

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; directing the  
6 Department of Highway Safety and Motor Vehicles to  
7 issue such permits; providing a permit fee; requiring  
8 an agent for service of process; requiring disclosure  
9 of a company's fares; requiring display of certain  
10 information related to a transportation network  
11 company driver; requiring that a company provide an  
12 electronic receipt to a passenger; providing  
13 requirements for automobile liability insurance and  
14 insurance disclosure; providing requirements for  
15 drivers to act as independent contractors; requiring a  
16 zero tolerance policy for drug and alcohol use;  
17 providing requirements for employment as a  
18 transportation network company driver; requiring that  
19 motor vehicles used by a transportation network  
20 company meet certain safety and emissions  
21 requirements; prohibiting specified conduct; providing  
22 certain nondiscrimination and accessibility  
23 requirements; requiring a company to maintain certain  
24 records; providing for preemption; amending ss.  
25 324.031 and 324.032, F.S.; revising methods for owners  
26 or operators of certain vehicles to prove financial

27 responsibility; providing for such proof by owners or  
 28 operators of a vehicle used in connection with a  
 29 transportation network company; amending ss. 324.022,  
 30 324.023, 324.051, 324.071, 324.151, and 627.733, F.S.;  
 31 conforming provisions to changes made by the act;  
 32 providing an effective date.

33

34 Be It Enacted by the Legislature of the State of Florida:

35

36 Section 1. Section 316.680, Florida Statutes, is created  
 37 to read:

38 316.680 Transportation network companies.-

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

40 (a) "Digital network" means any online-enabled application,  
 41 software, website, or system offered or used by a transportation  
 42 network company that enables the prearrangement of rides with  
 43 transportation network company drivers.

44 (b) "Personal vehicle" means a vehicle that is used by a  
 45 transportation network company driver in connection with  
 46 providing transportation network company service and is:

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

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

51 (c) "Transportation network company" or "company" means an  
 52 entity granted a permit under this section to operate in this

53 state using a digital network or software application service to  
54 connect passengers to transportation network company service  
55 provided by drivers. A company is not deemed to own, control,  
56 operate, or manage the vehicles used by drivers; is not deemed  
57 to control or manage drivers; and is not a taxicab association  
58 or for-hire vehicle owner. A transportation network company does  
59 not include an individual, corporation, partnership, sole  
60 proprietorship, or other entity arranging nonemergency medical  
61 transportation for individuals qualifying for Medicaid or  
62 Medicare pursuant to a contract with the state or a managed care  
63 organization.

64 (d) "Transportation network company driver" or "driver"  
65 means an individual who:

66 1. Receives connections to potential passengers and  
67 related services from a transportation network company in  
68 exchange for payment of a fee to the transportation network  
69 company; and

70 2. Uses a personal vehicle to provide transportation  
71 network company service to passengers upon connection through a  
72 digital network controlled by a transportation network company  
73 in return for compensation or payment of a fee.

74 (e) "Transportation network company rider" or "rider"  
75 means an individual or person who uses a transportation network  
76 company's digital network to connect with a transportation  
77 network company driver who provides transportation network  
78 company service to the rider in the driver's personal vehicle

79 between points chosen by the rider.

80 (f) "Transportation network company service" means the  
81 provision of transportation by a driver to a rider, beginning  
82 when a driver accepts a ride requested by a rider through a  
83 digital network controlled by a transportation network company,  
84 continuing while the driver transports a rider, and ending when  
85 the last rider departs from the personal vehicle. The term does  
86 not include a taxi, for-hire vehicle, or street hail service.

87 (g) "Trip" means the duration of transportation network  
88 company service beginning at a point of origin where the  
89 passenger enters the driver's vehicle and ending at a point of  
90 destination where the passenger exits the vehicle.

91 (2) NOT A COMMON CARRIER.—A transportation network company  
92 or driver is not a common carrier and does not provide taxi or  
93 for-hire vehicle service. In addition, a driver is not required  
94 to register the vehicle that the driver uses for transportation  
95 network company service as a commercial vehicle or a for-hire  
96 vehicle.

97 (3) PERMIT REQUIRED.—

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

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

104 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A

105 transportation network company must designate and maintain an  
106 agent for service of process in this state. If the registered  
107 agent of the company cannot, with reasonable diligence, be found  
108 or if the company fails to designate or maintain a registered  
109 agent in this state, the executive director of the department  
110 must be an agent of the transportation network company upon whom  
111 any process, notice, or demand may be served.

