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LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/10/2016 03:45 PM

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Senator Simmons moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 627.748, Florida Statutes, is created to
read:

627.748 Transportation network company insurance.—

(1) It is the intent of the Legislature to provide for
statewide uniformity of laws governing the insurance
requirements imposed on transportation network companies and
transportation network company drivers.



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12 (2) For purposes of this section, the term:

13 (a) "Digital network" means an online application,
14 software, a website, or a system offered or used by a
15 transportation network company which enables the prearrangement
16 of rides with transportation network company drivers.

17 (b) "Personal vehicle" means a vehicle, however titled,
18 which is used by a transportation network company driver in
19 connection with providing transportation network company service
20 and which is:

21 1. Owned, leased, or otherwise authorized for use by the
22 transportation network company driver; and

23 2. Not licensed, registered, or authorized to operate as a
24 taxicab, limousine, jitney, or other for-hire vehicle by any
25 regulatory body.

26
27 Notwithstanding any other law, a vehicle that is let or rented
28 to another for consideration may be used as a personal vehicle.

29 (c) "Prearranged ride" means the provision of
30 transportation by a driver to or on behalf of a rider, beginning
31 when a driver accepts a request for a ride by a rider through a
32 digital network controlled by a transportation network company,
33 continuing while the driver transports the rider, and ending
34 when the last rider departs from the personal vehicle. A
35 prearranged ride does not include transportation provided using
36 a taxi, jitney, limousine, for-hire vehicle as defined in s.
37 320.01(15), or street hail service.

38 (d) "Transportation network company" or "company" means a
39 corporation, partnership, sole proprietorship, or other entity
40 operating in this state which uses a digital network to connect



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41 transportation network company riders to transportation network
42 company drivers who provide prearranged rides. A transportation
43 network company does not include an individual, a corporation, a
44 partnership, a sole proprietorship, or any other entity
45 arranging nonemergency medical transportation for individuals
46 qualifying for Medicaid or Medicare pursuant to a contract with
47 the state or a managed care organization.

48 (e) "Transportation network company driver" or "driver"
49 means an individual who:

50 1. Receives connections to potential riders and related
51 services from a transportation network company in exchange for
52 any form of compensation, including payment of a fee to the
53 transportation network company; and

54 2. Uses a personal vehicle to offer or provide a
55 prearranged ride to riders upon connection through a digital
56 network controlled by a transportation network company in return
57 for compensation, including payment of a fee.

58 (f) "Transportation network company rider" or "rider" means
59 an individual who directly or indirectly uses a transportation
60 network company's digital network to connect with a
61 transportation network company driver who provides
62 transportation services to the individual in the driver's
63 personal vehicle.

64 (3) (a) A transportation network company driver, or a
65 transportation network company on the driver's behalf, shall
66 maintain primary motor vehicle insurance that recognizes that
67 the driver is a transportation network company driver or that
68 the driver otherwise uses a personal vehicle to transport riders
69 for compensation. Such primary motor vehicle insurance must



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70 cover the driver as required under this section, including while
71 the driver is logged on to the transportation network company's
72 digital network but is not engaged in a prearranged ride, and
73 while the driver is engaged in a prearranged ride.

74 (b) The following motor vehicle insurance coverage
75 requirements apply while a transportation network company driver
76 is logged on to the transportation network company's digital
77 network but is not engaged in a prearranged ride:

78 1. Primary motor vehicle bodily injury liability and
79 uninsured and underinsured motorists insurance coverage of at
80 least \$100,000 per person, \$300,000 per incident, and \$50,000
81 for property damage; and

82 2. Primary motor vehicle insurance coverage that meets the
83 minimum requirements under ss. 627.730-627.7405.

84 (c) The following motor vehicle insurance coverage
85 requirements apply while a transportation network company driver
86 is engaged in a prearranged ride:

87 1. Primary motor vehicle bodily injury liability and
88 uninsured and underinsured motorists insurance coverage of at
89 least \$125,000 per person, \$300,000 per incident, and \$50,000
90 for property damage, and primary motor vehicle insurance
91 coverage that meets the minimum requirements under ss. 627.730-
92 627.7405; or

93 2. Primary motor vehicle liability insurance coverage that
94 provides at least \$1 million combined single limits coverage for
95 bodily injury liability and uninsured and underinsured
96 motorists, and property damage.

