

Tourism, Infrastructure & Energy Subcommittee

Wednesday, February 10, 2021
3:30 PM – 5:00 PM
Sumner Hall (404 HOB)

Meeting Packet

Chris Sprowls
Speaker

Brad Drake
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Tourism, Infrastructure & Energy Subcommittee

Start Date and Time:	Wednesday, February 10, 2021 03:30 pm
End Date and Time:	Wednesday, February 10, 2021 05:00 pm
Location:	Sumner Hall (404 HOB)
Duration:	1.50 hrs

Consideration of the following bill(s):

HB 77 Diesel Exhaust Fluid by Overdorf

Update on Motorist Modernization Program and Mobile Driver Licenses

Overview of Specialty License Plates

The Chair requests that all amendments should be filed by 6 p.m. on Tuesday, February 9, 2021, including amendments filed by Members of the Committee/Subcommittee.
This meeting will be live-streamed on https://thefloridachannel.org/. Audience seating will be socially distanced and limited to the press and those persons wishing to provide substantive testimony on the filed bills or draft legislation. Persons who wish to attend must register at www.myfloridahouse.gov, and pick up a pass at the Legislative Welcome Center on the 4th Floor of the Capitol beginning two hours before the start of the meeting. Seating will be available on a first-come, first-served basis. Registration closes three hours before the meeting starts.

NOTICE FINALIZED on 02/03/2021 3:57PM by Rigas.Amanda

The Florida House of Representatives

Commerce Committee
Tourism, Infrastructure & Energy Subcommittee

Chris Sprowls
Speaker

Brad Drake
Chair

AGENDA

Wednesday, February 10, 2020
Sumner Hall (404 HOB)
3:30 PM –5:00 PM

I. Call to Order & Roll Call

II. Welcoming Remarks

III. Consideration of the following bills(s):

HB 77 by *Rep. Overdorf*
Diesel Exhaust Fluid

IV. Update on Motorist Modernization Program and Mobile Driver Licenses

V. Overview of Specialty License Plates

VI. Adjournment

303 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300
(850) 717-4873 Fax: (850) 413-0419

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 77 Diesel Exhaust Fluid
SPONSOR(S): Overdorf
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

The United States Environmental Protection Agency requires diesel exhaust fluid (DEF) to be used in newer diesel engines, including diesel-powered vehicles used for aircraft and airport support. DEF is an exhaust additive that reduces diesel emissions by neutralizing nitrogen oxide into harmless nitrogen gas and water.

In recent years, aircraft have experienced engine shutdowns and other engine operability issues resulting from the contamination of jet fuel due to the inadvertent filling of an aircraft fuel truck's anti-icing injection system reservoirs with DEF instead of a fuel system icing inhibitor. The Federal Aviation Administration has made preliminary safety recommendations regarding the use of DEF at airports, including additional training and the adoption of best management practices.

The bill requires certain public airports that utilize DEF to create a DEF safety mitigation and exclusion plan and provides minimum requirements for each plan. The plan must be approved by the governing body of the airport and submitted to the Department of Transportation (DOT). The airport must regularly review its plan and annually certify compliance to DOT.

The bill may have an indeterminate negative fiscal impact on state and local governments. See Fiscal Analysis for details.

The bill has an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Diesel Exhaust Fluid

Under the Clean Air Act of 1990, the United States Environmental Protection Agency (EPA), in order to curb air pollution, has mandated stronger emission control standards for vehicle engines. Nitrogen oxide (NOx) emissions can be a major pollutant from diesel engines and the EPA has targeted them for significant reductions. In 2007, the EPA mandated that all new on-road heavy duty vehicles manufactured after 2010 meet certain requirements, with light duty vehicles to meet these requirements in 2014. In order to meet these standards, technologies such as selective catalytic reduction have been developed.[1]

In diesel vehicles, selective catalytic reduction reduces NOx emissions by injecting diesel exhaust fluid (DEF) into ammonia, which in the presence of the catalyst, reacts with the exhaust NOx to neutralize it into harmless nitrogen gas and water.[2]

DEF is a nontoxic, nonhazardous, and colorless aqueous solution of automotive grade Urea in deionized water.[3]

