

27 | transport by a qualified person through the use of techniques
28 | such as patient assessment, cardiopulmonary resuscitation,
29 | splinting, obstetrical assistance, bandaging, administration of
30 | oxygen, application of medical anti-shock trousers,
31 | administration of a subcutaneous injection using a premeasured
32 | autoinjector of epinephrine to a person suffering an
33 | anaphylactic reaction, and other techniques described in the
34 | Emergency Medical Technician Basic Training Course Curriculum of
35 | the United States Department of Transportation or the Florida
36 | Department of Health and the requirements of chapter 401,
37 | Florida Statutes.

38 | (2) "Benefits" means benefits offered by the commission,
39 | which include a retirement plan and life and health insurance
40 | plans and may include cafeteria-style options and making
41 | available to employees one or more deferred income plans.

42 | (3) "Board" means the Hillsborough County Board of County
43 | Commissioners.

44 | (4) "Capacity" means the maximum seating provided in a
45 | motor vehicle at the time of original manufacture.

46 | (5) "Certificate" means the written authority granted by
47 | the commission by its order to operate one or more public
48 | vehicles or to operate a transportation network company in the
49 | county and its municipalities.

50 | (6) "Certified automobile mechanic" means an automobile
51 | mechanic certified by the National Association of Certified

52 Mechanics or the National Institute for Automotive Service
 53 Excellence.

54 ~~(7)(6)~~ "Citation" means a written notice, issued by the
 55 director, any interim director, or an inspector, that the
 56 director, any interim director, or inspector has reasonable
 57 cause to believe that the person has violated this act or the
 58 rules adopted in accordance with this act. The citation must
 59 contain:

60 (a)1. The date and time of issuance.

61 (b)2. The name and address of the person.

62 (c)3. The date and time the violation was committed.

63 (d)4. The facts constituting reasonable cause.

64 (e)5. The section of the act or rule violated.

65 (f)6. The name and authority of the director, any interim
 66 director, or inspector.

67 (g)7. The procedure and time limits for the person to
 68 observe to contest the citation or to appear before the
 69 commission.

70 (h)8. The applicable civil penalties that could be imposed
 71 if the person elects to contest the citation.

72 (i)9. The applicable civil penalty if the person elects
 73 not to contest the citation and the procedure for satisfying
 74 said civil penalty.

75 (j)10. A conspicuous statement that if the person fails to
 76 contest the citation within the time allowed, the person shall
 77 be deemed to have waived his or her right to contest the

78 citation and that, in such case, the applicable civil penalty
 79 indicated in paragraph (i) ~~9.~~ will apply.

80 ~~(8)-(7)~~ "Classifications" means arrangement into sub-groups
 81 or sub-categories within each type of service.

82 ~~(9)-(8)~~ "Commission" means the Hillsborough County Public
 83 Transportation Commission.

84 ~~(10)-(9)~~ "Contingency fund" means those moneys held by the
 85 district to pay a debt that is not currently fixed but may
 86 become so in the future with the occurrence of some uncertain
 87 event, which moneys may be carried forward from one year to the
 88 next.

89 ~~(11)-(10)~~ "County" means Hillsborough County, Florida.

90 (12) "Digital network" means any online-enabled
 91 application, software, website, or other digital system that
 92 enables or facilitates the prearrangement of rides with
 93 transportation network company drivers.

94 ~~(13)-(11)~~ "District" means the Hillsborough County Public
 95 Transportation Commission.

96 ~~(14)-(12)~~ "For hire" means use of any motor vehicle in the
 97 county to transport ~~transporting~~ persons for compensation,
 98 including:

99 (a) A transportation network company driver vehicle; or

100 (b) A low-speed vehicle, as defined in s. 320.01, Florida
 101 Statutes, operating within the Downtown Tampa Special District
 102 created pursuant to Tampa City Council Resolution No. 93-123,
 103 August 19, 1993.

104 (15)~~(13)~~ "Handicab" means a vehicle designed, constructed,
 105 reconstructed, or operated for the transportation of a person
 106 with non-emergency conditions where no medical assistance is
 107 needed or anticipated; or for a person who is unable to
 108 comfortably use a standard means of conveyance; or a person who
 109 cannot enter, occupy or exit a vehicle without extensive
 110 assistance; or where specialized equipment is used for
 111 wheelchair or stretcher service; and where the chauffeur/driver
 112 serves as both a chauffeur/driver and attendant to assist in
 113 door-to-door or bed-to-bed service.

114 (16)~~(14)~~ "Hearing officer" means a person designated by
 115 the commission to perform the duties prescribed by this act and
 116 any rules adopted in accordance with this act who is licensed
 117 and in good standing with The Florida Bar and who has
 118 demonstrated experience of at least 5 years in administrative
 119 law in this state.