97 (d) Effective January 1, 2017, at all times other than the
98 periods specified in paragraphs (b) and (c), the following motor



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99 vehicle insurance requirements apply if a driver has an
100 agreement with a transportation network company to provide any
101 form of transportation service to riders:

102 1. Primary motor vehicle liability insurance coverage of at
103 least \$25,000 for death and bodily injury per person, \$50,000
104 for death and bodily injury per incident, and \$10,000 for
105 property damage; and

106 2. Primary motor vehicle insurance that provides the
107 minimum requirements under ss. 627.730-627.7405.

108 (e) The coverage requirements of paragraphs (b), (c), and
109 (d) may be satisfied by insurance maintained by the
110 transportation network company driver, by the transportation
111 network company, or by a combination of both.

112 (f) If the insurance maintained by a driver under paragraph
113 (b) or paragraph (c) lapses or does not provide the required
114 coverage, the transportation network company must maintain
115 insurance that provides the coverage required by this section
116 beginning with the first dollar of a claim and must obligate the
117 insurer to defend such a claim in this state.

118 (g) The transportation network company driver is solely
119 responsible for obtaining and maintaining the insurance required
120 under paragraph (d). Upon application by any person to become a
121 driver, the transportation network company shall notify the
122 applicant that the driver must obtain and maintain the insurance
123 required under paragraph (d). The driver must provide the
124 transportation network company with proof of the required
125 insurance at the time of application and at least every 6 months
126 thereafter. Proof of the required insurance may be:

127 1. A copy of an insurance card or other document from the



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128 insurance company which indicates the driver has coverage that
129 satisfied the requirements of paragraph (d); or

130 2. A copy of an insurance card or other document from the
131 insurance company which indicates the driver has coverage for
132 bodily injury and a certification from the driver that the
133 coverage satisfies the requirements of paragraph (d).

134
135 All documents and certifications provided pursuant to this
136 paragraph may be in an electronic format. If the driver does not
137 maintain insurance as required by paragraph (d), the
138 transportation network company shall suspend the driver's access
139 to the company's digital network until the driver complies with
140 the requirements of paragraph (d).

141 (h) Coverage under a motor vehicle insurance policy
142 maintained by the transportation network company shall not be
143 contingent on a denial of a claim under the driver's personal
144 motor vehicle liability insurance policy, nor shall a personal
145 motor vehicle insurer be required to first deny a claim.

146 (i) Motor vehicle insurance required by this section must
147 be provided by an insurer authorized to do business in this
148 state which is a member of the Florida Insurance Guaranty
149 Association or an eligible surplus lines insurer that has a
150 superior, an excellent, an exceptional, or an equivalent
151 financial strength rating by a rating agency acceptable to the
152 office.

153 (j) Motor vehicle insurance that satisfies the requirements
154 of this section is deemed to satisfy the financial
155 responsibility requirements imposed under chapter 324 and the
156 security requirements imposed under s. 627.733. However, the



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157 provision of transportation to persons for compensation which is
158 not covered under this section subjects a vehicle and driver to
159 the requirements of chapters 320 and 324.

160 (k) A transportation network company driver shall carry
161 proof of insurance coverage that meets the requirements of
162 paragraphs (b), (c), and (d) at all times during his or her use
163 of a personal vehicle. In the event of an accident:

164 1. The driver shall provide the insurance coverage
165 information to the directly involved parties, insurers, and
166 investigating law enforcement officers. Proof of financial
167 responsibility may be provided through a digital telephone
168 application under s. 316.646 which is controlled by a
169 transportation network company.

170 2. Upon request, the driver shall disclose to the directly
171 involved parties, insurers, and investigating law enforcement
172 officers whether the driver, at the time of the accident, was
173 logged on to the transportation network company's digital
174 network or engaged in a prearranged ride.

175 (l) Before a driver may accept a request for a prearranged
176 ride on the transportation network company's digital network,
177 the transportation network company shall disclose in writing to
178 each transportation network company driver:

179 1. The type and limits of insurance coverage provided by
180 the transportation network company;

181 2. The type of insurance coverage that the driver must
182 maintain while the driver uses a personal vehicle in connection
183 with providing transportation network company services; and

184 3. That the provision of rides for compensation, whether
185 prearranged or otherwise, which is not covered by this section



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186 subjects the driver to the coverage requirements imposed by s.
187 324.032(1) and that failure to meet such limits subjects the
188 driver to penalties provided in s. 324.221, up to and including
189 a misdemeanor of the second degree.

