

1 A bill to be entitled
 2 An act relating to the Hillsborough County Public
 3 Transportation Commission; amending chapter 2001-299,
 4 Laws of Florida, as amended; providing and revising
 5 definitions; revising rulemaking authority for vehicle
 6 safety and equipment requirements; revising the types
 7 of vehicles subject to restrictions on marks or
 8 identification; providing certain requirements for
 9 transportation network company services; providing
 10 applicability; prohibiting certain acts by
 11 transportation network company drivers; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 3 of chapter 2001-299, Laws of Florida,
 17 is amended to read:

18 Section 3. Definitions.—As used in this act, the term:

19 (1) "Basic life support ambulance" means any privately or
 20 publicly owned vehicle, except those operated by any
 21 municipality, that is designed, constructed, reconstructed,
 22 maintained, equipped, or operated for and is used for or
 23 intended to be used for transportation of a sick or injured
 24 person requiring or likely to require medical attention during
 25 transport by a qualified person through the use of techniques
 26 such as patient assessment, cardiopulmonary resuscitation,

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

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

40 (3) "Board" means the Hillsborough County Board of County
41 Commissioners.

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

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

48 (6) "Certified automobile mechanic" means an automobile
49 mechanic certified by the National Association of Certified
50 Mechanics or the National Institute for Automotive Service
51 Excellence.

52 (7)~~(6)~~ "Citation" means a written notice, issued by the
 53 director, any interim director, or an inspector, that the
 54 director, any interim director, or inspector has reasonable
 55 cause to believe that the person has violated this act or the
 56 rules adopted in accordance with this act. The citation must
 57 contain:

58 (a)~~1.~~ The date and time of issuance.

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

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

61 (d)~~4.~~ The facts constituting reasonable cause.

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

63 (f)~~6.~~ The name and authority of the director, any interim
 64 director, or inspector.

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

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

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

73 (j)~~10.~~ A conspicuous statement that if the person fails to
 74 contest the citation within the time allowed, the person shall
 75 be deemed to have waived his or her right to contest the
 76 citation and that, in such case, the applicable civil penalty
 77 indicated in paragraph (i) ~~9.~~ will apply.

78 (8)~~(7)~~ "Classifications" means arrangement into sub-groups
 79 or sub-categories within each type of service.

80 (9)~~(8)~~ "Commission" means the Hillsborough County Public
 81 Transportation Commission.

82 (10)~~(9)~~ "Contingency fund" means those moneys held by the
 83 district to pay a debt that is not currently fixed but may
 84 become so in the future with the occurrence of some uncertain
 85 event, which moneys may be carried forward from one year to the
 86 next.

87 (11)~~(10)~~ "County" means Hillsborough County, Florida.

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

92 (13)~~(11)~~ "District" means the Hillsborough County Public
 93 Transportation Commission.

94 (14)~~(12)~~ "For hire" means use of any motor vehicle in the
 95 county to transport ~~transporting~~ persons for compensation,
 96 including:

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

102 (15)~~(13)~~ "Handicab" means a vehicle designed, constructed,
 103 reconstructed, or operated for the transportation of a person

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

112 (16)~~(14)~~ "Hearing officer" means a person designated by
 113 the commission to perform the duties prescribed by this act and
 114 any rules adopted in accordance with this act who is licensed
 115 and in good standing with The Florida Bar and who has
 116 demonstrated experience of at least 5 years in administrative
 117 law in this state.

118 (17)~~(15)~~ "Inspector" means a person who is employed and
 119 trained by the commission and is supervised by its director or
 120 any interim director to provide day-to-day routine enforcement
 121 of this act and any rules adopted in accordance with this act.

122 (18)~~(16)~~ "Liability insurance" means insurance against
 123 legal liability for the death of, or bodily~~7~~ injury to, a
 124 person~~7~~ or disability of any human being~~7~~ or for damage to
 125 property, ~~with provision for medical, hospital, and surgical~~
 126 ~~benefits to the injured person.~~

127 (19)~~(17)~~ "Limousine" means any motor vehicle for hire not
 128 equipped with a taximeter, with a capacity for 15 passengers or
 129 less, including the driver. The term does not include:

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

135 ~~(20)-(18)~~ "Municipality" means a municipality created
 136 pursuant to general or special law authorized or reorganized
 137 pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

138 ~~(21)-(19)~~ "Parties" means the applicant and any person
 139 permitted to intervene during the application for certificate
 140 process in accordance with this act and any rules adopted in
 141 accordance with this act.

