

1                   A bill to be entitled  
2           An act relating to transportation network companies;  
3           creating s. 316.680, F.S.; providing definitions;  
4           providing requirements for a person to obtain a permit  
5           as a transportation network company; providing a  
6           permit fee; requiring an agent for service of process;  
7           requiring disclosure of a company's fares; requiring  
8           display of certain information related to a  
9           transportation network company driver; requiring that  
10          a company provide an electronic receipt to a  
11          passenger; providing requirements for automobile  
12          liability insurance and insurance disclosure;  
13          requiring that a company implement a zero tolerance  
14          policy for drug and alcohol use; providing  
15          requirements for employment as a transportation  
16          network company driver; requiring that motor vehicles  
17          used by a transportation network company meet certain  
18          safety and emissions requirements; prohibiting  
19          specified conduct; requiring a company to adopt a  
20          nondiscrimination policy and meet certain requirements  
21          for accessibility; requiring a company to maintain  
22          specified records; prohibiting a company from  
23          disclosing specified information; providing for  
24          preemption; authorizing rulemaking; providing an  
25          effective date.  
26

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

28

29 Section 1. Section 316.680, Florida Statutes, is created  
30 to read:

31 316.680 Transportation network companies.-

32 (1) DEFINITIONS.-As used in this section, the term:

33 (a) "Transportation network company" or "company" means an  
34 entity granted a permit under this section to operate in this  
35 state using a digital network or software application service to  
36 connect passengers to transportation network company service  
37 provided by drivers. A company is not deemed to own, control,  
38 operate, or manage the vehicles used by drivers and is not a  
39 taxicab association or for-hire vehicle owner.

40 (b) "Transportation network company driver" or "driver"  
41 means an individual who operates a motor vehicle that is:

42 1. Owned, leased, or otherwise authorized for use by the  
43 individual.

44 2. Not a taxi, jitney, limousine, or for-hire vehicle as  
45 defined in s. 320.01(15).

46 3. Used to provide transportation network company service.

47 (c) "Transportation network company service" means the  
48 transportation of a passenger between points chosen by the  
49 passenger and prearranged with a driver through the use of a  
50 company digital network or software application service. Service  
51 begins when a driver accepts a request for transportation  
52 received through the company's digital network or software

53 application service, continues while the driver transports the  
54 passenger in the driver's vehicle, and ends when the passenger  
55 exits the driver's vehicle. The term does not include a taxi,  
56 for-hire vehicle, or street hail service.

57 (d) "Trip" means the duration of transportation network  
58 company service beginning at a point of origin where the  
59 passenger enters the driver's vehicle and ending at a point of  
60 destination where the passenger exits the vehicle.

61 (2) NOT COMMON CARRIERS.—A transportation network company  
62 or transportation network company driver is not a common carrier  
63 and does not provide taxi or for-hire vehicle service.

64 (3) PERMIT REQUIRED.—

65 (a) A person must obtain a permit from the department to  
66 operate a transportation network company in this state.

67 (b) The department shall issue a permit to each applicant  
68 that meets the requirements for a transportation network company  
69 pursuant to this section and pays an annual permit fee of \$5,000  
70 to the department.

71 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A  
72 transportation network company must designate and maintain an  
73 agent for service of process in this state.

74 (5) FARE CHARGED FOR TRANSPORTATION NETWORK COMPANY  
75 SERVICE.—A transportation network company may charge a fare for  
76 the transportation network company service provided to  
77 passengers. If the company charges a fare, the company must  
78 disclose the fare calculation method on its website or within

79 the digital network software application service. Before the  
80 passenger enters the driver's vehicle, the company shall provide  
81 the passenger with the applicable rates being charged and the  
82 option to receive an estimated fare.

83 (6) IDENTIFICATION OF VEHICLES AND DRIVERS.—The company's  
84 software application service or website shall display a picture  
85 of the driver and the license plate number of the motor vehicle  
86 used to provide transportation network company service before  
87 the passenger enters the driver's vehicle.

88 (7) ELECTRONIC RECEIPT.—Within a reasonable period of  
89 time, to be determined by the department, after completion of a  
90 trip, the company shall provide an electronic receipt to the  
91 passenger which lists:

- 92 (a) The origin and destination of the trip.  
93 (b) The total time and distance of the trip.  
94 (c) An itemization of the total fare paid.

95 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE  
96 REQUIREMENTS.—

97 (a) Beginning October 1, 2015, companies and  
98 transportation network company drivers must comply with  
99 automobile liability insurance requirements under this  
100 subsection.

101 (b)1. When a driver is logged into the company's digital  
102 network and is available to receive requests for transportation,  
103 but is not providing transportation network company service, the  
104 following automobile liability insurance requirements shall

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105 apply:

106 a. Automobile liability insurance that meets at least the  
107 minimum coverage requirements under s. 324.021(7)(a)-(c).

108 b. Automobile liability insurance that provides the  
109 minimum personal injury protection coverage requirements under  
110 s. 627.736.

