

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 rider; providing requirements
13 for automobile insurance and insurance disclosure;
14 providing requirements for drivers to act as
15 independent contractors; requiring a zero tolerance
16 policy for drug and alcohol use; providing
17 requirements for employment as a transportation
18 network company driver; prohibiting specified conduct;
19 providing certain nondiscrimination and accessibility
20 requirements; requiring a company to maintain certain
21 records; providing for preemption; amending s.
22 324.031, F.S.; providing for proof of financial
23 responsibility by owners or operators of a vehicle
24 used in connection with a transportation network
25 company; amending ss. 324.023, 324.051, 324.071,
26 324.151, and 627.733, F.S.; conforming provisions to

27 changes made by the act; providing an effective date.

28

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

30

31 Section 1. Section 316.680, Florida Statutes, is created
32 to read:

33 316.680 Transportation network companies.-

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

35 (a) "Digital network" means any online-enabled application,
36 software, website, or system offered or used by a transportation
37 network company that enables the prearrangement of rides with
38 transportation network company drivers.

39 (b) "Personal vehicle" means a vehicle that is used by a
40 transportation network company driver in connection with
41 providing transportation network company service and is:

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

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

46 (c) "Transportation network company" or "company" means an
47 entity granted a permit under this section to operate in this
48 state using a digital network or software application service to
49 connect riders to transportation network company service
50 provided by drivers. A company is not deemed to own, control,
51 operate, or manage the vehicles used by drivers; is not deemed
52 to control or manage drivers; and is not a taxicab association

53 or for-hire vehicle owner. A transportation network company does
54 not include an individual, corporation, partnership, sole
55 proprietorship, or other entity arranging nonemergency medical
56 transportation for individuals qualifying for Medicaid or
57 Medicare pursuant to a contract with the state or a managed care
58 organization.

59 (d) "Transportation network company driver" or "driver"
60 means an individual who:

61 1. Receives connections to potential riders and related
62 services from a transportation network company in exchange for
63 payment of a fee to the transportation network company; and

64 2. Uses a personal vehicle to provide transportation
65 network company service to riders upon connection through a
66 digital network controlled by a transportation network company
67 in return for compensation or payment of a fee.

68 (e) "Transportation network company rider" or "rider"
69 means an individual or person who uses a transportation network
70 company's digital network to connect with a transportation
71 network company driver who provides transportation network
72 company service to the rider in the driver's personal vehicle
73 between points chosen by the rider.

74 (f) "Transportation network company service" means the
75 provision of transportation by a driver to a rider, beginning
76 when a driver accepts a ride requested by a rider through a
77 digital network controlled by a transportation network company,
78 continuing while the driver transports a rider, and ending when

79 the last rider departs from the personal vehicle. The term does
80 not include a taxi, for-hire vehicle, or street hail service and
81 does not include ridesharing as defined in s. 341.031, a carpool
82 service as defined s. 450.28, or any other type of service in
83 which the driver receives a fee that does not exceed the
84 driver's cost to provide the ride.

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

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

95 (3) PERMIT REQUIRED.—

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

98 (b) The department shall issue a permit to each company
99 that meets the requirements for a transportation network company
100 pursuant to this section and pays an annual permit fee of \$5,000
101 to the department to be deposited into the Highway Safety
102 Operating Trust Fund.

103 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A
104 transportation network company must designate and maintain an

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

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

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

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

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

130 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE

131 REQUIREMENTS.—

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

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

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

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

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

151 2. Personal injury protection benefits that provide the
152 minimum coverage amounts required under ss. 627.730-627.7405.

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

156 1. Primary automobile liability insurance that provides at

157 | least \$1 million for death, bodily injury, and property damage;
 158 | and

159 | 2. Personal injury protection benefits that provide the
 160 | minimum coverage amounts where required of a limousine under ss.
 161 | 627.730-627.7405.

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

- 164 | 1. Automobile insurance maintained by the driver;
- 165 | 2. Automobile insurance maintained by the company; or
- 166 | 3. A combination of coverage maintained as provided in
 167 | subparagraphs 1. and 2.

