



LEGISLATIVE ACTION

| Senate | . | House |
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| Comm: RCS | . | |
| 01/29/2026 | . | |
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The Committee on Transportation (Gaetz) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

5 Section 1. Present subsection (3) of section 316.3026,
6 Florida Statutes, is redesignated as subsection (4), a new
7 subsection (3) and subsection (5) is added to that section, and
8 subsection (1) of that section is amended, to read:

9 316.3026 Unlawful operation of motor carriers.—

10 (1) The Office of Commercial Vehicle Enforcement may issue



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11 out-of-service orders to motor carriers, as defined in s.
12 320.01, who, after proper notice, have failed to pay any penalty
13 or fine assessed by the department, or its agent, against any
14 owner or motor carrier for violations of state law, refused to
15 submit to a compliance review and provide records pursuant to s.
16 316.302(6) or s. 316.70, or violated safety regulations pursuant
17 to s. 316.302 or insurance requirements in s. 627.7415. Such
18 out-of-service orders have the effect of prohibiting the
19 operations of any motor vehicles owned, leased, or otherwise
20 operated by the motor carrier upon the roadways of this state,
21 until the violations have been corrected or penalties have been
22 paid. Out-of-service orders must be approved by the director of
23 the Division of the Florida Highway Patrol or his or her
24 designee. ~~An administrative hearing pursuant to s. 120.569 shall~~
25 ~~be afforded to motor carriers subject to such orders.~~

26 (3) (a) It is the policy of the state to address the
27 emerging issue of commercial motor vehicle operation by
28 unauthorized aliens who are not authorized to operate in this
29 state pursuant to s. 322.033 and who may not meet English
30 language proficiency requirements or have the operational
31 understanding to safely operate such vehicles. This threat to
32 the life and safety of the motoring public is deemed an imminent
33 safety hazard. Commercial motor vehicle operators in this state
34 must be lawfully present in the United States; have a valid
35 driver license; understand the English language; be able to read
36 and follow roadway signage, rules, regulations, laws, and
37 directions; and be able to communicate effectively with law
38 enforcement officers.

39 (b) A sworn law enforcement officer who has the authority



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40 to take an unauthorized alien as defined in s. 908.111(1) into
41 custody pursuant to an agreement established under s. 287(g) of
42 the Immigration and Nationality Act, 8 U.S.C. s. 1357, and who
43 determines that an unauthorized alien is operating a commercial
44 motor vehicle shall take such unauthorized alien into custody
45 and facilitate his or her transfer into the custody of a federal
46 immigration agency as defined in s. 908.102, consistent with
47 federal and state law. The commercial motor vehicle operated by
48 the unauthorized alien must be impounded and removed to a secure
49 wrecker operator's storage facility or a law enforcement impound
50 lot. The sworn law enforcement officer shall immediately notify
51 the Florida Highway Patrol that such unauthorized alien has been
52 taken into custody and provide information necessary for the
53 issuance of an out-of-service order to the motor carrier,
54 including, but not limited to, the offense or incident report;
55 any video and audio recordings of the incident; any photographs
56 of the unauthorized alien and the commercial motor vehicle; the
57 name of the motor carrier; the United States Department of
58 Transportation number displayed on the commercial motor vehicle;
59 the commercial motor vehicle's registration number, license
60 plate number, and vehicle identification number; and any
61 insurance policy information.

62 (c) If an unauthorized alien is taken into custody and a
63 commercial motor vehicle is impounded under paragraph (b), the
64 motor carrier is liable for a civil penalty of \$50,000. This
65 penalty is in addition to any other applicable penalty. A
66 commercial motor vehicle impounded under paragraph (b) may not
67 be released to the motor carrier or the owner's agent unless the
68 civil penalty is paid or a bond is posted in accordance with s.



69 316.545(5) and any costs associated with the impoundment,
70 including costs for towing and storing the commercial motor
71 vehicle and providing legal notice of the impoundment, are paid.
72 The Office of Commercial Vehicle Enforcement shall issue an out-
73 of-service order to the motor carrier.

74 (d) If, during a department investigation, safety audit, or
75 normal business activity, it is discovered that a motor carrier
76 has allowed, within the last 12 months, or is allowing an
77 unauthorized alien to operate a commercial motor vehicle in
78 violation of this subsection, the Office of Commercial Vehicle
79 Enforcement may issue an out-of-service order to and impose a
80 civil penalty of \$50,000 upon the motor carrier.

81 (e) A motor carrier operating in this state is subject to
82 penalties under paragraph (d) if the department finds that the
83 motor carrier was issued an out-of-service order by any other
84 state or the Federal Motor Carrier Safety Administration for
85 allowing an unauthorized alien to operate a commercial motor
86 vehicle within the last 12 months or has an unresolved out-of-
87 service order related to allowing an unauthorized alien to
88 operate a commercial motor vehicle.

89 (f) An out-of-service order issued under this subsection
90 must be approved by the director of the Division of the Florida
91 Highway Patrol or his or her designee. Further, an out-of-
92 service order issued under this subsection may be removed only
93 after the department has approved a corrective action plan
94 agreed to by the motor carrier and the motor carrier has paid
95 any civil penalties, or as provided by a decision rendered in a
96 proceeding held under subsection (5).

97 (g) All penalties imposed and collected pursuant to this



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98 subsection shall be paid to the Chief Financial Officer, who
99 shall credit the funds to the Highway Safety Operating Trust
100 Fund within the department to fund training and technology
101 necessary to enforce this subsection.

102 (5) An administrative hearing pursuant to s. 120.569 must
103 be afforded to a motor carrier subject to an out-of-service
104 order pursuant to this section.

105 Section 2. This act shall take effect July 1, 2026.

106
107 ===== T I T L E A M E N D M E N T =====
108 And the title is amended as follows:

109 Delete everything before the enacting clause
110 and insert:

111 A bill to be entitled

112 An act relating to commercial motor vehicles operated
113 by unauthorized aliens; amending s. 316.3026, F.S.;
114 declaring the policy of the state with respect to the
115 operation of commercial motor vehicles by unauthorized
116 aliens; deeming a certain threat to be an imminent
117 safety hazard; providing requirements for commercial
118 motor vehicle operators; requiring sworn law
119 enforcement officers with certain authority to take
120 into custody persons determined to be unauthorized
121 aliens operating commercial motor vehicles and
122 facilitate the transfer of such persons into the
123 custody of a federal immigration agency; requiring the
124 impoundment and removal of a commercial motor vehicle
125 under certain circumstances; requiring such sworn law
126 enforcement officers to immediately provide certain



127 notification and information to the Florida Highway
128 Patrol; providing that motor carriers are liable for
129 certain civil penalties; prohibiting the release of
130 certain impounded commercial motor vehicles unless
131 certain penalties are paid or bonds are posted and
132 certain costs are paid; requiring the Office of
133 Commercial Vehicle Enforcement to issue certain out-
134 of-service orders; authorizing the Office of
135 Commercial Vehicle Enforcement to issue out-of-service
136 orders to and impose civil penalties upon motor
137 carriers under certain circumstances; providing that
138 certain motor carriers are subject to certain
139 penalties; requiring the approval of such out-of-
140 service orders by the director of the Division of the
141 Florida Highway Patrol or his or her designee;
142 providing the circumstances under which such out-of-
143 service orders may be removed; providing for the
144 payment of certain penalties to the Chief Financial
145 Officer, who shall credit the funds to the State
146 Transportation Trust Fund for distribution to the
147 Florida Highway Patrol to fund certain training and
148 technology; providing an effective date.