

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 providing requirements for drivers to act as  
14 independent contractors; requiring a zero tolerance  
15 policy for drug and alcohol use; providing  
16 requirements for employment as a transportation  
17 network company driver; requiring that motor vehicles  
18 used by a transportation network company meet certain  
19 safety and emissions requirements; prohibiting  
20 specified conduct; providing certain nondiscrimination  
21 and accessibility requirements; requiring a company to  
22 maintain certain records; providing for preemption;  
23 authorizing rulemaking; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:  
26

27 Section 1. Section 316.680, Florida Statutes, is created  
 28 to read:

29 316.680 Transportation network companies.-

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

31 (a) "Transportation network company" or "company" means an  
 32 entity granted a permit under this section to operate in this  
 33 state using a digital network or software application service to  
 34 connect passengers to transportation network company service  
 35 provided by drivers. A company is not deemed to own, control,  
 36 operate, or manage the vehicles used by drivers; is not deemed  
 37 to control or manage drivers; and is not a taxicab association  
 38 or for-hire vehicle owner. A transportation network company does  
 39 not include an individual, corporation, partnership, sole  
 40 proprietorship, or other entity arranging nonemergency medical  
 41 transportation for individuals qualifying for Medicaid or  
 42 Medicare pursuant to a contract with the state or a managed care  
 43 organization.

44 (b) "Transportation network company driver" or "driver"  
 45 means an individual who:

46 1. Receives connections to potential passengers and  
 47 related services from a transportation network company in  
 48 exchange for payment of a fee to the transportation network  
 49 company; and

50 2. Operates a motor vehicle that is:

51 a. Owned, leased, or otherwise authorized for use by the  
 52 individual;

53 b. Not a taxi, jitney, limousine, or for-hire vehicle as  
54 defined in s. 320.01(15); and

55 c. Used to provide transportation network company service.

56 (c) "Transportation network company service" means the  
57 transportation of a passenger between points chosen by the  
58 passenger and prearranged with a driver through the use of a  
59 company digital network or software application service. Service  
60 begins when a driver accepts a request for transportation  
61 received through the company's digital network or software  
62 application service, continues while the driver transports the  
63 passenger in the driver's vehicle, and ends when the passenger  
64 exits the driver's vehicle. The term does not include a taxi,  
65 for-hire vehicle, or street hail service.

66 (d) "Trip" means the duration of transportation network  
67 company service beginning at a point of origin where the  
68 passenger enters the driver's vehicle and ending at a point of  
69 destination where the passenger exits the vehicle.

70 (2) NOT COMMON CARRIERS.—A transportation network company  
71 or transportation network company driver is not a common carrier  
72 and does not provide taxi or for-hire vehicle service. In  
73 addition, a driver is not required to register the vehicle that  
74 the driver uses for transportation network company service as a  
75 commercial vehicle or a for-hire vehicle.

76 (3) PERMIT REQUIRED.—

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

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

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

86 (5) FARE COLLECTED FOR SERVICES.—A company may collect a  
87 fare on behalf of a driver for the services provided to  
88 passengers; however, if a fare is collected from a passenger,  
89 the company shall disclose to the passenger the fare calculation  
90 method on its website or within its software application. The  
91 company shall also provide the passenger with the applicable  
92 rates being charged and the option to receive an estimated fare  
93 before the passenger enters the driver's vehicle.

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

99 (7) ELECTRONIC RECEIPT.—Within a reasonable period of  
100 time, to be determined by rule of the department, after  
101 completion of a trip, the company shall provide an electronic  
102 receipt to the passenger which lists:

103 (a) The origin and destination of the trip.

104 (b) The total time and distance of the trip.

105 (c) An itemization of the total fare paid.

106 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE  
107 REQUIREMENTS.—

108 (a) Beginning October 1, 2015, companies and  
109 transportation network company drivers must comply with  
110 automobile liability insurance requirements under this  
111 subsection.

112 (b)1. When a driver is logged into the company's digital  
113 network and is available to receive requests for transportation,  
114 but is not providing transportation network company service, the  
115 following automobile liability insurance requirements shall  
116 apply:

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

119 b. Automobile liability insurance that provides the  
120 minimum coverage requirements where required of a limousine  
121 under ss. 627.730-627.7405.

