

1 A bill to be entitled
2 An act relating to transportation network companies;
3 amending s. 316.066, F.S.; requiring certain
4 information to be included on traffic crash reports;
5 providing penalties; creating s. 316.680, F.S.;
6 providing definitions; providing requirements for a
7 person to obtain a permit as a transportation network
8 company; directing the Department of Highway Safety
9 and Motor Vehicles to issue such permits; providing a
10 permit fee; requiring an agent for service of process;
11 requiring disclosure of a company's fares; requiring
12 display of certain information related to a
13 transportation network company driver; requiring that
14 a company provide an electronic receipt to a rider;
15 providing requirements for automobile insurance and
16 insurance disclosure; providing requirements for
17 drivers to act as independent contractors; requiring a
18 zero tolerance policy for drug and alcohol use;
19 providing requirements for employment as a
20 transportation network company driver; prohibiting
21 specified conduct; providing certain nondiscrimination
22 and accessibility requirements; requiring a company to
23 maintain certain records; providing for preemption;
24 amending s. 324.031, F.S.; providing for proof of
25 financial responsibility by owners or operators of a
26 vehicle used in connection with a transportation

27 | network company; amending ss. 324.023, 324.051,
 28 | 324.071, 324.151, and 627.733, F.S.; conforming
 29 | provisions to changes made by the act; providing an
 30 | effective date.

31 |

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

33 |

34 | Section 1. Paragraphs (b) and (c) of subsection (1) and
 35 | subsection (3) of section 316.066, Florida Statutes, are amended
 36 | to read:

37 | 316.066 Written reports of crashes.—

38 | (1)

39 | (b) The Florida Traffic Crash Report, Long Form must
 40 | include:

41 | 1. The date, time, and location of the crash.

42 | 2. A description of the vehicles involved.

43 | 3. The names and addresses of the parties involved,
 44 | including all drivers and passengers, and the identification of
 45 | the vehicle in which each was a driver or a passenger.

46 | 4. The names and addresses of witnesses.

47 | 5. The name, badge number, and law enforcement agency of
 48 | the officer investigating the crash.

49 | 6. The names of the insurance companies for the respective
 50 | parties involved in the crash.

51 | 7. A statement as to whether, at the time of the crash, a
 52 | driver was engaged in the provision of transportation network

53 company service, as defined in s. 316.680, or logged into a
54 transportation network company's digital network.

55 (c) In any crash for which a Florida Traffic Crash Report,
56 Long Form is not required by this section and which occurs on
57 the public roadways of this state, the law enforcement officer
58 shall complete a short-form crash report or provide a driver
59 exchange-of-information form, to be completed by all drivers and
60 passengers involved in the crash, which requires the
61 identification of each vehicle that the drivers and passengers
62 were in. The short-form report must include:

- 63 1. The date, time, and location of the crash.
- 64 2. A description of the vehicles involved.
- 65 3. The names and addresses of the parties involved,
66 including all drivers and passengers, and the identification of
67 the vehicle in which each was a driver or a passenger.
- 68 4. The names and addresses of witnesses.
- 69 5. The name, badge number, and law enforcement agency of
70 the officer investigating the crash.
- 71 6. The names of the insurance companies for the respective
72 parties involved in the crash.

73 7. A statement as to whether, at the time of the crash, a
74 driver was engaged in the provision of transportation network
75 company service, as defined in s. 316.680, or logged into a
76 transportation network company's digital network.

77 (3)(a) Any driver failing to file the written report
78 required under subsection (1) commits a noncriminal traffic

79 | infraction, punishable as a nonmoving violation as provided in
80 | chapter 318.

81 | (b) Any employee of a state or local agency in possession
82 | of information made confidential and exempt by this section who
83 | knowingly discloses such confidential and exempt information to
84 | a person not entitled to access such information under this
85 | section commits a felony of the third degree, punishable as
86 | provided in s. 775.082, s. 775.083, or s. 775.084.