111 2. A company shall maintain automobile liability insurance  
112 in the amount required in sub-subparagraph 1.a. and shall  
113 provide coverage in the event a participating driver's own  
114 automobile liability policy excludes coverage according to its  
115 policy terms or does not provide coverage of the minimum  
116 requirements in sub-subparagraph 1.b.

117 (c) When a driver is providing transportation network  
118 company service, the following automobile liability insurance  
119 requirements shall apply:

120 1. Automobile liability insurance that recognizes the  
121 driver's provision of transportation network company service.

122 2. Automobile liability insurance of at least \$1 million  
123 for death, personal injury, and property damage.

124 3. Automobile liability insurance that provides the  
125 minimum personal injury protection coverage requirements as  
126 required by s. 627.736.

127 (d) The coverage requirements of paragraph (c) may be  
128 satisfied by:

129 1. Automobile liability insurance maintained by the  
130 driver;

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131 2. Automobile liability insurance maintained by the  
132 company; or

133 3. A combination of coverage maintained as provided in  
134 subparagraphs 1. and 2.

135 (e) If insurance maintained by a driver under this section  
136 has lapsed, failed to provide the required coverage, denied a  
137 claim for the required coverage, or otherwise ceased to exist,  
138 insurance maintained by the company shall provide the coverage  
139 required by this section beginning with the first dollar of a  
140 claim.

141 (f) Insurance required by this section may be placed with  
142 an insurer authorized to do business in the state or with a  
143 surplus lines insurer eligible under the Surplus Lines Law under  
144 ss. 626.913-626.937.

145 (g) A company or driver may prove financial responsibility  
146 under chapter 324 and s. 627.733 by providing satisfactory  
147 evidence of holding an automobile liability policy pursuant to  
148 this subsection.

149 (9) TRANSPORTATION NETWORK COMPANY AND INSURER DISCLOSURE  
150 REQUIREMENTS.—

151 (a) The company shall disclose in writing to drivers  
152 before the drivers are allowed to accept a request for  
153 transportation network company service on the company's digital  
154 network the following:

155 1. The insurance coverage and limits of liability that the  
156 company provides while the driver uses a personal vehicle in

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157 connection with a company's digital network.

158 2. That the driver's personal insurance policy may not  
159 provide coverage while the driver uses a vehicle in connection  
160 with a company's digital network.

161 (b) An insurer that provides automobile liability  
162 insurance policies under part XI of chapter 627 may:

163 1. Exclude any and all coverage and the duty to defend  
164 afforded under the owner's insurance policy for a loss or injury  
165 that occurs while an insured vehicle provides or is available to  
166 provide transportation network company service, if such  
167 exclusion is expressly set forth in the policy and approved for  
168 sale in the state. This right to exclude coverage and the duty  
169 to indemnify and defend applies to any coverage included in an  
170 automobile liability insurance policy, including, but not  
171 limited to:

172 a. Liability coverage for bodily injury and property  
173 damage.

174 b. Uninsured and underinsured motorist coverage.

175 c. Medical payments coverage.

176 d. Comprehensive physical damage coverage.

177 e. Collision physical damage coverage.

178 f. Personal injury protection.

179 2. The insurer must notify the insured within 30 days  
180 after receiving a notice of loss that the insurer has no duty to  
181 defend or indemnify any person or organization for liability for  
182 a loss that is properly excluded pursuant to the terms of the

183 applicable primary or excess insurance policy.

184 (c) An insurer that provides automobile liability  
 185 insurance in the state must disclose in a prominent place on its  
 186 application for insurance whether the insurance policy provides  
 187 coverage for an insured vehicle providing or available to  
 188 provide transportation network company service. If an automobile  
 189 liability insurance policy contains an exclusion for such  
 190 service, the insurer or its agent must disclose in writing the  
 191 exact language of such exclusion to the applicant during the  
 192 application process.

193 (d) In a claims coverage investigation, companies and any  
 194 insurer providing coverage under this section shall cooperate to  
 195 facilitate the exchange of information, including the precise  
 196 times that a driver logged on and off of the company's digital  
 197 network in the 24-hour period immediately preceding the accident  
 198 and disclose to one another a clear description of the coverage,  
 199 exclusions, and limits provided under the insurance policy each  
 200 party issued or maintained.

201 (10) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—

202 (a) A company shall implement a zero tolerance policy on  
 203 use of drugs or alcohol by a driver who is providing  
 204 transportation network company service or who is logged into the  
 205 company's digital network but is not providing service.

206 (b) A company shall provide notice on its website of a  
 207 zero tolerance policy under paragraph (a) and shall provide  
 208 procedures for a passenger to file a complaint about a driver



209 who the passenger reasonably suspects was under the influence of  
 210 drugs or alcohol during the course of a trip.

211 (c) Upon receipt of a passenger complaint alleging a  
 212 violation of the zero tolerance policy, the company shall  
 213 immediately suspend the accused driver's access to the company's  
 214 digital platform and shall conduct an investigation into the  
 215 reported incident. The suspension shall last for the duration of  
 216 the investigation.

