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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/18/2017 10:47 AM

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Senator Rodriguez moved the following:

**Senate Amendment (with title amendment)**

Delete lines 335 - 518

and insert:

(9) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.-

(a) The TNC shall implement a zero-tolerance policy regarding a TNC driver's activities while accessing the TNC's digital network. The zero-tolerance policy must address the use of drugs or alcohol while a TNC driver is providing a prearranged ride or is logged on to the digital network.

(b) The TNC shall provide notice of this policy on its



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12 website, as well as procedures to report a complaint about a TNC  
13 driver who a rider reasonably suspects was under the influence  
14 of drugs or alcohol during the course of the ride.

15 (c) Upon receipt of a rider's complaint alleging a  
16 violation of the zero-tolerance policy, the TNC shall suspend a  
17 TNC driver's ability to accept any ride request through the  
18 TNC's digital network as soon as possible and shall conduct an  
19 investigation into the reported incident. The suspension must  
20 last the duration of the investigation.

21 (10) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—

22 (a) Before an individual is authorized to accept a ride  
23 request through a digital network:

24 1. The individual must submit an application to the TNC  
25 which includes information regarding his or her address, age,  
26 driver license, motor vehicle registration, and other  
27 information required by the TNC;

28 2. The TNC must conduct, or have a third party conduct, a  
29 local and national criminal background check that includes:

30 a. A search of the Multi-State/Multi-Jurisdiction Criminal  
31 Records Locator or other similar commercial nationwide database  
32 with validation of any records through primary source search;  
33 and

34 b. A search of the National Sex Offender Public Website  
35 maintained by the United States Department of Justice; and

36 3. The TNC must obtain and review, or have a third party  
37 obtain and review, a driving history research report for the  
38 applicant.

39 (b) The TNC shall conduct the background check required  
40 under paragraph (a) for a TNC driver every 3 years.



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41 (c) The TNC may not authorize an individual to act as a TNC  
42 driver on its digital network if the driving history research  
43 report conducted when the individual first seeks access to the  
44 digital network reveals that the individual has had more than  
45 three moving violations in the prior 3-year period.

46 (d) The TNC may not authorize an individual to act as a TNC  
47 driver on its digital network if the background check conducted  
48 when the individual first seeks access to the digital network or  
49 any subsequent background check required under paragraph (b)  
50 reveals that the individual:

51 1. Has been convicted, within the past 5 years, of:

52 a. A felony;

53 b. A misdemeanor for driving under the influence of drugs  
54 or alcohol, for reckless driving, for hit and run, or for  
55 fleeing or attempting to elude a law enforcement officer; or

56 c. A misdemeanor for a violent offense or sexual battery,  
57 or a crime of lewdness or indecent exposure under chapter 800;

58 2. Has been convicted, within the past 3 years, of driving  
59 with a suspended or revoked license;

60 3. Is a match in the National Sex Offender Public Website  
61 maintained by the United States Department of Justice;

62 4. Does not possess a valid driver license; or

63 5. Does not possess proof of registration for the motor  
64 vehicle used to provide prearranged rides.

65 (e) No later than January 1 of every other year beginning  
66 in 2019, a TNC shall submit to the Department of Financial  
67 Services an examination report prepared by an independent  
68 certified public accountant for the sole purpose of verifying  
69 that the TNC has maintained compliance with subsection (8) and



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70 this subsection on a continual basis for either the preceding 2  
71 years or for the timeframe that the TNC has been operating in  
72 this state if that timeframe is less than 2 years. The report  
73 shall expressly state whether the TNC was compliant or  
74 noncompliant. The report must be prepared in accordance with  
75 applicable attestation standards established by the American  
76 Institute of Certified Public Accountants. The TNC shall bear  
77 all costs associated with the preparation and submission of the  
78 report.

79 (f) The Department of Financial Services, within 30 days  
80 after receipt of the report required under paragraph (e), shall  
81 impose a fine of \$10,000 if the report includes a finding that  
82 the TNC has been noncompliant with subsection (8), this  
83 subsection, or both. A TNC that has been found to be  
84 noncompliant shall submit another examination report prepared by  
85 an independent certified public accountant to the department no  
86 later than January 1 of the following year. This subsequent  
87 report shall evaluate the records of the TNC for the timeframe  
88 since the independent certified public accountant last reviewed  
89 the records of the TNC to determine whether the TNC has been  
90 compliant with subsection (8), this subsection, or both on a  
91 continual basis. The department, within 30 days after receipt of  
92 the subsequent report required by this paragraph, shall impose a  
93 fine of \$20,000 if the subsequent report includes a finding that  
94 the TNC has been noncompliant with subsection (8), this  
95 subsection, or both. Failure to timely submit any report  
96 required under this paragraph shall result in the imposition of  
97 an additional fine of \$10,000 for noncompliance. Any fine  
98 imposed by the department shall be payable within 21 days after