112 (5) FARE COLLECTED FOR SERVICES.—A company may collect a  
113 fare on behalf of a driver for the services provided to  
114 passengers; however, if a fare is collected from a passenger,  
115 the company shall disclose to the passenger the fare calculation  
116 method on its website or within its software application. The  
117 company shall also provide the passenger with the applicable  
118 rates being charged and the option to receive an estimated fare  
119 before the passenger enters the driver's vehicle.

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

125 (7) ELECTRONIC RECEIPT.—Within a reasonable period of  
126 time, the company shall provide an electronic receipt to the  
127 passenger which lists:

- 128 (a) The origin and destination of the trip.  
129 (b) The total time and distance of the trip.  
130 (c) An itemization of the total fare paid.

131 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE  
132 REQUIREMENTS.—

133 (a) Beginning March 1, 2017, a transportation network  
134 company driver or transportation network company on the driver's  
135 behalf shall maintain primary automobile insurance that  
136 recognizes that the driver is a transportation network company  
137 driver or otherwise uses a vehicle to transport passengers for  
138 compensation and covers the driver:

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

141 2. While the driver is engaged in transportation network  
142 company service.

143 (b) The following automobile insurance requirements apply  
144 while a participating driver is logged into the transportation  
145 network company's digital network and is available to receive  
146 transportation requests but is not engaged in transportation  
147 network company service:

148 1. Primary automobile liability insurance in the amount of  
149 at least \$50,000 for death and bodily injury per person,  
150 \$100,000 for death and bodily injury per incident, and \$25,000  
151 for property damage.

152 2. Primary automobile liability insurance that provides  
153 the minimum coverage requirements under ss. 627.730-627.7405.

154 (c) The following automobile insurance requirements apply  
155 while a driver is engaged in transportation network company  
156 service:

157 1. Primary automobile liability insurance that provides at  
 158 least \$1 million for death, bodily injury, and property damage;  
 159 and

160 2. Primary automobile liability insurance that provides  
 161 the minimum coverage requirements where required of a limousine  
 162 under ss. 627.730-627.7405.

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

165 1. Automobile liability insurance maintained by the  
 166 driver;

167 2. Automobile liability insurance maintained by the  
 168 company; or

169 3. A combination of coverage maintained as provided in  
 170 subparagraphs 1. and 2.

171 (e) If insurance maintained by a driver under paragraph  
 172 (b) or paragraph (c) has lapsed or does not provide the required  
 173 coverage, insurance maintained by a transportation network  
 174 company shall provide the coverage required by this section  
 175 beginning with the first dollar of a claim.

176 (f) Coverage under an automobile insurance policy  
 177 maintained by the transportation network company is not  
 178 dependent on a personal automobile insurer's first denying a  
 179 claim, and a personal automobile insurance policy is not  
 180 required for the transportation network company's insurer to  
 181 deny a claim.

182 (g) Insurance required by this section may be placed with

183 an insurer authorized to do business in the state or with a  
184 surplus lines insurer eligible under the Surplus Lines Law under  
185 ss. 626.913-626.937.

186 (h) Insurance satisfying the requirements of this section  
187 is deemed to satisfy the financial responsibility requirement  
188 for a motor vehicle under chapter 324 and the security required  
189 under s. 627.733.

190 (i) A driver shall carry proof of coverage satisfying  
191 paragraphs (b) and (c) with him or her at all times during his  
192 or her use of a vehicle in connection with a transportation  
193 network company's digital network. In the event of an accident,  
194 the driver shall provide this insurance coverage information to  
195 the directly interested parties, automobile insurers, and  
196 investigating police officers. Such proof of financial  
197 responsibility may be presented through a digital phone  
198 application under s. 316.646 controlled by a transportation  
199 network company. Upon such request, the driver shall also  
200 disclose to directly interested parties, automobile insurers,  
201 and investigating police officers whether he or she was logged  
202 into the transportation network company's digital network or  
203 engaged in transportation network company service at the time of  
204 the accident.