87 | (c) Any person, knowing that he or she is not entitled to
88 | obtain information made confidential and exempt by this section,
89 | who obtains or attempts to obtain such information commits a
90 | felony of the third degree, punishable as provided in s.
91 | 775.082, s. 775.083, or s. 775.084.

92 | (d) Any person who knowingly uses confidential and exempt
93 | information in violation of a filed written sworn statement or
94 | contractual agreement required by this section commits a felony
95 | of the third degree, punishable as provided in s. 775.082, s.
96 | 775.083, or s. 775.084.

97 | (e) A driver who provides a false statement to a law
98 | enforcement officer in connection with the information that is
99 | required to be reported pursuant to subparagraph (1)(b)7. or
100 | subparagraph (1)(c)7. commits a misdemeanor of the second
101 | degree, punishable as provided in s. 775.082 or s. 775.083.

102 | Section 2. Section 316.680, Florida Statutes, is created
103 | to read:

104 | 316.680 Transportation network companies.—

105 (1) DEFINITIONS.—As used in this section, the term:

106 (a) "Digital network" means any online-enabled application,
107 software, website, or system offered or used by a transportation
108 network company that enables the prearrangement of rides with
109 transportation network company drivers.

110 (b) "Personal vehicle" means a vehicle that is used by a
111 transportation network company driver in connection with
112 providing transportation network company service and is:

113 1. Owned, leased, or otherwise authorized for use by a
114 transportation network company driver; and

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

117
118 Notwithstanding any other provision of law, a vehicle that is
119 let or rented to another for consideration may be used as a
120 personal vehicle.

121 (c) "Transportation network company" or "company" means an
122 entity granted a permit under this section to operate in this
123 state using a digital network or software application service to
124 connect riders to transportation network company service
125 provided by drivers. A company is not deemed to own, control,
126 operate, or manage the vehicles used by drivers; is not deemed
127 to control or manage drivers; and is not a taxicab association
128 or for-hire vehicle owner. A transportation network company does
129 not include an individual, corporation, partnership, sole
130 proprietorship, or other entity arranging nonemergency medical

131 transportation for individuals qualifying for Medicaid or
132 Medicare pursuant to a contract with the state or a managed care
133 organization.

134 (d) "Transportation network company driver" or "driver"
135 means an individual who:

136 1. Receives connections to potential riders and related
137 services from a transportation network company in exchange for
138 payment of a fee to the transportation network company; and

139 2. Uses a personal vehicle to provide transportation
140 network company service to riders upon connection through a
141 digital network controlled by a transportation network company
142 in return for compensation or payment of a fee.

143 (e) "Transportation network company rider" or "rider"
144 means an individual or person who uses a transportation network
145 company's digital network to connect with a transportation
146 network company driver who provides transportation network
147 company service to the rider in the driver's personal vehicle
148 between points chosen by the rider.

149 (f) "Transportation network company service" means the
150 provision of transportation by a driver to a rider, beginning
151 when a driver accepts a ride requested by a rider through a
152 digital network controlled by a transportation network company,
153 continuing while the driver transports a rider, and ending when
154 the last rider departs from the personal vehicle. The term does
155 not include a taxi, for-hire vehicle, or street hail service and
156 does not include ridesharing as defined in s. 341.031, a carpool

157 service as defined s. 450.28, or any other type of service in
158 which the driver receives a fee that does not exceed the
159 driver's cost to provide the ride.

160 (g) "Trip" means the duration of transportation network
161 company service beginning at a point of origin where the rider
162 enters the driver's vehicle and ending at a point of destination
163 where the rider exits the vehicle.

164 (2) NOT A COMMON CARRIER.—A transportation network company
165 or driver is not a common carrier and does not provide taxi or
166 for-hire vehicle service. In addition, a driver is not required
167 to register the vehicle that the driver uses for transportation
168 network company service as a commercial motor vehicle or a for-
169 hire vehicle.

170 (3) PERMIT REQUIRED.—

171 (a) A company must obtain a permit from the department to
172 operate a transportation network company in this state.

173 (b) The department shall issue a permit to each company
174 that meets the requirements for a transportation network company
175 pursuant to this section and pays an annual permit fee of \$5,000
176 to the department to be deposited into the Highway Safety
177 Operating Trust Fund.