122 2. A company shall maintain automobile liability insurance  
123 in the amount required in sub-subparagraph 1.a. and shall  
124 provide coverage in the event a participating driver's own  
125 automobile liability policy excludes coverage according to its  
126 policy terms or does not provide coverage of the minimum  
127 requirements in sub-subparagraph 1.a.

128 (c) When a driver is providing transportation network  
129 company service, the following automobile liability insurance  
130 requirements shall apply:

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

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

135 3. Automobile liability insurance that provides the  
136 minimum coverage requirements where required of a limousine  
137 under ss. 627.730-627.7405.

138 (d) The coverage requirements of paragraph (c) may be  
139 satisfied by:

140 1. Automobile liability insurance maintained by the  
141 driver;

142 2. Automobile liability insurance maintained by the  
143 company; or

144 3. A combination of coverage maintained as provided in  
145 subparagraphs 1. and 2.

146 (e) If insurance maintained by a driver under this section  
147 has lapsed, failed to provide the required coverage, denied a  
148 claim for the required coverage, or otherwise ceased to exist,  
149 insurance maintained by the company shall provide the coverage  
150 required by this section beginning with the first dollar of a  
151 claim.

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

156 (g) A company or driver may prove financial responsibility

157 under chapter 324 and s. 627.733 by providing satisfactory  
158 evidence of holding an automobile liability policy pursuant to  
159 this subsection.

160 (9) TRANSPORTATION NETWORK COMPANY AND INSURER DISCLOSURE  
161 REQUIREMENTS.—

162 (a) The company shall disclose in writing to drivers  
163 before the drivers are allowed to accept a request for  
164 transportation network company service on the company's digital  
165 network the following:

166 1. The insurance coverage and limits of liability that the  
167 company provides while the driver uses a personal vehicle in  
168 connection with a company's digital network.

169 2. That the driver's personal insurance policy may not  
170 provide coverage while the driver uses a vehicle in connection  
171 with a company's digital network, depending on its terms.

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

174 1. Exclude any and all coverage and the duty to defend  
175 afforded under the owner's insurance policy for a loss or injury  
176 that occurs while an insured vehicle provides or is available to  
177 provide transportation network company service, if such  
178 exclusion is expressly set forth in the policy and approved for  
179 sale in the state. This right to exclude coverage and the duty  
180 to indemnify and defend applies to any coverage included in an  
181 automobile liability insurance policy, including, but not  
182 limited to:

183 a. Liability coverage for bodily injury and property  
 184 damage.

185 b. Uninsured and underinsured motorist coverage.

186 c. Medical payments coverage.

187 d. Comprehensive physical damage coverage.

188 e. Collision physical damage coverage.

189 f. Personal injury protection.

190 2. The insurer must notify the insured within 30 days  
 191 after receiving a notice of loss that the insurer has no duty to  
 192 defend or indemnify any person or organization for liability for  
 193 a loss that is properly excluded pursuant to the terms of the  
 194 applicable primary or excess insurance policy.

195 (c) An insurer that provides automobile liability  
 196 insurance in the state must disclose in a prominent place on its  
 197 application for insurance whether the insurance policy provides  
 198 coverage for an insured vehicle providing or available to  
 199 provide transportation network company service. If an automobile  
 200 liability insurance policy contains an exclusion for such  
 201 service, the insurer or its agent must disclose in writing the  
 202 exact language of such exclusion to the applicant during the  
 203 application process.

204 (d) In a claims coverage investigation, companies and any  
 205 insurer providing coverage under this section shall cooperate to  
 206 facilitate the exchange of information, including the precise  
 207 times that a driver logged on and off of the company's digital  
 208 network in the 24-hour period immediately preceding the accident



209 and disclose to one another a clear description of the coverage,  
210 exclusions, and limits provided under the insurance policy each  
211 party issued or maintained.