Airport Use of Diesel Exhaust Fluid

At public airports, the airport and its tenants use DEF in various diesel-powered vehicles including aircraft refueling equipment, diesel aircraft fire-fighting equipment, life-saving equipment, and emergency generators.[4]

In recent years, aircraft have experienced engine shutdowns and other engine operability issues due to the contamination of jet fuel as a result of the inadvertent filling of aircraft fuel trucks anti-icing injection system with DEF instead of fuel system icing inhibitor.[5]

Due to fuel system designs, some aircraft require fuel system icing inhibitor to prevent engine operability issues in cold weather. Due to this requirement, for many years, airport refueling trucks have been equipped with fuel system icing inhibitor injection systems, which require a fuel system icing inhibitor fluid reservoir mounted on the truck to supply the injection system during refueling. Newer refueling trucks contain a DEF reservoir in addition to the fuel system icing inhibitor reservoir. Since the EPA's mandate for selective catalytic reduction on non-road diesel trucks began in 2014, airport refueling trucks with two reservoirs have begun appearing at airports.[6]

Between November 2017 and May 2019, there were three instances, two in Florida, in which multiple aircraft had jet fuel contaminated with DEF or were refueled using equipment exposed to DEF. Because of these instances, numerous aircraft had to perform emergency landings. The Federal

---

[1] Aircraft Diesel Exhaust Fluid Contamination Working Group, *A collaborative Industry Report on the Hazard of Diesel Exhaust Fluid Contamination of Aircraft Fuel*, June 11, 2019, pp. 3-4. Available at: https://download.aopa.org/advocacy/2019/2019_06_11_Aircraft_DEF_Contamination_Working_Group_Report_FINAL.pdf#:~:text=AIRCRAFT%20DIESEL%20EXHAUST%20FLUID%20CONTAMINATION%20WORKING%20GROUP%20REPORT,events%20that%20have%20occurred%20to%20date;%20to%20immediately (last visited February 3, 2021).

[2] *Id.*

[3] *Id.*

[4] Email from Lisa Waters, President/CEO Florida Airports Council, Diesel Exhaust Fluid, Nov. 4, 2019.

[5] Federal Aviation Administration, *Safety Assessment for Jet Fuel Contamination with Diesel Exhaust Fluid.* August 30, 2019, p.4. Available at: https://www.nata.aero/assets/Site_18/files/GIA/NATA_News/2019-08-30_Safety_Risk_Assessment_Report_DEF-Final.pdf (last visited February 3, 2021).

[6] *Id.*

Aviation Administration (FAA) conducted a hazard analysis and issued preliminary recommendations to address the problem, including additional training for ground support crews, adoption of best management practices, and dyeing either DEF or fuel system icing inhibitor so they can be distinguished from each other.[7] One recommendation called for the aviation industry to request that EPA issue permanent relief from emission control/system performance inducements (which require the use of DEF) for any non-road diesel powered vehicles at or on airports.[8]

The Florida Airports Council[9] has initiated efforts to address fuel contamination issues and specifically DEF. According to the Council, this effort is broad and intended to call attention to the issue and to educate airports, users, fuel providers and community leaders about the safety concerns and how to avoid fuel contamination. The Council indicates that it is working closely with its industry partners to develop a program of operational best management practices that all Florida airports and fuel providers can add to their training programs.[10]

Effect of the Bill

The bill requires the governing body of certain public airports[11] to create a DEF safety mitigation and exclusion plan for each fixed-base operator[12] that performs onsite treatment of aviation fuel with a fuel system icing inhibitor. This requirement applies to public airports at which:

- Aviation fuels receive onsite treatment with fuel system icing inhibitors;
- Aviation fuel is delivered by a publicly or privately owned fixed-base operator; and
- Any aircraft fuel delivery vehicle or ground service equipment that uses DEF is operated within 150 feet of any aircraft.