178 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A
179 transportation network company must designate and maintain an
180 agent for service of process in this state. If the registered
181 agent of the company cannot, with reasonable diligence, be found
182 or if the company fails to designate or maintain a registered

183 agent in this state, the executive director of the department
184 must be an agent of the transportation network company upon whom
185 any process, notice, or demand may be served.

186 (5) FARE COLLECTED FOR SERVICES.—A company may collect a
187 fare on behalf of a driver for the services provided to riders;
188 however, if a fare is collected from a rider, the company shall
189 disclose to the rider the fare calculation method on its website
190 or within its software application service. The company shall
191 also provide the rider with the applicable rates being charged
192 and the option to receive an estimated fare before the rider
193 enters the driver's vehicle.

194 (6) IDENTIFICATION OF VEHICLES AND DRIVERS.—The company's
195 software application service or website shall display a picture
196 of the driver and the license plate number of the motor vehicle
197 used to provide transportation network company service before
198 the rider enters the driver's vehicle.

199 (7) ELECTRONIC RECEIPT.—Within a reasonable period of
200 time, the company shall provide an electronic receipt to the
201 rider which lists:

- 202 (a) The origin and destination of the trip.
203 (b) The total time and distance of the trip.
204 (c) An itemization of the total fare paid.

205 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE
206 REQUIREMENTS.—

207 (a) Beginning March 1, 2017, a transportation network
208 company driver or transportation network company on the driver's

209 behalf shall maintain primary automobile insurance that
 210 recognizes that the driver is a transportation network company
 211 driver or otherwise uses a vehicle to transport riders for
 212 compensation and covers the driver:

213 1. While the driver is logged into the transportation
 214 network company's digital network; or

215 2. While the driver is engaged in transportation network
 216 company service.

217 (b) The following automobile insurance requirements apply
 218 while a participating driver is logged into the transportation
 219 network company's digital network and is available to receive
 220 transportation requests but is not engaged in transportation
 221 network company service:

222 1. Primary automobile liability insurance in the amount of
 223 at least \$50,000 for death and bodily injury per person,
 224 \$100,000 for death and bodily injury per incident, and \$25,000
 225 for property damage.

226 2. Personal injury protection benefits that provide the
 227 minimum coverage amounts required under ss. 627.730-627.7405.

228 (c) The following automobile insurance requirements apply
 229 while a driver is engaged in transportation network company
 230 service:

231 1. Primary automobile liability insurance that provides at
 232 least \$1 million for death, bodily injury, and property damage;
 233 and

234 2. Personal injury protection benefits that provide the

235 minimum coverage amounts where required of a limousine under ss.
236 627.730-627.7405.

237 (d) The coverage requirements of paragraphs (b) and (c)
238 may be satisfied by:

- 239 1. Automobile insurance maintained by the driver;
240 2. Automobile insurance maintained by the company; or
241 3. A combination of coverage maintained as provided in
242 subparagraphs 1. and 2.

243 (e) If insurance maintained by a driver under paragraph
244 (b) or paragraph (c) has lapsed or does not provide the required
245 coverage, insurance maintained by a transportation network
246 company shall provide the coverage required by this section
247 beginning with the first dollar of a claim.

248 (f) Coverage under an automobile insurance policy
249 maintained by the transportation network company is not
250 dependent on the maintenance of a personal automobile insurance
251 policy or on the personal automobile insurer's first denying a
252 claim.

253 (g) Insurance required by this section may be placed with
254 an insurer authorized to do business in the state or with a
255 surplus lines insurer eligible under the Surplus Lines Law under
256 ss. 626.913-626.937.

257 (h) Insurance satisfying the requirements of this section
258 is deemed to satisfy the financial responsibility requirement
259 for a motor vehicle under chapter 324 and the security required
260 under s. 627.733.

