
Emergency Order 102822
Pursuant to Executive Orders 22-218 and 22-219
(Emergency Management – Tropical Depression Nine) and
FMCSA Modification and Extension of Regional Emergency Declaration
Under 49 CFR § 390.25 No. 2022-013
(Hurricane Ian)

WHEREAS, on September 28, 2022, Hurricane Ian made landfall off the coast of Fort Myers as a category 4 hurricane with sustained winds of approximately 150 miles per hour, traveled across the peninsula, and exited the state near Cape Canaveral on September 29, 2022;

WHEREAS, Hurricane Ian significantly affected communities across Florida, resulting in loss of lives, evacuation of families from their homes, widespread destruction and damage to homes and businesses, significant disruption in utilities and telecommunications, and substantial physical damage to roads, highways, bridges, and other infrastructure;

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.

WHEREAS, on September 24, 2022, DHSMV issued Emergency Order 092422, pursuant to Executive Orders 22-218 and 22-219, which expired at midnight on October 23, 2022;

WHEREAS, on October 25, 2022, DHSMV issued Emergency Order 102522, pursuant to Executive Orders 22-218 and 22-219 and Federal Motor Carrier Safety Administration (FMCSA) Regional Emergency Declaration Under 49 CFR § 390.23 No. 2022-013, which expires at midnight on October 28, 2022; and

WHEREAS, on October 25, 2022, FMCSA issued a Modification and Extension of Regional Emergency

Declaration Under 49 CFR § 390.25 No. 2022-013, which expires at midnight on November 28, 2022, providing:

1. Nothing in this Modification and Extension of the Emergency Declaration shall be construed as a waiver of or exemption from any applicable requirements or any portion of the FMCSRs (49 CFR Parts 350-399) including the controlled substance and alcohol uses and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), or the financial responsibility (insurance) requirements (49 CFR Part 387); Federal Hazardous Materials Safety Regulations (HMRs) (49 CFR Parts 100-180); vehicle size, and weight limitations, as well as route designations administered by the Federal Highway Administration (23 CFR § 658; 23 U.S.C. 127; 49 U.S.C. §§ 31111-31115); or any other regulations for which relief is not specifically granted herein.
2. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this Modification and Extension of the Emergency Declaration until they have met the applicable conditions for its rescission and the order has been rescinded in writing by the issuing jurisdiction.
3. This Modification and Extension of the Emergency Declaration provides for regulatory relief from 49 CFR §§ 395.3 and 395.5 for commercial motor vehicle operations while providing direct assistance supporting emergency relief efforts. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the emergency as set forth in this Modification and Extension of the Emergency Declaration, or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. (49 CFR § 390.23(b)). Upon termination of direct assistance to emergency relief efforts related to the emergency as set forth in this Modification and Extension of the Emergency Declaration, the motor carrier and driver are subject to the requirements of 49 CFR §§ 395.3 and 395.5 while operating commercial motor vehicles, except

that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with 49 CFR §§ 395.3 and 395.5, except as noted herein. When a driver is moving from emergency relief efforts to normal operations, for a driver operating a passenger-carrying commercial motor vehicle an 8-hour break is required when the total time a driver is engaged in emergency relief efforts, or a combination of emergency relief and normal operations equals or exceeds 15 hours, and for a driver operating a property-carrying commercial motor vehicle a 10-hour break is required when the total time a driver is engaged in emergency relief efforts or in a combination of emergency relief and normal operations equals or exceeds 14 hours.

NOW, THEREFORE, I, TERRY L. RHODES, Executive Director of the Department, pursuant to Executive Orders 22-218 and 22-219 and FMCSA Modification and Extension of Regional Emergency Declaration Under 49 CFR § 390.25 No. 2022-013, promulgate the following DHSMV Emergency Order to take immediate effect:

1. I hereby suspend enforcement of the Florida registration requirements for commercial motor vehicles 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 commercial vehicles pursuant to section 316.302, Florida Statutes, in accordance with FMCSA Modification and Extension of Regional Emergency Declaration Under 49 CFR § 390.25, for motor carriers and drivers operating a commercial motor vehicle to provide emergency relief, 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 waived pursuant to FMCSA Modification and Extension of Regional Emergency Declaration Under 49 CFR § 390.25 No. 2022-013.
 - c. Regulatory relief does not extend to provisions not otherwise provided herein contained 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 and section 316.302, Florida Statutes.

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 or DHSMV Emergency Orders 092422 and 102522 are ratified.
8. This Emergency Order takes effect immediately and shall expire at midnight on November 22, 2022, or on the expiration or rescission of this Emergency Order, Executive Orders 22-218 or 22-219 or FMCSA Modification and Extension of Regional Emergency Declaration Under 49 CFR § 390.25 No. 2022-013, whichever is earlier.

Executed this 28th day of October 2022.

A handwritten signature in blue ink, appearing to read "Terry L. Rhodes", written over a horizontal line.

Terry L. Rhodes, Executive Director