

CHAPTER 2021-61

Committee Substitute for House Bill No. 77

An act relating to diesel exhaust fluid; creating s. 330.401, F.S.; requiring specified public airports to require a diesel exhaust fluid safety mitigation and exclusion plan for certain fixed-base operators; specifying plan requirements; requiring public airports to make such plans available for review during inspections by the Department of Transportation after a specified date; requiring the department to convene a workgroup of public airport representatives by a specified date to develop specified uniform industry standards; authorizing the department to adopt rules; 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.—

(1)(a) 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,

shall require 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. Specification of physical security features for locking fuel system icing inhibitor fill points on the fixed-base operator's aircraft fuel delivery vehicles. Such features must prevent the addition of any fluid other than icing inhibitors and the specification must require that only properly trained and authorized individuals may access such features.

(2) Each public airport must, by January 1, 2022, make the diesel exhaust fluid safety mitigation and exclusion plan for each fixed-based operator available for review during inspections by the Department of Transportation.

(3) The Department of Transportation shall, by November 1, 2021, convene a workgroup of public airport representatives to develop uniform industry standards based upon the requirements of paragraph (1)(b) and NATA Operational Best Practice No. 36, DEF Handling and Contamination, to ensure consistency of industry standards.

(4) The Department of Transportation may adopt rules to develop a uniform industry standards form for the diesel exhaust fluid safety mitigation and exclusion plan based upon the recommendations provided by the workgroup pursuant to subsection (3).

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

Approved by the Governor June 4, 2021.

Filed in Office Secretary of State June 4, 2021.