120 (17)~~(15)~~ "Inspector" means a person who is employed and
 121 trained by the commission and is supervised by its director or
 122 any interim director to provide day-to-day routine enforcement
 123 of this act and any rules adopted in accordance with this act.

124 (18)~~(16)~~ "Liability insurance" means insurance against
 125 legal liability for the death of, or bodily~~7~~ injury to, a
 126 person~~7~~ or disability of any human being~~7~~ or for damage to
 127 property~~7~~ with provision for medical, hospital, and surgical
 128 benefits to the injured person.

129 (19)~~(17)~~ "Limousine" means any motor vehicle for hire not
 130 equipped with a taximeter, with a capacity for 15 passengers or
 131 less, including the driver. The term does not include:

- 132 (a) A transportation network company driver vehicle; or
- 133 (b) A low-speed vehicle, as defined in s. 320.01, Florida
 134 Statutes, operating within the Downtown Tampa Special District
 135 created pursuant to Tampa City Council Resolution No. 93-123,
 136 August 19, 1993.

137 (20)~~(18)~~ "Municipality" means a municipality created
 138 pursuant to general or special law authorized or reorganized
 139 pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

140 (21)~~(19)~~ "Parties" means the applicant and any person
 141 permitted to intervene during the application for certificate
 142 process in accordance with this act and any rules adopted in
 143 accordance with this act.

144 (22)~~(20)~~ "Permit" means a license issued by the commission
 145 to allow the operation of a particular public vehicle for which
 146 a certificate has been issued.

147 (23)~~(21)~~ "Person" means an individual, firm, public or
 148 private corporation, partnership or limited partnership company,
 149 or joint venture.

150 (24) "Prearranged ride" means the provision of
 151 transportation by a driver to or on behalf of a rider, beginning
 152 when a driver accepts a ride requested by a rider through a
 153 digital network controlled by a transportation network company,
 154 continuing while the driver transports the rider, and ending

155 when the last rider departs from the transportation network
156 company driver vehicle. The term does not include transportation
157 provided using a taxi; jitney; limousine; street hail service;
158 ridesharing, as defined in s. 341.031, Florida Statutes;
159 carpool, as defined in s. 450.28, Florida Statutes; or any other
160 type of service in which the driver receives a fee that does not
161 exceed the individual's costs associated with providing the
162 ride.

163 (25)-(22) "Public highway" means any of the public streets,
164 boulevards, avenues, drives, or alleys within the county and its
165 municipalities.

166 (26)-(23) "Public transportation" means any public vehicle
167 under the jurisdiction of the commission.

168 (27)-(24) "Public vehicle" means a taxicab, van, limousine,
169 handicab, basic life support ambulance, ~~and~~ wrecker. The term
170 does not include sightseeing cars or buses, streetcars, motor
171 buses operated pursuant to franchise, transportation network
172 company driver vehicles, or low-speed vehicles as defined in s.
173 320.01, Florida Statutes, operating within the Downtown Tampa
174 Special District created pursuant to Tampa City Council
175 Resolution No. 93-123, August 19, 1993.

176 (28)-(25) "Public vehicle driver ~~driver's~~ license" means a
177 written document issued by the commission for a driver of a
178 public vehicle, which is the property of the commission and is
179 non-transferable to any other driver.

180 (29)~~(26)~~ "Repeated violations" means two or more
 181 violations that present an imminent danger to the health,
 182 safety, and welfare of the traveling public.

183 (30)~~(27)~~ "Revenues" means moneys acquired through fees for
 184 services provided, any moneys that are appropriated to the
 185 district by the county and any of its municipalities as provided
 186 by this act, or moneys from any other source and interest income
 187 thereon.

188 (31)~~(28)~~ "Rule" means the same as the term when used in
 189 describing administrative procedures required of any agency
 190 within the executive branch of state government which has been
 191 granted statutory rulemaking authority.

192 (32)~~(29)~~ "Surplus funds" means revenues of the district,
 193 less the contingency funds, which funds may be carried forward
 194 from one fiscal year to the next.

195 (33)~~(30)~~ "Taxicab" means any motor-driven vehicle,
 196 equipped with a taximeter, with a capacity for 9 or less
 197 passengers, including the driver, for the transportation of for
 198 hire passengers, which operates within Hillsborough County, but
 199 does not include sight-seeing cars or buses, transportation
 200 network company vehicles, streetcars, ~~or~~ motor buses operated
 201 pursuant to franchise, or low-speed vehicles as defined in s.
 202 320.01, Florida Statutes, operating within the Downtown Tampa
 203 Special District created pursuant to Tampa City Council
 204 Resolution No. 93-123, August 19, 1993.