190 (m) An insurer that provides personal motor vehicle
191 insurance policies under this part may exclude from coverage
192 under a policy issued to an owner or operator of a personal
193 vehicle any loss or injury that occurs while a driver is logged
194 on to a transportation network company's digital network or
195 while a driver is engaged in a prearranged ride. Such right to
196 exclude coverage applies to any coverage under a personal motor
197 vehicle insurance policy, including, but not limited to:

- 198 1. Liability coverage for bodily injury and property
199 damage.
200 2. Personal injury protection coverage.
201 3. Uninsured and underinsured motorist coverage.
202 4. Medical payments coverage.
203 5. Comprehensive physical damage coverage.
204 6. Collision physical damage coverage.

205
206 However, these exclusions shall not affect or diminish coverage
207 otherwise available for resident relatives of the owner or
208 driver who are not occupying the personal vehicle at the time of
209 the loss.

210 (n) The exclusions authorized under paragraph (m) apply
211 notwithstanding any financial responsibility requirements under
212 chapter 324. This section does not require that a personal motor
213 vehicle insurance policy provide coverage while the driver is
214 logged on to the transportation network company's digital



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215 network, while the driver is engaged in a prearranged ride, or
216 while the driver otherwise uses a personal vehicle to transport
217 riders for compensation. However, an insurer may elect to
218 provide coverage by contract or endorsement for such driver's
219 personal vehicle used for such purposes.

220 (o) An insurer that excludes coverage as authorized under
221 paragraph (m):

222 1. Does not have a duty to defend or indemnify an excluded
223 claim. This section does not invalidate or limit an exclusion
224 contained in a policy, including any policy in use or approved
225 for use in this state before July 1, 2016.

226 2. Has a right of contribution against other insurers that
227 provide motor vehicle insurance to the same driver in
228 satisfaction of the coverage requirements of this section at the
229 time of loss, if the insurer defends or indemnifies a claim
230 against a driver which is excluded under the terms of its
231 policy.

232 (p) In a claims investigation, a transportation network
233 company and any insurer providing coverage for a claim under
234 this section shall cooperate to facilitate the exchange of
235 relevant information with directly involved parties and insurers
236 of the transportation network company driver, if applicable.
237 Such information must provide:

238 1. The precise times that a driver logged on and off the
239 transportation network company's digital network during the 12-
240 hour period immediately before and immediately after the
241 accident.

242 2. A clear description of the coverage, any exclusions, and
243 the limits provided under insurance maintained under this



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244 section.

245 (q) If a transportation network company's insurer makes a
246 payment for a claim covered under comprehensive coverage or
247 collision coverage, the transportation network company shall
248 cause its insurer to issue the payment directly to the entity
249 repairing the vehicle or jointly to the owner of the vehicle and
250 the primary lienholder on the covered vehicle.

251 (4) Unless agreed to in a written contract, a
252 transportation network company is not deemed to control, direct,
253 or manage the personal vehicles that, or the transportation
254 network company drivers who, connect to its digital network,
255 solely as a result of the transportation network company being a
256 transportation network company pursuant to this section.

257 (5) A transportation network company shall provide an
258 electronic notice to transportation network company drivers at
259 least once every 10 times the driver logs into that company's
260 digital network which states that unless the driver has other
261 additional motor vehicle insurance as required by this section,
262 it is illegal for a transportation network company driver to
263 solicit or accept a ride if the ride is not arranged through
264 that transportation network company's digital network, and that
265 such rides shall not be covered by a transportation network
266 company driver's or a transportation network company's insurance
267 policy.

268 (6) Notwithstanding any other law, transportation network
269 company insurance requirements are governed exclusively by this
270 section and any rules adopted under this section. A political
271 subdivision of this state shall not adopt any ordinance imposing
272 insurance requirements on a transportation network company or



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273 driver inconsistent with or more burdensome than the provisions
274 of this section. All such ordinances, whether existing or
275 proposed, are preempted and superseded by general law.

276 (7) Unless otherwise provided herein, the requirements of
277 this section are in addition to the other requirements for
278 obtaining and maintenance of motor vehicle insurance in this
279 state. This section does not affect other motor vehicle
280 insurance requirements in this state, including those for a
281 motor vehicle used as a common carrier.

282 (8) The Financial Services Commission may adopt rules to
283 administer this section.

