
Emergency Order 082623

Pursuant to Executive Orders 23-171 (Emergency Management – Invest 93L)

WHEREAS, on August 26, 2023, Governor Ron DeSantis issued Executive Order 23-171, declaring a state of emergency in Alachua, Bay, Calhoun, Charlotte, Citrus, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hardee, Hernando, Hillsborough, Jefferson, Lafayette, Lee, Leon, Levy, Liberty, Madison, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter, Suwannee, Taylor, and Wakulla Counties due to a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Big Bend and portions of Florida’s Gulf Coast; and

WHEREAS, in Executive Order 23-171, 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

NOW, THEREFORE, I, Dave Kerner, Executive Director of the Department, pursuant Executive Order 23-171, 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. I hereby waive the hours-of-service requirements for such vehicles under 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 **September 25, 2023** (thirty days from the date of the Governor's Executive Order 23- 171) 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 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) 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. I hereby waive fees for duplicate or replacement vessel registration certificates (under section 328.72, Florida Statutes), vessel title certificates (under section 328.11, Florida Statutes), vehicle license plates and validation stickers (under sections 320.06, 320.0607 and 320.0609, Florida Statutes), vehicle registration certificates (under section 320.0607, Florida Statutes), vehicle title certificates (under section 319.32, Florida Statutes), handicapped parking permits (under section 320.0848, Florida Statutes), replacement drivers' licenses and identification cards (under 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 (under 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 Order 23-171 are ratified.
8. This Emergency Order takes effect immediately and shall expire at midnight on September 25, 2023, or on the expiration or rescission of this Emergency Order or Executive Orders 23-171, whichever is earlier.

Executed this 26th day of August 2023.

Jennifer Langston, Chief of Staff for: Dave Kerner
Dave Kerner, Executive Director