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

173 | (f) Coverage under an automobile insurance policy
 174 | maintained by the transportation network company is not
 175 | dependent on the maintenance of a personal automobile insurance
 176 | policy or on the personal automobile insurer's first denying a
 177 | claim.

178 | (g) Insurance required by this section may be placed with
 179 | an insurer authorized to do business in the state or with a
 180 | surplus lines insurer eligible under the Surplus Lines Law under
 181 | ss. 626.913-626.937.

182 | (h) Insurance satisfying the requirements of this section

183 is deemed to satisfy the financial responsibility requirement
184 for a motor vehicle under chapter 324 and the security required
185 under s. 627.733.

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

201 (j) If a transportation network company's insurer makes a
202 payment for a claim covered under comprehensive coverage or
203 collision coverage, the transportation network company shall
204 cause its insurer to issue the payment directly to the business
205 repairing the vehicle or jointly to the owner of the vehicle and
206 the primary lienholder on the covered vehicle.

207 (9) TRANSPORTATION NETWORK COMPANY AND INSURER;
208 EXCLUSIONS; DISCLOSURE.—

209 (a) The transportation network company shall disclose the
210 following in writing to drivers before they are allowed to
211 accept a request for transportation network company service on
212 the transportation network company's digital network:

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

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

223 3. That the provision of rides for compensation, whether
224 prearranged or otherwise, which is not covered by this section
225 subjects the driver to the coverage requirements imposed by s.
226 324.032(1), and that failure to meet such limits subjects the
227 driver to penalties provided in s. 324.221, up to and including
228 a misdemeanor of the second degree.

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

235 company service. This right to exclude all coverage may apply to
236 any coverage included in an automobile insurance policy,
237 including, but not limited to:

238 a. Liability coverage for bodily injury and property
239 damage.

240 b. Uninsured and underinsured motorist coverage.

241 c. Medical payments coverage.

242 d. Comprehensive physical damage coverage.

243 e. Collision physical damage coverage.

244 f. Personal injury protection.

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

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

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

261 2. An automobile insurer that defends or indemnifies a
262 claim against a driver, which is excluded under the terms of its
263 policy, has a right of contribution against other insurers that
264 provide automobile insurance to the same driver in satisfaction
265 of the coverage requirements of subsection (8) at the time of
266 loss.

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

278 (10) DRIVERS AS INDEPENDENT CONTRACTORS.—

279 (a) A driver is an independent contractor and not an
280 employee of the company if all of the following conditions are
281 met:

282 1. The company does not prescribe specific hours during
283 which the driver must be logged into the company's digital
284 network.

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

287 3. The company does not assign the driver to a particular
288 territory in which transportation network company services are
289 authorized to be provided.

290 4. The company does not restrict the driver from engaging
291 in any other occupation or business.

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

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

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

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

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

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

313 investigation.

314 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—

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

318 1. Require the applicant to submit an application to the
319 company, including his or her address, date of birth, social
320 security number, driver license number, driving history, motor
321 vehicle registration, automobile liability insurance, and other
322 information required by the company.

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

325 a. A Multi-State/Multi-Jurisdiction Criminal Records
326 Locator or other similar commercial national database with
327 validation.

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

329 3. Conduct a social security trace or similar
330 identification check that is designed to identify relevant
331 information about the applicant, including first name, middle
332 name or initial, last name, aliases, maiden name, alternative
333 spellings, nicknames, date of birth, and any known addresses.

334 4. Obtain and review a driving history research report for
335 the applicant.

