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Emergency Order 020222 **(Pursuant to Executive Order 22-27)**

Emergency Management – Freezing Temperatures, Harm to Agriculture

On February 2, 2022, Governor Ron DeSantis signed Executive Order 22-27 providing the Executive Director of the Department of Highway Safety and Motor Vehicles authorization to:

- waive the hours of service requirements for commercial motor vehicles that enter Florida to provide emergency services or supplies, or to transport emergency equipment, supplies, personnel or agricultural food commodities and citrus pursuant to section 316.302, Florida Statutes.

The authorization above applies to the following counties in the State of Florida: Brevard, Broward, Charlotte, Citrus, Collier, Daytona, DeSoto, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, Seminole, St. Lucie, Sumter, and Volusia.

Pursuant to 49 CFR 390.23, motor carriers and drivers operating a commercial motor vehicle to provide emergency relief during the emergency are exempt from 49 CFR Parts 390-399 until March 4, 2022, (thirty days from the date of the Governor's Executive Order, dated February 2, 2022) 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 to 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 to the FMCSA Division Office where the motor carrier is domiciled in writing by e-mail to MCFLOFF@dot.gov. The carrier must report date, time, location, driver and vehicle identification and a brief description of the crash. Intrastate carriers may report recordable crashes to FMCSA but are not required to do so.
- 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.

This order shall expire on the earlier of the expiration or rescission of Executive Order 22-27 or 11:59 PM on March 4, 2022, unless extended by me.

Executed this 2nd day of February, 2022.

DocuSigned by:
Terry Rhodes
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Terry L. Rhodes, Executive Director