261 (i) A driver shall carry proof of coverage satisfying
262 paragraphs (b) and (c) with him or her at all times during his
263 or her use of a vehicle in connection with a transportation
264 network company's digital network. In the event of an accident,
265 the driver shall provide this insurance coverage information to
266 the directly interested parties, automobile insurers, and
267 investigating police officers. Such proof of financial
268 responsibility may be presented through a digital phone
269 application under s. 316.646 controlled by a transportation
270 network company. Upon such request, the driver shall also
271 disclose to directly interested parties, automobile insurers,
272 and investigating police officers whether he or she was logged
273 into the transportation network company's digital network or
274 engaged in transportation network company service at the time of
275 the accident.

276 (j) If a transportation network company's insurer makes a
277 payment for a claim covered under comprehensive coverage or
278 collision coverage, the transportation network company shall
279 cause its insurer to issue the payment directly to the business
280 repairing the vehicle or jointly to the owner of the vehicle and
281 the primary lienholder on the covered vehicle.

282 (9) TRANSPORTATION NETWORK COMPANY AND INSURER;
283 EXCLUSIONS; DISCLOSURE.—

284 (a) The transportation network company shall disclose the
285 following in writing to drivers before they are allowed to
286 accept a request for transportation network company service on

287 the transportation network company's digital network:

288 1. The insurance coverage, including the types of coverage
289 and the limits for each coverage, that the transportation
290 network company provides while the driver uses a personal
291 vehicle in connection with a transportation network company's
292 digital network.

293 2. That the driver's own automobile insurance policy might
294 not provide any coverage while the driver is logged into the
295 transportation network company's digital network and is
296 available to receive transportation requests or is engaged in
297 transportation network company service depending on its terms.

298 3. That the provision of rides for compensation, whether
299 prearranged or otherwise, which is not covered by this section
300 subjects the driver to the coverage requirements imposed by s.
301 324.032(1), and that failure to meet such limits subjects the
302 driver to penalties provided in s. 324.221, up to and including
303 a misdemeanor of the second degree.

304 (b)1. An insurer that provides automobile liability
305 insurance policies under part XI of chapter 627 may exclude any
306 and all coverage afforded under the owner's or driver's
307 insurance policy for any loss or injury that occurs while a
308 driver is logged into a transportation network company's digital
309 network or while a driver provides transportation network
310 company service. This right to exclude all coverage may apply to
311 any coverage included in an automobile insurance policy,
312 including, but not limited to:

313 a. Liability coverage for bodily injury and property
314 damage.

315 b. Uninsured and underinsured motorist coverage.

316 c. Medical payments coverage.

317 d. Comprehensive physical damage coverage.

318 e. Collision physical damage coverage.

319 f. Personal injury protection.

320 2. The exclusions described in subparagraph 1. apply
321 notwithstanding any requirement under chapter 324. This section
322 does not require or imply that a personal automobile insurance
323 policy provides coverage while the driver is logged into the
324 transportation network company's digital network, while the
325 driver is engaged in transportation network company service, or
326 while the driver otherwise uses a vehicle to transport riders
327 for compensation.

328 3. This section does not preclude an insurer from
329 providing coverage by contract or endorsement for the driver's
330 vehicle.

331 (c)1. An insurer that excludes the coverage described in
332 subparagraph (b)1. has no duty to defend or indemnify any claim
333 expressly excluded thereunder. This section does not invalidate
334 or limit an exclusion contained in a policy, including a policy
335 in use or approved for use in this state before July 1, 2016.

336 2. An automobile insurer that defends or indemnifies a
337 claim against a driver, which is excluded under the terms of its
338 policy, has a right of contribution against other insurers that

339 provide automobile insurance to the same driver in satisfaction
340 of the coverage requirements of subsection (8) at the time of
341 loss.

342 (d) In a claims coverage investigation, transportation
343 network companies and any insurer providing coverage under
344 subsection (8) shall cooperate to facilitate the exchange of
345 relevant information with directly involved parties and any
346 insurer of the driver, if applicable, including the precise
347 times that a driver logged into and off of the transportation
348 network company's digital network during the 12-hour period
349 immediately before and the 12-hour period immediately after the
350 accident and disclose to one another a clear description of the
351 coverage, exclusions, and limits provided under any automobile
352 insurance maintained under subsection (8).