At a minimum, each airport's plan must include:

- A full inventory of each fixed-base operator's DEF on the airport's premises.
- Designation of specific areas where the fixed-base operator's DEF may be stored on the airport's premises. To the extent practicable, such areas may not be located within or on a vehicle operated for the fueling or servicing of aircraft or at any aviation fuel transfer facility or bulk aviation fuel storage facility.
- Designation of specific areas where DEF may be added to vehicles. Such areas may not be located in aircraft operating areas.
- Incorporation of best practices for ensuring the proper labeling and storage of diesel exhaust fluid.
- Training in the proper use and storage of DEF for all employees of the fixed-base operator who may come in contact with such fluid in the ordinary course of their duties.
- Designation of specific areas where the fixed-base operator's fuel system icing inhibitor may be stored on the airport's premises.
- Best practices for ensuring the proper labeling and storage of the fixed-base operator's fuel system icing inhibitor.
- Training in the proper use and storage of fuel system icing inhibitors for all employees of the fixed-base operator who may come in contact with fuel system icing inhibitors in the ordinary course of their duties.

---

[7] *Id.*

[8] *Id.* at 2

[9] The Florida Airports Council is the official association of Florida's publicly-owned and –operated airports. Florida Airports Council, https://www.floridaairports.org/about-us/ (Last visited January 15, 2021).

[10] Florida Airports Council: https://www.floridaairports.org/ (last visited January 15, 2021).

[11] Section 330.37(6), F.S., defines the term "public airport" as an airport, publicly or privately owned, which is open for use by the public.

[12] The term "fixed base operator" refers to commercial businesses allowed to operate on airport grounds in order to provide services to the airport. Fixed based operators include, but are not limited to, fueling service, aircraft maintenance services and baggage handling. https://www.presidential-aviation.com/fbo/ (last visited December 21, 2020).

- Physical measures to secure fuel system icing inhibitor fill points on the fixed-base operator's aircraft fuel delivery vehicles. Such measures must prevent the addition of any fluid to the fuel system icing inhibitor fill point by unauthorized personnel.

Each airport's governing body, by September 1, 2021, must approve the DEF safety mitigation and exclusion plan. By October 1, 2021, the governing body must submit the plan to the Department of Transportation (DOT) and certify that all diesel exhaust fluid within the airport's premises has been secured.

By January 1, 2022, the DEF safety mitigation and exclusion plan must be fully implemented on each airport's premises.

By January 1 of each year, beginning in 2023, each public airport must certify to DOT the airport's compliance with its diesel exhaust fluid safety mitigation and exclusion plan.

The bill has an effective date of July 1, 2021.

B. SECTION DIRECTORY:

Section 1 Creates s. 330.401, F.S., relating to the diesel exhaust fluid safety mitigation and exclusion plans for public airports.

Section 2 Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not appear to impact state government revenues.

2. Expenditures:

   There is an indeterminate, but likely insignificant fiscal impact to DOT associated with reviewing airport DEF safety mitigation and exclusion plans. These expenditures can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not appear to impact local government revenues.

2. Expenditures:

   There is an indeterminate, but likely negative fiscal impact to local governments operating public airports associated with complying with DEF safety mitigation and exclusion plans.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Tenants of public airports, including fuel providers, will incur expenditures associated with complying with the DEF safety mitigation and exclusion plans; however, the impact is indeterminate.

The bill may reduce costs associated with aircraft engine damages caused by DEF contamination and emergency response related to engine failures.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18, of the Florida Constitution may apply because the bill requires public airports to develop DEF safety mitigation and exclusion plans; however, an exemption may apply because there is likely an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not grant rulemaking authority, nor does it require rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to diesel exhaust fluid; creating s. 330.401, F.S.; requiring the governing body of each public airport that meets certain criteria to create a diesel exhaust fluid safety mitigation and exclusion plan for submission to the Department of Transportation; providing plan requirements; requiring an annual certification of compliance; providing an effective date.

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

Section 1. Section 330.401, Florida Statutes, is created to read:

330.401 Diesel exhaust fluid safety mitigation and exclusion plan; certification.—

(1)(a) The governing body of each public airport as defined in s. 330.27 at which:

1. Aviation fuels receive onsite treatment with fuel system icing inhibitors;

2. Aviation fuel is delivered by a publicly or privately owned fixed-base operator; and

3. Any aircraft fuel delivery vehicle or ground service equipment that uses diesel exhaust fluid is operated within 150 feet of any aircraft

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

shall create a diesel exhaust fluid safety mitigation and exclusion plan for each fixed-base operator that performs onsite treatment of aviation fuel with a fuel system icing inhibitor.