284 Section 2. Paragraphs (b) and (c) of subsection (1) of
285 section 316.066, Florida Statutes, are amended, and paragraph
286 (e) is added to subsection (3) of that section, to read:

287 316.066 Written reports of crashes.—

288 (1)

289 (b) The Florida Traffic Crash Report, Long Form must
290 include:

291 1. The date, time, and location of the crash.

292 2. A description of the vehicles involved.

293 3. The names and addresses of the parties involved,
294 including all drivers and passengers, and the identification of
295 the vehicle in which each was a driver or a passenger.

296 4. The names and addresses of witnesses.

297 5. The name, badge number, and law enforcement agency of
298 the officer investigating the crash.

299 6. The names of the insurance companies for the respective
300 parties involved in the crash.

301 7. A statement as to whether, at the time of the accident,



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302 any driver was providing a prearranged ride or logged into a
303 digital network of a transportation network company, as those
304 terms are defined in s. 627.748.

305 (c) In any crash for which a Florida Traffic Crash Report,
306 Long Form is not required by this section and which occurs on
307 the public roadways of this state, the law enforcement officer
308 shall complete a short-form crash report or provide a driver
309 exchange-of-information form, to be completed by all drivers and
310 passengers involved in the crash, which requires the
311 identification of each vehicle that the drivers and passengers
312 were in. The short-form report must include:

313 1. The date, time, and location of the crash.

314 2. A description of the vehicles involved.

315 3. The names and addresses of the parties involved,
316 including all drivers and passengers, and the identification of
317 the vehicle in which each was a driver or a passenger.

318 4. The names and addresses of witnesses.

319 5. The name, badge number, and law enforcement agency of
320 the officer investigating the crash.

321 6. The names of the insurance companies for the respective
322 parties involved in the crash.

323 7. A statement as to whether, at the time of the accident,
324 any driver was providing a prearranged ride or logged into a
325 digital network of a transportation network company, as those
326 terms are defined in s. 627.748.

327 (3)

328 (e) Any driver who provides a false statement to a law
329 enforcement officer in connection with the information that is
330 required to be reported under subparagraph (1)(b)7. or



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331 subparagraph (1)(c)7. commits a misdemeanor of the second
332 degree, punishable as provided in s. 775.082 or s. 775.083.

333 Section 3. Section 316.680, Florida Statutes, is created to
334 read:

335 316.680 Transportation network companies.-

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

337 (a) "Digital network" means any online-enabled application,
338 software, website, or system offered or used by a transportation
339 network company that enables the prearrangement of rides with
340 transportation network company drivers.

341 (b) "Personal vehicle" means a vehicle that is used by a
342 transportation network company driver in connection with
343 providing transportation network company service and is:

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

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

348
349 Notwithstanding any other provision of law, a vehicle that is
350 let or rented to another for consideration may be used as a
351 personal vehicle.

352 (c) "Transportation network company" or "company" means an
353 entity granted a permit under this section to operate in this
354 state using a digital network or software application to connect
355 riders to transportation network company services provided by
356 drivers. A transportation network company does not include an
357 individual, a corporation, a partnership, a sole proprietorship,
358 or any other entity arranging nonemergency medical
359 transportation for individuals qualifying for Medicaid or



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360 Medicare pursuant to a contract with the state or a managed care
361 organization.

362 (d) "Transportation network company driver" or "driver"
363 means an individual who:

364 1. Receives connections to potential riders and related
365 services from a transportation network company in exchange for
366 payment of a fee to the transportation network company; and

367 2. Uses a personal vehicle to provide transportation
368 network company service to riders upon connection through a
369 digital network controlled by a transportation network company
370 in return for compensation or payment of a fee.

371 (e) "Transportation network company rider" or "rider" means
372 an individual or a person who uses a transportation network
373 company's digital network to connect with a transportation
374 network company driver who provides transportation network
375 company service to the person in the driver's personal vehicle
376 between points chosen by the person.

377 (f) "Transportation network company service" means the
378 provision of transportation by a driver to a rider, beginning
379 when a driver accepts a ride requested by a rider through a
380 digital network controlled by a transportation network company,
381 continuing while the driver transports the rider, and ending
382 when the last rider departs from the personal vehicle. The term
383 does not include a taxi, for-hire vehicle, or street hail
384 service and does not include ridesharing as defined in s.
385 341.031, a carpool service as defined s. 450.28, or any other
386 type of service in which the driver receives a fee that does not
387 exceed the driver's cost to provide the ride.

