

By the Committee on Transportation; and Senator Gaetz

596-02235-26

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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 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-

596-02235-26

202686c1

30 service orders by the director of the Division of the
31 Florida Highway Patrol or his or her designee;
32 providing the circumstances under which such out-of-
33 service orders may be removed; providing for the
34 payment of certain penalties to the Chief Financial
35 Officer, who shall credit the funds to the State
36 Transportation Trust Fund for distribution to the
37 Florida Highway Patrol to fund certain training and
38 technology; providing an effective date.
39

40 Be It Enacted by the Legislature of the State of Florida:
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42 Section 1. Present subsection (3) of section 316.3026,
43 Florida Statutes, is redesignated as subsection (4), a new
44 subsection (3) and subsection (5) are added to that section, and
45 subsection (1) of that section is amended, to read:

46 316.3026 Unlawful operation of motor carriers.—

47 (1) The Office of Commercial Vehicle Enforcement may issue
48 out-of-service orders to motor carriers, as defined in s.
49 320.01, who, after proper notice, have failed to pay any penalty
50 or fine assessed by the department, or its agent, against any
51 owner or motor carrier for violations of state law, refused to
52 submit to a compliance review and provide records pursuant to s.
53 316.302(6) or s. 316.70, or violated safety regulations pursuant
54 to s. 316.302 or insurance requirements in s. 627.7415. Such
55 out-of-service orders have the effect of prohibiting the
56 operations of any motor vehicles owned, leased, or otherwise
57 operated by the motor carrier upon the roadways of this state,
58 until the violations have been corrected or penalties have been

596-02235-26

202686c1

59 paid. Out-of-service orders must be approved by the director of
60 the Division of the Florida Highway Patrol or his or her
61 designee. ~~An administrative hearing pursuant to s. 120.569 shall~~
62 ~~be afforded to motor carriers subject to such orders.~~

63 (3) (a) It is the policy of the state to address the
64 emerging issue of commercial motor vehicle operation by
65 unauthorized aliens who are not authorized to operate in this
66 state pursuant to s. 322.033 and who may not meet English
67 language proficiency requirements or have the operational
68 understanding to safely operate such vehicles. This threat to
69 the life and safety of the motoring public is deemed an imminent
70 safety hazard. Commercial motor vehicle operators in this state
71 must be lawfully present in the United States; have a valid
72 driver license; understand the English language; be able to read
73 and follow roadway signage, rules, regulations, laws, and
74 directions; and be able to communicate effectively with law
75 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

596-02235-26

202686c1

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 or incident report;
92 any video and audio recordings of the incident; any photographs
93 of the unauthorized alien and the commercial motor vehicle; the
94 name of the motor carrier; the United States Department of
95 Transportation number displayed on the commercial motor vehicle;
96 the commercial motor vehicle's registration number, license
97 plate number, and vehicle identification number; and any
98 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, or
112 normal business activity, it is discovered that a motor carrier
113 has allowed, within the last 12 months, or is allowing an
114 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

596-02235-26

202686c1

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.