(b) The plan must include, at a minimum:

1. A full inventory of all the fixed-base operator's diesel exhaust fluid on the premises of the airport.

2. Designation of specific areas where the fixed-base operator's diesel exhaust fluid may be stored on the premises of the airport. To the extent practicable, such areas may not be located within or on a vehicle operated for the fueling or servicing of aircraft or at any aviation fuel transfer facility or bulk aviation fuel storage facility.

3. Designation of specific areas where diesel exhaust fluid may be added to vehicles. Such areas may not be located in aircraft operating areas.

4. Incorporation of best practices for ensuring the proper labeling and storage of diesel exhaust fluid.

5. Incorporation of training in the proper use and storage of diesel exhaust fluid for all employees of the fixed-base operator who may come in contact with such fluid in the ordinary course of their duties.

6. Designation of specific areas where the fixed-base operator's fuel system icing inhibitor may be stored on the premises of the airport.

7. Incorporation of best practices for ensuring the proper labeling and storage of the fixed-base operator's fuel system icing inhibitor.

8. Incorporation of training in the proper use and storage of fuel system icing inhibitors for all employees of the fixed-base operator who may come in contact with fuel system icing inhibitors in the ordinary course of their duties.

9. Physical measures to secure fuel system icing inhibitor fill points on the fixed-base operator's aircraft fuel delivery vehicles. Such measures shall prevent the addition of any fluid to the fuel system icing inhibitor fill point by unauthorized personnel.

(2) The diesel exhaust fluid safety mitigation and exclusion plan must be approved by the governing body by September 1, 2021. The governing body must, by October 1, 2021, submit the plan to the Department of Transportation and certify that all diesel exhaust fluid has been secured within the premises of the airport.

(3) The diesel exhaust fluid safety mitigation and exclusion plan must be fully implemented on the premises of each airport by January 1, 2022.

(4) By January 1 of each year, beginning in 2023, each public airport must certify to the department the airport's compliance with its diesel exhaust fluid safety mitigation and exclusion plan.

Section 2. This act shall take effect July 1, 2021.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Update on Motorist Modernization Program and Mobile Driver Licenses



Motorist Modernization Overview

FEBRUARY 10, 2021 TOURISM, INFRASTRUCTURE & ENERGY

FLHSMV ORION ONLINE REGISTRATION AND IDENTITY OPERATING NETWORK

Why the Modernization Effort Began

1. Insufficient use of current resources
2. Inability to provide law enforcement personnel the most current sanction information
3. Increased need to meet customer demands for securing personal data
4. Increased efficiency in transaction processing in Tax Collector and DHSMV offices
5. Inability to provide customers with comprehensive data
6. Inability to meet customer demand for self services
7. Increased potential for system failure
8. Increased error rates due to system complexity
9. Inability to implement technological advancements and expand services
10. Loss of historical knowledge from retiring workforce
11. Difficulty sustaining system support and functionality

PHASE I

Driver License Issuance



Renewal Notifications



MyDMV Portal



Motorist Database Design



ORION

Benefits and Efficiencies

- Delivers a software system that is sustainable and scalable.
- Increases customer service and expands service delivery options.
  - New Customer Portal
- Increases departmental efficiencies using process reengineering.
- Increases customer service by increasing software application efficiencies.

Benefits and Efficiencies

- Enhances employee tools and work processes to strengthen the focus on customers and outcomes.
  - System checks to reduce user errors
  - Streamlined transaction workflow
  - Enterprise Content Management
- Reduces software development efforts by utilizing modern technology.
- Enhances the department's ability to take advantage of cloud-computing services.