142 ~~(22)-(20)~~ "Permit" means a license issued by the commission
 143 to allow the operation of a particular public vehicle for which
 144 a certificate has been issued.

145 ~~(23)-(21)~~ "Person" means an individual, firm, public or
 146 private corporation, partnership or limited partnership company,
 147 or joint venture.

148 (24) "Prearranged ride" means the provision of
 149 transportation by a driver to or on behalf of a rider, beginning
 150 when a driver accepts a ride requested by a rider through a
 151 digital network controlled by a transportation network company,
 152 continuing while the driver transports the rider, and ending
 153 when the last rider departs from the transportation network
 154 company driver vehicle. The term does not include transportation
 155 provided using a taxi; jitney; limousine; street hail service;

156 ridesharing, as defined in s. 341.031, Florida Statutes;
157 carpool, as defined in s. 450.28, Florida Statutes; or any other
158 type of service in which the driver receives a fee that does not
159 exceed the individual's costs associated with providing the
160 ride.

161 ~~(25)-(22)~~ "Public highway" means any of the public streets,
162 boulevards, avenues, drives, or alleys within the county and its
163 municipalities.

164 ~~(26)-(23)~~ "Public transportation" means any public vehicle
165 under the jurisdiction of the commission.

166 ~~(27)-(24)~~ "Public vehicle" means a taxicab, van, limousine,
167 handicab, basic life support ambulance, ~~and wrecker.~~ The term
168 does not include sightseeing cars or buses, streetcars, motor
169 buses operated pursuant to franchise, transportation network
170 company driver vehicles, or low-speed vehicles as defined in s.
171 320.01, Florida Statutes, operating within the Downtown Tampa
172 Special District created pursuant to Tampa City Council
173 Resolution No. 93-123, August 19, 1993.

174 ~~(28)-(25)~~ "Public vehicle driver ~~driver's~~ license" means a
175 written document issued by the commission for a driver of a
176 public vehicle, which is the property of the commission and is
177 non-transferable to any other driver.

178 ~~(29)-(26)~~ "Repeated violations" means two or more
179 violations that present an imminent danger to the health,
180 safety, and welfare of the traveling public.

181 (30)~~(27)~~ "Revenues" means moneys acquired through fees for
 182 services provided, any moneys that are appropriated to the
 183 district by the county and any of its municipalities as provided
 184 by this act, or moneys from any other source and interest income
 185 thereon.

186 (31)~~(28)~~ "Rule" means the same as the term when used in
 187 describing administrative procedures required of any agency
 188 within the executive branch of state government which has been
 189 granted statutory rulemaking authority.

190 (32)~~(29)~~ "Surplus funds" means revenues of the district,
 191 less the contingency funds, which funds may be carried forward
 192 from one fiscal year to the next.

193 (33)~~(30)~~ "Taxicab" means any motor-driven vehicle,
 194 equipped with a taximeter, with a capacity for 9 or less
 195 passengers, including the driver, for the transportation of for
 196 hire passengers, which operates within Hillsborough County, but
 197 does not include sight-seeing cars or buses, transportation
 198 network company vehicles, streetcars, ~~or~~ motor buses operated
 199 pursuant to franchise, or low-speed vehicles as defined in s.
 200 320.01, Florida Statutes, operating within the Downtown Tampa
 201 Special District created pursuant to Tampa City Council
 202 Resolution No. 93-123, August 19, 1993.

203 (34)~~(31)~~ "Taximeter" means any internally mounted device
 204 that records and indicates a rate of fare measured by distance
 205 traveled, time traveled, waiting time, or extra passengers which
 206 has been inspected and sealed by the Florida Department of

207 Agriculture and Consumer Services and which has been calibrated
208 to the approved rates promulgated by the commission. A mobile
209 telephone mounted in a transportation network company driver
210 vehicle is not a taximeter.

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

221 (36) "Transportation network company driver" or "driver"
222 means an individual who:

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

226 (b) Uses a transportation network company driver vehicle
227 to offer or provide a prearranged ride to riders upon connection
228 through a digital network controlled by a transportation network
229 company in return for compensation, including payment of a fee.