205 (34)~~(31)~~ "Taximeter" means any internally mounted device
206 that records and indicates a rate of fare measured by distance
207 traveled, time traveled, waiting time, or extra passengers which
208 has been inspected and sealed by the Florida Department of
209 Agriculture and Consumer Services and which has been calibrated
210 to the approved rates promulgated by the commission. A mobile
211 telephone mounted in a transportation network company driver
212 vehicle is not a taximeter.

213 (35) "Transportation network company" or "company" means a
214 corporation, partnership, sole proprietorship, or other entity
215 operating in the county which uses a digital network to connect
216 transportation network company riders to transportation network
217 company drivers who provide prearranged rides. The term does not
218 include an individual, corporation, partnership, sole
219 proprietorship, or other entity arranging nonemergency medical
220 transportation for individuals qualifying for Medicaid or
221 Medicare pursuant to a contract with the state or a managed care
222 organization.

223 (36) "Transportation network company driver" or "driver"
224 means an individual who:

225 (a) Receives connections to potential riders and related
226 services from a transportation network company in exchange for
227 payment of a fee to the transportation network company; and

228 (b) Uses a transportation network company driver vehicle
229 to offer or provide a prearranged ride to riders upon connection

230 through a digital network controlled by a transportation network
231 company in return for compensation, including payment of a fee.

232 (37) "Transportation network company driver vehicle" means
233 a vehicle, however titled, which is used by a transportation
234 network company driver in connection with providing
235 transportation network company service and that:

236 (a) Is owned, leased, or otherwise authorized for use by
237 the transportation network company driver; and

238 (b) Is not a taxi, jitney, limousine, or any other type of
239 public vehicle.

240 (38) "Transportation network company rider" or "rider"
241 means an individual who directly or indirectly uses a
242 transportation network company digital network to connect with a
243 transportation network company service that provides
244 transportation services to such individual in a transportation
245 network company driver vehicle.

246 (39) "Trip" means the duration of transportation network
247 company service beginning at a point of origin where the
248 passenger enters the driver's vehicle and ending at a point of
249 destination where the passenger exits the vehicle.

250 (40)~~(32)~~ "Type of service" means a taxicab, transportation
251 network company service, ~~or~~ van, ~~or~~ limousine, ~~or~~ handicab, ~~or~~
252 basic life support ambulance, or wrecker.

253 (41)~~(33)~~ "Van" means any motor-driven vehicle with a
254 capacity of 10 to 15 passengers, including the driver, for the
255 transportation of for hire passengers, which operates within the

256 county but does not include sight-seeing cars and buses,
 257 streetcars, motor buses operated pursuant to franchise or
 258 courtesy vans, and limousines not for hire.

259 (42)~~(34)~~ "Wrecker" means any truck or other vehicle that
 260 is used to tow, carry, or otherwise transport motor vehicles or
 261 vessels upon the streets and highways of this state and that is
 262 equipped for that purpose with a boom, winch, car carrier, or
 263 other similar equipment and is contracted for use by, through,
 264 or for any unit of local, county, or state government, and not
 265 authorized to transport passengers for hire or any person
 266 regularly engaged in towing or storing vehicles or vessels in
 267 Hillsborough County pursuant to section 715.07, Florida
 268 Statutes.

269 Section 2. Paragraph (m) of subsection (1) of section 5 of
 270 chapter 2001-299, Laws of Florida, is amended to read:

271 Section 5. Commission powers, mandatory and
 272 discretionary.—

273 (1) The commission shall:

274 (m) Adopt rules for safety and equipment requirements for
 275 ~~taxicabs, limousine, vans, handicabs, and basic life support~~
 276 ~~ambulances and for voice communications equipment for all public~~
 277 vehicles.

278 Section 3. Subsection (2) of section 7 of chapter 2001-
 279 299, Laws of Florida, is amended, and subsection (6) is added to
 280 that section, to read:

281 Section 7. Application for certificate.—

282 (2) Any person desiring to engage in the business of
283 operating any public vehicle in the county must first acquire a
284 certificate from the commission and must first make written
285 application to the commission on a form provided by the
286 commission for that purpose. Upon receipt of such application,
287 the commission shall investigate the facts stated in the
288 application and fix a date, time, and place for a public hearing
289 on the application. Wrecker applications are specifically
290 excluded from the public hearing requirement of this section.
291 Not less than 20 days before the public hearing, the commission
292 shall provide notice of the date, time, and place of such public
293 hearing, to each current certificate holder and notice that the
294 pending application is available for inspection and copying at
295 the office of the commission. Any certificate holder possessing
296 a certificate to operate the same type of service being applied
297 for by the applicant and any certificate holder who can
298 demonstrate financial interest may intervene in the public
299 hearing process by filing a notice of intervention not later
300 than five business days prior to the date of the public hearing
301 and in such form and manner as required by the commission.