336 (b) The company shall prohibit an applicant from acting as
337 a driver on its digital network if the applicant:

338 1. Has had more than three moving violations in the

339 preceding 3-year period or one major violation in the preceding
340 3-year period. A major violation is:

341 a. Fleeing or attempting to elude a law enforcement
342 officer;

343 b. Reckless driving; or

344 c. Driving with a suspended or revoked license;

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

349 3. Has been convicted, within the past 7 years, of any
350 offense listed in the level 2 screening standards in s.
351 435.04(2) or (3), or a substantially similar law of another
352 state or federal law;

353 4. Is a match in the Dru Sjodin National Sex Offender
354 Public Website;

355 5. Does not possess a valid driver license;

356 6. Does not possess proof of registration for the motor
357 vehicle used to provide transportation network company service;

358 7. Does not possess proof of automobile liability
359 insurance for the motor vehicle used to provide transportation
360 network company service; or

361 8. Has not attained the age of 19 years.

362 (13) PROHIBITED CONDUCT.—A driver may not:

363 (a) Accept a rider other than a rider arranged through a
364 digital network or software application service.

365 (b) Solicit or accept street hails.

366 (c) Solicit or accept cash payments from riders. A company
367 shall adopt a policy prohibiting solicitation or acceptance of
368 cash payments from riders and notify drivers of such policy.
369 Such policy must require a payment for transportation network
370 company service to be made electronically using the company's
371 digital network or software application service.

372 (14) NONDISCRIMINATION; ACCESSIBILITY.—

373 (a) A company may not discriminate against a driver on the
374 basis of race, color, national origin, religious belief or
375 affiliation, sex, disability, age, or sexual orientation. A
376 company shall adopt a policy to assist a driver who reasonably
377 believes that he or she has received a negative rating from a
378 rider because of his or her race, color, national origin,
379 religious belief or affiliation, sex, disability, age, or sexual
380 orientation.

381 (b) A company shall adopt a policy of nondiscrimination on
382 the basis of destination, race, color, national origin,
383 religious belief or affiliation, sex, disability, age, or sexual
384 orientation with respect to riders and potential riders and
385 shall notify drivers of such policy.

386 (c) A driver shall comply with the nondiscrimination
387 policy.

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

390 (e) A company may not impose additional charges for

391 providing transportation network company service to persons with
392 physical disabilities because of those disabilities.

393 (f) A company shall provide riders an opportunity to
394 indicate whether they require a wheelchair-accessible vehicle.
395 If a company cannot arrange wheelchair-accessible service, it
396 shall direct the rider to an alternate provider of wheelchair-
397 accessible service, if available.

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

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

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

404 (c) The company shall maintain records of written rider
405 complaints received through the company's software application
406 service for at least 2 years after the date such complaint is
407 received by the company.

408 (16) PREEMPTION.—It is the intent of the Legislature to
409 provide for uniformity of laws governing transportation network
410 companies, transportation network company drivers, and vehicles
411 used by transportation network company drivers throughout the
412 state. Transportation network companies, transportation network
413 company drivers, and vehicles used by transportation network
414 company drivers are governed exclusively by state law and any
415 rules adopted by the department. A county, municipality, special
416 district, airport authority, port authority, or other local

417 governmental entity or subdivision may not impose a tax on, or
418 require a license for, a company or a driver, or a vehicle used
419 by a driver, if such tax or license relates to providing
420 transportation network company services, or subjects a company,
421 driver, or vehicle to any rate, entry, operation, or other
422 requirement of the county, municipality, special district,
423 airport authority, port authority, or other local governmental
424 entity or subdivision. This section does not prohibit an airport
425 from charging an appropriate annual fee, not to exceed \$5,000
426 per transportation network company, for use of the airport's
427 facilities or designating locations for staging, pickup, and
428 other similar operations of the airport.