230 (37) "Transportation network company driver vehicle" means
231 a vehicle, however titled, which is used by a transportation

232 network company driver in connection with providing
233 transportation network company service and that:

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

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

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

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

248 (40)-(32) "Type of service" means a taxicab, transportation
249 network company service, ~~or~~ van, ~~or~~ limousine, ~~or~~ handicab, ~~or~~
250 basic life support ambulance, or wrecker.

251 (41)-(33) "Van" means any motor-driven vehicle with a
252 capacity of 10 to 15 passengers, including the driver, for the
253 transportation of for hire passengers, which operates within the
254 county but does not include sight-seeing cars and buses,
255 streetcars, motor buses operated pursuant to franchise or
256 courtesy vans, and limousines not for hire.

257 (42)~~(34)~~ "Wrecker" means any truck or other vehicle that
 258 is used to tow, carry, or otherwise transport motor vehicles or
 259 vessels upon the streets and highways of this state and that is
 260 equipped for that purpose with a boom, winch, car carrier, or
 261 other similar equipment and is contracted for use by, through,
 262 or for any unit of local, county, or state government, and not
 263 authorized to transport passengers for hire or any person
 264 regularly engaged in towing or storing vehicles or vessels in
 265 Hillsborough County pursuant to section 715.07, Florida
 266 Statutes.

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

269 Section 5. Commission powers, mandatory and
 270 discretionary.—

271 (1) The commission shall:

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

276 Section 3. Subsection (6) is added to section 7 of chapter
 277 2001-299, Laws of Florida, to read:

278 Section 7. Application for certificate.—

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

281 Section 4. Subsection (2) of section 9 of chapter 2001-
 282 299, Laws of Florida, is amended to read:

283 Section 9. Additional safety and equipment requirements
284 and prohibitions.

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

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

292 Section 10. Transportation network company service.-

293 (1) The commission is authorized to regulate the operation
294 of transportation network company vehicles on the public
295 highways of Hillsborough County and its municipalities in
296 accordance with this section. The commission has exclusive
297 jurisdiction in the exercise of authority provided by this
298 section, and no other public entity within the county may
299 require a person to pay a fee to exercise authority provided by
300 this section. A transportation network company that desires to
301 operate in the county must first acquire a certificate from the
302 commission. The commission shall issue a certificate if a
303 transportation network company:

304 (a) Submits evidence to the commission demonstrating the
305 following:

306 1. Proof of insurance meeting the requirements of
307 subsection (2);

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

310 3. Proof that the company is registered to do business in
 311 the state.

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

313 (2) A transportation network company driver, or a
 314 transportation network company on the driver's behalf, must
 315 comply with the following insurance requirements:

316 (a) A transportation network company driver, or a
 317 transportation network company on the driver's behalf, shall
 318 maintain primary automobile insurance that recognizes that the
 319 driver is a transportation network company driver or that the
 320 driver otherwise uses a transportation network company driver
 321 vehicle to transport riders for compensation. Such insurance
 322 must cover the driver as required under this section, including
 323 while the driver is logged onto the transportation network
 324 company's digital network and engaged in a prearranged ride.

325 (b) The following automobile insurance requirements apply
 326 while a participating transportation network company driver is
 327 logged onto the transportation network company's digital network
 328 and is available to receive transportation requests, but is not
 329 engaged in a prearranged ride:

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

333 2. Primary automobile insurance that provides the minimum
334 coverage requirements under ss. 627.730-627.7405, Florida
335 Statutes.

336 (c) While a transportation network company driver is
337 engaged in a prearranged ride, the following automobile
338 insurance requirements apply:

339 1. Primary automobile liability insurance of at least \$1
340 million for death and bodily injury and \$50,000 for property
341 damage.

342 2. Primary automobile liability insurance that provides
343 the minimum coverage requirements for a limousine under ss.
344 627.730-627.7405, Florida Statutes.

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

347 1. Automobile insurance maintained by the transportation
348 network company driver;

349 2. Automobile insurance maintained by the transportation
350 network company; or

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

352 (e) If automobile insurance maintained by a driver under
353 paragraph (b) or paragraph (c) has lapsed or does not provide
354 the required coverage, automobile insurance maintained by a
355 transportation network company must provide the coverage
356 required by this section beginning with the first dollar of a
357 claim and must require that the insurer have the duty to defend
358 such claim in the state.

359 (f) Coverage under an automobile insurance policy
360 maintained by a transportation network company may not be
361 dependent on a personal automobile liability insurance policy
362 first denying a claim.