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99 receipt of notice from the department. The moneys so received  
100 may be deposited by the department for use in defraying the  
101 expenses of the department in the discharge of its  
102 administrative and regulatory duties under this subsection. The  
103 payment of the fine shall be stayed by the filing of a petition  
104 for an administrative proceeding pursuant to chapter 120 with  
105 the department's agency clerk. Failure to timely petition will  
106 waive any rights to an administrative hearing. The department  
107 may, pursuant to the Florida Rules of Civil Procedure, seek  
108 injunctive relief against a TNC that fails to comply with the  
109 requirements of paragraph (e) and this paragraph. The department  
110 may adopt rules to implement paragraph (e) and this paragraph.

111 (g) Unless otherwise explicitly provided, this subsection  
112 does not extinguish any claim otherwise available under common  
113 law or any other statute.

114 (11) PROHIBITED CONDUCT.—

115 (a) A TNC driver may not accept a ride for compensation  
116 other than by a rider arranged through a digital network.

117 (b) A TNC driver may not solicit or accept street hails.

118 (c) A TNC may not alter the presentation of information on  
119 its digital network to an enforcement official for the purpose  
120 of thwarting or interfering with the official's enforcement or  
121 oversight of the TNC.

122 (12) NONDISCRIMINATION; ACCESSIBILITY.—

123 (a) A TNC shall adopt a policy of nondiscrimination with  
124 respect to riders and potential riders and shall notify TNC  
125 drivers of such policy.

126 (b) A TNC driver shall comply with the TNC's  
127 nondiscrimination policy.



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128 (c) A TNC driver shall comply with all applicable laws  
129 regarding nondiscrimination against riders and potential riders.

130 (d) A TNC driver shall comply with all applicable laws  
131 relating to accommodation of service animals.

132 (e) A TNC may not impose additional charges for providing  
133 services to a person who has a physical disability because of  
134 the person's disability.

135 (f) A TNC that contracts with a governmental entity to  
136 provide paratransit services must comply with all applicable  
137 state and federal laws related to individuals with disabilities.

138 (g) A TNC shall reevaluate any decision to remove a TNC  
139 driver's authorization to access its digital network due to a  
140 low quality rating by riders if the TNC driver alleges that the  
141 low quality rating was because of a characteristic identified in  
142 the company's nondiscrimination policy and there is a plausible  
143 basis for such allegation.

144 (13) RECORDS.—A TNC shall maintain the following records:

145 (a) Individual ride records for at least 1 year after the  
146 date on which each ride is provided; and

147 (b) Individual records of TNC drivers for at least 1 year  
148 after the date on which the TNC driver's relationship with the  
149 TNC ends.

150 (14) PREEMPTION.—

151 (a) It is the intent of the Legislature to provide for  
152 uniformity of laws governing TNCs, TNC drivers, and TNC vehicles  
153 throughout the state. TNCs, TNC drivers, and TNC vehicles are  
154 governed exclusively by state law, including in any locality or  
155 other jurisdiction that enacted a law or created rules governing  
156 TNCs, TNC drivers, or TNC vehicles before July 1, 2017. A



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157 county, municipality, special district, airport authority, port  
158 authority, or other local governmental entity or subdivision may  
159 not:

160 1. Impose a tax on, or require a license for, a TNC, a TNC  
161 driver, or a TNC vehicle if such tax or license relates to  
162 providing prearranged rides;

163 2. Subject a TNC, a TNC driver, or a TNC vehicle to any  
164 rate, entry, operation, or other requirement of the county,  
165 municipality, special district, airport authority, port  
166 authority, or other local governmental entity or subdivision; or

167 3. Require a TNC or a TNC driver to obtain a business  
168 license or any other type of similar authorization to operate  
169 within the local governmental entity's jurisdiction.

170 (b) This subsection does not prohibit an airport or seaport  
171 from charging reasonable pickup fees consistent with any pickup  
172 fees charged to taxicab companies at that airport or seaport for  
173 their use of the airport's or seaport's facilities or prohibit  
174 the airport or seaport from designating locations for staging,  
175 pickup, and other similar operations at the airport or seaport.

176  
177 ===== T I T L E A M E N D M E N T =====

178 And the title is amended as follows:

179 Delete lines 35 - 37

180 and insert:

181 particular claim; requiring a TNC to implement a zero-  
182 tolerance