302 (a) Such public hearings may be held by the commission as
303 a whole, by a committee made up of its members appointed by the
304 commission for that purpose, or by a hearing officer as further
305 provided by this act and any rules adopted in accordance with
306 this act. The committee or hearing officer shall report findings
307 and recommendations to the commission for approval, disapproval,

308 or modification. The commission may conduct such further
309 hearings and make such additional investigations as it deems
310 necessary before taking final action. If the person applying for
311 such certificate is not operating vehicles in the county at the
312 time this act becomes law, or if such application is for a
313 certificate to operate additional vehicles under a certificate
314 previously issued, the commission shall determine, by the
315 hearings and investigations whether or not public convenience
316 and necessity will be promoted by the additional proposed
317 service, and if the commission determines that public
318 convenience and necessity will not be promoted by such
319 additional proposed service, then a certificate shall not be
320 granted. If the commission finds that public convenience and
321 necessity requires such additional proposed service, then the
322 certificate shall be granted, subject to the limitations imposed
323 in other sections of this act and any rules adopted in
324 accordance with this act.

325 (b) The applicant has the burden of establishing whether
326 public convenience and necessity require the operation of public
327 vehicles proposed in the application. Handicab applications are
328 specifically excluded from the public convenience and necessity
329 requirements of this section. The commission shall establish, by
330 rule, reasonable financial, equipment, and safety requirements
331 for an applicant to be granted a certificate of public need and
332 necessity to operate a handicab in the county.

333 (c) In making a determination of public convenience and
334 necessity, the commission must consider:

335 1. The adequacy of existing service and other forms of
336 transportation for passengers.

337 2. The probable permanence and quality of the service
338 offered by the applicant.

339 3. The character of service proposed by the applicant as
340 demonstrated by the proposed use of any two-way voice
341 communications, the proposed use of terminals and private and
342 public hack stands, the time of day and night when service is to
343 be offered, and the proposed number and character of vehicles.

344 4. The financial status, character, and responsibility of
345 the applicant as demonstrated by the applicant's ability to
346 provide, maintain, and operate the number of vehicles proposed
347 to be operated in accordance with the type of service proposed
348 in the application, the applicant's criminal and traffic record,
349 and the applicant's credit record if any.

350 5. The experience of the applicant in the operation as an
351 owner or manager or as a driver for the type of service
352 proposed.

353 6. Any other facts or circumstances that would indicate
354 whether the proposed service is in the public interest.

355 (6) This section does not apply to a transportation
356 network company or a transportation network company driver.

357 Section 4. Subsection (2) of section 9 of chapter 2001-
358 299, Laws of Florida, is amended to read:

359 Section 9. Additional safety and equipment requirements
 360 and prohibitions.

361 (2) All marks or identification of each taxicab, wrecker,
 362 handicab, and basic life support ambulance ~~public vehicle~~ shall
 363 be permanent and clearly legible at all times.

364 Section 5. Sections 10 through 19 of chapter 2001-299,
 365 Laws of Florida, as amended by chapter 2010-272, Laws of
 366 Florida, are renumbered as sections 11 through 20, respectively,
 367 and a new section 10 is added to that chapter, to read:

368 Section 10. Transportation network company service.-

369 (1) The commission is authorized to regulate the operation
 370 of transportation network company vehicles on the public
 371 highways of Hillsborough County and its municipalities in
 372 accordance with this section. The commission has exclusive
 373 jurisdiction in the exercise of authority provided by this
 374 section, and no other public entity within the county may
 375 require a person to pay a fee to exercise authority provided by
 376 this section. A transportation network company that desires to
 377 operate in the county must first acquire a certificate from the
 378 commission. The commission shall issue a certificate if a
 379 transportation network company:

380 (a) Submits evidence to the commission demonstrating the
 381 following:

382 1. Proof of insurance meeting the requirements of
 383 subsection (2);

384 2. Proof that the company maintains a resident agent for
385 service of process in the state; and

386 3. Proof that the company is registered to do business in
387 the state.

388 (b) Pays to the commission an application fee of \$5,000.

389 (2) A transportation network company driver, or a
390 transportation network company on the driver's behalf, must
391 comply with the following insurance requirements:

392 (a) A transportation network company driver, or a
393 transportation network company on the driver's behalf, shall
394 maintain primary automobile insurance that recognizes that the
395 driver is a transportation network company driver or that the
396 driver otherwise uses a transportation network company driver
397 vehicle to transport riders for compensation. Such insurance
398 must cover the driver as required under this section, including
399 while the driver is logged onto the transportation network
400 company's digital network and engaged in a prearranged ride.

