

1 A bill to be entitled

2 An act relating to transportation network companies;
3 amending s. 627.748, F.S.; revising and providing
4 definitions; deleting for-hire vehicles from the list
5 of vehicles that are not considered TNC carriers or
6 are not exempt from certain registration; revising
7 automobile insurance coverage requirements for TNCs
8 and TNC drivers; authorizing TNC drivers to contract
9 for installment of TNC digital advertising devices;
10 providing requirements for such devices; providing
11 that TNC drivers and owners and operators of TNC
12 digital advertising devices are immune from specified
13 liabilities under certain circumstances; providing
14 construction; authorizing entities to be regulated as
15 luxury ground TNCs; providing requirements for luxury
16 ground TNCs; providing that luxury ground TNCs, luxury
17 ground TNC drivers, and luxury ground TNC vehicles are
18 governed by state law; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraphs (f) and (g) of subsection (1),
23 subsections (11) through (14), and subsection (15) of section
24 627.748, Florida Statutes, are redesignated as paragraphs (g)
25 and (h) of subsection (1), subsections (12) through (15), and

26 subsection (17), respectively, paragraphs (b) and (e) and
27 present paragraph (g) of subsection (1), subsection (2),
28 paragraphs (b) and (c) of subsection (7), and paragraph (a) of
29 present subsection (15) are amended, a new paragraph (f) is
30 added to subsection (1), and a new subsection (11) and
31 subsection (16) are added to that section, to read:

32 627.748 Transportation network companies.—

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

34 (b) "Prearranged ride" means the provision of
35 transportation by a TNC driver to a rider, beginning when a TNC
36 driver accepts a ride requested by a rider through a digital
37 network controlled by a transportation network company,
38 continuing while the TNC driver transports the rider, and ending
39 when the last rider exits from and is no longer occupying the
40 TNC vehicle. The term does not include a taxicab, ~~for hire~~
41 ~~vehicle,~~ or street hail service and does not include ridesharing
42 as defined in s. 341.031, carpool as defined in s. 450.28, or
43 any other type of service in which the driver receives a fee
44 that does not exceed the driver's cost to provide the ride.

45 (e) "Transportation network company" or "TNC" means an
46 entity operating in this state pursuant to this section using a
47 digital network to connect a rider to a TNC driver, who provides
48 prearranged rides. A TNC is not deemed to own, control, operate,
49 direct, or manage the TNC vehicles or TNC drivers that connect
50 to its digital network, except where agreed to by written

51 contract, and is not a taxicab association ~~or for-hire vehicle~~
 52 ~~owner~~. An individual, corporation, partnership, sole
 53 proprietorship, or other entity that arranges medical
 54 transportation for individuals qualifying for Medicaid or
 55 Medicare pursuant to a contract with the state or a managed care
 56 organization is not a TNC. This section does not prohibit a TNC
 57 from providing prearranged rides to individuals who qualify for
 58 Medicaid or Medicare if it meets the requirements of this
 59 section.

60 (f) "Transportation network company digital advertising
 61 device" or "TNC digital advertising device" means a device no
 62 larger than 20 inches tall and 54 inches long that is fixed to
 63 the roof of a TNC vehicle and that displays advertisements on a
 64 digital screen only when the TNC vehicle is turned on.

65 (h) ~~(g)~~ "Transportation network company vehicle" or "TNC
 66 vehicle" means a vehicle that is not a taxicab ~~or~~ or jitney~~r~~
 67 limousine, ~~or for-hire vehicle as defined in s. 320.01(15)~~ and
 68 that is:

- 69 1. Used by a TNC driver to offer or provide a prearranged
 70 ride; and
- 71 2. Owned, leased, or otherwise authorized to be used by
 72 the TNC driver.

73
 74 Notwithstanding any other provision of law, a vehicle that is
 75 let or rented to another for consideration may be used as a TNC

76 | vehicle.

77 | (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
 78 | common carrier, contract carrier, or motor carrier and does not
 79 | provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC
 80 | driver is not required to register the vehicle that the TNC
 81 | driver uses to provide prearranged rides as a commercial motor
 82 | vehicle ~~or a for-hire vehicle~~.

83 | (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 84 | INSURANCE REQUIREMENTS.—

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

88 | 1. Automobile insurance that provides:

89 | a. A primary automobile liability coverage of at least
 90 | \$50,000 for death and bodily injury per person, \$100,000 for
 91 | death and bodily injury per incident, and \$25,000 for property
 92 | damage;

93 | b. Personal injury protection benefits that meet the
 94 | minimum coverage amounts required under ss. 627.730-627.7405;
 95 | and

96 | c. Uninsured and underinsured vehicle coverage as required
 97 | by s. 627.727.

98 | 2. The coverage requirements of this paragraph may be
 99 | satisfied by any of the following:

100 | a. Automobile insurance maintained by the TNC driver or

101 | the TNC vehicle owner;

102 | b. Automobile insurance maintained by the TNC; or

103 | c. A combination of sub-subparagraphs a. and b.