Digital Government Benefits

MyDMV Portal

- **Expands services to customers by providing the ability to clear certain sanctions online.**
- **Enables customers to subscribe to receive personalized alerts, as well as department notifications through the online portal.**
- **Provides businesses with new commercial driver license self-services online.**
- **Expands self-services for active-duty military personnel online.**

PHASE 1 ACCOMPLISHMENTS

- **Successfully re-baselined book of business inventory for all insurance providers and onboarded them to the new system.**
- **All FLHSMV offices have been converted to ORION and processing well.**
- **MyDMV Portal was soft launched, and transactions and activities processed, including electronic driving transcript fulfillment, driver license and motor vehicle renewals and replacements; Bureau of Administrative Reviews hearing requests; sanction clearances; etc.**
- **Implementing additional tax collector offices each week on the new ORION system.**

PHASE II

Motor Vehicle Issuance



MyDMV Portal



IFTA/IRP



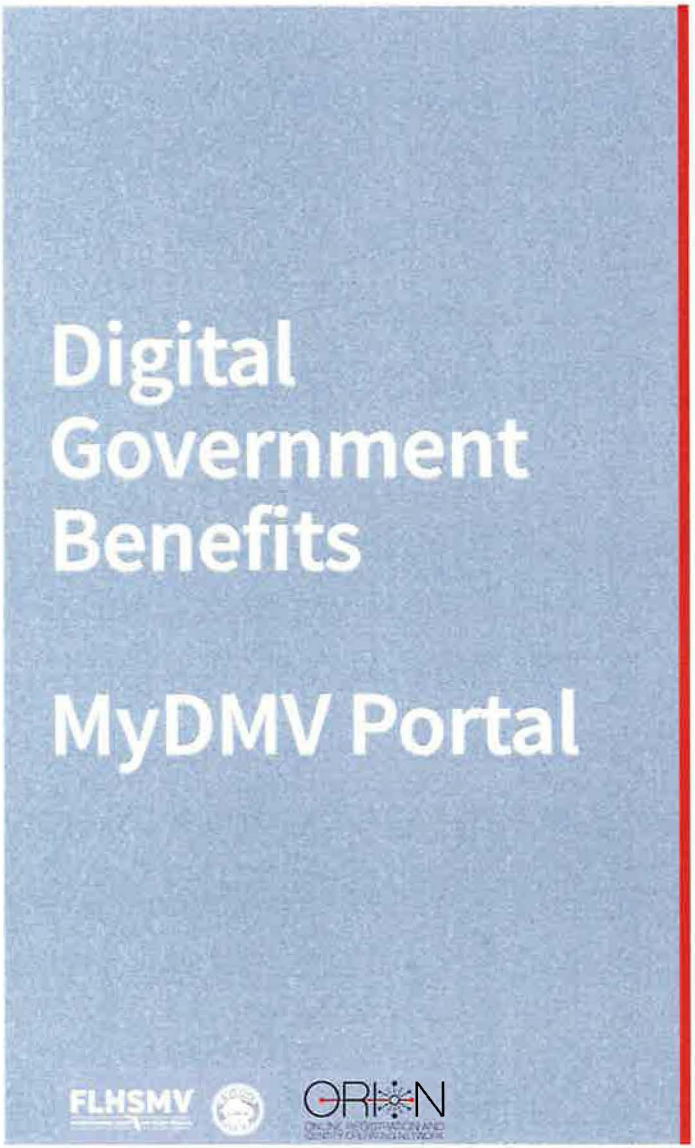
CSP/FSID



ORION

FLHSMV

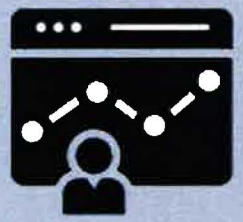
ORION



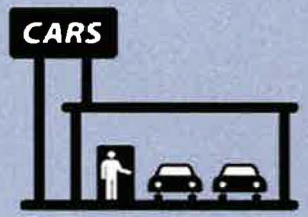
- **Expands services to customers by allowing applications for duplicate titles and personalized plate availability inquiries online.**
- **Enables customers to subscribe to receive personalized alerts, as well as department notifications through the online portal.**
- **Provides businesses with new services online with Fleet Management.**
- **Expands services for customers with decal and plate replacements online.**