353 (10) DRIVERS AS INDEPENDENT CONTRACTORS.—

354 (a) A driver is an independent contractor and not an
355 employee of the company if all of the following conditions are
356 met:

357 1. The company does not prescribe specific hours during
358 which the driver must be logged into the company's digital
359 network.

360 2. The company does not impose restrictions on the
361 driver's ability to use digital networks from other companies.

362 3. The company does not assign the driver to a particular
363 territory in which transportation network company services are
364 authorized to be provided.

365 4. The company does not restrict the driver from engaging
366 in any other occupation or business.

367 5. The company and the driver agree in writing that the
368 driver is an independent contractor of the company.

369 (b) A company operating under this section is not required
370 to provide workers' compensation coverage to a transportation
371 network company driver who is classified as an independent
372 contractor pursuant to this section.

373 (11) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—

374 (a) A company shall implement a zero tolerance policy on
375 use of illegal drugs or alcohol by a driver who is providing
376 transportation network company service or who is logged into the
377 company's digital network but is not providing service.

378 (b) A company shall provide notice on its website of a
379 zero tolerance policy under paragraph (a) and shall provide
380 procedures for a rider to file a complaint about a driver who
381 the rider reasonably suspects was under the influence of drugs
382 or alcohol during the course of a trip.

383 (c) Upon receipt of a rider complaint alleging a violation
384 of the zero tolerance policy, the company shall immediately
385 suspend the accused driver's access to the company's digital
386 network and shall conduct an investigation into the reported
387 incident. The suspension shall last for the duration of the
388 investigation.

389 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—

390 (a) Before allowing a person to act as a driver on its
391 digital network, and at least once annually thereafter, the
392 company shall:

393 1. Require the applicant to submit an application to the
394 company, including his or her address, date of birth, social
395 security number, driver license number, driving history, motor
396 vehicle registration, automobile liability insurance, and other
397 information required by the company.

398 2. Conduct, or have a third party conduct, a criminal
399 background check for each applicant to include:

400 a. A Multi-State/Multi-Jurisdiction Criminal Records
401 Locator or other similar commercial national database with
402 validation.

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

404 3. Conduct a social security trace or similar
405 identification check that is designed to identify relevant
406 information about the applicant, including first name, middle
407 name or initial, last name, aliases, maiden name, alternative
408 spellings, nicknames, date of birth, and any known addresses.

409 4. Obtain and review a driving history research report for
410 the applicant.

411 (b) The company shall prohibit an applicant from acting as
412 a driver on its digital network if the applicant:

413 1. Has had more than three moving violations in the
414 preceding 3-year period or one major violation in the preceding
415 3-year period. A major violation is:

- 416 a. Fleeing or attempting to elude a law enforcement
 417 officer;
- 418 b. Reckless driving; or
- 419 c. Driving with a suspended or revoked license;
- 420 2. Has been convicted, within the past 7 years, of driving
 421 under the influence of drugs or alcohol, fraud, sexual offenses,
 422 use of a motor vehicle to commit a felony, a crime involving
 423 property damage or theft, acts of violence, or acts of terror;
- 424 3. Has been convicted, within the past 7 years, of any
 425 offense listed in the level 2 screening standards in s.
 426 435.04(2) or (3), or a substantially similar law of another
 427 state or federal law;
- 428 4. Is a match in the Dru Sjodin National Sex Offender
 429 Public Website;
- 430 5. Does not possess a valid driver license;
- 431 6. Does not possess proof of registration for the motor
 432 vehicle used to provide transportation network company service;
- 433 7. Does not possess proof of automobile liability
 434 insurance for the motor vehicle used to provide transportation
 435 network company service; or
- 436 8. Has not attained the age of 19 years.
- 437 (13) PROHIBITED CONDUCT.—A driver may not:
- 438 (a) Accept a rider other than a rider arranged through a
 439 digital network or software application service.
- 440 (b) Solicit or accept street hails.
- 441 (c) Solicit or accept cash payments from riders. A company

442 shall adopt a policy prohibiting solicitation or acceptance of
443 cash payments from riders and notify drivers of such policy.
444 Such policy must require a payment for transportation network
445 company service to be made electronically using the company's
446 digital network or software application service.