363 (g) Notwithstanding any other provision of law, automobile
364 insurance required by this section may be placed with an insurer
365 authorized to do business in the state or with a surplus lines
366 insurer eligible under the Surplus Lines Law under ss. 626.913-
367 626.937, Florida Statutes.

368 (h) Automobile insurance satisfying the requirements of
369 this section is deemed to satisfy the financial responsibility
370 requirements for a motor vehicle under chapter 324, Florida
371 Statutes, and the security required under s. 627.733, Florida
372 Statutes.

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

378 1. The driver shall provide the insurance coverage
379 information to the directly involved parties, automobile
380 insurers, and investigating police officers. Proof of financial
381 responsibility may be provided through a digital telephone
382 application under s. 316.646, Florida Statutes, controlled by a
383 transportation network company.

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

389 (j) Before a driver may accept a request for a prearranged
390 ride on the transportation network company's digital network,
391 the transportation network company shall disclose in writing to
392 each transportation network company driver each type of:

393 1. Insurance coverage and the limit for each coverage the
394 transportation network company provides while the driver uses a
395 transportation network company vehicle in connection with a
396 transportation network company's digital network; and

397 2. That the driver's automobile insurance policy,
398 depending on its terms, might not provide any coverage while the
399 driver is logged onto the transportation network company's
400 digital network and is available to receive transportation
401 requests or is engaged in transportation network company
402 service.

403 (k) An insurer that provided personal automobile insurance
404 policies under part XI of chapter 627, Florida Statutes, may
405 exclude from coverage under a policy issued to an owner or
406 operator of a personal vehicle any loss or injury that occurs
407 while a transportation network company driver is logged onto a
408 transportation network company's digital network or while a
409 driver is engaged in a prearranged ride. Such right to exclude

410 coverage applies to any coverage under an automobile insurance
411 policy, including, but not limited to:

412 1. Liability coverage for bodily injury and property
413 damage.

414 2. Personal injury protection coverage under s. 627.736,
415 Florida Statutes.

416 3. Uninsured and underinsured motorist coverage.

417 4. Medical payments coverage.

418 5. Comprehensive physical damage coverage.

419 6. Collision physical damage coverage.

420 (l) The exclusions authorized under paragraph (k) apply
421 notwithstanding any financial responsibility requirements under
422 chapter 324, Florida Statutes. This section does not require or
423 imply that a personal automobile insurance policy provide
424 coverage while the driver is logged onto a transportation
425 network company's digital network, while such driver is engaged
426 in a prearranged ride, or while such driver uses a
427 transportation network company vehicle to transport riders for
428 compensation. This section does not preclude an insurer from
429 providing coverage by contract or endorsement for such driver's
430 vehicle.

431 (m) An insurer that excludes coverage, as authorized under
432 paragraph (k):

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

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

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

442 (n) In a claims investigation, a transportation network
443 company and any insurer potentially providing coverage for such
444 claim under this section shall cooperate to facilitate the
445 exchange of relevant information with directly involved parties
446 and insurers of the transportation network company driver, if
447 applicable. Such information must provide:

448 1. The precise times that such driver logged on and off
449 the transportation network company's digital network during the
450 12-hour period immediately before and immediately after the
451 accident.

452 2. A clear description of the coverage, any exclusions,
453 and limits provided under any automobile insurance maintained
454 under this section.

455 (3) Before allowing a person to act as a transportation
456 network company driver on its digital platform, and at least
457 once every year thereafter, a transportation network company
458 shall:

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

461 license number, driving history, motor vehicle registration,
462 automobile liability insurance, and other information required
463 by the company.

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

466 1. A Multi-State/Multi-Jurisdiction Criminal Records
467 Locator or other similar commercial national database with
468 validation.

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

470 (c) Obtain and review a driving history research report
471 for the person.

