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LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

316.3026 Unlawful operation of motor carriers.—

(1) The Office of Commercial Vehicle Enforcement may issue



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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 the 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.

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



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

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



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

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

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

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

(g) All penalties imposed and collected pursuant to this



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

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

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

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

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



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notification and information to the Florida Highway Patrol; providing that motor carriers are liable for certain civil penalties; prohibiting the release of certain impounded commercial motor vehicles unless certain penalties are paid or bonds are posted and certain costs are paid; requiring the Office of Commercial Vehicle Enforcement to issue certain out-of-service orders; authorizing the Office of 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.