

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; providing  
7           that insurance maintained by TNC vehicle owners may  
8           satisfy required insurance coverages; authorizing TNC  
9           drivers or their designees to contract with companies  
10          to install TNC digital advertising devices on TNC  
11          vehicles; providing requirements and restrictions for  
12          such devices; providing immunity from certain  
13          liability for TNCs, TNC drivers, TNC vehicle owners,  
14          and owners and operators of TNC digital advertising  
15          devices; providing exceptions; providing construction  
16          relating to such devices; authorizing entities to  
17          elect to be regulated as luxury ground TNCs by  
18          notifying the Department of Financial Services;  
19          providing requirements for luxury ground TNCs;  
20          providing for preemption over local law on the  
21          governance of luxury ground TNCs, luxury ground TNC  
22          drivers, and luxury ground TNC vehicles; providing  
23          that TNCs are not liable for certain harm to persons  
24          or property if certain conditions are met; providing  
25          construction relating to insurance coverage and

26 liability; providing an effective date.

27

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

29

30 Section 1. Paragraphs (f) and (g) of subsection (1),  
 31 subsections (11) through (14), and subsection (15) of section  
 32 627.748, Florida Statutes, are redesignated as paragraphs (g)  
 33 and (h) of subsection (1), subsections (12) through (15), and  
 34 subsection (17), respectively, paragraphs (b) and (e) and  
 35 present paragraph (g) of subsection (1), subsection (2),  
 36 paragraphs (b) and (c) of subsection (7), and paragraph (a) of  
 37 present subsection (15) are amended, a new paragraph (f) is  
 38 added to subsection (1), and a new subsection (11) and  
 39 subsections (16) and (18) are added to that section, to read:

40 627.748 Transportation network companies.—

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

42 (b) "Prearranged ride" means the provision of  
 43 transportation by a TNC driver to a rider, beginning when a TNC  
 44 driver accepts a ride requested by a rider through a digital  
 45 network controlled by a transportation network company,  
 46 continuing while the TNC driver transports the rider, and ending  
 47 when the last rider exits from and is no longer occupying the  
 48 TNC vehicle. The term does not include a taxicab, ~~for-hire~~  
 49 ~~vehicle~~, or street hail service and does not include ridesharing  
 50 as defined in s. 341.031, carpool as defined in s. 450.28, or

51 any other type of service in which the driver receives a fee  
52 that does not exceed the driver's cost to provide the ride.

53 (e) "Transportation network company" or "TNC" means an  
54 entity operating in this state pursuant to this section using a  
55 digital network to connect a rider to a TNC driver, who provides  
56 prearranged rides. A TNC is not deemed to own, control, operate,  
57 direct, or manage the TNC vehicles or TNC drivers that connect  
58 to its digital network, except where agreed to by written  
59 contract, and is not a taxicab association ~~or for-hire vehicle~~  
60 ~~owner~~. An individual, corporation, partnership, sole  
61 proprietorship, or other entity that arranges medical  
62 transportation for individuals qualifying for Medicaid or  
63 Medicare pursuant to a contract with the state or a managed care  
64 organization is not a TNC. This section does not prohibit a TNC  
65 from providing prearranged rides to individuals who qualify for  
66 Medicaid or Medicare if it meets the requirements of this  
67 section.

68 (f) "Transportation network company digital advertising  
69 device" or "TNC digital advertising device" means a device no  
70 larger than 20 inches tall and 54 inches long which is fixed to  
71 the roof of a TNC vehicle and which displays advertisements on a  
72 digital screen only when the TNC vehicle is turned on.

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

76 | that is:

77 |       1. Used by a TNC driver to offer or provide a prearranged  
78 | ride; and

79 |       2. Owned, leased, or otherwise authorized to be used by  
80 | the TNC driver.

81 |  
82 | Notwithstanding any other ~~provision of law~~, a vehicle that is  
83 | let or rented to another for consideration, or a motor vehicle  
84 | that is compliant with the Americans with Disabilities Act and  
85 | is owned and used by a company that uses a digital network to  
86 | facilitate prearranged rides to persons with disabilities for  
87 | compensation, may be used as a TNC vehicle.

88 |       (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a  
89 | common carrier, contract carrier, or motor carrier and does not  
90 | provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC  
91 | driver is not required to register the vehicle that the TNC  
92 | driver uses to provide prearranged rides as a commercial motor  
93 | vehicle ~~or a for-hire vehicle~~.

94 |       (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER  
95 | INSURANCE REQUIREMENTS.—

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

99 |       1. Automobile insurance that provides:

100 |       a. A primary automobile liability coverage of at least

101 \$50,000 for death and bodily injury per person, \$100,000 for  
 102 death and bodily injury per incident, and \$25,000 for property  
 103 damage;

104 b. Personal injury protection benefits that meet the  
 105 minimum coverage amounts required under ss. 627.730-627.7405;  
 106 and

107 c. Uninsured and underinsured vehicle coverage as required  
 108 by s. 627.727.

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

111 a. Automobile insurance maintained by the TNC driver or  
 112 the TNC vehicle owner;

113 b. Automobile insurance maintained by the TNC; or

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

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

117 1. Automobile insurance that provides:

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

120 b. Personal injury protection benefits that meet the  
 121 minimum coverage amounts required of a limousine under ss.  
 122 627.730-627.7405; and

123 c. Uninsured and underinsured vehicle coverage as required  
 124 by s. 627.727.