388 (g) "Trip" means the duration of transportation network



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389 company service beginning at a point of origin where the rider
390 enters the driver's vehicle and ending at a point of destination
391 where the rider exits the vehicle.

392 (2) CONSTRUCTION.—Unless a transportation network company
393 or driver engages in conduct causing it to satisfy the
394 applicable requirements, such company or driver is not a common
395 carrier or a provider of taxi or for-hire vehicle services, nor
396 is a vehicle used by a driver for transportation network company
397 service subject to registration as a commercial motor vehicle or
398 a for-hire vehicle.

399 (3) FOR-HIRE VEHICLES.—

400 (a) A vehicle used as a taxicab, a limousine, or a for-hire
401 vehicle as defined in s. 320.01(15) may also be used to provide
402 transportation network company services upon connection through
403 a digital network controlled by a transportation network company
404 if the vehicle and its driver offering such services are
405 authorized to operate as a taxicab, a limousine, or other for-
406 hire driver under the laws of a county, a municipality, a
407 special district, or other local governmental entity and the
408 vehicle used to offer such service is insured in accordance with
409 s. 324.032.

410 (b) This section exclusively governs the provision of
411 transportation network company services by drivers and the use
412 of vehicles for that purpose.

413 (c) This section does not prohibit a taxicab company, a
414 limousine company, or other for-hire transportation company from
415 operating or affiliating with a transportation network company
416 that complies with all requirements in this section.

417 (4) PERMIT REQUIRED.—



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

420 (b) The department shall issue a permit to each company
421 that affirms it will maintain compliance with the requirements
422 of this section and that pays an annual permit fee of \$5,000 to
423 the department to be deposited into the Highway Safety Operating
424 Trust Fund.

425 (c) The department may assess an administrative fine not to
426 exceed \$5,000 per occurrence for each violation of this section,
427 or rule of the department, by a transportation network company.
428 The department may suspend, revoke, deny, or refuse to renew the
429 permit of a transportation network company that fails to meet
430 the requirements of this section. The revocation, denial, or
431 refusal to renew a permit or the length of a suspension shall be
432 based on the type of conduct and the probability that the
433 propensity to commit further illegal conduct has been overcome
434 at the time of eligibility for the permit to be issued,
435 reinstated, or renewed. The length of suspension may be adjusted
436 based on aggravating or mitigating factors, established by rule
437 and consistent with this purpose.

438 (5) AGENT FOR SERVICE OF PROCESS REQUIRED.—A transportation
439 network company must designate and maintain a registered agent
440 for service of process in this state. If the registered agent of
441 the company cannot be found after reasonable diligence or if the
442 company fails to designate or maintain a registered agent in
443 this state, the executive director of the department must be an
444 agent of the transportation network company upon whom any
445 process, notice, or demand may be served.

446 (6) FARE COLLECTED FOR SERVICES.—A company may collect a



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447 fare on behalf of a driver for the services provided to riders.
448 However, if a fare is collected from a rider, the company must
449 disclose to the rider the fare calculation method on its website
450 or within its software application. The company shall also
451 provide the rider with the applicable rates being charged and
452 the option to receive an estimated fare before the rider enters
453 the driver's vehicle.

454 (7) IDENTIFICATION OF VEHICLES AND DRIVERS.—

455 (a) The company's software application or website shall
456 display a picture of the driver and the license plate number of
457 the motor vehicle used to provide transportation network company
458 service before the rider enters the driver's vehicle.

459 (b)1. A transportation network company shall provide to
460 each of its affiliated drivers a credential, which may be
461 displayed as part of the digital network, that includes the
462 following information:

- 463 a. The name or logo of the transportation network company;
464 b. The name of the affiliated driver; and
465 c. The make, model, license plate number, and state issuing
466 the license plate of each personal vehicle used by the
467 affiliated driver.

468 2. The driver shall carry the credential at all times
469 during the operation of a personal vehicle.

470 (8) ELECTRONIC RECEIPT.—Within a reasonable time, the
471 company shall provide an electronic receipt to the rider which
472 lists:

- 473 (a) The origin and destination of the trip.
474 (b) The total time and distance of the trip.
475 (c) An itemization of the total fare paid.



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476 (9) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE
477 REQUIREMENTS.—Beginning July 1, 2016, a transportation network
478 company driver or transportation network company on the driver's
479 behalf shall maintain primary motor vehicle insurance that meets
480 the requirements of s. 627.748.