205 (j) If a transportation network company's insurer makes a  
206 payment for a claim covered under comprehensive coverage or  
207 collision coverage, the transportation network company shall  
208 cause its insurer to issue the payment directly to the business



209 repairing the vehicle or jointly to the owner of the vehicle and  
210 the primary lienholder on the covered vehicle.

211 (9) TRANSPORTATION NETWORK COMPANY AND INSURER;  
212 EXCLUSIONS; DISCLOSURE.—

213 (a) The transportation network company shall disclose the  
214 following in writing to drivers before they are allowed to  
215 accept a request for transportation network company service on  
216 the transportation network company's digital network:

217 1. The insurance coverage, including the types of coverage  
218 and the limits for each coverage, that the transportation  
219 network company provides while the driver uses a personal  
220 vehicle in connection with a transportation network company's  
221 digital network.

222 2. That the driver's own automobile insurance policy might  
223 not provide any coverage while the driver is logged into the  
224 transportation network company's digital network and is  
225 available to receive transportation requests or is engaged in  
226 transportation network company service depending on its terms.

227 (b)1. An insurer that provides automobile liability  
228 insurance policies under part XI of chapter 627 may exclude any  
229 and all coverage afforded under the owner's or driver's  
230 insurance policy for any loss or injury that occurs while a  
231 driver is logged into a transportation network company's digital  
232 network or while a driver provides transportation network  
233 company service. This right to exclude all coverage may apply to  
234 any coverage included in an automobile insurance policy,

235 including, but not limited to:

236 a. Liability coverage for bodily injury and property  
237 damage.

238 b. Uninsured and underinsured motorist coverage.

239 c. Medical payments coverage.

240 d. Comprehensive physical damage coverage.

241 e. Collision physical damage coverage.

242 f. Personal injury protection.

243 2. The exclusions described in subparagraph 1. apply  
244 notwithstanding any requirement under chapter 324. This section  
245 does not require or imply that a personal automobile insurance  
246 policy provides coverage while the driver is logged into the  
247 transportation network company's digital network, while the  
248 driver is engaged in transportation network company service, or  
249 while the driver otherwise uses a vehicle to transport  
250 passengers for compensation.

251 3. This section does not preclude an insurer from  
252 providing coverage by contract or endorsement for the driver's  
253 vehicle.

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

259 2. An automobile insurer that defends or indemnifies a  
260 claim against a driver, which is excluded under the terms of its

261 policy, has a right of contribution against other insurers that  
262 provide automobile insurance to the same driver in satisfaction  
263 of the coverage requirements of subsection (8) at the time of  
264 loss.

265 (d) In a claims coverage investigation, transportation  
266 network companies and any insurer potentially providing coverage  
267 under subsection (8) shall cooperate to facilitate the exchange  
268 of relevant information with directly involved parties and any  
269 insurer of the driver, if applicable, including the precise  
270 times that a driver logged into and off of the transportation  
271 network company's digital network during the 12-hour period  
272 immediately before and the 12-hour period immediately after the  
273 accident and disclose to one another a clear description of the  
274 coverage, exclusions, and limits provided under any automobile  
275 insurance maintained under subsection (8).

276 (10) DRIVERS AS INDEPENDENT CONTRACTORS.—

277 (a) A driver is an independent contractor and not an  
278 employee of the company if the following conditions are met:

279 1. The company does not prescribe specific hours during  
280 which the driver must be logged into the company's digital  
281 network.

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

284 3. The company does not assign the driver to a particular  
285 territory in which transportation network company services are  
286 authorized to be provided.

287 4. The company does not restrict the driver from engaging  
288 in any other occupation or business; and

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

291 (b) A company operating under this section is not required  
292 to provide workers' compensation coverage to a transportation  
293 network company driver who is classified as an independent  
294 contractor pursuant to this section.

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

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

300 (b) A company shall provide notice on its website of a  
301 zero tolerance policy under paragraph (a) and shall provide  
302 procedures for a passenger to file a complaint about a driver  
303 who the passenger reasonably suspects was under the influence of  
304 drugs or alcohol during the course of a trip.

305 (c) Upon receipt of a passenger complaint alleging a  
306 violation of the zero tolerance policy, the company shall  
307 immediately suspend the accused driver's access to the company's  
308 digital network and shall conduct an investigation into the  
309 reported incident. The suspension shall last for the duration of  
310 the investigation.