472 (4) A transportation network company shall prohibit a
473 person from acting as a driver on its digital network if the
474 background check conducted under subsection (3) reveals that the
475 person:

476 (a) Has had more than three moving violations in the
477 preceding 3-year period or one violation of the following in the
478 preceding 3-year period:

479 1. Fleeing or attempting to elude a law enforcement
480 officer;

481 2. Reckless driving; or

482 3. Driving with a suspended or revoked license;

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

487 act of terror;
 488 (c) Is a match in the Dru Sjodin National Sex Offender
 489 Public Website;
 490 (d) Does not possess a valid driver license;
 491 (e) Does not possess proof of registration for the motor
 492 vehicle used to provide transportation network company service;
 493 (f) Does not possess proof of automobile liability
 494 insurance for the motor vehicle used to provide transportation
 495 network company service; or
 496 (g) Has not attained the age of 19 years.
 497 (5) (a) Within 60 days after beginning service as a
 498 transportation network company driver, a transportation network
 499 company driver vehicle shall be inspected by a certified
 500 automobile mechanic operating in the state. The inspection shall
 501 verify that the following components are in safe operating
 502 condition:
 503 1. Foot brakes.
 504 2. Emergency parking brake.
 505 3. Suspension/steering mechanism.
 506 4. Windshield.
 507 5. Rear window and other glass.
 508 6. Windshield wipers.
 509 7. Headlights.
 510 8. Taillights.
 511 9. Turn indicator lights.
 512 10. Brake lights.

- 513 11. Front seat adjustment mechanism.
- 514 12. Doors (open/close/lock).
- 515 13. Horn.
- 516 14. Speedometer.
- 517 15. Bumpers.
- 518 16. Muffler and exhaust system.
- 519 17. Condition of tires, including tread depth.
- 520 18. Interior and exterior rear view mirrors.
- 521 19. Safety belts for drivers and passengers.
- 522 (b) Within 60 days after beginning service, a
- 523 transportation network driver must submit to a transportation
- 524 network company with whom the driver is affiliated an inspection
- 525 form completed within the previous year by a certified mechanic
- 526 showing that the vehicle has passed the inspection required
- 527 under paragraph (a).
- 528 (6) (a) A company may not discriminate against a driver on
- 529 the basis of race, color, national origin, religious belief or
- 530 affiliation, sex, disability, age, or sexual orientation. A
- 531 company shall adopt a policy to assist a driver who reasonably
- 532 believes that he or she has received a negative rating from a
- 533 passenger because of his or her race, color, national origin,
- 534 religious belief or affiliation, sex, disability, age, or sexual
- 535 orientation.
- 536 (b) A company shall adopt a policy of nondiscrimination on
- 537 the basis of destination, race, color, national origin,
- 538 religious belief or affiliation, sex, disability, age, or sexual

539 orientation with respect to passengers and potential passengers
540 and shall notify drivers of the policy.

541 (c) A driver shall comply with the nondiscrimination
542 policy.

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

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

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

549 (a) Accept a ride other than a ride arranged through a
550 digital network.

551 (b) Solicit or accept street hails.

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

559 (8) A transportation network company may collect a fare on
560 behalf of a driver for service provided to a passenger. However,
561 if a fare is collected from a passenger, the company shall
562 disclose to the passenger the fare calculation method on its
563 website or within its software application. The company shall
564 also provide the passenger with the applicable rates being

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

567 (9) A transportation network company's software
568 application service or website shall display a picture of the
569 driver and the license plate number of the motor vehicle used to
570 provide transportation network company service before the
571 passenger enters the driver's vehicle.

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

- 574 (a) The origin and destination of the trip.
575 (b) The total time and distance of the trip.
576 (c) An itemization of the total fare paid.

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

580 (12) (a) If the commission has reasonable cause to believe
581 that a transportation network company driver or transportation
582 network company has violated the requirements of this section,
583 the commission may request records necessary to investigate and
584 resolve the inquiry. The company shall, in a reasonable
585 timeframe, make such records available for inspection at a
586 mutually agreeable location in the county.

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

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

595 (13) Notwithstanding section 5 and any other provision of
596 law, transportation network companies, transportation network
597 company drivers, and transportation network company driver
598 vehicles subject to the jurisdiction of this act shall be
599 governed exclusively by this section. The commission may enforce
600 this section within the county, but may not adopt any rules or
601 regulations related to transportation network companies,
602 transportation network company drivers, and transportation
603 network company driver vehicles.

604 (14) Notwithstanding any other provision of law, a
605 transportation network company driver and transportation network
606 company driver vehicle authorized to operate in any other
607 jurisdiction of the state is authorized to operate in the
608 county, including picking up a rider, dropping off a rider, or
609 conducting a trip between two points within the county.

610 Section ~~11.10~~. Enforcement.—The commission and law
611 enforcement agencies operating within the county are responsible
612 for the enforcement of this act and any rules adopted in
613 accordance with this act. Commission inspectors may call upon
614 any law enforcement officer within an appropriate jurisdiction
615 to assist in the enforcement of this act and any rules adopted
616 in accordance with this act. The commission may, through any of

617 its inspectors obtain from the state attorney a warrant or
618 capias for violation of this act or any rule adopted under this
619 act.

