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## **Emergency Order 092422**

### **Pursuant to Executive Orders 22-218 and 22-219 (Emergency Management – Tropical Depression Nine)**

**WHEREAS**, on September 23, 2022, Governor Ron DeSantis issued Executive Order 22-218, declaring a state of emergency in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties due to the National Hurricane Center’s prediction that Tropical Depression Nine will approach Florida’s Peninsula at or near major hurricane strength and could affect South Florida and portions of the Florida Keys, causing a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Keys and much of Florida’s Peninsula.

**WHEREAS**, on September 24, Governor Ron DeSantis issued Executive Order 22-219, extending the state of emergency to exist in the State of Florida due to Tropical Depression Nine strengthening into Tropical Storm Ian that is forecasted to become a major hurricane before making landfall along Florida’s West Coast, and requiring timely precautions to be taken to protect the communities, critical infrastructure, and general welfare of Florida;

**WHEREAS**, in Executive Orders 22-218 and 22-219 Governor Ron DeSantis granted the Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) authorization to:

1. Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide

emergency services or supplies, to transport emergency equipment, supplies, or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

2. Waive the hours-of-service requirements for such vehicles;
3. Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;
4. Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses and replacement identification cards, and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and,
5. Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.
6. Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

**NOW, THEREFORE, I, TERRY L. RHODES**, Executive Director of the Department, pursuant to Executive Orders 22-218 and 22-219, promulgate the following DHSMV Emergency Order to take immediate effect:

1. I hereby suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida.
2. I hereby waive the hours-of-service requirements for such vehicles pursuant to section 316.302, Florida Statutes. Pursuant to 49 CFR 390.23, motor carriers and drivers operating a commercial motor vehicle to provide emergency relief during an emergency are exempt from 49 CFR Parts 390-399 until **October 23, 2022**, (thirty days from the date of the Governor's Executive Order 22-218, dated September 23, 2022) under the following conditions and provisions:
  - a. Regulatory relief for commercial motor vehicle operations is granted only in direct assistance while providing emergency relief. Direct assistance terminates when a driver or commercial motor vehicle is used in commerce to transport cargo or provide services not directly supporting the emergency relief effort.
  - b. Regulatory relief does not extend to controlled substances and alcohol use and testing requirements (49 CFR Part 382), commercial driver's license requirements (49 CFR Part 383), financial responsibility (insurance) requirements (49 CFR Part 387), applicable size and weight requirements, or any other portion of the regulations not specifically authorized pursuant 49 CFR § 390.23.
  - c. Regulatory relief does not extend to provisions provided in chapters 316, 320, and 322, Florida Statutes, and operation shall be in accordance with state traffic laws and the driver's ability to remain alert, attentive and free of impairment, fatigue, illness, distraction or similar cause that would reduce the driver's ability to safely operate the commercial motor vehicle.
  - d. Motor carriers or drivers who are directly or indirectly subject to a current Out-of-Service Order are not eligible for the relief granted by this declaration until they have met the

- applicable conditions for the order's rescission and the order has been rescinded by the Florida Highway Patrol, the Federal Motor Carrier Safety Administration, or the jurisdiction that issued the Out-of-Service Order, whichever is applicable.
- e. Drivers operating commercial motor vehicles for the motor carrier operating under this declaration must maintain a copy of the declaration in their possession.
  - f. Upon termination of direct assistance to the emergency relief effort, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location under the terms of the declaration. Direct assistance terminates when a driver or commercial motor vehicle is used in commerce to transport cargo not in direct furtherance of the emergency relief efforts. Upon return to the terminal or other location, the driver must be relieved of all duty and responsibilities.
  - g. Upon termination of direct assistance to the emergency relief effort, no motor carrier shall require or permit any driver used by it to drive, nor shall any such driver drive until the driver has met the requirements of 49 CFR § 395.3, and 49 CFR § 395.5 for interstate commerce and section 316.302, Florida Statutes, for intrastate commerce.
3. I hereby suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to chapter 207, Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services.
4. I hereby waive fees for duplicate or replacement vessel registration certificates (pursuant to section 328.72, Florida Statutes), vessel title certificates (pursuant to section 328.11, Florida Statutes), vehicle license plates and validation stickers (pursuant to sections 320.06, 320.0607 and 320.0609, Florida Statutes), vehicle registration certificates (pursuant to section 320.0607, Florida

Statutes), vehicle title certificates (pursuant to section 319.32, Florida Statutes), handicapped parking permits (pursuant to section 320.0848, Florida Statutes), replacement drivers' licenses and identification cards (pursuant to section 322.21, Florida Statutes) and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions.

5. I hereby defer administrative actions and waive fees imposed by law (pursuant to chapters 319, 320, 322 and 328, Florida Statutes) for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.
6. Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order.
7. All such waivers applied with respect to this emergency before the issuance of this Emergency Order issued under the authority of Executive Orders 22-218 and 22-219 are ratified.
8. This Emergency Order takes effect immediately and shall expire at midnight on October 23, 2022, or on the expiration or rescission of this Emergency Order or Executive Orders 22-218 or 22-219, whichever is earlier.

Executed this 24th day of September 2022.



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Terry L. Rhodes, Executive Director