



LEGISLATIVE ACTION

Senate	.	House
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Floor: WD	.	
04/18/2017 09:25 AM	.	
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Senator Rodriguez moved the following:

Senate Amendment (with title amendment)

Delete lines 335 - 490
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



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.



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 more often than once every 2 years, the Department
66 of Financial Services shall direct a TNC to submit to the
67 department an agreed-upon procedures report prepared by an
68 independent certified public accountant for the sole purpose of
69 verifying that the TNC is in compliance with this subsection.



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70 The report must be prepared in accordance with applicable
71 attestation standards established by the American Institute of
72 Certified Public Accountants. The TNC shall bear all costs
73 associated with the preparation and submission of the report.

74 (f) Upon receipt of the report pursuant to paragraph (e),
75 the Department of Financial Services may impose a fine of up to
76 \$250 for each violation of this subsection identified in the
77 report and \$500 for each repeat violation. The department may
78 also direct a TNC to address any noncompliance with this
79 subsection identified in the report within a timeframe
80 prescribed by the department. The department may, pursuant to
81 the Florida Rules of Civil Procedure, seek injunctive relief
82 against a TNC that fails to comply with the department's
83 direction under this paragraph and that poses an imminent threat
84 to public safety as a result of such noncompliance. For purposes
85 of this subsection, a repeat violation occurs when two
86 consecutive reports prepared for a TNC reveal noncompliance with
87 the same requirement.

88 (g) Unless otherwise explicitly provided, this subsection
89 does not extinguish any claim otherwise available under common
90 law or any other statute.

91 (11) PROHIBITED CONDUCT.—

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

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

95 (12) NONDISCRIMINATION; ACCESSIBILITY.—

96 (a) A TNC shall adopt a policy of nondiscrimination with
97 respect to riders and potential riders and shall notify TNC
98 drivers of such policy.



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99 (b) A TNC driver shall comply with the TNC's
100 nondiscrimination policy.

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

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

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

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

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

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

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

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

123 (14) PREEMPTION.—

124 (a) It is the intent of the Legislature to provide for
125 uniformity of laws governing TNCs, TNC drivers, and TNC vehicles
126 throughout the state. TNCs, TNC drivers, and TNC vehicles are
127 governed exclusively by state law, including in any locality or



128 other jurisdiction that enacted a law or created rules governing
129 TNCs, TNC drivers, or TNC vehicles before July 1, 2017. A
130 county, municipality, special district, airport authority, port
131 authority, or other local governmental entity or subdivision may
132 not:

133 1. Impose a tax on, or require a license for, a TNC, a TNC
134 driver, or a TNC vehicle if such tax or license relates to
135 providing prearranged rides;

136 2. Subject a TNC, a TNC driver, or a TNC vehicle to any
137 rate, entry, operation, or other requirement of the county,
138 municipality, special district, airport authority, port
139 authority, or other local governmental entity or subdivision; or

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

143 (b) This subsection does not prohibit an airport or seaport
144 from charging reasonable pickup fees consistent with any pickup
145 fees charged to taxicab companies at that airport or seaport for
146 their use of the airport's or seaport's facilities or prohibit
147 the airport or seaport from designating locations for staging,
148 pickup, and other similar operations at the airport or seaport.

150 ===== T I T L E A M E N D M E N T =====

151 And the title is amended as follows:

152 Delete lines 35 - 37

153 and insert:

154 particular claim; requiring a TNC to implement a zero-
155 tolerance