620 Section 12.11. Violation of act; penalty.—

621 (1) In addition to any other civil penalties contained
622 elsewhere in this act, any person who violates or fails to
623 comply with or who procures, aids, or abets in the violation of
624 any provision of this act or any rules adopted in accordance
625 with this act is guilty of a criminal offense and misdemeanor in
626 accordance with section 775.08, Florida Statutes, and is
627 punishable as provided by law.

628 (2) Any person who operates a public vehicle upon the
629 public highways without a certificate, permit, or public vehicle
630 driver ~~driver's~~ license as provided by this act and any rules
631 adopted in accordance with this act, or who operates a public
632 vehicle using a canceled certificate, or who violates any of the
633 provisions of this act or any rules adopted in accordance with
634 this act may be enjoined by the courts of this state from any
635 such violation.

636 Section 13.12. Citations; administrative hearings; persons
637 aggrieved or substantially affected.

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

642 issue a citation and serve the alleged violator by personal
643 service or certified mail.

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

648 (c) Failure to request an administrative hearing by
649 service of notice of appeal within 20 days after service of a
650 citation shall constitute a waiver thereof, and any such
651 unappealed citation shall become a final administrative decision
652 of the commission by operation of law.

653 (2) Any person aggrieved by an action of commission staff,
654 including the director, any interim director, an inspector, or a
655 hearing officer may appeal to the commission for an
656 administrative hearing by filing within 20 days after the date
657 of the action, a written notice of appeal which shall concisely
658 identify the matter contested and the reasons or grounds
659 therefore. Any notice of appeal shall be filed at the business
660 office of the commission, and an administrative hearing shall be
661 held solely before the commission and in accordance with rules
662 adopted by the commission for that purpose.

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

667 (4) Any person substantially affected by a rule or
668 proposed rule of the commission may seek an administrative
669 determination of the invalidity of the rule pursuant to section
670 120.56, Florida Statutes.

671 Section 14.13. Variance and waiver.—

672 (1) A variance and waiver may only be granted at a public
673 meeting upon affirmative vote of 5 members of the commission.
674 Notice of the petition and notice of the disposition of the
675 petition for variance or waiver need not be provided to the
676 Department of State. A copy of the petition and the order
677 granting or denying the petition for variance and waiver need
678 not be filed with the Joint Administrative Procedures Committee.
679 The commission need not file reports with the Governor,
680 President of the Senate, and Speaker of the House of
681 Representatives regarding the type and disposition of each
682 petition for variance and waiver. The commission's decision to
683 grant or deny the petition for variance and waiver is not
684 subject to sections 120.569 and 120.57, Florida Statutes.

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

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

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

694 Section 16.15. Recodification.—Prior to July 1, 2011, and
695 prior to July 1 every 10 years thereafter or as may otherwise be
696 required by the Legislature or the Hillsborough County
697 Legislative Delegation, the Hillsborough Delegation shall review
698 this act and all acts that amend this act for the purpose of
699 determining whether there is a need for consolidating,
700 compiling, revising, and recodifying such acts. If it is
701 determined there is such a need, the delegation may require the
702 commission to prepare such legislation as may be necessary for
703 that purpose.

704 Section 17.16. Savings clause for rules.—The rules of the
705 commission in effect on the effective date of this act shall
706 remain in effect for a period not to exceed one year from that
707 date to permit the commission sufficient time to revise or
708 repeal its rules in conformance with this act.

709 Section 18.17. Dissolution.—The district may be dissolved
710 in accordance with the provisions of section 189.4042, Florida
711 Statutes.

712 Section 19.18. Severance clause.—If any provision of this
713 act or its application is held invalid, it is the legislative
714 intent that the invalidity shall not affect other provisions or
715 applications of the act which can be given effect without the
716 invalid provision or application, and to this end the provisions
717 of this act are declared severable.

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718 Section ~~20.19~~. Chapters 83-423, 87-496, 88-493, 95-490,
719 and 2000-441, Laws of Florida, are repealed. Such repeal does
720 not affect the prosecution of any cause of action that accrued
721 before the effective date of the repeal and does not affect
722 actions of the Commission prior to the effective date of the
723 repeal.

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