

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Rommel offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Present paragraphs (f) and (g) of subsection
7 (1), present subsections (11) through (14), and present
8 subsection (15) of section 627.748, Florida Statutes, are
9 redesignated as paragraphs (g) and (h) of subsection (1),
10 subsections (12) through (15), and subsection (17),
11 respectively, a new paragraph (f) is added to subsection (1) and
12 a new subsection (11) and subsections (16) and (18) are added to
13 that section, and paragraphs (b) and (e) and present paragraph
14 (g) of subsection (1), subsection (2), paragraphs (b) and (c) of
15 subsection (7), and paragraph (a) of present subsection (15) of
16 that section are amended, to read:

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17 627.748 Transportation network companies.—

18 (1) DEFINITIONS.—As used in this section, the term:

19 (b) "Prearranged ride" means the provision of
20 transportation by a TNC driver to a rider, beginning when a TNC
21 driver accepts a ride requested by a rider through a digital
22 network controlled by a transportation network company,
23 continuing while the TNC driver transports the rider, and ending
24 when the last rider exits from and is no longer occupying the
25 TNC vehicle. The term does not include a taxicab, ~~for-hire~~
26 ~~vehicle,~~ or street hail service and does not include ridesharing
27 as defined in s. 341.031, carpool as defined in s. 450.28, or
28 any other type of service in which the driver receives a fee
29 that does not exceed the driver's cost to provide the ride.

30 (e) "Transportation network company" or "TNC" means an
31 entity operating in this state pursuant to this section using a
32 digital network to connect a rider to a TNC driver, who provides
33 prearranged rides. A TNC is not deemed to own, control, operate,
34 direct, or manage the TNC vehicles or TNC drivers that connect
35 to its digital network, except where agreed to by written
36 contract, and is not a taxicab association ~~or for-hire vehicle~~
37 ~~owner~~. An individual, corporation, partnership, sole
38 proprietorship, or other entity that arranges medical
39 transportation for individuals qualifying for Medicaid or
40 Medicare pursuant to a contract with the state or a managed care
41 organization is not a TNC. This section does not prohibit a TNC

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42 from providing prearranged rides to individuals who qualify for
43 Medicaid or Medicare if it meets the requirements of this
44 section.

45 (f) "Transportation network company digital advertising
46 device" or "TNC digital advertising device" means a device no
47 larger than 20 inches tall and 54 inches long that is fixed to
48 the roof of a TNC vehicle and that displays advertisements on a
49 digital screen only when the TNC vehicle is turned on.

50 (h) ~~(g)~~ "Transportation network company vehicle" or "TNC
51 vehicle" means a vehicle that is not a taxicab ~~or~~ jitney ~~or~~
52 limousine, or for-hire vehicle as defined in s. 320.01(15) and
53 that is:

54 1. Used by a TNC driver to offer or provide a prearranged
55 ride; and

56 2. Owned, leased, or otherwise authorized to be used by
57 the TNC driver.

58
59 Notwithstanding any other ~~provision of~~ law, a vehicle that is
60 let or rented to another for consideration, or a motor vehicle
61 compliant with the Americans with Disabilities Act which is
62 owned and used by a company that uses a digital network to
63 facilitate prearranged rides to persons with disabilities for
64 compensation, may be used as a TNC vehicle.

65 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
66 common carrier, contract carrier, or motor carrier and does not

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67 provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC
68 driver is not required to register the vehicle that the TNC
69 driver uses to provide prearranged rides as a commercial motor
70 vehicle ~~or a for-hire vehicle~~.

71 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
72 INSURANCE REQUIREMENTS.—

73 (b) The following automobile insurance requirements apply
74 while a participating TNC driver is logged on to the digital
75 network but is not engaged in a prearranged ride:

76 1. Automobile insurance that provides:

77 a. A primary automobile liability coverage of at least
78 \$50,000 for death and bodily injury per person, \$100,000 for
79 death and bodily injury per incident, and \$25,000 for property
80 damage;

81 b. Personal injury protection benefits that meet the
82 minimum coverage amounts required under ss. 627.730-627.7405;
83 and

84 c. Uninsured and underinsured vehicle coverage as required
85 by s. 627.727.