429 Section 2. Section 324.031, Florida Statutes, is amended
430 to read:

431 324.031 Manner of proving financial responsibility.—The
432 owner or operator of a taxicab, limousine, jitney, any vehicle
433 used in connection with a transportation network company, or
434 any other for-hire passenger transportation vehicle may prove
435 financial responsibility by providing satisfactory evidence of
436 holding a motor vehicle liability policy as defined in s.
437 324.021(8) or s. 324.151, which policy is issued by an insurance
438 carrier which is a member of the Florida Insurance Guaranty
439 Association or an eligible surplus lines insurer under s.
440 626.918 that is rated "A-" or higher by A. M. Best Company. The
441 operator or owner of any other vehicle may prove his or her
442 financial responsibility by:

443 (1) Furnishing satisfactory evidence of holding a motor
444 vehicle liability policy as defined in ss. 324.021(8) and
445 324.151;

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

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

450

451 Any person, including any firm, partnership, association,
452 corporation, or other person, other than a natural person,
453 electing to use the method of proof specified in subsection (2)
454 shall furnish a certificate of deposit equal to the number of
455 vehicles owned times \$30,000, to a maximum of \$120,000; in
456 addition, any such person, other than a natural person, shall
457 maintain insurance providing coverage in excess of limits of
458 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
459 such excess insurance shall provide minimum limits of
460 \$125,000/250,000/50,000 or \$300,000 combined single limits.
461 These increased limits shall not affect the requirements for
462 proving financial responsibility under s. 324.032(1).

463 Section 3. Section 324.023, Florida Statutes, is amended
464 to read:

465 324.023 Financial responsibility for bodily injury or
466 death.—In addition to any other financial responsibility
467 required by law, every owner or operator of a motor vehicle that
468 is required to be registered in this state, or that is located

469 within this state, and who, regardless of adjudication of guilt,
470 has been found guilty of or entered a plea of guilty or nolo
471 contendere to a charge of driving under the influence under s.
472 316.193 after October 1, 2007, shall, by ~~one of~~ the methods
473 established in s. 324.031 ~~324.031(1) or (2)~~, establish and
474 maintain the ability to respond in damages for liability on
475 account of accidents arising out of the use of a motor vehicle
476 in the amount of \$100,000 because of bodily injury to, or death
477 of, one person in any one crash and, subject to such limits for
478 one person, in the amount of \$300,000 because of bodily injury
479 to, or death of, two or more persons in any one crash and in the
480 amount of \$50,000 because of property damage in any one crash.
481 If the owner or operator chooses to establish and maintain such
482 ability by furnishing a certificate of deposit ~~pursuant to s.~~
483 ~~324.031(2)~~, such certificate of deposit must be at least
484 \$350,000. Such higher limits must be carried for a minimum
485 period of 3 years. If the owner or operator has not been
486 convicted of driving under the influence or a felony traffic
487 offense for a period of 3 years after ~~from~~ the date of
488 reinstatement of driving privileges for a violation of s.
489 316.193, the owner or operator shall be exempt from this
490 section.

491 Section 4. Paragraph (a) of subsection (2) of section
492 324.051, Florida Statutes, is amended to read:

493 324.051 Reports of crashes; suspensions of licenses and
494 registrations.—

495 (2)(a) Thirty days after receipt of notice of any accident
496 described in paragraph (1)(a) involving a motor vehicle within
497 this state, the department shall suspend, after due notice and
498 opportunity to be heard, the license of each operator and all
499 registrations of the owner of the vehicles operated by such
500 operator whether or not involved in such crash and, in the case
501 of a nonresident owner or operator, shall suspend such
502 nonresident's operating privilege in this state, unless such
503 operator or owner shall, prior to the expiration of such 30
504 days, be found by the department to be exempt from the operation
505 of this chapter, based upon evidence satisfactory to the
506 department that:

507 1. The motor vehicle was legally parked at the time of
508 such crash.

509 2. The motor vehicle was owned by the United States
510 Government, this state, or any political subdivision of this
511 state or any municipality therein.

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

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

519 5. One year has elapsed since such owner or operator was
520 suspended pursuant to subsection (3), the owner or operator has

521 | complied with ~~one of the provisions of~~ s. 324.031, and no bill
522 | of complaint of which the department has notice has been filed
523 | in a court of competent jurisdiction.

524 |

525 | No such policy or bond shall be effective under this subsection
526 | unless it contains limits of not less than those specified in s.
527 | 324.021(7).