311 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—

312 (a) Before allowing a person to act as a driver on its

313 digital network, and at least once every 2 years thereafter, the  
314 company shall:

315 1. Require the person to submit an application to the  
316 company, including his or her address, date of birth, driver  
317 license number, driving history, motor vehicle registration,  
318 automobile liability insurance, and other information required  
319 by the company.

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

322 a. A Multi-State/Multi-Jurisdiction Criminal Records  
323 Locator or other similar commercial national database with  
324 validation.

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

326 3. Obtain and review a driving history research report for  
327 such person.

328 (b) The company shall prohibit a person from acting as a  
329 driver on its digital network if the person:

330 1. Has had more than three moving violations in the  
331 preceding 3-year period or one major violation in the preceding  
332 3-year period. A major violation includes, but is not limited  
333 to, fleeing or attempting to elude a law enforcement officer,  
334 reckless driving, or driving with a suspended or revoked  
335 license;

336 2. Has been convicted, within the past 7 years, of driving  
337 under the influence of drugs or alcohol, fraud, sexual offenses,  
338 use of a motor vehicle to commit a felony, a crime involving

339 property damage or theft, acts of violence, or acts of terror;

340 3. Is a match in the Dru Sjodin National Sex Offender

341 Public Website;

342 4. Does not possess a valid driver license;

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

345 6. Does not possess proof of automobile liability  
346 insurance for the motor vehicle used to provide transportation  
347 network company service; or

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

349 (13) VEHICLE SAFETY AND EMISSIONS.—A company shall require  
350 that a personal vehicle used by a driver to provide  
351 transportation network company service meets the vehicle safety  
352 and emissions requirements for a private motor vehicle of the  
353 state in which the vehicle is registered.

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

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

357 (b) Solicit or accept street hails.

358 (c) Solicit or accept cash payments from passengers. A  
359 company shall adopt a policy prohibiting solicitation or  
360 acceptance of cash payments from passengers and notify drivers  
361 of such policy. Such policy must require a payment for  
362 transportation network company service to be made electronically  
363 using the company's digital network or software application  
364 service.

365 (15) NONDISCRIMINATION; ACCESSIBILITY.—

366 (a) A company may not discriminate against a driver on the  
367 basis of race, color, national origin, religious belief or  
368 affiliation, sex, disability, age, or sexual orientation. A  
369 company shall adopt a policy to assist a driver who reasonably  
370 believes that he or she has received a negative rating from a  
371 passenger because of his or her race, color, national origin,  
372 religious belief or affiliation, sex, disability, age, or sexual  
373 orientation.

374 (b) A company shall adopt a policy of nondiscrimination on  
375 the basis of destination, race, color, national origin,  
376 religious belief or affiliation, sex, disability, age, or sexual  
377 orientation with respect to passengers and potential passengers  
378 and shall notify drivers of such policy.

379 (c) A driver shall comply with the nondiscrimination  
380 policy.

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

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

386 (f) A company shall provide passengers an opportunity to  
387 indicate whether they require a wheelchair-accessible vehicle.  
388 If a company cannot arrange wheelchair-accessible service, it  
389 shall direct the passenger to an alternate provider of  
390 wheelchair-accessible service, if available.

391 (16) RECORDS.—A company shall maintain:

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

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

397 (c) The company shall maintain records of written  
398 passenger complaints received through the company's software  
399 application for at least 2 years after the date such complaint  
400 is received by the company.

401 (17) PREEMPTION.—It is the intent of the Legislature to  
402 provide for uniformity of laws governing transportation network  
403 companies, transportation network company drivers, and vehicles  
404 used by transportation network company drivers throughout the  
405 state. Notwithstanding any other provision of law,  
406 transportation network companies, transportation network company  
407 drivers, and vehicles used by transportation network company  
408 drivers are governed exclusively by this section and any rules  
409 adopted by the department to administer this section. A county,  
410 municipality, special district, airport authority, port  
411 authority, or other local governmental entity or subdivision may  
412 not impose a tax on, or require a license for, a company or a  
413 driver, or a vehicle used by a driver, if such tax or license  
414 relates to providing transportation network company services, or  
415 subjects a company to any rate, entry, operation, or other  
416 requirement of the county, municipality, special district,



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417 airport authority, port authority, or other local governmental  
418 entity or subdivision.