217 (d) The company shall maintain records of a passenger  
 218 complaint for a period of at least 2 years after the date such  
 219 complaint is received by the company.

220 (11) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.-

221 (a) Before allowing a person to act as a driver on its  
 222 digital platform, the company shall:

223 1. Require the person to submit an application to the  
 224 company, including his or her address, date of birth, driver  
 225 license number, driving history, motor vehicle registration,  
 226 automobile liability insurance, and other information required  
 227 by the company.

228 2. Conduct, or have a third party conduct, a state and  
 229 national criminal background check for each applicant to  
 230 include:

231 a. The Multi-State/Multi-Jurisdiction Criminal Records  
 232 Locator or other similar commercial national database with  
 233 validation.

234 b. The Dru Sjodin National Sex Offender Public Website.

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235 3. Obtain and review a driving history research report for  
236 such person.

237 (b) The company shall prohibit a person to act as a driver  
238 on its digital platform if the person:

239 1. Has had more than three moving violations in the  
240 preceding 3-year period or one major violation in the preceding  
241 3-year period. A major violation includes, but is not limited  
242 to, fleeing or attempting to elude a law enforcement officer,  
243 reckless driving, or driving with a suspended or revoked  
244 license;

245 2. Has been convicted, within the past 7 years, of driving  
246 under the influence of drugs or alcohol, fraud, sexual offenses,  
247 use of a motor vehicle to commit a felony, a crime involving  
248 property damage or theft, acts of violence, or acts of terror;

249 3. Is a match in the Dru Sjodin National Sex Offender  
250 Public Website;

251 4. Does not possess a valid driver license;

252 5. Does not possess proof of registration for the motor  
253 vehicle used to provide transportation network company service;

254 6. Does not possess proof of automobile liability  
255 insurance for the motor vehicle used to provide transportation  
256 network company service; or

257 7. Has not attained the age of 19 years.

258 (12) VEHICLE SAFETY AND EMISSIONS.—A company shall require  
259 that a motor vehicle used by a driver to provide transportation  
260 network company service meets the vehicle safety and emissions

261 requirements for a private motor vehicle of the state in which  
 262 the vehicle is registered.

263 (13) PROHIBITED CONDUCT.—A driver may not:

264 (a) Accept a ride other than a ride arranged through a  
 265 company's digital network or software application service.

266 (b) Solicit or accept street hails.

267 (c) Solicit or accept cash payments from passengers. A  
 268 company shall adopt a policy prohibiting solicitation or  
 269 acceptance of cash payments from passengers and notify drivers  
 270 of such policy. Such policy must require a payment for  
 271 transportation network company service to be made electronically  
 272 using the company's digital network or software application  
 273 service.

274 (14) NONDISCRIMINATION; ACCESSIBILITY.—

275 (a) A company shall adopt a policy of nondiscrimination on  
 276 the basis of destination, race, color, national origin,  
 277 religious belief or affiliation, sex, disability, age, sexual  
 278 orientation, or gender identity with respect to passengers and  
 279 potential passengers and shall notify drivers of such policy.

280 (b) A driver shall comply with the nondiscrimination  
 281 policy.

282 (c) A driver shall comply with all applicable laws  
 283 relating to accommodation of service animals.

284 (d) A company may not impose additional charges for  
 285 providing transportation network company service to persons with  
 286 physical disabilities because of those disabilities.

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287 (e) A company shall provide passengers an opportunity to  
288 indicate whether they require a wheelchair-accessible vehicle.  
289 If a company cannot arrange wheelchair-accessible service, it  
290 shall direct the passenger to an alternate provider of  
291 wheelchair-accessible service, if available.

292 (15) RECORDS.—A company shall maintain:

293 (a) Individual trip records for at least 1 year after the  
294 date each trip was provided.

295 (b) Driver records for at least 1 year after the date on  
296 which a driver's activation on the company's digital network has  
297 ended.

298 (16) PERSONAL IDENTIFYING INFORMATION.—

299 (a) A company shall only disclose a passenger's personal  
300 identifying information to a third party if:

301 1. The passenger consents;  
302 2. Disclosure is required by a legal obligation; or  
303 3. Disclosure is required to protect or defend the terms  
304 of use of the transportation network company service or to  
305 investigate violations of those terms.

306 (b) Notwithstanding paragraph (a), a company may share a  
307 passenger's name and telephone number with the driver providing  
308 transportation network company service to such passenger to  
309 facilitate correct identification of the passenger by the driver  
310 or to facilitate communication between the passenger and the  
311 driver.

312 (17) PREEMPTION.—Notwithstanding any other provision of

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313 law, companies and drivers are governed exclusively by this  
314 section and any rules adopted by the department to administer  
315 this section. A municipality or other local governmental entity  
316 may not impose a tax on, or require a license for, a company or  
317 a driver or subject a company to the municipality's or other  
318 local governmental entity's rate, entry, operational, or other  
319 requirements.

320 (18) RULEMAKING.—The department may adopt rules to  
321 administer this section.

322 Section 2. This act shall take effect July 1, 2015.