125 2. The coverage requirements of this paragraph may be

126 | satisfied by any of the following:

127 |       a. Automobile insurance maintained by the TNC driver or  
128 | the TNC vehicle owner;

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

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

131 |       (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING  
132 | DEVICE.—

133 |       (a) A TNC driver or his or her designee may contract with  
134 | a company to install a TNC digital advertising device on a TNC  
135 | vehicle.

136 |       (b) A TNC digital advertising device may be enabled with  
137 | cellular or Wi-Fi-enabled data transmission and equipped with  
138 | GPS.

139 |       (c) A TNC digital advertising device may display  
140 | advertisements only when the TNC vehicle is turned on.

141 |       (d) A TNC digital advertising device must follow the  
142 | lighting requirements of s. 316.2397.

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

146 |       (f) A TNC digital advertising device must display  
147 | advertisements only to the sides of the vehicle and not to the  
148 | front or rear of the vehicle. Identification of the provider  
149 | does not constitute advertising under this paragraph.

150 |       (g) A TNC digital advertising device must, at a minimum,

151 meet the requirements of the MIL-STD-810G standard or other  
152 reasonable environmental and safety industry standard, as  
153 determined through independent safety and durability testing  
154 under the review of a licensed professional engineer, before  
155 being installed on a TNC vehicle.

156 (h) A TNC digital advertising device may not display  
157 advertisements for illegal products or services or  
158 advertisements that include nudity or violent images.

159 (i)1. A TNC, TNC driver, or TNC vehicle owner, or an owner  
160 or operator of a TNC digital advertising device that displays or  
161 disseminates an advertisement on behalf of another, does not  
162 violate this subsection and, under s. 501.212(2), is not subject  
163 to the Florida Deceptive and Unfair Trade Practices Act as a  
164 result of the display of an advertisement on a TNC digital  
165 advertising device, unless the TNC, TNC driver, or TNC vehicle  
166 owner, or the owner or operator of the TNC digital advertising  
167 device, respectively, has actual knowledge that the  
168 advertisement violates this subsection or the Florida Deceptive  
169 and Unfair Trade Practices Act.

170 2. A TNC that is not the owner or operator of a TNC  
171 digital advertising device does not violate this subsection or  
172 the Florida Deceptive and Unfair Trade Practices Act as a result  
173 of a display of an advertisement on a TNC digital advertising  
174 device, unless the advertisement is displayed on behalf of the  
175 TNC.

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

178        (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

179        (a) As used in this section, the term "luxury ground  
 180 transportation network company" or "luxury ground TNC" means a  
 181 company that:

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

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

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

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

196            2. Maintain insurance coverage as required by subsection  
 197 (7). However, if a prospective luxury ground TNC satisfies  
 198 minimum financial responsibility through compliance with s.  
 199 324.032(2) by using self-insurance when it gives the department  
 200 written notification of its election to be regulated as a luxury



201 ground TNC, the luxury ground TNC may use self-insurance to meet  
202 the insurance requirements of subsection (7), so long as such  
203 self-insurance complies with s. 324.032(2) and provides the  
204 limits of liability required by subsection (7).

205 (17)-(15) PREEMPTION.-

206 (a) It is the intent of the Legislature to provide for  
207 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC  
208 vehicles, luxury ground TNCs, luxury ground TNC drivers, and  
209 luxury ground TNC vehicles throughout the state. TNCs, TNC  
210 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC  
211 drivers, and luxury ground TNC vehicles are governed exclusively  
212 by state law, including in any locality or other jurisdiction  
213 that enacted a law or created rules governing TNCs, TNC drivers,  
214 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,  
215 or luxury ground TNC vehicles before July 1, 2017. A county,  
216 municipality, special district, airport authority, port  
217 authority, or other local governmental entity or subdivision may  
218 not:

219 1. Impose a tax on, or require a license for, a TNC, a TNC  
220 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground  
221 TNC driver, or a luxury ground TNC vehicle if such tax or  
222 license relates to providing prearranged rides;

223 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury  
224 ground TNC, a luxury ground TNC driver, or a luxury ground TNC  
225 vehicle to any rate, entry, operation, or other requirement of

226 the county, municipality, special district, airport authority,  
227 port authority, or other local governmental entity or  
228 subdivision; or

229 3. Require a TNC, ~~or a TNC driver,~~ a luxury ground TNC, or  
230 a luxury ground TNC driver to obtain a business license or any  
231 other type of similar authorization to operate within the local  
232 governmental entity's jurisdiction.

233 (18) VICARIOUS LIABILITY.—

234 (a) A TNC is not liable under general law by reason of  
235 owning, operating, or maintaining the digital network accessed  
236 by a TNC driver or rider, or by being the TNC affiliated with a  
237 TNC driver, for harm to persons or property which results or  
238 arises out of the use, operation, or possession of a motor  
239 vehicle operating as a TNC vehicle while the driver is logged on  
240 to the digital network if:

241 1. There is no negligence under this section or criminal  
242 wrongdoing under the federal or Florida criminal code on the  
243 part of the TNC;

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

246 3. The TNC is not the owner or bailee of the motor vehicle  
247 that caused harm to persons or property.

248 (b) This subsection does not alter or reduce the coverage  
249 or policy limits of the insurance requirements under subsection  
250 (7) or the liability of any person other than the vicarious

251 | liability of a TNC as described in paragraph (a).

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