PHASE III

Business Services



Dealer Services



Revenue Collection and Distribution



Customer Relationship Management



ORION



FLORIDA
SMART ID

Overview 02.10.21

PHASE II MOTORIST MODERNIZATION

FLHSMV

ORION
ONLINE REGISTRATION AND IDENTITY OPERATING NETWORK

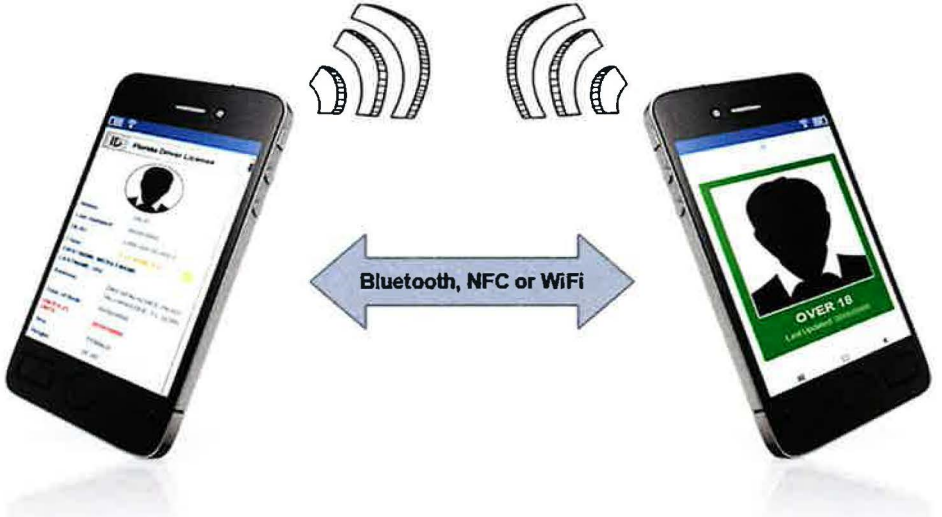
Mobile DL Overview

The Motorist Modernization Program has procured and will implement a Mobile DL solution as part of Phase II of the Motorist Modernization effort.

- **Received legislative authority to implement in 2014.**
- **American Association of Motor Vehicle Administrators (AAMVA) standards completed in 2019.**

