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1
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

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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

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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~~

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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

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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

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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,

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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.

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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

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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

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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

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

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