481 (10) DRUG OR ALCOHOL USE.—

482 (a) A driver shall not use or be under the influence of
483 illegal drugs or alcohol while providing transportation network
484 company services or while logged into the company's digital
485 network but not providing service.

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

491 (c) Upon receipt of a rider complaint alleging a violation
492 of the zero tolerance policy, the company shall immediately
493 suspend the accused driver's access to the company's digital
494 network and shall conduct an investigation into the reported
495 incident. The suspension shall last for the duration of the
496 investigation.

497 (11) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—

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

501 1. Require the applicant to submit an application to the
502 company, including his or her address, date of birth, social
503 security number, driver license number, driving history, motor
504 vehicle registration, motor vehicle liability insurance, and



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505 other information required by the company.
506 2. Conduct, or have a third party conduct, a criminal
507 background check for each applicant to include:
508 a. A multistate/multijurisdictional criminal records
509 locator or other similar commercial national database with
510 validation.
511 b. The Dru Sjodin National Sex Offender Public Website.
512 3. Conduct a social security trace or similar
513 identification check that is designed to identify relevant
514 information about the applicant, including first name, middle
515 name or initial, last name, aliases, maiden name, alternative
516 spellings, nicknames, date of birth, and any known addresses.
517 4. Obtain and review a driving history research report for
518 the applicant.
519 (b) An applicant shall not act as a driver on a digital
520 network if any of the following apply:
521 1. The applicant has had more than three moving violations
522 in the 3-year period before the application or one major
523 violation in the 3-year period. A major violation is:
524 a. Fleeing or attempting to elude a law enforcement
525 officer;
526 b. Reckless driving; or
527 c. Driving with a suspended or revoked license.
528 2. The applicant has been convicted, within the 7-year
529 period before the application, of driving under the influence of
530 drugs or alcohol, fraud, sexual offenses, use of a motor vehicle
531 to commit a felony, a crime involving property damage or theft,
532 acts of violence, or acts of terror.
533 3. The applicant has been convicted, within the 7-year



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534 period before the application, of any offense listed in the
535 level 2 screening standards in s. 435.04(2) or (3), or a
536 substantially similar law of another state or a federal law.

537 4. The applicant is a match in the Dru Sjodin National Sex
538 Offender Public Website.

539 5. The applicant does not possess a valid driver license.

540 6. The applicant does not possess proof of registration for
541 the motor vehicle used to provide transportation network company
542 service.

543 7. The applicant does not possess proof of motor vehicle
544 liability insurance for the motor vehicle used to provide
545 transportation network company service.

546 8. The applicant has not attained the age of 19 years.

547 (12) PROHIBITED CONDUCT.—Unless providing a transportation
548 network company service pursuant to subsection (3), a
549 transportation network company driver shall not:

550 (a) Accept a rider other than a rider arranged through a
551 digital network or a software application.

552 (b) Solicit or accept street hails.

553 (c) Solicit or accept cash payments from riders. A company
554 shall adopt a policy prohibiting solicitation or acceptance of
555 cash payments from riders and shall notify drivers of the
556 policy. The policy must require a payment for transportation
557 network company services to be made electronically using the
558 company's digital network or software application.

559 (13) NONDISCRIMINATION; ACCESSIBILITY.—

560 (a) A company shall not discriminate against a driver as
561 required by applicable federal or state law.

562 (b) A company and its drivers shall not discriminate, as



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563 required by applicable state or federal law, with respect to
564 riders and potential riders, and shall notify drivers of such
565 requirement.

566 (c) A company and its drivers shall comply with all
567 applicable laws relating to accommodation of service animals.

568 (d) A company and its drivers shall not impose additional
569 charges for providing transportation network company services to
570 persons with physical disabilities because of those
571 disabilities.

572 (e) A company and its drivers shall provide riders an
573 opportunity to indicate whether they require accommodations due
574 to a rider's disabilities, including a wheelchair-accessible
575 vehicle. If a company cannot arrange such services, including
576 wheelchair-accessible service, it must take such action as
577 required by applicable state and federal law and at least direct
578 the rider to an alternate provider of such services, including
579 wheelchair-accessible service.

580 (14) RECORDS.—A company shall maintain:

581 (a) Individual trip records for at least 5 years after the
582 date each trip was provided.

583 (b) Driver records for at least 5 years after the date on
584 which a driver's activation on the company's digital network has
585 ended.

