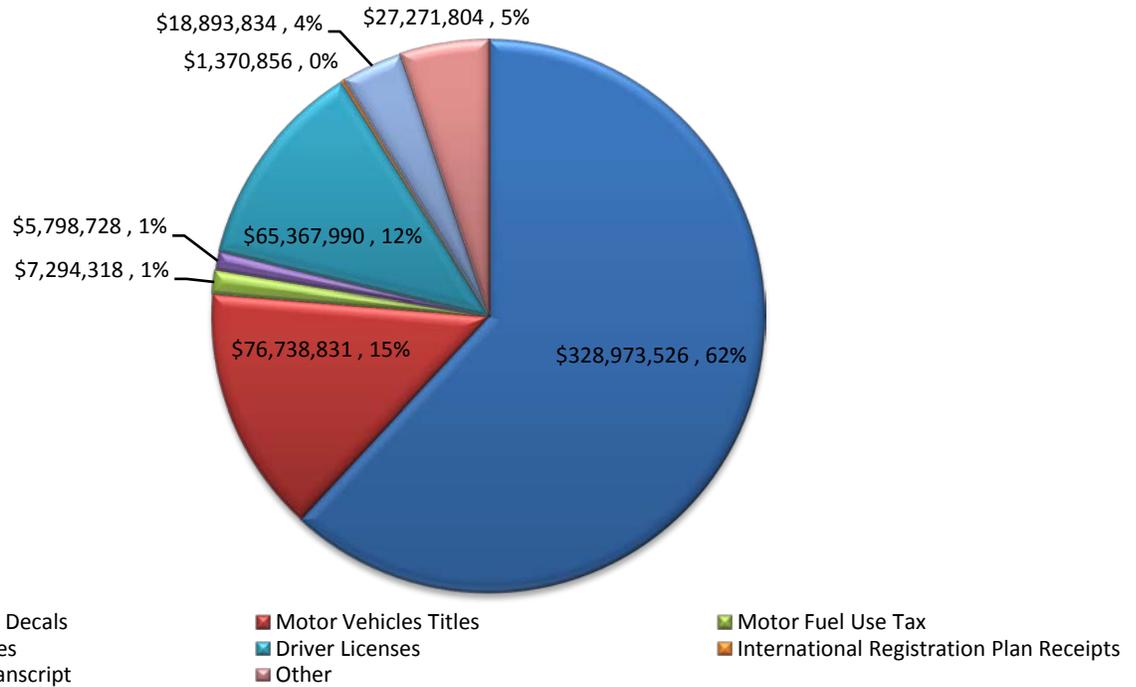
These results will help the Department direct its efforts to better serve customers and to meet future highway safety and security needs.