419 Section 2. Section 324.031, Florida Statutes, is amended  
420 to read:

421 324.031 Manner of proving financial responsibility.—The  
422 owner or operator of a taxicab, limousine, jitney, any vehicle  
423 used in connection with a transportation network company or any  
424 other for-hire passenger transportation vehicle may prove  
425 financial responsibility by providing satisfactory evidence of  
426 holding a motor vehicle liability policy as defined in s.  
427 324.021(8) or s. 324.151, which policy is issued by an insurance  
428 carrier which is a member of the Florida Insurance Guaranty  
429 Association or an eligible surplus lines insurer under s.  
430 626.918 that is rated "A-" or higher by A. M. Best Company. The  
431 operator or owner of any other vehicle may prove his or her  
432 financial responsibility by:

433 ~~(1) furnishing satisfactory evidence of holding a motor~~  
434 ~~vehicle liability policy as defined in ss. 324.021(8) and~~  
435 ~~324.151.~~

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

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

440

441 ~~Any person, including any firm, partnership, association,~~  
442 ~~corporation, or other person, other than a natural person,~~

443 ~~electing to use the method of proof specified in subsection (2)~~  
444 ~~shall furnish a certificate of deposit equal to the number of~~  
445 ~~vehicles owned times \$30,000, to a maximum of \$120,000; in~~  
446 ~~addition, any such person, other than a natural person, shall~~  
447 ~~maintain insurance providing coverage in excess of limits of~~  
448 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~  
449 ~~such excess insurance shall provide minimum limits of~~  
450 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~  
451 ~~These increased limits shall not affect the requirements for~~  
452 ~~proving financial responsibility under s. 324.032(1).~~

453 Section 3. Section 324.032, Florida Statutes, is amended  
454 to read:

455 324.032 Manner of proving financial responsibility; for-  
456 hire passenger transportation vehicles.—Notwithstanding the  
457 provisions of s. 324.031:

458 (1)~~(a)~~ A person who is either the owner or a lessee  
459 required to maintain insurance under s. 627.733(1)(b) and who  
460 operates one or more taxicabs, limousines, jitneys, or any other  
461 for-hire passenger transportation vehicles may prove financial  
462 responsibility by furnishing satisfactory evidence of holding a  
463 motor vehicle liability policy, but with minimum limits of  
464 \$125,000/250,000/50,000.

465 (2)~~(b)~~ A person who is either the owner or a lessee  
466 required to maintain insurance under s. 324.021(9)(b) and who  
467 operates limousines, jitneys, or any other for-hire passenger  
468 vehicles, other than taxicabs, may prove financial

469 responsibility by furnishing satisfactory evidence of holding a  
470 motor vehicle liability policy as defined in s. 324.031.

471 ~~(2) An owner or a lessee who is required to maintain~~  
472 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~  
473 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~  
474 ~~transportation vehicles may provide financial responsibility by~~  
475 ~~complying with the provisions of s. 324.171, such compliance to~~  
476 ~~be demonstrated by maintaining at its principal place of~~  
477 ~~business an audited financial statement, prepared in accordance~~  
478 ~~with generally accepted accounting principles, and providing to~~  
479 ~~the department a certification issued by a certified public~~  
480 ~~accountant that the applicant's net worth is at least equal to~~  
481 ~~the requirements of s. 324.171 as determined by the Office of~~  
482 ~~Insurance Regulation of the Financial Services Commission,~~  
483 ~~including claims liabilities in an amount certified as adequate~~  
484 ~~by a Fellow of the Casualty Actuarial Society.~~

485  
486 ~~Upon request by the department, the applicant must provide the~~  
487 ~~department at the applicant's principal place of business in~~  
488 ~~this state access to the applicant's underlying financial~~  
489 ~~information and financial statements that provide the basis of~~  
490 ~~the certified public accountant's certification. The applicant~~  
491 ~~shall reimburse the requesting department for all reasonable~~  
492 ~~costs incurred by it in reviewing the supporting information.~~  
493 ~~The maximum amount of self-insurance permissible under this~~  
494 ~~subsection is \$300,000 and must be stated on a per-occurrence~~