401 (b) The following automobile insurance requirements apply
402 while a participating transportation network company driver is
403 logged onto the transportation network company's digital network
404 and is available to receive transportation requests, but is not
405 engaged in a prearranged ride:

406 1. Primary automobile insurance of at least \$50,000 for
407 death and bodily injury per person, \$100,000 for death and
408 bodily injury per incident, and \$25,000 for property damage; and

409 2. Primary automobile insurance that provides the minimum
410 coverage requirements under ss. 627.730-627.7405, Florida
411 Statutes.

412 (c) While a transportation network company driver is
413 engaged in a prearranged ride, the following automobile
414 insurance requirements apply:

415 1. Primary automobile liability insurance of at least \$1
416 million for death and bodily injury and \$50,000 for property
417 damage.

418 2. Primary automobile liability insurance that provides
419 the minimum coverage requirements for a limousine under ss.
420 627.730-627.7405, Florida Statutes.

421 (d) The coverage requirements of paragraphs (b) and (c)
422 may be satisfied by any of the following:

423 1. Automobile insurance maintained by the transportation
424 network company driver;

425 2. Automobile insurance maintained by the transportation
426 network company; or

427 3. Any combination of subparagraphs 1. and 2.

428 (e) If automobile insurance maintained by a driver under
429 paragraph (b) or paragraph (c) has lapsed or does not provide
430 the required coverage, automobile insurance maintained by a
431 transportation network company must provide the coverage
432 required by this section beginning with the first dollar of a
433 claim and must require that the insurer have the duty to defend
434 such claim in the state.

435 (f) Coverage under an automobile insurance policy
436 maintained by a transportation network company may not be
437 dependent on a personal automobile liability insurance policy
438 first denying a claim.

439 (g) Notwithstanding any other provision of law, automobile
440 insurance required by this section may be placed with an insurer
441 authorized to do business in the state or with a surplus lines
442 insurer eligible under the Surplus Lines Law under ss. 626.913-
443 626.937, Florida Statutes.

444 (h) Automobile insurance satisfying the requirements of
445 this section is deemed to satisfy the financial responsibility
446 requirements for a motor vehicle under chapter 324, Florida
447 Statutes, and the security required under s. 627.733, Florida
448 Statutes.

449 (i) A transportation network company driver shall carry
450 proof of insurance coverage satisfying paragraphs (b) and (c) at
451 all times during his or her use of a transportation network
452 company driver vehicle in connection with a transportation
453 network company's digital network. In the event of an accident:

454 1. The driver shall provide the insurance coverage
455 information to the directly involved parties, automobile
456 insurers, and investigating police officers. Proof of financial
457 responsibility may be provided through a digital telephone
458 application under s. 316.646, Florida Statutes, controlled by a
459 transportation network company.

460 2. The driver, upon request, shall disclose to the
461 directly involved parties, automobile insurers, and
462 investigating police officers whether the driver, at the time of
463 the accident, was logged onto the transportation network
464 company's digital network or engaged in a prearranged ride.

465 (j) Before a driver may accept a request for a prearranged
466 ride on the transportation network company's digital network,
467 the transportation network company shall disclose in writing to
468 each transportation network company driver each type of:

469 1. Insurance coverage and the limit for each coverage the
470 transportation network company provides while the driver uses a
471 transportation network company vehicle in connection with a
472 transportation network company's digital network; and

473 2. That the driver's automobile insurance policy,
474 depending on its terms, might not provide any coverage while the
475 driver is logged onto the transportation network company's
476 digital network and is available to receive transportation
477 requests or is engaged in transportation network company
478 service.

479 (k) An insurer that provided personal automobile insurance
480 policies under part XI of chapter 627, Florida Statutes, may
481 exclude from coverage under a policy issued to an owner or
482 operator of a personal vehicle any loss or injury that occurs
483 while a transportation network company driver is logged onto a
484 transportation network company's digital network or while a
485 driver is engaged in a prearranged ride. Such right to exclude

486 coverage applies to any coverage under an automobile insurance
 487 policy, including, but not limited to:

488 1. Liability coverage for bodily injury and property
 489 damage.

490 2. Personal injury protection coverage under s. 627.736,
 491 Florida Statutes.

492 3. Uninsured and underinsured motorist coverage.

493 4. Medical payments coverage.

494 5. Comprehensive physical damage coverage.

495 6. Collision physical damage coverage.

