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## Emergency Order 24-03

### Pursuant to Executive Orders 24-156 (Emergency Management – Invest 97L)

**WHEREAS**, on August 1, 2024, Governor Ron DeSantis issued Executive Order 24-156, declaring a state of emergency for several counties in Florida due to the dangers presented by Invest 97L; and

**WHEREAS**, in Executive Order 24-156, Governor Ron DeSantis declared that a state of emergency exists in Alachua, Baker, Bay, Bradford, Calhoun, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Hillsborough, Holmes, Jackson, Jefferson, Lafayette, Lake, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Monroe, Nassau, Okaloosa, Orange, Osceola, Pasco, Pinellas, Polk, Putnam, Santa Rosa, Sarasota, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington counties; and

**WHEREAS**, in Executive Order 24-156, Governor Ron DeSantis granted the Director of the Department of Highway Safety and Motor Vehicles (DHSMV) authorization to take certain actions relative to various matters within the authority of DHSMV including, but not limited to, motor vehicles, vessels, driver licenses and identification cards; and

**WHEREAS**, on August 1, 2024, Governor Ron DeSantis issued Executive Order 24-156, declaring a state of emergency, to be effective for sixty (60) days following the date of Executive Order 24-156.

**NOW, THEREFORE, I, Dave Kerner**, Executive Director of the Department, pursuant Executive Order 24-156, the following DHSMV Emergency Order to take immediate effect:

1. I hereby suspend enforcement of the registration requirements under 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. 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 395.3 and 395.5 until **August 9, 2024** (eight days from the date of the Governor's Executive Order 24-03) 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 under 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 395.3 and 395.5, 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.
- 3. I hereby suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) under chapter 207, Florida Statutes, and the International Registration Plan (IRP) under 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.

This Emergency Order shall expire on August 9, 2024, or on the expiration or rescission of this Emergency Order, whichever is earlier.

Executed on this 2nd day of August, 2024.

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Dave Kerner, Director