Revenue Information

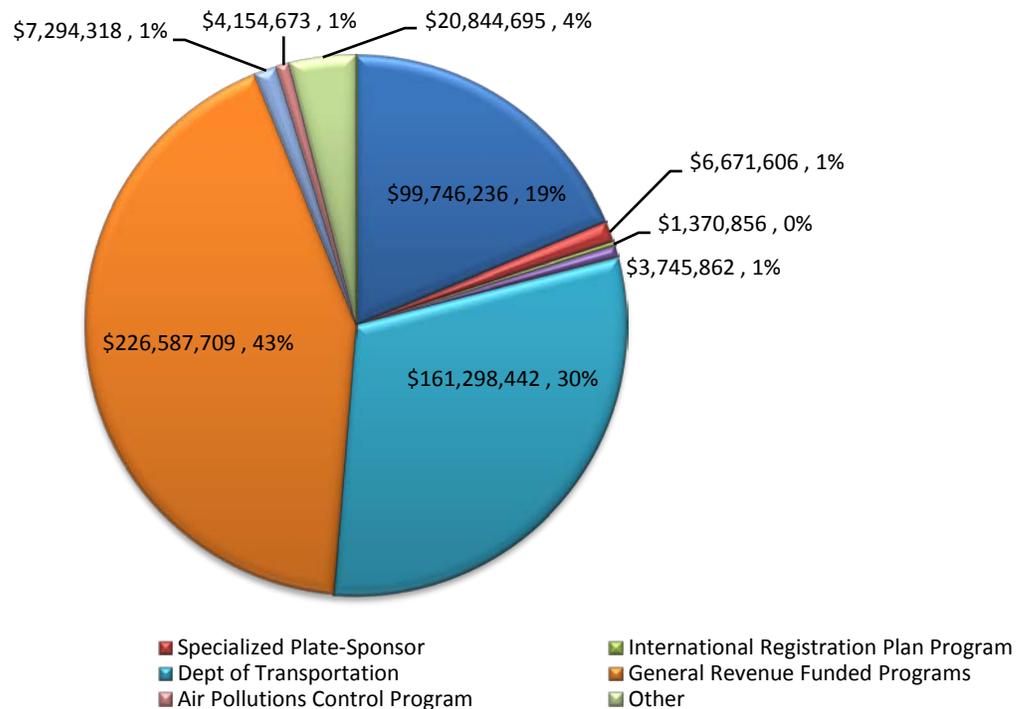
Revenue Generated

	Trust Fund	General Revenue	Total
2 nd Quarter	\$305,122,178	\$226,587,709	\$531,709,887
Year to Date	\$646,756,147	\$291,512,264	\$938,268,411

Where the Money Comes From – 2nd Quarter



Where the Money Goes – 2nd Quarter



Performance Measures

<i>Measure</i>	<i>2nd Qtr. 2008-09</i>	<i>2nd Qtr. 2009-10</i>	<i>2009-10 YTD Actual</i>	<i>Annual Standard</i>
Service Delivery - Employ strategies that ensure customer-driven excellence.				
1. Number of motorists assisted by FHP	76,188	74,775	151,794	300,000
2. Percent of driver license office customers waiting 15 minutes or less for service (1)	Annual	60.5%	54.2%	80%
3. Percent of driver license office customers waiting less than 30 minutes for service (1)	Annual	81.5%	72.1%	95%
4. Percent of customer service phone calls answered by the Customer Service Center within two minutes of being placed in the queue (2)	39.8%	41.5%	40.3%	70%
5. Number of highway crashes investigated by FHP	55,392	54,522	108,894	235,000
6. Percent of fatal highway crashes investigated by FHP to all fatal highway crashes investigated by law enforcement in Florida	46.6%	58.9%	58.7%	60%
7. Percent of traffic homicide investigations completed within 90 days of crash	80.2%	66.4%	68.1%	80.0%
8. Percent of calls for service responded to within 30 minutes	69.5%	69.6%	70.0%	65.0%
9. Percent of traffic investigation hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	24.8%	24.6%	24.3%	23.0%
10. Percent of criminal investigation cases resolved within 30 days	34.7%	75.7%	61.0%	50%
11. Percent of professional compliance investigation cases completed within 45 days	70.8%	81.0%	78.7%	80%
12. Number of corrections per 1,000 driver records maintained (3)	6.6	6.3	6.5	4.0
13. Number of driver licenses and identification cards issued	1,436,054	1,267,487	2,797,678	6,200,000
14. Percent of vehicle/vessel titles issued without error	95%	91%	90%	92%
15. Number of motor vehicle/manufactured home/vessel titles issued (4)	1,175,620	1,177,350	2,402,508	5,750,000
16. Number of motor vehicle/manufactured home/vessel registrations issued	5,603,727	4,869,900	9,721,888	21,300,000
17. Percent of titles issued within three workdays of request	99.6%	100.0%	100.0%	98.0%
18. Percent of motor vehicle, manufactured home and recreation vehicle dealer licenses issued within five workdays of receipt of completed dealer application	99.5%	99.6%	99.4%	99.0%
19. Percent of paper titles issued for motor vehicles, manufactured homes and vessels to all titles issued	81.8%	75.1%	76.0%	80.0%
20. Percent of biennial motor vehicle, manufactured home and vessel registrations issued to all registrations issued eligible for biennial registration	6.3%	5.6%	22.0%	6.0%