447 (14) NONDISCRIMINATION; ACCESSIBILITY.—

448 (a) A company may not discriminate against a driver on the
449 basis of race, color, national origin, religious belief or
450 affiliation, sex, disability, age, or sexual orientation. A
451 company shall adopt a policy to assist a driver who reasonably
452 believes that he or she has received a negative rating from a
453 rider because of his or her race, color, national origin,
454 religious belief or affiliation, sex, disability, age, or sexual
455 orientation.

456 (b) A company shall adopt a policy of nondiscrimination on
457 the basis of destination, race, color, national origin,
458 religious belief or affiliation, sex, disability, age, or sexual
459 orientation with respect to riders and potential riders and
460 shall notify drivers of such policy.

461 (c) A driver shall comply with the nondiscrimination
462 policy.

463 (d) A driver shall comply with all applicable laws
464 relating to accommodation of service animals.

465 (e) A company may not impose additional charges for
466 providing transportation network company service to persons with
467 physical disabilities because of those disabilities.

468 (f) A company shall provide riders an opportunity to
469 indicate whether they require a wheelchair-accessible vehicle.
470 If a company cannot arrange wheelchair-accessible service, it
471 shall direct the rider to an alternate provider of wheelchair-
472 accessible service, if available.

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

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

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

479 (c) The company shall maintain records of written rider
480 complaints received through the company's software application
481 service for at least 2 years after the date such complaint is
482 received by the company.

483 (16) PREEMPTION.—It is the intent of the Legislature to
484 provide for uniformity of laws governing transportation network
485 companies, transportation network company drivers, and vehicles
486 used by transportation network company drivers throughout the
487 state. Transportation network companies, transportation network
488 company drivers, and vehicles used by transportation network
489 company drivers are governed exclusively by state law and any
490 rules adopted by the department. A county, municipality, special
491 district, airport authority, port authority, or other local
492 governmental entity or subdivision may not impose a tax on, or
493 require a license for, a company or a driver, or a vehicle used

494 by a driver, if such tax or license relates to providing
495 transportation network company services, or subjects a company,
496 driver, or vehicle to any rate, entry, operation, or other
497 requirement of the county, municipality, special district,
498 airport authority, port authority, or other local governmental
499 entity or subdivision. This section does not prohibit an airport
500 from charging an appropriate annual fee, not to exceed \$5,000
501 per transportation network company, for use of the airport's
502 facilities or designating locations for staging, pickup, and
503 other similar operations of the airport.

504 Section 3. Section 324.031, Florida Statutes, is amended
505 to read:

506 324.031 Manner of proving financial responsibility.—The
507 owner or operator of a taxicab, limousine, jitney, any vehicle
508 used in connection with a transportation network company, or
509 any other for-hire passenger transportation vehicle may prove
510 financial responsibility by providing satisfactory evidence of
511 holding a motor vehicle liability policy as defined in s.
512 324.021(8) or s. 324.151, which policy is issued by an insurance
513 carrier which is a member of the Florida Insurance Guaranty
514 Association or an eligible surplus lines insurer under s.
515 626.918 that is rated "A-" or higher by A. M. Best Company. The
516 operator or owner of any other vehicle may prove his or her
517 financial responsibility by:

518 (1) Furnishing satisfactory evidence of holding a motor
519 vehicle liability policy as defined in ss. 324.021(8) and

520 324.151;

521 (2) Furnishing a certificate of self-insurance showing a
522 deposit of cash in accordance with s. 324.161; or

523 (3) Furnishing a certificate of self-insurance issued by
524 the department in accordance with s. 324.171.