586 (c) Records of written rider complaints received through
587 the company's software application for at least 5 years after
588 the date such complaint is received by the company.

589 (15) PREEMPTION.—

590 (a) It is the intent of the Legislature to provide for
591 general uniformity of laws and parameters for local governments



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592 governing transportation network companies, transportation
593 network company drivers, and personal vehicles used by
594 transportation network company drivers throughout the state to
595 the extent provided in this section and s. 627.748 relating to
596 insurance requirements. Transportation network companies,
597 transportation network company drivers, and personal vehicles
598 used by transportation network company drivers are governed by
599 state law and any rules adopted by the department in regard to
600 these provisions, to the extent as provided in this subsection.
601 Local governments shall retain the right to regulate
602 transportation network companies, transportation network company
603 drivers, and personal vehicles used by transportation network
604 company drivers, except as expressly preempted herein.

605 (b) A county, a municipality, a special district, an
606 airport authority, a port authority, or any other local
607 governmental entity or subdivision may impose additional
608 standards, regulations, obligations, procedures, requirements,
609 rate regulations, taxes, or fees applicable to transportation
610 network company services that are provided to any transportation
611 network company rider who requests service to, from, or on the
612 property of an airport, a designated deep water port, or a
613 similar facility. Such standards, regulations, or procedures may
614 include authorizing, limiting, or prohibiting such services.

615 (c) Except as provided in paragraph (b), a county, a
616 municipality, a special district, an airport authority, a port
617 authority, or any other local governmental entity or subdivision
618 shall not regulate the rates charged by a transportation network
619 company.

620 (d) In the event of urgent or emergency circumstances, a



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621 county, a municipality, a special district, an airport
622 authority, a port authority, or any other local governmental
623 entity or subdivision may adopt temporary measures applicable to
624 transportation network companies and transportation network
625 company services necessary to protect the health, safety, and
626 welfare of the public.

627 (16) RULEMAKING.—The department may adopt rules to
628 administer this section, including rules establishing specific
629 penalties for violations of this section. The purpose of the
630 penalties is to deter violations of this section by
631 transportation network companies and transportation network
632 company drivers. Penalties for violations that could endanger
633 the public must be more severe than penalties that do not cause
634 such danger. The department shall adopt rules to provide for
635 consumer protection against price gouging during urgent or
636 emergency circumstances. As used in this subsection, "price
637 gouging" means pricing that grossly exceeds the average price
638 charged during the 30 days before urgent or emergency
639 circumstances occurred, unless the increase is attributable to
640 increased costs incurred to provide service.

641 Section 4. Section 324.031, Florida Statutes, is amended to
642 read:

643 324.031 Manner of proving financial responsibility.—The
644 owner or operator of a taxicab, a limousine, a jitney, any
645 vehicle used in connection with a transportation network
646 company, or any other for-hire passenger transportation vehicle
647 may prove financial responsibility by providing satisfactory
648 evidence of holding a motor vehicle liability policy as defined
649 in s. 324.021(8) or s. 324.151, which policy is issued by an



650 insurance carrier which is a member of the Florida Insurance
651 Guaranty Association or an eligible surplus lines insurer. The
652 operator or owner of any other vehicle may prove his or her
653 financial responsibility by:

654 (1) Furnishing satisfactory evidence of holding a motor
655 vehicle liability policy as defined in ss. 324.021(8) and
656 324.151;

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

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

661
662 Any person, including any firm, partnership, association,
663 corporation, or other person, other than a natural person,
664 electing to use the method of proof specified in subsection (2)
665 shall furnish a certificate of deposit equal to the number of
666 vehicles owned times \$30,000, to a maximum of \$120,000; in
667 addition, any such person, other than a natural person, shall
668 maintain insurance providing coverage in excess of limits of
669 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
670 such excess insurance shall provide minimum limits of
671 \$125,000/250,000/50,000 or \$300,000 combined single limits.
672 These increased limits shall not affect the requirements for
673 proving financial responsibility under s. 324.032(1).

