

COMMISSIONER OF AGRICULTURE
EMERGENCY ORDER
2022-002

WHEREAS, on September 23, 2022, through Executive Order 22-218, the Governor of the State of Florida declared that Tropical Depression Nine was expected to threaten the State as a potential major hurricane and declared a state of emergency in twenty-four counties; and,

WHEREAS, on September 24, 2022, through Executive Order 22-219, the Governor declared that Tropical Storm Ian (former TD9) is forecasted to become a major hurricane before making landfall along Florida's West Coast bringing the risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity; and

WHEREAS, through Executive Order 22-219, the Governor has declared a state of emergency exists throughout the state to prepare for the impact of Tropical Storm/Expected Hurricane Ian thereby amending, ratifying, and reaffirming Executive Order 22-218; and

WHEREAS, the Governor of the State of Florida; pursuant to Executive Order 22-218, 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 22-218, 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.

WHEREAS, Section 585.08(2), Florida Statutes, provides that the Department of Agriculture and Consumer Services, Division of Animal Industry is authorized to adopt, amend, repeal and enforce rules "[G]overning the introduction of animals into or within the state, which rules, when deemed necessary by the department, may require that all animals moved into the state be covered by an official certificate of veterinary inspection and requisite test chart approved by the chief livestock regulatory official of the state or country of origin..."; and

WHEREAS, Section 585.145(2), Florida Statutes requires in pertinent part "No animal shall be imported into the state, moved within the state, or the ownership thereof transferred within the state without the owner, broker, or transferor first obtaining such health tests, official certificates of veterinary inspection, or other certificates and documents as shall be required by rules adopted by the department. Evidence of compliance with this subsection shall accompany the owner or agent having jurisdiction of such animals imported, moved intrastate, or to which ownership is being transferred..."; and

WHEREAS, Rule Chapters 5C-3, 5C-4, 5C-18, 5C-26, 5C-29, and 5C-31, Florida Administrative Code, set out the intrastate and interstate movement requirements for animals; and

WHEREAS, Rule 5C-30.002, Florida Administrative Code requires in pertinent part:

(1) Any person importing animals into the State of Florida or moving animals within the state is subject to inspection by a Department representative to determine whether the animal has the

appropriate health documentation as provided in Chapters 5C-3 and 5C-4, F.A.C. and Section 585.145, F.S., shows signs of illness, or is deceased. ...

(c) ... The transporter, owner or operator transporting animals into or within the state is responsible for ensuring that each animal moved into or within the state is accompanied by the appropriate health documentation.

(2) The department may refuse entry into the state or quarantine, any animal that is not accompanied by the appropriate health documentation, any animal showing signs of illness, or dead animals.

(3) Where any health documentation for an animal being transported into or within the state is missing or inadequate, ... the Department representative shall follow the procedures outlined in Table I, Rule 5C-30.003, F.A.C., in determining the appropriate action for a violation. In addition to refusal of entry or quarantine, the Department may issue Advisory Notices or impose administrative fines in accordance with Table I, Rule 5C-30.003, F.A.C.

NOW THEREFORE, in accordance with the powers and authorities conferred by Article IV, Section 4, Florida Constitution, and Executive Orders 22-218 and 22-219, I hereby declare the following:

- (1) The intrastate movement requirements for the transportation of animals that are fleeing the potential impacts of Tropical Storm/Expected Hurricane Ian and applicable interstate requirements upon their return to their origination point are hereby suspended.
- (2) The requirements for animals to be accompanied by an Official Certificate of Veterinary Inspection (OCVI), identification, or other documentation while being transported intrastate or returning to Florida interstate as set forth in the following statutes and rules are hereby suspended. All other provisions remain in effect.
 - (a) Section 585.145, Florida Statutes, requiring animals being transported within or imported into Florida be accompanied by an OCVI and required health documentation;
 - (b) Rule 5C-3.002, Florida Administrative Code, requiring animals be accompanied by an OCVI, owner-shipper statement, prior permission number, and/or permit for movement of restricted animals during importation to Florida;
 - (c) Rule 5C-3.003, Florida Administrative Code, requiring equines be accompanied by an OCVI, prior permission number, and/or proof of negative equine infectious anemia test during importation to Florida;
 - (d) Rule 5C-3.004(1) and (2), Florida Administrative Code, requiring cattle and bison be accompanied by an OCVI, owner-shipper statement, and/or official individual identification during importation to Florida;
 - (e) Rule 5C-3.005, Florida Administrative Code, requiring goats and sheep be accompanied by an OCVI, official individual identification, and/or prior permission number during importation to Florida;
 - (f) Rule 5C-3.007, Florida Administrative Code, requiring swine be accompanied by an OCVI, prior permission number, owner shipper statement, and/or proof of meeting testing requirements during importation to Florida;
 - (g) Rule 5C-3.012, Florida Administrative Code, requiring domestic fowl, poultry, ratites, and poultry products, be accompanied by an OCVI, prior permission number, and proof of meeting testing requirements during importation to Florida;

- (h) Rule 5C-3.015, Florida Administrative Code, requiring rabbits (lagomorphs) be accompanied by an OCVI during importation to Florida;
 - (i) Rule 5C-4.004(1), Florida Administrative Code, requiring poultry, domestic fowl, and ratites be accompanied by an OCVI during transport;
 - (j) Rule 5C-4.008(1), Florida Administrative Code, requiring equines be accompanied by an OCVI during importation to Florida;
 - (k) Rule 5C-18.010, Florida Administrative Code; requiring equines be accompanied by evidence of a negative equine infectious anemia test during transport;
 - (l) Rule 5C-26.004(1) and (2), Florida Administrative Code, requiring Cervidae be accompanied by proof of ownership or authority for possession and prior permission number during intrastate transport;
 - (m) Rule 5C-29.002; Florida Administrative Code, requiring sheep and goats meet identification requirements during transport;
 - (n) Rule 5C-31.005, Florida Administrative Code requiring cattle have official individual identification during transport; and
 - (o) Rules 5C-30.002 and 5C-30.003, Florida Administrative Code, imposing penalties for violations of the referenced statutes and rules.
- (3) Any person transporting pets or livestock must stop at the Department's agricultural interdiction stations and present any required movement documentation. A transporter who fails to provide the documentation required by the referenced rules will be issued an Advisory Notice, which must remain with the animals during transport to Alabama, Georgia, Mississippi or South Carolina and the return trip to the original Florida destination.
- (4) When returning to Florida, if any disease test requirements are not met, the animal(s) will be quarantined to their Florida destination until the testing has been complete. An Official Certificate of Veterinary Inspection (Health Certificate) is not required if returning with the Advisory Notice issued at the Agricultural Interdiction Station.
- (5) This suspension of transport requirements does not pertain to wildlife regulated by the Florida Fish and Wildlife Conservation Commission

THIS ORDER shall expire thirty (30) days from the date of this Order unless extended or rescinded by the Commissioner of Agriculture or upon the expiration or rescission of Executive Orders 22-218 and 22-219 or any further extensions thereof; whichever occurs first.

EXECUTED SEPTEMBER 25, 2022.



NICOLE FRIED
COMMISSIONER OF AGRICULTURE