496 (1) The exclusions authorized under paragraph (k) apply
 497 notwithstanding any financial responsibility requirements under
 498 chapter 324, Florida Statutes. This section does not require or
 499 imply that a personal automobile insurance policy provide
 500 coverage while the driver is logged onto a transportation
 501 network company's digital network, while such driver is engaged
 502 in a prearranged ride, or while such driver uses a
 503 transportation network company vehicle to transport riders for
 504 compensation. This section does not preclude an insurer from
 505 providing coverage by contract or endorsement for such driver's
 506 vehicle.

507 (m) An insurer that excludes coverage, as authorized under
 508 paragraph (k):

509 1. Does not have a duty to defend or indemnify any claim
 510 excluded. This section does not invalidate or limit an exclusion

511 contained in a policy, including any policy in use or approved
512 for use in the state before enactment of this section.

513 2. Has a right of contribution against other insurers that
514 provide automobile insurance to the same driver in satisfaction
515 of coverage requirements of this section at the time of loss if
516 the insurer defends or indemnifies a claim against a driver
517 which is excluded under the terms of its policy.

518 (n) In a claims investigation, a transportation network
519 company and any insurer potentially providing coverage for such
520 claim under this section shall cooperate to facilitate the
521 exchange of relevant information with directly involved parties
522 and insurers of the transportation network company driver, if
523 applicable. Such information must provide:

524 1. The precise times that such driver logged on and off
525 the transportation network company's digital network during the
526 12-hour period immediately before and immediately after the
527 accident.

528 2. A clear description of the coverage, any exclusions,
529 and limits provided under any automobile insurance maintained
530 under this section.

531 (3) Before allowing a person to act as a transportation
532 network company driver on its digital platform, and at least
533 once every year thereafter, a transportation network company
534 shall:

535 (a) Require the person to submit an application to the
536 company, including his or her address, date of birth, driver

537 license number, driving history, motor vehicle registration,
538 automobile liability insurance, and other information required
539 by the company.

540 (b) Conduct, or have a third party conduct, a criminal
541 background check for the person, including:

542 1. A Multi-State/Multi-Jurisdiction Criminal Records
543 Locator or other similar commercial national database with
544 validation.

545 2. The Dru Sjodin National Sex Offender Public Website.

546 (c) Obtain and review a driving history research report
547 for the person.

548 (4) A transportation network company shall prohibit a
549 person from acting as a driver on its digital network if the
550 background check conducted under subsection (3) reveals that the
551 person:

552 (a) Has had more than three moving violations in the
553 preceding 3-year period or one violation of the following in the
554 preceding 3-year period:

555 1. Fleeing or attempting to elude a law enforcement
556 officer;

557 2. Reckless driving; or

558 3. Driving with a suspended or revoked license;

559 (b) Has been convicted, within the previous 7 years, of
560 driving under the influence of drugs or alcohol; fraud; a sexual
561 offense; use of a motor vehicle to commit a felony; or a crime
562 involving property damage or theft, an act of violence, or an

563 act of terror;
 564 (c) Is a match in the Dru Sjodin National Sex Offender
 565 Public Website;
 566 (d) Does not possess a valid driver license;
 567 (e) Does not possess proof of registration for the motor
 568 vehicle used to provide transportation network company service;
 569 (f) Does not possess proof of automobile liability
 570 insurance for the motor vehicle used to provide transportation
 571 network company service; or
 572 (g) Has not attained the age of 19 years.
 573 (5) (a) Within 60 days after beginning service as a
 574 transportation network company driver, a transportation network
 575 company driver vehicle shall be inspected by a certified
 576 automobile mechanic operating in the state. The inspection shall
 577 verify that the following components are in safe operating
 578 condition:
 579 1. Foot brakes.
 580 2. Emergency parking brake.
 581 3. Suspension/steering mechanism.
 582 4. Windshield.
 583 5. Rear window and other glass.
 584 6. Windshield wipers.
 585 7. Headlights.
 586 8. Taillights.
 587 9. Turn indicator lights.
 588 10. Brake lights.

- 589 11. Front seat adjustment mechanism.
- 590 12. Doors (open/close/lock).
- 591 13. Horn.
- 592 14. Speedometer.
- 593 15. Bumpers.
- 594 16. Muffler and exhaust system.
- 595 17. Condition of tires, including tread depth.
- 596 18. Interior and exterior rear view mirrors.
- 597 19. Safety belts for drivers and passengers.
- 598 (b) Within 60 days after beginning service, a
 599 transportation network driver must submit to a transportation
 600 network company with whom the driver is affiliated an inspection
 601 form completed within the previous year by a certified mechanic
 602 showing that the vehicle has passed the inspection required
 603 under paragraph (a).
- 604 (6) (a) A company may not discriminate against a driver on
 605 the basis of race, color, national origin, religious belief or
 606 affiliation, sex, disability, age, or sexual orientation. A
 607 company shall adopt a policy to assist a driver who reasonably
 608 believes that he or she has received a negative rating from a
 609 passenger because of his or her race, color, national origin,
 610 religious belief or affiliation, sex, disability, age, or sexual
 611 orientation.
- 612 (b) A company shall adopt a policy of nondiscrimination on
 613 the basis of destination, race, color, national origin,
 614 religious belief or affiliation, sex, disability, age, or sexual

615 orientation with respect to passengers and potential passengers
616 and shall notify drivers of the policy.