674 Section 5. This act shall take effect July 1, 2016.

675
676 ===== T I T L E A M E N D M E N T =====

677 And the title is amended as follows:

678 Delete everything before the enacting clause



679 and insert:

680 A bill to be entitled
681 An act relating to transportation network companies;
682 creating s. 627.748, F.S.; providing legislative
683 intent; defining terms; requiring a transportation
684 network company driver, or the transportation network
685 company on the driver's behalf, or a combination of
686 both, to maintain certain primary motor vehicle
687 insurance under specified circumstances; providing
688 coverage requirements under specified circumstances;
689 requiring a transportation network company to maintain
690 certain insurance and obligate the insurer to defend a
691 certain claim if specified insurance of the driver
692 lapses or does not provide the required coverage;
693 providing that a driver is solely responsible for
694 maintaining required insurance; requiring a
695 transportation network company to provide a specified
696 notice to a driver applicant; requiring a driver to
697 provide a transportation network company with
698 specified proof of insurance at the time of
699 application and at specified intervals; requiring a
700 transportation network company to suspend a driver's
701 access to its digital network if the driver does not
702 maintain required insurance; providing that certain
703 coverage shall not be contingent on a claim denial;
704 specifying requirements for insurers that provide the
705 required insurance; providing for construction;
706 requiring a transportation network company driver to
707 carry proof of certain insurance coverage at all times



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708 during his or her use of a personal vehicle and to
709 disclose specified information in the event of an
710 accident; requiring a transportation network company
711 to make certain disclosures and provide a specified
712 notice to transportation network company drivers;
713 authorizing an insurer to exclude certain coverage for
714 loss or injury to specified persons which occurs under
715 certain circumstances; providing for applicability and
716 construction; requiring a transportation network
717 company and certain insurers to cooperate during a
718 claims investigation to facilitate the exchange of
719 specified information; requiring a transportation
720 network company to cause its insurer to issue payments
721 for claims directly to specified entities under
722 certain circumstances; providing that, unless agreed
723 to in a written contract, a transportation network
724 company is not deemed to control, direct, or manage
725 the personal vehicles or transportation network
726 company drivers that connect to its digital network;
727 requiring a transportation network company to provide
728 drivers with a certain notice at specified intervals;
729 specifying preemption of laws pertaining to
730 transportation network company insurance; providing
731 applicability; authorizing the Financial Services
732 Commission to adopt rules; amending s. 316.066, F.S.;
733 requiring a statement in certain crash reports as to
734 whether any driver at the time of the accident was
735 providing a prearranged ride or logged into a digital
736 network of a transportation network company; providing



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737 a criminal penalty for a driver who provides a false
738 statement to a law enforcement officer in connection
739 with certain information; creating s. 316.680, F.S.;
740 providing definitions; providing for construction to
741 specify that, except under certain circumstances, a
742 transportation network company or a driver is not a
743 common carrier and is not a taxi or for-hire vehicle
744 service, and that certain vehicle registrations are
745 not required; authorizing certain vehicles to be used
746 to provide transportation network company services
747 under certain circumstances; providing for
748 applicability and construction; requiring a
749 transportation network company to obtain a permit from
750 the Department of Highway Safety and Motor Vehicles to
751 operate in this state; specifying a permit fee and
752 permitting requirements; authorizing the department to
753 impose administrative fines and other penalties for
754 violations based on certain factors; requiring a
755 transportation network company to designate and
756 maintain a registered agent for certain purposes;
757 providing that the executive director of the
758 department is an agent for service under certain
759 circumstances; providing requirements for a company
760 collecting fares on behalf of its drivers; providing
761 requirements for identification of vehicles and
762 drivers; providing requirements for electronic
763 receipts; providing motor vehicle insurance
764 requirements; specifying requirements for drug and
765 alcohol use policies; specifying requirements for



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766 transportation network companies to initially and
767 annually screen its drivers; specifying disqualifying
768 circumstances for drivers; specifying prohibited
769 conduct by drivers; providing requirements for
770 nondiscrimination and accessibility; providing
771 recordkeeping requirements for transportation network
772 companies; specifying preemption of laws; providing
773 exceptions; prohibiting certain local governmental
774 entities or subdivisions from regulating certain
775 rates; authorizing certain local governmental entities
776 to adopt temporary measures under certain
777 circumstances; authorizing the department to adopt
778 rules; requiring the department to adopt rules to
779 provide for consumer protection against price gouging;
780 defining the term "price gouging"; providing for
781 construction; amending s. 324.031, F.S.; adding a
782 vehicle used to provide transportation network company
783 services to a list of vehicles that may prove
784 financial responsibility in a specified manner; adding
785 the holding of a motor vehicle liability policy issued
786 by an eligible surplus lines insurer as satisfactory
787 evidence of financial responsibility; providing an
788 effective date.