

1                   A bill to be entitled  
2       An act relating to commercial motor vehicles operated  
3       by unauthorized aliens; amending s. 316.3026, F.S.;  
4       declaring the policy of this state with respect to the  
5       operation of commercial motor vehicles by unauthorized  
6       aliens; deeming a certain threat to be an imminent  
7       safety hazard; providing requirements for commercial  
8       motor vehicle operators; requiring sworn law  
9       enforcement officers with certain authority to take  
10      into custody persons determined to be unauthorized  
11      aliens operating commercial motor vehicles and  
12      facilitate the transfer of such persons into the  
13      custody of a federal immigration agency; requiring the  
14      impoundment and removal of a commercial motor vehicle  
15      under certain circumstances; requiring such sworn law  
16      enforcement officers to immediately provide certain  
17      notification and information to the Florida Highway  
18      Patrol; providing that motor carriers are liable for  
19      certain civil penalties; prohibiting the release of  
20      certain impounded commercial motor vehicles unless  
21      certain penalties are paid or bonds are posted and  
22      certain costs are paid; requiring the Office of  
23      Commercial Vehicle Enforcement to issue certain out-  
24      of-service orders; authorizing the Office of  
25      Commercial Vehicle Enforcement to issue out-of-service

orders to and impose civil penalties upon motor carriers under certain circumstances; providing that certain motor carriers are subject to certain penalties; requiring the approval of such out-of-service orders by the director of the Division of the Florida Highway Patrol or his or her designee; providing the circumstances under which such out-of-service orders may be removed; providing for the payment of certain penalties to the Chief Financial Officer, who shall credit the funds to the State Transportation Trust Fund for distribution to the Florida Highway Patrol to fund certain training and technology; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

**Section 1. Subsection (3) of section 316.3026, Florida Statutes, is renumbered as subsection (4), subsection (1) is amended, and a new subsection (3) and subsection (5) are added to that section, to read:**

316.3026 Unlawful operation of motor carriers.—

(1) The Office of Commercial Vehicle Enforcement may issue out-of-service orders to motor carriers, as defined in s. 320.01, who, after proper notice, have failed to pay any penalty or fine assessed by the department, or its agent, against any

owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(6) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements in s. 627.7415. Such out-of-service orders have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until the violations have been corrected or penalties have been paid. Out-of-service orders must be approved by the director of the Division of the Florida Highway Patrol or his or her designee. ~~An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.~~

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

76        (b) A sworn law enforcement officer who has the authority  
77        to take an unauthorized alien as defined in s. 908.111(1) into  
78        custody pursuant to an agreement established under s. 287(g) of  
79        the Immigration and Nationality Act, 8 U.S.C. s. 1357 and who  
80        determines that an unauthorized alien is operating a commercial  
81        motor vehicle shall take such unauthorized alien into custody  
82        and facilitate his or her transfer into the custody of a federal  
83        immigration agency as defined in s. 908.102 consistent with  
84        federal and state law. The commercial motor vehicle operated by  
85        the unauthorized alien must be impounded and removed to a secure  
86        wrecker operator's storage facility or a law enforcement impound  
87        lot. The sworn law enforcement officer shall immediately notify  
88        the Florida Highway Patrol that such unauthorized alien has been  
89        taken into custody and provide information necessary for the  
90        issuance of an out-of-service order to the motor carrier,  
91        including, but not limited to, the offense report or incident  
92        report; any video and audio recordings of the incident; any  
93        photographs of the unauthorized alien and the commercial motor  
94        vehicle; the name of the motor carrier; the United States  
95        Department of Transportation number displayed on the commercial  
96        motor vehicle; the commercial motor vehicle's registration  
97        number, license plate number, and vehicle identification number;  
98        and any insurance policy information.

99        (c) If an unauthorized alien is taken into custody and a  
100       commercial motor vehicle is impounded under paragraph (b), the

101 motor carrier is liable for a civil penalty of \$50,000. This  
102 penalty is in addition to any other applicable penalty. A  
103 commercial motor vehicle impounded under paragraph (b) may not  
104 be released to the motor carrier or the owner's agent unless the  
105 civil penalty is paid or a bond is posted in accordance with s.  
106 316.545(5) and any costs associated with the impoundment,  
107 including costs for towing and storing the commercial motor  
108 vehicle and providing legal notice of the impoundment, are paid.  
109 The Office of Commercial Vehicle Enforcement shall issue an out-  
110 of-service order to the motor carrier.

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

118 (e) A motor carrier operating in this state is subject to  
119 penalties under paragraph (d) if the department finds that the  
120 motor carrier was issued an out-of-service order by any other  
121 state or the Federal Motor Carrier Safety Administration for  
122 allowing an unauthorized alien to operate a commercial motor  
123 vehicle within the last 12 months or has an unresolved out-of-  
124 service order related to allowing an unauthorized alien to  
125 operate a commercial motor vehicle.

126        (f) An out-of-service order issued under this subsection  
127 must be approved by the director of the Division of the Florida  
128 Highway Patrol or his or her designee. Further, an out-of-  
129 service order issued under this subsection may be removed only  
130 after the department has approved a corrective action plan  
131 agreed to by the motor carrier and the motor carrier has paid  
132 any civil penalties, or as provided by a decision rendered in a  
133 proceeding held under subsection (5).

134        (g) All penalties imposed and collected pursuant to this  
135 subsection shall be paid to the Chief Financial Officer, who  
136 shall credit the funds to the Highway Safety Operating Trust  
137 Fund within the department to fund training and technology  
138 necessary to enforce this subsection.

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

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