<i>Measure</i>	<i>2nd Qtr. 2008-09</i>	<i>2nd Qtr. 2009-10</i>	<i>2009-10 YTD Actual</i>	<i>Annual Standard</i>
Safety –Protect our citizens’ lives and personal security through service, education, and enforcement.				
21. Florida highway fatality rate per 100 million vehicle miles traveled	Annual	Annual	Annual	1.5
22. Florida alcohol-related highway fatality rate per 100 million vehicle miles traveled	Annual	Annual	Annual	0.58
23. Florida's seat belt compliance rate	Annual	Annual	85.2%	85.0%
24. Percent of preventive patrol hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	54.9%	52.9%	52.9%	52.0%
25. Number/ percent of registered vehicles that meet Florida's minimum insurance requirements	11,463,197 94.0%	11,505,315 95.0%	11,505,315 94.8%	N/A 95.0%
26. Number/ percent of driving related sanctions issued to all sanctions issued	33,129 5.9%	32,674 6.5%	63,255 6.3%	130,000 5.0%
27. Percent of "Driving Under the Influence" course graduates who do not have another DUI conviction within four years of graduation	Annual	Annual	Annual	90%
28. Percent of new manufactured home warranty complaints to new manufactured homes titled (5)	0.86%	0.64%	0.74%	0.60%
29. Number of manufactured homes inspected in plants (6)	960	766	1,394	6,000
30. Number of rebuilt salvage motor vehicles inspected	5,957	9,162	18,300	25,000
31. Number of dealer licenses issued (includes motor vehicle and manufactured home dealers, and manufacturers licenses)	Annual	Annual	Annual	12,800

Workforce –Build an environment that regards our members as our most valuable resource.				
32. Percent of FHP recruit graduates who passed certification exam on initial testing	97%	100%	100%	95%
33. Percent turnover for all FHP troopers and corporals	N/A	3.4%	3.4%	7.5%
34. Percent of administrative/training hours for FHP troopers and corporals to total duty hours for FHP troopers and corporals	20.3%	22.5%	22.8%	25.0%

Performance Management –Take an integrated approach to measure, manage, and improve our organizational performance to further the agency’s mission.				
35. Agency administration and support costs as a percent to total agency costs	4.40%	5.08%	5.33%	5.00%
36. Number/percent of non-driving related sanctions issued to all sanctions issued	527,489 94.1%	467,120 93.5%	938,679 93.7%	2,470,000 / 95%
37. Cost per motor vehicle/manufactured home/vessel title issued	\$2.50	\$2.82	\$2.82	\$2.75
38. Percent of International Fuel Tax Agreement audits completed to all International Fuel Tax agreements (7)	0.64%	0.50%	1.05%	3.00%
39. Percent of International Registration Plan Agreement audits completed to all International Registration Plan agreements	0.48%	0.79%	1.62%	3.00%

PERFORMANCE EXPLANATION

(1) Percent of driver license office customers waiting 15 minutes or less for service and Percent of driver license office customers waiting less than 30 minutes for service – Wait time information from the queuing tool is received from the Department's 54 highest volume offices. This average excludes the previously incorporated smaller volume offices throughout the state, which typically experience little or no wait time and would reduce the overall wait time average. In addition, the Department has recently completed upgrades to office servers that will help stabilize the system. The approximate 97 driver license clerical, examiner, and manager vacancies in state field offices, which are being held vacant due to fiscal constraints, has also contributed to the wait time exceeding standard.

(2) Percent of customer service phone calls answered by the Customer Service Center within two minutes of being placed in the queue – The Department continues to experience a large volume of calls that exceeds current capacity. Several steps have been taken to reduce the volume by maximizing staff, resources, technology, and processes. Based on a recommendation from an August 2009 line load study, findings indicated that an additional 46 phone lines were needed to reduce the busy signals to one busy signal per 100 calls. In February 2010, through grant funding, the Department was able to add 46 additional phone lines. Due to the extraordinary volume of calls the center fields, within one minute the lines were full and customers again experienced a busy signal. Additional customer service center positions would be necessary to meet this standard.