525

526 Any person, including any firm, partnership, association,
527 corporation, or other person, other than a natural person,
528 electing to use the method of proof specified in subsection (2)
529 shall furnish a certificate of deposit equal to the number of
530 vehicles owned times \$30,000, to a maximum of \$120,000; in
531 addition, any such person, other than a natural person, shall
532 maintain insurance providing coverage in excess of limits of
533 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
534 such excess insurance shall provide minimum limits of
535 \$125,000/250,000/50,000 or \$300,000 combined single limits.
536 These increased limits shall not affect the requirements for
537 proving financial responsibility under s. 324.032(1).

538 Section 4. Section 324.023, Florida Statutes, is amended
539 to read:

540 324.023 Financial responsibility for bodily injury or
541 death.—In addition to any other financial responsibility
542 required by law, every owner or operator of a motor vehicle that
543 is required to be registered in this state, or that is located
544 within this state, and who, regardless of adjudication of guilt,
545 has been found guilty of or entered a plea of guilty or nolo

546 | contendere to a charge of driving under the influence under s.
547 | 316.193 after October 1, 2007, shall, by ~~one of~~ the methods
548 | established in s. 324.031 ~~324.031(1) or (2)~~, establish and
549 | maintain the ability to respond in damages for liability on
550 | account of accidents arising out of the use of a motor vehicle
551 | in the amount of \$100,000 because of bodily injury to, or death
552 | of, one person in any one crash and, subject to such limits for
553 | one person, in the amount of \$300,000 because of bodily injury
554 | to, or death of, two or more persons in any one crash and in the
555 | amount of \$50,000 because of property damage in any one crash.
556 | If the owner or operator chooses to establish and maintain such
557 | ability by furnishing a certificate of deposit ~~pursuant to s.~~
558 | ~~324.031(2)~~, such certificate of deposit must be at least
559 | \$350,000. Such higher limits must be carried for a minimum
560 | period of 3 years. If the owner or operator has not been
561 | convicted of driving under the influence or a felony traffic
562 | offense for a period of 3 years after ~~from~~ the date of
563 | reinstatement of driving privileges for a violation of s.
564 | 316.193, the owner or operator shall be exempt from this
565 | section.

566 | Section 5. Paragraph (a) of subsection (2) of section
567 | 324.051, Florida Statutes, is amended to read:

568 | 324.051 Reports of crashes; suspensions of licenses and
569 | registrations.—

570 | (2) (a) Thirty days after receipt of notice of any accident
571 | described in paragraph (1) (a) involving a motor vehicle within

572 | this state, the department shall suspend, after due notice and
573 | opportunity to be heard, the license of each operator and all
574 | registrations of the owner of the vehicles operated by such
575 | operator whether or not involved in such crash and, in the case
576 | of a nonresident owner or operator, shall suspend such
577 | nonresident's operating privilege in this state, unless such
578 | operator or owner shall, prior to the expiration of such 30
579 | days, be found by the department to be exempt from the operation
580 | of this chapter, based upon evidence satisfactory to the
581 | department that:

582 | 1. The motor vehicle was legally parked at the time of
583 | such crash.

584 | 2. The motor vehicle was owned by the United States
585 | Government, this state, or any political subdivision of this
586 | state or any municipality therein.

587 | 3. Such operator or owner has secured a duly acknowledged
588 | written agreement providing for release from liability by all
589 | parties injured as the result of said crash and has complied
590 | with ~~one of the provisions of~~ s. 324.031.

591 | 4. Such operator or owner has deposited with the
592 | department security to conform with s. 324.061 when applicable
593 | and has complied with ~~one of the provisions of~~ s. 324.031.

594 | 5. One year has elapsed since such owner or operator was
595 | suspended pursuant to subsection (3), the owner or operator has
596 | complied with ~~one of the provisions of~~ s. 324.031, and no bill
597 | of complaint of which the department has notice has been filed

598 in a court of competent jurisdiction.

599

600 No such policy or bond shall be effective under this subsection
601 unless it contains limits of not less than those specified in s.
602 324.021(7).