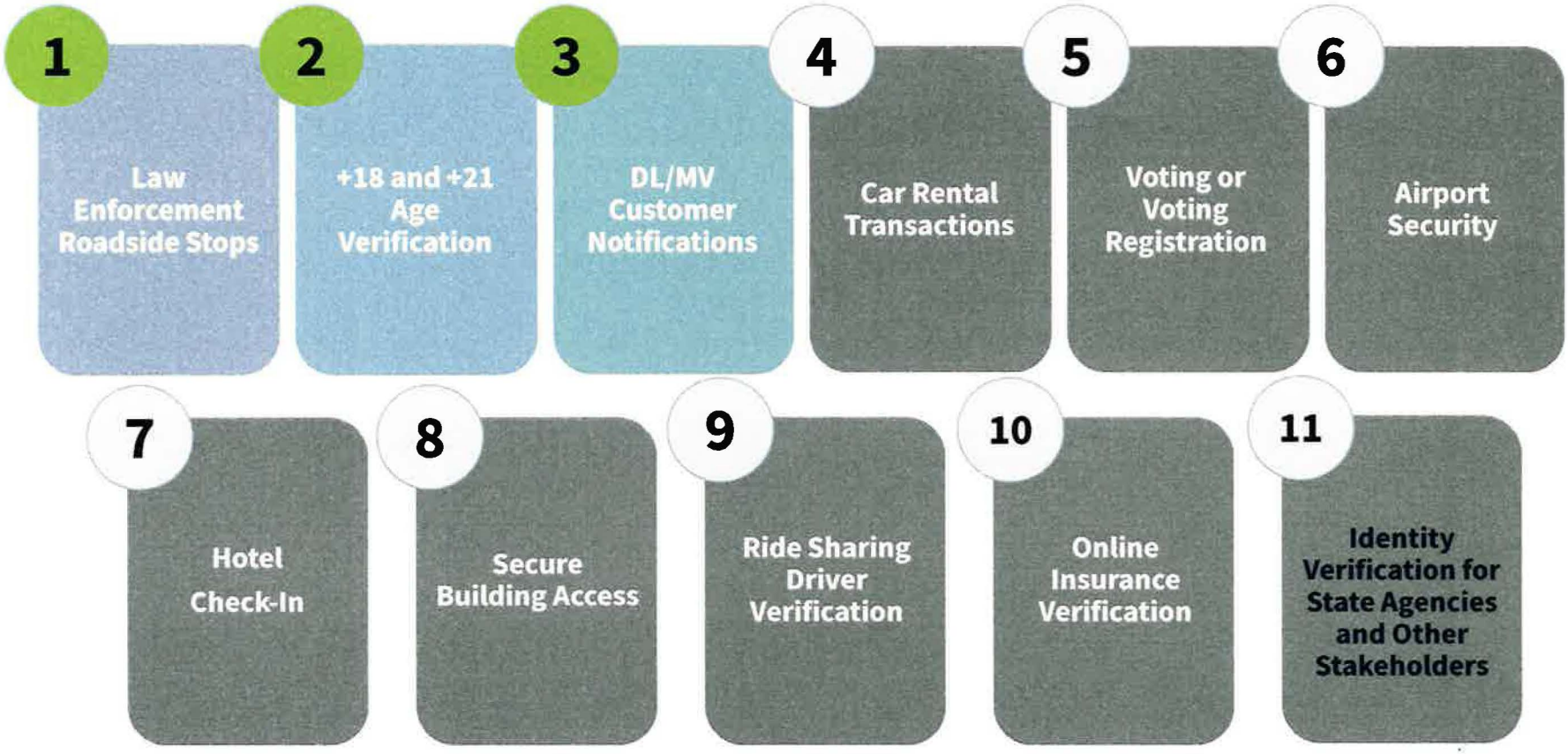
Florida Smart ID Components

1. **Florida Smart ID application is installed on a mobile device.**
2. **Verifier application is installed on a mobile device.**
3. **Age verifications are accomplished by device-to-device offline communication.**



**Will conform to American Association of Motor Vehicle Administrators (AAMVA) and International Organization for Standardization (ISO) standards.*
**FLHSMV has representation on the AAMVA mDL Standards Committee.*

Mobile DL Use Cases



Florida Smart ID Benefits

- Contactless interaction for proof of identity or age
- Safeguarding of customer's personal information
- Transactional convenience
- Up-to-date driver status information
- Provides access to additional services requiring proof of identity
  - Financial Institutions
  - Healthcare
  - Governmental Agencies

FLHSMV
FLORIDA HIGHWAY SAFETY AND MOTOR VEHICLES

ORION
ONLINE REGISTRATION AND IDENTITY OPERATING NETWORK



MotoristModernization@flhsmv.gov



Specialty License Plates

TOURISM, INFRASTRUCTURE & ENERGY

FEBRUARY 10, 2021

FLHSMV

Overview of Specialty License Plates

- The first Specialty Plates were enacted in 1986.
- Various categories of Specialty License Plates:
  - Collegiate, Environmental/Wildlife, Military, Sports
- Current Count: 120 Specialty License Plates.
- Revenue generated from the plates ($15 – 25) goes to the corresponding organizations.
- Special Plates require specific qualifications







Establishing a Specialty License Plate

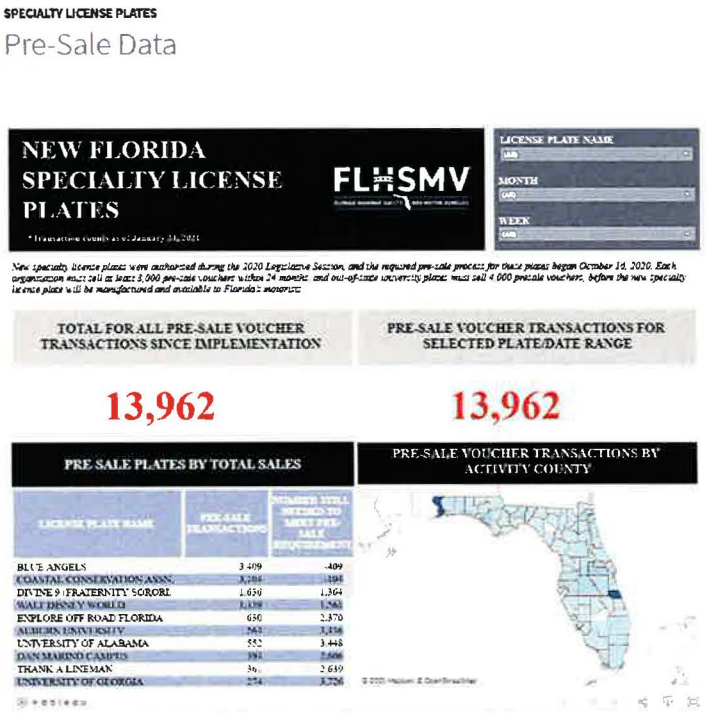
- License plate must be enacted into law.
- Department begins the pre-sale voucher process.
- Plate is designed and approved.
- If pre-sale threshold is met, plate is manufactured and distributed to tax collectors and license plate agents.
- If threshold is not met within the two-year period, the voucher process ends, and the plate is discontinued.

