

CERTIFICATION OF DEPARTMENT OF
ENVIRONMENTAL PROTECTION
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 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

FILED
APR 19 11:00
MILWAUKEE COUNTY

(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 being 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 No(s).

62-285.420, F.A.C.

The agency head, Secretary Michael W. Sole, has approved this adoption pursuant to 120.54(3)(e)1.

Under the provision 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:

December 15, 2008
(month) (day) (year)


JACK CHISOLM
Deputy General Counsel

1 2 B
Number of Pages
Certified

62-285 Greenhouse Gas Emissions Reduction.

62-285.420 Heavy-Duty Vehicle Idling Reduction.

(1) Applicability. This rule applies to any heavy-duty diesel engine powered motor vehicle. For the purposes of this rule:

(a) Heavy-duty diesel engine powered motor vehicle means a motor vehicle:

1. With a gross vehicle weight rating equal to or greater than 8,500 pounds;
2. Used on roads for the transportation of passengers or freight; and
3. Serving a commercial, governmental, or public purpose.

(b) Gross vehicle weight rating means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(2) Requirement. Owners or operators of heavy-duty diesel engine powered motor vehicles are prohibited from idling for more than five consecutive minutes. Idling is the continuous operation of a vehicle's main drive engine while the vehicle is stopped.

(3) Exemptions. The idling restriction of subsection 62-285.420 (2), F.A.C., shall not apply:

(a) To idling while stopped for traffic conditions over which the driver has no control, including being stopped for an official traffic control device or signal, in a line of traffic, at a railroad crossing, at a construction zone, or at the direction of law enforcement;

(b) To idling of buses 10 minutes prior to passenger loading and when passengers are onboard if needed for passenger comfort;

(c) To idling of an armored vehicle in which a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded.

(d) If idling is necessary for a police, fire, ambulance, public safety, military, or other vehicle being used in an emergency or training capacity;

(e) If idling is necessary to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that engine idling is mandatory for such verification;

FILED
JUN 19 11:00
STATE OF FLORIDA
DEPARTMENT OF REVENUE

(f) If idling is necessary to accomplish work for which the vehicle was designed, other than propulsion, for example: collecting solid waste or recyclable material; controlling cargo temperature; or operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;

(g) If idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver;

(h) To idling while the driver is sleeping or resting in a sleeper berth. This exemption expires at midnight September 30, 2013.

(4) Effective Date. The effective date of Rule 62-285.420, F.A.C., shall be December 15, 2008.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061 FS. History-New _____.