212 (10) DRIVERS AS INDEPENDENT CONTRACTORS.—A driver is an  
213 independent contractor and not an employee of the company if all  
214 of the following conditions are met:

215 (a) The company does not prescribe specific hours during  
216 which the driver must be logged into the company's digital  
217 platform.

218 (b) The company does not impose restrictions on the  
219 driver's ability to use digital platforms from other companies.

220 (c) The company does not assign the driver to a particular  
221 territory in which transportation network company services are  
222 authorized to be provided.

223 (d) The company does not restrict the driver from engaging  
224 in any other occupation or business.

225 (e) The company and the driver agree in writing that the  
226 driver is an independent contractor of the company.

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

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

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

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

237 (c) Upon receipt of a passenger complaint alleging a  
238 violation of the zero tolerance policy, the company shall  
239 immediately suspend the accused driver's access to the company's  
240 digital platform and shall conduct an investigation into the  
241 reported incident. The suspension shall last for the duration of  
242 the investigation.

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

246 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.-

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

249 1. Require the person to submit an application to the  
250 company, including his or her address, date of birth, driver  
251 license number, driving history, motor vehicle registration,  
252 automobile liability insurance, and other information required  
253 by the company.

254 2. Conduct, or have a third party conduct, a state and  
255 national criminal background check for each applicant to  
256 include:

257 a. The Multi-State/Multi-Jurisdiction Criminal Records  
258 Locator or other similar commercial national database with  
259 validation.

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

261 3. Obtain and review a driving history research report for  
262 such person.

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

265 1. Has had more than three moving violations in the  
266 preceding 3-year period or one major violation in the preceding  
267 3-year period. A major violation includes, but is not limited  
268 to, fleeing or attempting to elude a law enforcement officer,  
269 reckless driving, or driving with a suspended or revoked  
270 license;

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

275 3. Is a match in the Dru Sjodin National Sex Offender  
276 Public Website;

277 4. Does not possess a valid driver license;

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

280 6. Does not possess proof of automobile liability  
281 insurance for the motor vehicle used to provide transportation  
282 network company service; or

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

284 (13) VEHICLE SAFETY AND EMISSIONS.—A company shall require  
285 that a motor vehicle used by a driver to provide transportation  
286 network company service meets the vehicle safety and emissions

287 requirements for a private motor vehicle of the state in which  
 288 the vehicle is registered.

289 (14) PROHIBITED CONDUCT.—A driver may not:

290 (a) Accept a ride other than a ride arranged through a  
 291 digital network or software application service.

292 (b) Solicit or accept street hails.

293 (c) Solicit or accept cash payments from passengers. A  
 294 company shall adopt a policy prohibiting solicitation or  
 295 acceptance of cash payments from passengers and notify drivers  
 296 of such policy. Such policy must require a payment for  
 297 transportation network company service to be made electronically  
 298 using the company's digital network or software application  
 299 service.

300 (15) NONDISCRIMINATION; ACCESSIBILITY.—

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

306 (b) A driver shall comply with the nondiscrimination  
 307 policy.

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

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

313 (e) A company shall provide passengers an opportunity to  
314 indicate whether they require a wheelchair-accessible vehicle.  
315 If a company cannot arrange wheelchair-accessible service, it  
316 shall direct the passenger to an alternate provider of  
317 wheelchair-accessible service, if available.

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

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

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

324 (16) PREEMPTION.—It is the intent of the Legislature to  
325 provide for uniformity of laws governing transportation network  
326 companies and transportation network company drivers throughout  
327 the state. Notwithstanding any other provision of law,  
328 transportation network companies and drivers are governed  
329 exclusively by this section and any rules adopted by the  
330 department to administer this section. A county, municipality,  
331 special district, or other local governmental entity or  
332 subdivision may not impose a tax on, or require a license for, a  
333 company or a driver, or a vehicle used by a driver, if such tax  
334 or license relates to providing transportation network company  
335 services, or subject a company to any rate, entry, operational,  
336 or other requirements of the county, municipality, special  
337 district, or other local governmental entity or subdivision.

338 (17) RULEMAKING.—The department may adopt rules to

CS/HB 817

2015

339 | administer this section.

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