Maintaining Valid Status

- Organizations must maintain the minimum number of active registrations outlined in law.
- Any organization falling below the threshold is placed on probation for one year.
- If they do not reach minimum threshold for active registrations during that year, the plate is discontinued and will no longer be available for renewal, replacement or original issuance.
- However, if the registration threshold is reached at any time during that year, the organization is removed from probation.

HB 1135 (2020 Session)

- Limit on number of Specialty License Plates
- Change to pre-sale requirements
- Upcoming change to minimum threshold requirements
- Annual Relegation
- Dealer and Fleet Specialty Plates
- Established 33 new Specialty License Plates
- Divine 9 & Independent Colleges & Universities of Florida (ICUF)



SPECIALTY LICENSE PLATES

Pre-Sale Data

NEW FLORIDA SPECIALTY LICENSE PLATES

FLHSMV

LICENSE PLATE NAME

MONTH

WEEK

New specialty license plates were authorized during the 2020 Legislative Session, and the required pre-sale process for these plates began October 16, 2020. Each organization must sell at least 3,000 pre-sale vouchers within 24 months, and out-of-state university plates must sell 4,000 pre-sale vouchers, before the new specialty license plate will be manufactured and available to Florida's motorists.

TOTAL FOR ALL PRE-SALE VOUCHER TRANSACTIONS SINCE IMPLEMENTATION	PRE-SALE VOUCHER TRANSACTIONS FOR SELECTED PLATE/DATE RANGE
13,962	13,962

PRE-SALE PLATES BY TOTAL SALES

LICENSE PLATE NAME	PRE-SALE TRANSACTIONS	NUMBER STILL NEEDED TO MEET PRE-SALE REQUIREMENT
BLUE ANGELS	3,409	-409
COASTAL CONSERVATION ASSN.	3,194	-194
DIVINE 9 / FRATERNITY SORORI	1,636	1,364
WALT DISNEY WORLD	1,139	1,861
EXPLORE OFF ROAD FLORIDA	630	2,370
AUBURN UNIVERSITY	563	3,436
UNIVERSITY OF ALABAMA	552	3,448
DAN MARINO CAMPUS	394	2,606
THANK A LINEMAN	361	2,639
UNIVERSITY OF GEORGIA	274	3,726

PRE-SALE VOUCHER TRANSACTIONS BY ACTIVITY COUNTY

Audit & Attestation

- If annual expenditures are **less than $750,000** for all State financial assistance from any State agency or not-for-profit entity, an **attestation** (Affidavit Form) must be submitted to FLHSMV within 9 months of entity's fiscal year end.
- Otherwise, a CPA **audit** in accordance with F.S. 215.97 (Florida Single Audit) must be filed with FLHSMV and Auditor General within 45 days after delivery of the audit to the entity, but no later than 9 months of entity's fiscal year end.

What's the Difference?

Audit – An independent audit conducted by a certified public accountant in accordance with s. 215.97, F.S., and the rules of the Auditor General. It includes examination of the financial statements and a report on compliance with requirements that could have a direct and material effect on each major State Project and on internal control over compliance.

Attestation – An attestation document lists all revenues and expenditures of plate funds by the organization. The head of the organization attests and affirms, under penalties of perjury, that the funds have been spent in accordance with applicable statutes.



Questions?