86 2. The coverage requirements of this paragraph may be
87 satisfied by any of the following:

88 a. Automobile insurance maintained by the TNC driver or
89 the TNC vehicle owner;

90 b. Automobile insurance maintained by the TNC; or

91 c. A combination of sub-subparagraphs a. and b.

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92 (c) The following automobile insurance requirements apply
93 while a TNC driver is engaged in a prearranged ride:

94 1. Automobile insurance that provides:

95 a. A primary automobile liability coverage of at least \$1
96 million for death, bodily injury, and property damage;

97 b. Personal injury protection benefits that meet the
98 minimum coverage amounts required of a limousine under ss.
99 627.730-627.7405; and

100 c. Uninsured and underinsured vehicle coverage as required
101 by s. 627.727.

102 2. The coverage requirements of this paragraph may be
103 satisfied by any of the following:

104 a. Automobile insurance maintained by the TNC driver or
105 the TNC vehicle owner;

106 b. Automobile insurance maintained by the TNC; or

107 c. A combination of sub-subparagraphs a. and b.

108 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING
109 DEVICE.-

110 (a) A TNC driver or his or her designee may contract with
111 a company to install a TNC digital advertising device on a TNC
112 vehicle.

113 (b) A TNC digital advertising device may be enabled with
114 cellular or WiFi-enabled data transmission and equipped with
115 GPS.

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116 (c) A TNC digital advertising device may display
117 advertisements only when the TNC vehicle is turned on.

118 (d) A TNC digital advertising device must follow the
119 lighting requirements of s. 316.2397.

120 (e) No portion of the TNC digital advertising device may
121 extend beyond the front or rear windshield of the vehicle, nor
122 may it impact the TNC driver's vision.

123 (f) A TNC digital advertising device must display
124 advertisements only to the sides of the vehicle and not to the
125 front or rear of the vehicle. Identification of the provider
126 does not constitute advertising under this paragraph.

127 (g) A TNC digital advertising device must, at a minimum,
128 meet the requirements of the MIL-STD-810G standard or other
129 reasonable environmental and safety industry standard, as
130 determined through independent safety and durability testing
131 under the review of a licensed professional engineer, before
132 being installed on a TNC vehicle.

133 (h) A TNC digital advertising device may not display
134 advertisements for illegal products or services or
135 advertisements that include nudity or violent images.

136 (i)1. A TNC driver or TNC vehicle owner, or an owner or
137 operator of a TNC digital advertising device that displays or
138 disseminates an advertisement on behalf of another, is exempt
139 for violations this subsection or, under subsection (2) of S.
140 501.212, for any violations of chapter 501, Part II, the Florida

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141 deceptive and Unfair Trade Practices Act, resulting from display
142 of an advertisement on a digital advertising device unless the
143 TNC driver, or owner or operator of a TNC digital advertising
144 device has actual knowledge that the advertisement violates this
145 section or the Florida Deceptive and Unfair Trade Practices Act.

146 2. A TNC, that is not the owner or operator of a TNC
147 digital device, is exempt for any violations of this subsection
148 or Chapter 501, Part II, the Florida deceptive and Unfair Trade
149 Practices Act, resulting from display of an advertisement on a
150 digital advertising device, unless the advertisement is
151 displayed on behalf of the TNC."

152 (j) For the purposes of this chapter, a TNC advertising
153 device shall be deemed part of a TNC vehicle.

154 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

155 (a) As used in this section, the term "luxury ground
156 transportation network company" or "luxury ground TNC" means a
157 company that:

158 1. Meets the requirements of paragraph (b).

159 2. Notwithstanding other provisions of this section, uses
160 a digital network to connect riders exclusively to drivers who
161 operate for-hire vehicles as defined in s. 320.01(15), including
162 limousines and luxury sedans and excluding taxicabs.

163 (b) An entity may elect, upon written notification to the
164 department, to be regulated as a luxury ground TNC. A luxury
165 ground TNC must:

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166 1. Comply with all of the requirements of this section
167 applicable to a TNC, including subsection (17), which do not
168 conflict with subparagraph 2. or which do not prohibit the
169 company from connecting riders to drivers who operate for-hire
170 vehicles as defined in 320.01(15), including limousines and
171 luxury sedans and excluding taxicabs.