495 ~~basis, and the applicant shall maintain adequate excess~~  
496 ~~insurance issued by an authorized or eligible insurer licensed~~  
497 ~~or approved by the Office of Insurance Regulation. All risks~~  
498 ~~self-insured shall remain with the owner or lessee providing it,~~  
499 ~~and the risks are not transferable to any other person, unless a~~  
500 ~~policy complying with subsection (1) is obtained.~~

501 Section 4. Subsection (1) and paragraph (a) of subsection  
502 (2) of section 324.022, Florida Statutes, are amended to read:

503 324.022 Financial responsibility for property damage.—

504 (1) Every owner or operator of a motor vehicle required to  
505 be registered in this state shall establish and maintain the  
506 ability to respond in damages for liability on account of  
507 accidents arising out of the use of the motor vehicle in the  
508 amount of \$10,000 because of damage to, or destruction of,  
509 property of others in any one crash. The requirements of this  
510 section may be met by ~~one of~~ the methods established in s.  
511 324.031; by self-insuring as authorized by s. 768.28(16); or by  
512 maintaining an insurance policy providing coverage for property  
513 damage liability in the amount of at least \$10,000 because of  
514 damage to, or destruction of, property of others in any one  
515 accident arising out of the use of the motor vehicle. The  
516 requirements of this section may also be met by having a policy  
517 which provides coverage in the amount of at least \$30,000 for  
518 combined property damage liability and bodily injury liability  
519 for any one crash arising out of the use of the motor vehicle.  
520 The policy, with respect to coverage for property damage

521 liability, must meet the applicable requirements of s. 324.151,  
 522 subject to the usual policy exclusions that have been approved  
 523 in policy forms by the Office of Insurance Regulation. No  
 524 insurer shall have any duty to defend uncovered claims  
 525 irrespective of their joinder with covered claims.

526 (2) As used in this section, the term:

527 (a) "Motor vehicle" means any self-propelled vehicle that  
 528 has four or more wheels and that is of a type designed and  
 529 required to be licensed for use on the highways of this state,  
 530 and any trailer or semitrailer designed for use with such  
 531 vehicle. The term does not include:

532 1. A mobile home.

533 2. A motor vehicle that is used in mass transit and  
 534 designed to transport more than five passengers, exclusive of  
 535 the operator of the motor vehicle, and that is owned by a  
 536 municipality, transit authority, or political subdivision of the  
 537 state.

538 3. A school bus as defined in s. 1006.25.

539 4. A vehicle providing for-hire transportation that is  
 540 subject to ~~the provisions of~~ s. 324.031. A taxicab shall  
 541 maintain security as required under s. 324.032 ~~324.032(1)~~.

542 Section 5. Section 324.023, Florida Statutes, is amended  
 543 to read:

544 324.023 Financial responsibility for bodily injury or  
 545 death.—In addition to any other financial responsibility  
 546 required by law, every owner or operator of a motor vehicle that

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547 is required to be registered in this state, or that is located  
548 within this state, and who, regardless of adjudication of guilt,  
549 has been found guilty of or entered a plea of guilty or nolo  
550 contendere to a charge of driving under the influence under s.  
551 316.193 after October 1, 2007, shall, by ~~one of~~ the methods  
552 established in s. 324.031 ~~324.031(1) or (2)~~, establish and  
553 maintain the ability to respond in damages for liability on  
554 account of accidents arising out of the use of a motor vehicle  
555 in the amount of \$100,000 because of bodily injury to, or death  
556 of, one person in any one crash and, subject to such limits for  
557 one person, in the amount of \$300,000 because of bodily injury  
558 to, or death of, two or more persons in any one crash and in the  
559 amount of \$50,000 because of property damage in any one crash.  
560 If the owner or operator chooses to establish and maintain such  
561 ability by furnishing a certificate of deposit ~~pursuant to s.~~  
562 ~~324.031(2)~~, such certificate of deposit must be at least  
563 \$350,000. Such higher limits must be carried for a minimum  
564 period of 3 years. If the owner or operator has not been  
565 convicted of driving under the influence or a felony traffic  
566 offense for a period of 3 years after ~~from~~ the date of  
567 reinstatement of driving privileges for a violation of s.  
568 316.193, the owner or operator shall be exempt from this  
569 section.