104 | (c) The following automobile insurance requirements apply

105 | while a TNC driver is engaged in a prearranged ride:

106 | 1. Automobile insurance that provides:

107 | a. A primary automobile liability coverage of at least \$1

108 | million for death, bodily injury, and property damage;

109 | b. Personal injury protection benefits that meet the

110 | minimum coverage amounts required of a limousine under ss.

111 | 627.730-627.7405; and

112 | c. Uninsured and underinsured vehicle coverage as required

113 | by s. 627.727.

114 | 2. The coverage requirements of this paragraph may be

115 | satisfied by any of the following:

116 | a. Automobile insurance maintained by the TNC driver or

117 | the TNC vehicle owner;

118 | b. Automobile insurance maintained by the TNC; or

119 | c. A combination of sub-subparagraphs a. and b.

120 | (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING

121 | DEVICE.—

122 | (a) A TNC driver or his or her designee may contract with

123 | a company to install a TNC digital advertising device on a TNC

124 | vehicle.

125 | (b) A TNC digital advertising device may be enabled with

126 cellular or WiFi-enabled data transmission and equipped with
127 GPS.

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

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

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

135 (f) A TNC digital advertising device must display
136 advertisements only to the sides of the vehicle and not to the
137 front or rear of the vehicle. Identification of the provider
138 does not constitute advertising under this paragraph.

139 (g) A TNC digital advertising device must, at a minimum,
140 meet the requirements of the MIL-STD-810G standard or other
141 reasonable environmental and safety industry standard, as
142 determined through independent safety and durability testing
143 under the review of a licensed professional engineer, before
144 being installed on a TNC vehicle.

145 (h) A TNC digital advertising device may not display
146 advertisements for illegal products or services or
147 advertisements that include nudity or violent images. All
148 advertisements displayed on a TNC digital advertising device are
149 subject to the Florida Deceptive and Unfair Trade Practices Act.

150 (i)1. A TNC driver is immune from liability for the

151 display of an advertisement that violates this section or the
152 Florida Deceptive and Unfair Trade Practices Act unless the TNC
153 driver is the advertiser.

154 2. The owner or operator of a TNC digital advertising
155 device that displays an advertisement that is in violation of
156 this section or the Florida Deceptive and Unfair Trade Practices
157 Act is immune from liability under this section and the Florida
158 Deceptive and Unfair Trade Practices Act for the violation if
159 the advertisement was displayed in good faith and without actual
160 knowledge of the violation, unless the advertiser is the same
161 person as the owner or operator.

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

164 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

165 (a) As used in this subsection, the term "luxury ground
166 transportation network company" or "luxury ground TNC" means a
167 company that:

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

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

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

176 1. Comply with all of the requirements of this section
177 applicable to a TNC, including subsection (17), that do not
178 conflict with subparagraph 2. or that do not prohibit the
179 company from connecting riders to drivers who operate for-hire
180 vehicles as defined in 320.01(15), including limousines and
181 luxury sedans and excluding taxicabs.

182 2. Maintain insurance coverage required in this section
183 when the luxury ground TNC driver is logged on to a digital
184 network or while the luxury ground TNC driver is engaged in a
185 prearranged ride. However, a prospective luxury ground TNC that
186 satisfies minimum financial responsibility at the time of
187 written notification to the department through compliance with
188 s. 324.032(2) by using self-insurance may continue to use self-
189 insurance to satisfy the requirements of this subparagraph.

190 (17)-(15) PREEMPTION.—

191 (a) It is the intent of the Legislature to provide for
192 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
193 vehicles, luxury ground TNCs, luxury ground TNC drivers, and
194 luxury ground TNC vehicles throughout the state. TNCs, TNC
195 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC
196 drivers, and luxury ground TNC vehicles are governed exclusively
197 by state law, including in any locality or other jurisdiction
198 that enacted a law or created rules governing TNCs, TNC drivers,
199 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,
200 or luxury ground TNC vehicles before July 1, 2017. A county,

201 municipality, special district, airport authority, port
 202 authority, or other local governmental entity or subdivision may
 203 not:

204 1. Impose a tax on, or require a license for, a TNC, a TNC
 205 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground
 206 TNC driver, or a luxury ground TNC vehicle if such tax or
 207 license relates to providing prearranged rides;

208 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury
 209 ground TNC, a luxury ground TNC driver, or a luxury ground TNC
 210 vehicle to any rate, entry, operation, or other requirement of
 211 the county, municipality, special district, airport authority,
 212 port authority, or other local governmental entity or
 213 subdivision; or

214 3. Require a TNC, ~~or~~ a TNC driver, a luxury ground TNC, or
 215 a luxury ground TNC driver to obtain a business license or any
 216 other type of similar authorization to operate within the local
 217 governmental entity's jurisdiction.

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