

Tropical Storm Michael Emergency Order (Pursuant to Executive Order 18-276)

On October 7, 2018, Governor Rick Scott signed Executive Order 18-276 providing the Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) authorization to:

- 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;
- Waive the hours of service requirements for such vehicles;
- 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;
- 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 driver's licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such license, certificates, and documents due to the effects of adverse weather conditions; and,
- Defer administrative actions and waive fees imposed by law for the late renewal or application for the above license, certificate, and documents, which were delayed due to the effects of adverse weather conditions, including in counties where in 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. Recordkeeping and other applicable requirements for existing IFTA and IRP licenses and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.
- The authorization above applies to the following Florida counties. Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Gadsden, Liberty, Franklin, Leon, Wakulla, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Citrus, Bradford, Pasco, Hernando, Pinellas, Hillsborough, Manatee, Alachua, Union, and Baker.

Pursuant to the authority granted in Section 4.F. of Executive Order 18-276, I hereby suspend the effect of any statute, rule or order, for commercial motor vehicles responding to Tropical Storm Michael while operating within, entering or leaving Florida to provide emergency services or supplies; transporting emergency equipment, supplies or equipment; or to transport FEMA mobile homes or office style homes as needed to or from the affected counties from: (i) registration requirements pursuant to 316.545(4) and 320.0715, Florida Statutes and (ii) licensing and registration requirements under the International Fuel Tax Agreement pursuant to Chapter 207, Florida Statutes, and the International Registration Plan pursuant to section 320.0715, Florida Statutes, when such vehicles are properly registered in other jurisdictions. This order shall expire on the earlier of the expiration or rescission of Executive Order 18-276 or 11:59 PM on November 6th, 2018, unless extended by me.

Pursuant to 49 CFR 390.23, commercial motor vehicles and drivers providing emergency relief as described above are exempt from 49 CFR Parts 390-399 for thirty days from the date of the Governor's Executive Order, dated October 7, 2018, under the following conditions and provisions:

- 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.
- 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.
- Regulatory relief does not extend to provisions of 49 CFR 392 addressed by statutes to include: operating 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.
- 49 CFR Part 395 related to the preparation, retention and accuracy of a driver's record of duty status (RODS). Drivers are directed to note "Emergency Declaration" in the remarks section of the RODS to identify that their operation is in direct assistance to the emergency relief.
- A motor carrier whose driver is involved in a crash while operating under this emergency declaration must comply with state laws for reporting the crash and report any recordable crash within 24-hours, by phone or in writing, to the FMCSA Division Office where the motor carrier is domiciled. The carrier must report - date, time, location, driver and vehicle identification and a brief description of the crash.
- 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.
- Drivers operating commercial motor vehicles for the motor carrier operating under this declaration must maintain a copy of the declaration in their possession.
- 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.
- 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(a) and (c), and 49 CFR 395.5(a) for interstate commerce and s. 316.302, Florida Statutes, for intrastate commerce.

Executed this 7th day of October 2018.


Terry L. Rhodes, Executive Director
Florida Department of Highway Safety and Motor Vehicles