528 | Section 5. Section 324.071, Florida Statutes, is amended
529 | to read:

530 | 324.071 Reinstatement; renewal of license; reinstatement
531 | fee.—Any operator or owner whose license or registration has
532 | been suspended pursuant to s. 324.051(2), s. 324.072, s.
533 | 324.081, or s. 324.121 may effect its reinstatement upon
534 | compliance with the provisions of s. 324.051(2)(a)3. or 4., or
535 | s. 324.081(2) and (3), as the case may be, and with ~~one of the~~
536 | ~~provisions of~~ s. 324.031 and upon payment to the department of a
537 | nonrefundable reinstatement fee of \$15. Only one such fee shall
538 | be paid by any one person irrespective of the number of licenses
539 | and registrations to be then reinstated or issued to such
540 | person. All such fees shall be deposited to a department trust
541 | fund. When the reinstatement of any license or registration is
542 | effected by compliance with s. 324.051(2)(a)3. or 4., the
543 | department shall not renew the license or registration within a
544 | period of 3 years from such reinstatement, nor shall any other
545 | license or registration be issued in the name of such person,
546 | unless the operator is continuing to comply with ~~one of the~~

547 ~~provisions of s. 324.031.~~

548 Section 6. Subsection (1) of section 324.151, Florida
549 Statutes, is amended to read:

550 324.151 Motor vehicle liability policies; required
551 provisions.—

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

555 (a) An owner's liability insurance policy shall designate
556 by explicit description or by appropriate reference all motor
557 vehicles with respect to which coverage is thereby granted and
558 shall insure the owner named therein and any other person as
559 operator using such motor vehicle or motor vehicles with the
560 express or implied permission of such owner against loss from
561 the liability imposed by law for damage arising out of the
562 ownership, maintenance, or use of such motor vehicle or motor
563 vehicles within the United States or the Dominion of Canada,
564 subject to limits, exclusive of interest and costs with respect
565 to each such motor vehicle as is provided for under s.
566 324.021(7). Insurers may make available, with respect to
567 property damage liability coverage, a deductible amount not to
568 exceed \$500. In the event of a property damage loss covered by a
569 policy containing a property damage deductible provision, the
570 insurer shall pay to the third-party claimant the amount of any
571 property damage liability settlement or judgment, subject to
572 policy limits, as if no deductible existed.

573 (b) An operator's motor vehicle liability policy of
574 insurance shall insure the person named therein against loss
575 from the liability imposed upon him or her by law for damages
576 arising out of the use by the person of any motor vehicle not
577 owned by him or her, with the same territorial limits and
578 subject to the same limits of liability as referred to above
579 with respect to an owner's policy of liability insurance.

580 (c) All such motor vehicle liability policies shall state
581 the name and address of the named insured, the coverage afforded
582 by the policy, the premium charged therefor, the policy period,
583 the limits of liability, and shall contain an agreement or be
584 endorsed that insurance is provided in accordance with the
585 coverage defined in this chapter as respects bodily injury and
586 death or property damage or both and is subject to all
587 provisions of this chapter. Said policies shall also contain a
588 provision that the satisfaction by an insured of a judgment for
589 such injury or damage shall not be a condition precedent to the
590 right or duty of the insurance carrier to make payment on
591 account of such injury or damage, and shall also contain a
592 provision that bankruptcy or insolvency of the insured or of the
593 insured's estate shall not relieve the insurance carrier of any
594 of its obligations under said policy.

595 Section 7. Paragraph (b) of subsection (3) of section
596 627.733, Florida Statutes, is amended to read:

597 627.733 Required security.—

598 (3) Such security shall be provided:

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599 (b) By any other method authorized by s. 324.031~~(2) or (3)~~
600 and approved by the Department of Highway Safety and Motor
601 Vehicles as affording security equivalent to that afforded by a
602 policy of insurance or by self-insuring as authorized by s.
603 768.28(16). The person filing such security shall have all of
604 the obligations and rights of an insurer under ss. 627.730-
605 627.7405.

606 Section 8. This act shall take effect July 1, 2016.