570 Section 6. Paragraph (a) of subsection (2) of section  
571 324.051, Florida Statutes, is amended to read:

572 324.051 Reports of crashes; suspensions of licenses and

573 registrations.—

574 (2) (a) Thirty days after receipt of notice of any accident  
575 described in paragraph (1) (a) involving a motor vehicle within  
576 this state, the department shall suspend, after due notice and  
577 opportunity to be heard, the license of each operator and all  
578 registrations of the owner of the vehicles operated by such  
579 operator whether or not involved in such crash and, in the case  
580 of a nonresident owner or operator, shall suspend such  
581 nonresident's operating privilege in this state, unless such  
582 operator or owner shall, prior to the expiration of such 30  
583 days, be found by the department to be exempt from the operation  
584 of this chapter, based upon evidence satisfactory to the  
585 department that:

586 1. The motor vehicle was legally parked at the time of  
587 such crash.

588 2. The motor vehicle was owned by the United States  
589 Government, this state, or any political subdivision of this  
590 state or any municipality therein.

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

595 4. Such operator or owner has deposited with the  
596 department security to conform with s. 324.061 when applicable  
597 and has complied with ~~one of the provisions of~~ s. 324.031.

598 5. One year has elapsed since such owner or operator was

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599 | suspended pursuant to subsection (3), the owner or operator has  
600 | complied with ~~one of the provisions of~~ s. 324.031, and no bill  
601 | of complaint of which the department has notice has been filed  
602 | in a court of competent jurisdiction.

603

604 | No such policy or bond shall be effective under this subsection  
605 | unless it contains limits of not less than those specified in s.  
606 | 324.021(7).

607 | Section 7. Section 324.071, Florida Statutes, is amended  
608 | to read:

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



625 unless the operator is continuing to comply with ~~one of the~~  
626 ~~provisions of~~ s. 324.031.

627 Section 8. Subsection (1) of section 324.151, Florida  
628 Statutes, is amended to read:

629 324.151 Motor vehicle liability policies; required  
630 provisions.—

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

634 (a) An owner's liability insurance policy shall designate  
635 by explicit description or by appropriate reference all motor  
636 vehicles with respect to which coverage is thereby granted and  
637 shall insure the owner named therein and any other person as  
638 operator using such motor vehicle or motor vehicles with the  
639 express or implied permission of such owner against loss from  
640 the liability imposed by law for damage arising out of the  
641 ownership, maintenance, or use of such motor vehicle or motor  
642 vehicles within the United States or the Dominion of Canada,  
643 subject to limits, exclusive of interest and costs with respect  
644 to each such motor vehicle as is provided for under s.  
645 324.021(7). Insurers may make available, with respect to  
646 property damage liability coverage, a deductible amount not to  
647 exceed \$500. In the event of a property damage loss covered by a  
648 policy containing a property damage deductible provision, the  
649 insurer shall pay to the third-party claimant the amount of any  
650 property damage liability settlement or judgment, subject to

651 policy limits, as if no deductible existed.

652 (b) An operator's motor vehicle liability policy of  
653 insurance shall insure the person named therein against loss  
654 from the liability imposed upon him or her by law for damages  
655 arising out of the use by the person of any motor vehicle not  
656 owned by him or her, with the same territorial limits and  
657 subject to the same limits of liability as referred to above  
658 with respect to an owner's policy of liability insurance.

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

674 Section 9. Paragraph (b) of subsection (1) and paragraph  
675 (b) of subsection (3) of section 627.733, Florida Statutes, are  
676 amended to read:

677 |           627.733 Required security.—

678 |           (1)

679 |           (b) Every owner or registrant of a motor vehicle used as a  
 680 | taxicab shall not be governed by paragraph (1)(a) but shall  
 681 | maintain security as required under s. 324.032 ~~324.032(1)~~, and  
 682 | s. 627.737 shall not apply to any motor vehicle used as a  
 683 | taxicab.

684 |           (3) Such security shall be provided:

685 |           (b) By any other method authorized by s. 324.031  
 686 | ~~324.031(2) or (3)~~ and approved by the Department of Highway  
 687 | Safety and Motor Vehicles as affording security equivalent to  
 688 | that afforded by a policy of insurance or by self-insuring as  
 689 | authorized by s. 768.28(16). The person filing such security  
 690 | shall have all of the obligations and rights of an insurer under  
 691 | ss. 627.730-627.7405.

692 |           Section 10. This act shall take effect July 1, 2016.