603 Section 6. Section 324.071, Florida Statutes, is amended
604 to read:

605 324.071 Reinstatement; renewal of license; reinstatement
606 fee.—Any operator or owner whose license or registration has
607 been suspended pursuant to s. 324.051(2), s. 324.072, s.
608 324.081, or s. 324.121 may effect its reinstatement upon
609 compliance with the provisions of s. 324.051(2)(a)3. or 4., or
610 s. 324.081(2) and (3), as the case may be, and with ~~one of the~~
611 ~~provisions of~~ s. 324.031 and upon payment to the department of a
612 nonrefundable reinstatement fee of \$15. Only one such fee shall
613 be paid by any one person irrespective of the number of licenses
614 and registrations to be then reinstated or issued to such
615 person. All such fees shall be deposited to a department trust
616 fund. When the reinstatement of any license or registration is
617 effected by compliance with s. 324.051(2)(a)3. or 4., the
618 department shall not renew the license or registration within a
619 period of 3 years from such reinstatement, nor shall any other
620 license or registration be issued in the name of such person,
621 unless the operator is continuing to comply with ~~one of the~~
622 ~~provisions of~~ s. 324.031.

623 Section 7. Subsection (1) of section 324.151, Florida

624 Statutes, is amended to read:

625 324.151 Motor vehicle liability policies; required
626 provisions.—

627 (1) A motor vehicle liability policy to be proof of
628 financial responsibility under s. 324.031 ~~324.031(1)~~, shall be
629 issued to owners or operators under the following provisions:

630 (a) An owner's liability insurance policy shall designate
631 by explicit description or by appropriate reference all motor
632 vehicles with respect to which coverage is thereby granted and
633 shall insure the owner named therein and any other person as
634 operator using such motor vehicle or motor vehicles with the
635 express or implied permission of such owner against loss from
636 the liability imposed by law for damage arising out of the
637 ownership, maintenance, or use of such motor vehicle or motor
638 vehicles within the United States or the Dominion of Canada,
639 subject to limits, exclusive of interest and costs with respect
640 to each such motor vehicle as is provided for under s.
641 324.021(7). Insurers may make available, with respect to
642 property damage liability coverage, a deductible amount not to
643 exceed \$500. In the event of a property damage loss covered by a
644 policy containing a property damage deductible provision, the
645 insurer shall pay to the third-party claimant the amount of any
646 property damage liability settlement or judgment, subject to
647 policy limits, as if no deductible existed.

648 (b) An operator's motor vehicle liability policy of
649 insurance shall insure the person named therein against loss

650 from the liability imposed upon him or her by law for damages
651 arising out of the use by the person of any motor vehicle not
652 owned by him or her, with the same territorial limits and
653 subject to the same limits of liability as referred to above
654 with respect to an owner's policy of liability insurance.

655 (c) All such motor vehicle liability policies shall state
656 the name and address of the named insured, the coverage afforded
657 by the policy, the premium charged therefor, the policy period,
658 the limits of liability, and shall contain an agreement or be
659 endorsed that insurance is provided in accordance with the
660 coverage defined in this chapter as respects bodily injury and
661 death or property damage or both and is subject to all
662 provisions of this chapter. Said policies shall also contain a
663 provision that the satisfaction by an insured of a judgment for
664 such injury or damage shall not be a condition precedent to the
665 right or duty of the insurance carrier to make payment on
666 account of such injury or damage, and shall also contain a
667 provision that bankruptcy or insolvency of the insured or of the
668 insured's estate shall not relieve the insurance carrier of any
669 of its obligations under said policy.

670 Section 8. Paragraph (b) of subsection (3) of section
671 627.733, Florida Statutes, is amended to read:

672 627.733 Required security.—

673 (3) Such security shall be provided:

674 (b) By any other method authorized by s. 324.031 ~~(2) or (3)~~
675 and approved by the Department of Highway Safety and Motor

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676 Vehicles as affording security equivalent to that afforded by a
677 policy of insurance or by self-insuring as authorized by s.
678 768.28(16). The person filing such security shall have all of
679 the obligations and rights of an insurer under ss. 627.730-
680 627.7405.

681 Section 9. This act shall take effect July 1, 2016.