617 (c) A driver shall comply with the nondiscrimination
618 policy.

619 (d) A driver shall comply with all applicable laws
620 relating to the accommodation of service animals.

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

624 (7) A transportation network company driver may not:

625 (a) Accept a ride other than a ride arranged through a
626 digital network.

627 (b) Solicit or accept street hails.

628 (c) Solicit or accept cash payments from passengers. A
629 company shall adopt a policy prohibiting solicitation or
630 acceptance of cash payments from passengers and notify drivers
631 of such policy. Such policy must require a payment for
632 transportation network company service to be made electronically
633 using the company's digital network or software application
634 service.

635 (8) A transportation network company may collect a fare on
636 behalf of a driver for service provided to a passenger. However,
637 if a fare is collected from a passenger, the company shall
638 disclose to the passenger the fare calculation method on its
639 website or within its software application. The company shall
640 also provide the passenger with the applicable rates being

641 charged and the option to receive an estimated fare before the
642 passenger enters the driver's vehicle.

643 (9) A transportation network company's software
644 application service or website shall display a picture of the
645 driver and the license plate number of the motor vehicle used to
646 provide transportation network company service before the
647 passenger enters the driver's vehicle.

648 (10) Within a reasonable period of time, the company shall
649 provide an electronic receipt to the passenger which lists:

- 650 (a) The origin and destination of the trip.
651 (b) The total time and distance of the trip.
652 (c) An itemization of the total fare paid.

653 (11) A transportation network company shall maintain
654 records relating to transportation network company services in
655 compliance with applicable local, state, and federal laws.

656 (12) (a) If the commission has reasonable cause to believe
657 that a transportation network company driver or transportation
658 network company has violated the requirements of this section,
659 the commission may request records necessary to investigate and
660 resolve the inquiry. The company shall, in a reasonable
661 timeframe, make such records available for inspection at a
662 mutually agreeable location in the county.

663 (b) No more than once a year, the commission is authorized
664 to inspect the records of a transportation network company to
665 verify that the company is in compliance with this section. The
666 inspection shall be on an audit, rather than a comprehensive,

667 basis. The inspection shall consist of an onsite review of the
668 records maintained by the company which are necessary to
669 evaluate the company's compliance with this section and shall
670 take place at a mutually agreeable location in the county.

671 (13) Notwithstanding section 5 and any other provision of
672 law, transportation network companies, transportation network
673 company drivers, and transportation network company driver
674 vehicles subject to the jurisdiction of this act shall be
675 governed exclusively by this section. The commission may enforce
676 this section within the county, but may not adopt any rules or
677 regulations related to transportation network companies,
678 transportation network company drivers, and transportation
679 network company driver vehicles.

680 (14) Notwithstanding any other provision of law, a
681 transportation network company driver and transportation network
682 company driver vehicle authorized to operate in any other
683 jurisdiction of the state is authorized to operate in the
684 county, including picking up a rider, dropping off a rider, or
685 conducting a trip between two points within the county.

686 Section 11.10. Enforcement.—The commission and law
687 enforcement agencies operating within the county are responsible
688 for the enforcement of this act and any rules adopted in
689 accordance with this act. Commission inspectors may call upon
690 any law enforcement officer within an appropriate jurisdiction
691 to assist in the enforcement of this act and any rules adopted
692 in accordance with this act. The commission may, through any of

693 its inspectors obtain from the state attorney a warrant or
 694 capias for violation of this act or any rule adopted under this
 695 act.

696 Section ~~12.11~~. Violation of act; penalty.—

697 (1) In addition to any other civil penalties contained
 698 elsewhere in this act, any person who violates or fails to
 699 comply with or who procures, aids, or abets in the violation of
 700 any provision of this act or any rules adopted in accordance
 701 with this act is guilty of a criminal offense and misdemeanor in
 702 accordance with section 775.08, Florida Statutes, and is
 703 punishable as provided by law.

704 (2) Any person who operates a public vehicle upon the
 705 public highways without a certificate, permit, or public vehicle
 706 driver ~~driver's~~ license as provided by this act and any rules
 707 adopted in accordance with this act, or who operates a public
 708 vehicle using a canceled certificate, or who violates any of the
 709 provisions of this act or any rules adopted in accordance with
 710 this act may be enjoined by the courts of this state from any
 711 such violation.

