

COMMISSIONER OF AGRICULTURE
EMERGENCY ORDER
2024-009

WHEREAS, on September 23, 2024, through Executive Order 24-208, the Governor of the State of Florida declared that Potential Tropical Cyclone Nine was expected to threaten the State with severe weather and declared a state of emergency in forty-one counties; and

WHEREAS, on September 24, 2024, through Executive Order 24-209, the Governor ratified and reaffirmed Executive Order 24-208, added twenty additional counties to those under a state of emergency, and declared that Potential Tropical Cyclone Nine was expected to strengthen into a major hurricane prior to making landfall; and

WHEREAS, Hurricane Helene (formerly Potential Tropical Cyclone 9) is expected to make landfall on September 26, 2024, as a major hurricane, bringing heavy rainfall, flooding, and destructive winds; and

WHEREAS, Hurricane Helene is expected to cause catastrophic damage to structures and infrastructure, creating widespread power outages, interfering with communications systems, increasing the demand for liquefied petroleum gas, and hindering the delivery of fuel; and

WHEREAS, liquefied petroleum gas is crucial to emergency response teams assisting in affected areas; and

WHEREAS, out-of-state liquefied petroleum gas dealers that are not licensed under Chapter 527, Florida Statutes, may not operate in Florida, the effect of which will hinder distribution of liquefied petroleum gas to disaster recovery operations in impacted areas, thereby hindering recovery efforts; and

WHEREAS, the Governor of the State of Florida, pursuant to Executive Order 24-208, Section 4., finds that the special duties and responsibilities resting upon some state agencies in responding to the emergency may require agencies to suspend the application of the statutes, rules, and orders that state agencies administer; and

WHEREAS, Executive Order 24-208, Section 4., Subparagraph B., authorizes state agencies to suspend the effect of any regulatory statutes prescribing the procedures for conducting state business or the orders or rules of the agency if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency.

NOW THEREFORE, in accordance with the powers and authorities conferred by Article IV, Section 4, Florida Constitution, and Executive Orders 24-208 and 24-209, I hereby declare the following:

- (1) Subject to the requirements enumerated below, the provisions of Sections 527.02, 527.0201, 527.021, 527.04, and 527.11, Florida Statutes, are hereby suspended only for those persons performing the work of Category I Liquefied Petroleum Gas Dealers **in furtherance of emergency recovery efforts directly related to Hurricane Helene.**

- (2) All persons operating pursuant to this Emergency Order shall comply with the following:
- (A) A person operating under the terms of this Emergency Order must hold the equivalent license in their home state and must be in compliance with all other laws and requirements of their home state.
 - (B) A person operating under the terms of this Emergency Order must either:
 - 1. Hold a contract with the owner of the liquefied petroleum gas tank, receptacle, equipment, or system being filled or serviced and must be performing the work of a Category I Liquefied Petroleum Gas Dealer as a direct result of and in direct response to Hurricane Helene; or
 - 2. Be working in direct coordination with and under the guidance of the Florida Division of Emergency Management.
 - (C) Prior to operating under the terms of this Emergency Order, a person must provide written notice of his or her intention to perform the work of a Category I Liquefied Petroleum Gas Dealer to the Department's Division of Consumer Services at 1-800-HELP-FLA (800-435-7352).
 - (D) A person operating under the terms of this Emergency Order may not operate any temporary or permanent bulk storage location or contract with a non-commercial consumer.
 - (E) Notwithstanding the temporary suspension of any other provision of Chapter 527, Florida Statutes, all persons operating under the terms of this Emergency Order must be covered by a primary policy of bodily injury liability and property damage liability insurance that covers all products and operations with respect to the person's liquefied petroleum gas business. The policy must be issued by an insurer authorized to do business in Florida and must be in an amount not less than \$1 million.
- (3) All other provisions of Chapter 527, Florida Statutes, and Rule Chapter 5J-20, Florida Administrative Code, shall remain in effect, and all persons operating under the terms of this Emergency Order are subject to the requirements thereof.

THIS ORDER shall expire sixty (60) days from the date of execution, unless extended or rescinded by the Commissioner of Agriculture or upon the expiration or rescission of Executive Orders 24-208 and 24-209 or any further extensions thereof; whichever occurs first.

EXECUTED SEPTEMBER 26, 2024.



A handwritten signature in blue ink, appearing to read "Wilton Simpson", is written over a horizontal line.

WILTON SIMPSON
COMMISSIONER OF AGRICULTURE