(3) Number of corrections per 1,000 driver records maintained - Many of the errors made on the driver's record, which subsequently require a correction, are completed or reported by outside agencies (courts and other state motor vehicle agencies). In 2009 the Department, through a DOT grant, worked closely with five clerks of court to identify causes of errors in the transmission of citation data, propose solutions, to decrease error rates, and to create a helpful tool to better guide the clerks in how to resolve errors. In addition, our six liaisons work closely with the clerks of court, e-citation vendors, and law enforcement agencies to provide technical assistance and training to resolve data transmission errors. Further, we are working hand-in-hand with the Florida Association of Clerk Courts, e-citation vendors, and our own IT staff to improve systems, which will improve data integrity and accuracy.

(4) Number of motor vehicle/manufactured home/vessel titles issued - Title issuance is below standard due to lower consumer demand for the purchase of motor vehicles, manufactured homes, and vessels.

(5) Percent of new manufactured home warranty complaints to new manufactured homes titled - The ratio variance is caused by the increase in the number of complaints on manufactured homes constructed out of state that were shipped into Florida. The Department has been successful in decreasing the number of complaints on manufactured homes constructed in Florida.

(6) Number of manufactured homes inspected in plants - Production in manufactured home plants has continued to decrease due to reduced public demand and industry decline causing fewer homes to be inspected in plants. All required manufactured home inspections are being completed.

(7) Percent of International Fuel Tax Agreement audits completed to all International Fuel Tax agreements – There is a temporary backlog in the audit review process due to new personnel.

**PURCHASES MADE IN EXCESS OF \$25,000 AND NOT IN CONJUNCTION WITH
STATE CONTRACTS
OCTOBER through DECEMBER 2009**

ITEM(S) PURCHASED	VENDOR	AMOUNT
FHP: Vehicles to be used for training in pursuit intervention techniques. ITB# 002-10 Rebid, Order No. A0c459.	Minco Auto and Truck Accessories Tallahassee, FL	\$36,750.00
ISA: The objective of the Problem Management Project is to acquire services to establish an ITIL best practice framework for Problem Management at DHSMV. Contractor will be responsible for process development, configuration changes to Service Manager, knowledge transfer and training. ITB# 003-10, Order No. DO1660501.	Advanced MarketPlace, Inc. Tampa, FL	\$187,800.00
FHP: This is needed to perform scheduled and unscheduled maintenance, 100 hour inspections and annual inspections and to maintain departmental aircraft in accordance with FHP, FAA and manufacturer's specifications. Order No. A0A065.	Flightline Group, Inc. Tallahassee, FL	\$44,000.00
ISA: This program is to provide address corrections and certification for the Department's Driver License and Motor Vehicle Address Databases. ITB# 007-10, Order No. DO1720828.	CognitiveData Merkle Inc. Little Rock, AR	\$33,600.00
ISA: This service enables the Department to continue to print titles, renewals, letters, and all other forms of laser printing requirements of the Department during this timeframe. Order No. A0B231.	Xerox Corporation Tallahassee, FL	\$49,586.48
ISA: This is service maintenance for the period 7/1/09 thru 10/31/09 on the Xerox printers in the computer room. Order No. A1654A.	Xerox Corporation Tallahassee, FL	\$54,233.71
ISA: The purchase of the VeriSign certificates will ensure that the integrity of our agencies web sites and data stay encrypted and secured. These certificates are used for applications and services that support every division and external agencies which include law enforcement agencies statewide. The authentication, verification and encryption of data provided by VeriSign are essential to maintain a system that is secure and can be used with confidence. This managed platform for certificate issuance is currently in use at the Department and is integrated with our systems. This proprietary product can only be purchased from VeriSign. Order No. A16975.	VeriSign, Inc. Mountain View, CA	\$31,332.00
ISA: This software will be used to provide partial tag searches on DAVID. Order No. A16D84.	R.L. Polk & Company Southfield, MI	\$35,500.00
FHP: HP Deskjet Ink Cartridges is to be used in the MDT Mobile Printers in FHP Patrol cars. ITB# 008-10, Order No. A11F2B.	U.S. Ink and Toner, Inc. Charlotte, NC	\$384,408.00