712 Section ~~13.12~~. Citations; administrative hearings; persons
 713 aggrieved or substantially affected.

714 (1) (a) Whenever evidence has been obtained or received
 715 establishing reasonable cause that a violation of this act or
 716 rules adopted in accordance with this act is occurring or has
 717 occurred, the commission or director or any interim director may

718 issue a citation and serve the alleged violator by personal
719 service or certified mail.

720 (b) The commission and, if authority has been delegated
721 the director, interim director or hearing officer, may convene
722 administrative hearings to abate, correct or assess civil
723 penalties for a violation for which a citation has been served.

724 (c) Failure to request an administrative hearing by
725 service of notice of appeal within 20 days after service of a
726 citation shall constitute a waiver thereof, and any such
727 unappealed citation shall become a final administrative decision
728 of the commission by operation of law.

729 (2) Any person aggrieved by an action of commission staff,
730 including the director, any interim director, an inspector, or a
731 hearing officer may appeal to the commission for an
732 administrative hearing by filing within 20 days after the date
733 of the action, a written notice of appeal which shall concisely
734 identify the matter contested and the reasons or grounds
735 therefore. Any notice of appeal shall be filed at the business
736 office of the commission, and an administrative hearing shall be
737 held solely before the commission and in accordance with rules
738 adopted by the commission for that purpose.

739 (3) Any person aggrieved by a final administrative
740 decision of the commission or, when delegated, the director,
741 interim director, or hearing officer, may seek judicial review
742 in accordance with the Florida Administrative Procedure Act.

743 (4) Any person substantially affected by a rule or
744 proposed rule of the commission may seek an administrative
745 determination of the invalidity of the rule pursuant to section
746 120.56, Florida Statutes.

747 Section 14.13. Variance and waiver.—

748 (1) A variance and waiver may only be granted at a public
749 meeting upon affirmative vote of 5 members of the commission.
750 Notice of the petition and notice of the disposition of the
751 petition for variance or waiver need not be provided to the
752 Department of State. A copy of the petition and the order
753 granting or denying the petition for variance and waiver need
754 not be filed with the Joint Administrative Procedures Committee.
755 The commission need not file reports with the Governor,
756 President of the Senate, and Speaker of the House of
757 Representatives regarding the type and disposition of each
758 petition for variance and waiver. The commission's decision to
759 grant or deny the petition for variance and waiver is not
760 subject to sections 120.569 and 120.57, Florida Statutes.

761 (2) Any person aggrieved by a commission decision to grant
762 or deny a petition for a variance and waiver may seek judicial
763 review in accordance with the Florida Administrative Procedure
764 Act.

765 Section 15.14. County responsibility.—The commission and
766 the board shall execute an interlocal agreement that must
767 include the appropriation of a sum of money to the commission to

768 be negotiated and paid by the board to the commission for a
 769 period of 3 years beginning October 1, 2000.

770 Section ~~16.15~~. Recodification.—Prior to July 1, 2011, and
 771 prior to July 1 every 10 years thereafter or as may otherwise be
 772 required by the Legislature or the Hillsborough County
 773 Legislative Delegation, the Hillsborough Delegation shall review
 774 this act and all acts that amend this act for the purpose of
 775 determining whether there is a need for consolidating,
 776 compiling, revising, and recodifying such acts. If it is
 777 determined there is such a need, the delegation may require the
 778 commission to prepare such legislation as may be necessary for
 779 that purpose.

780 Section ~~17.16~~. Savings clause for rules.—The rules of the
 781 commission in effect on the effective date of this act shall
 782 remain in effect for a period not to exceed one year from that
 783 date to permit the commission sufficient time to revise or
 784 repeal its rules in conformance with this act.

785 Section ~~18.17~~. Dissolution.—The district may be dissolved
 786 in accordance with the provisions of section 189.4042, Florida
 787 Statutes.

788 Section ~~19.18~~. Severance clause.—If any provision of this
 789 act or its application is held invalid, it is the legislative
 790 intent that the invalidity shall not affect other provisions or
 791 applications of the act which can be given effect without the
 792 invalid provision or application, and to this end the provisions
 793 of this act are declared severable.

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794 Section ~~20.19~~. Chapters 83-423, 87-496, 88-493, 95-490,
795 and 2000-441, Laws of Florida, are repealed. Such repeal does
796 not affect the prosecution of any cause of action that accrued
797 before the effective date of the repeal and does not affect
798 actions of the Commission prior to the effective date of the
799 repeal.

800 Section 6. This act shall take effect upon becoming a law.