172 2. Maintain insurance coverage as required by subsection
173 (7). However, if a prospective luxury ground TNC satisfies
174 minimum financial responsibility through compliance with s.
175 324.032(2) by using self-insurance when it gives the department
176 written notification of its election to be regulated as a luxury
177 ground TNC, the luxury ground TNC may use self-insurance to meet
178 the insurance requirements of subsection (7), so long as such
179 self-insurance complies with s. 324.032(2) and provides the
180 limits of liability required by subsection (7).

181
182 (17)-(15) PREEMPTION.-

183 (a) It is the intent of the Legislature to provide for
184 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
185 vehicles, luxury ground TNCs, luxury ground TNC drivers, and
186 luxury ground TNC vehicles throughout the state. TNCs, TNC
187 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC
188 drivers, and luxury ground TNC vehicles are governed exclusively
189 by state law, including in any locality or other jurisdiction
190 that enacted a law or created rules governing TNCs, TNC drivers,

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191 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,
192 or luxury ground TNC vehicles before July 1, 2017. A county,
193 municipality, special district, airport authority, port
194 authority, or other local governmental entity or subdivision may
195 not:

196 1. Impose a tax on, or require a license for, a TNC, a TNC
197 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground
198 TNC driver, or a luxury ground TNC vehicle if such tax or
199 license relates to providing prearranged rides;

200 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury
201 ground TNC, a luxury ground TNC driver, or a luxury ground TNC
202 vehicle to any rate, entry, operation, or other requirement of
203 the county, municipality, special district, airport authority,
204 port authority, or other local governmental entity or
205 subdivision; or

206 3. Require a TNC, ~~or~~ a TNC driver, a luxury ground TNC, or
207 a luxury ground TNC driver to obtain a business license or any
208 other type of similar authorization to operate within the local
209 governmental entity's jurisdiction.

210 (18) VICARIOUS LIABILITY.-

211 (a) A TNC shall not be liable under the law of
212 this state by reason of owning, operating, or maintaining the
213 digital network accessed by a TNC driver or rider, or by being
214 the TNC affiliated with a TNC driver, for harm to persons or
215 property that results or arises out of the use, operation, or

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216 possession of a motor vehicle operating as a TNC vehicle while
217 the driver is logged on to the digital network if:

218 1. There is no negligence under this section or criminal
219 wrongdoing under the federal or Florida criminal code on the
220 part of the Transportation Network Company;

221 2. The TNC has fulfilled all of its obligations under this
222 section with respect to the TNC driver; and

223 3. The TNC is not the owner or bailee of the motor vehicle
224 that cause harm to persons or property.

225 (b) Nothing in this subsection shall alter or reduce the
226 coverage or policy limits of the insurance requirements under
227 paragraph 7 of this section, or the liability of any person
228 other than the vicarious liability of a TNC as addressed in
229 subsection (a).

230 Section 2. This act shall take effect upon becoming a law.

231

232

233 **T I T L E A M E N D M E N T**

234 Remove everything before the enacting clause and insert:

235 An act relating to transportation companies; amending s.
236 627.748, F.S.; revising and providing definitions; deleting for-
237 hire vehicles from the list of vehicles that are not considered
238 TNC carriers or are not exempt from certain registration;
239 providing that TNC vehicle owners may maintain required
240 insurance coverages; authorizing TNC drivers or their designees

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1039 (2020)

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241 to contract with companies to install TNC digital advertising
242 devices on TNC vehicles; providing requirements and restrictions
243 for such devices; providing immunity from certain liability for
244 TNC drivers or TNC vehicle owners and owners and operators of
245 TNC digital advertising devices; providing exceptions; providing
246 construction relating to such devices; authorizing entities to
247 elect to be regulated as luxury ground TNCs by notifying the
248 Department of Financial Services; providing requirements for
249 luxury ground TNCs; providing for preemption over local law on
250 the governance of luxury ground TNCs, luxury ground TNC drivers,
251 and luxury ground TNC vehicles; providing that TNCs are not
252 liable for certain harm to persons or property if certain
253 conditions are met; providing construction relating to insurance
254 coverage and liability; providing an effective date.

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