



289278

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2020	.	
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The Committee on Rules (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present paragraphs (f) and (g) of subsection (1), present subsections (11) through (14), and present subsection (15) of section 627.748, Florida Statutes, are redesignated as paragraphs (g) and (h) of subsection (1), subsections (12) through (15), and subsection (17), respectively, a new paragraph (f) is added to subsection (1) and a new subsection (11) and subsections (16) and (18) are added to



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12 that section, and paragraphs (b) and (e) and present paragraph  
13 (g) of subsection (1), subsection (2), paragraphs (b) and (c) of  
14 subsection (7), and paragraph (a) of present subsection (15) of  
15 that section are amended, to read:

16 627.748 Transportation network companies.—

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

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

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



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

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

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

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

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

57

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

64 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a common  
65 carrier, contract carrier, or motor carrier and does not provide  
66 taxicab ~~or for-hire vehicle~~ service. In addition, a TNC driver  
67 is not required to register the vehicle that the TNC driver uses  
68 to provide prearranged rides as a commercial motor vehicle ~~or a~~  
69 ~~for-hire vehicle.~~



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

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

75 1. Automobile insurance that provides:

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

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

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

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

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

89 b. Automobile insurance maintained by the TNC; or

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

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

93 1. Automobile insurance that provides:

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

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



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

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

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

105 b. Automobile insurance maintained by the TNC; or

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

107 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING  
108 DEVICE.—

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

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

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

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

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

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

126 (g) A TNC digital advertising device must, at a minimum,  
127 meet the requirements of the MIL-STD-810G standard or other



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128 reasonable environmental and safety industry standard, as  
129 determined through independent safety and durability testing  
130 under the review of a licensed professional engineer, before  
131 being installed on a TNC vehicle.

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

135 (i)1. A TNC driver or TNC vehicle owner, or an owner or  
136 operator of a TNC digital advertising device that displays or  
137 disseminates an advertisement on behalf of another, is exempt  
138 from violations of this subsection or s. 501.212(2) or any other  
139 violation of the Florida Deceptive and Unfair Trade Practices  
140 Act resulting from display of an advertisement on a digital  
141 advertising device unless the TNC driver, TNC vehicle owner, or  
142 owner or operator of a TNC digital advertising device has actual  
143 knowledge that the advertisement violates this section or the  
144 Florida Deceptive and Unfair Trade Practices Act.

145 2. A TNC that is not the owner or operator of a TNC digital  
146 advertising device is exempt from any violation of this  
147 subsection or the Florida Deceptive and Unfair Trade Practices  
148 Act resulting from display of an advertisement on a TNC digital  
149 advertising device unless the advertisement is displayed on  
150 behalf of the TNC.

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

153 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

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



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

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

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

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

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

180 (17) ~~(15)~~ PREEMPTION.—

181 (a) It is the intent of the Legislature to provide for  
182 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC  
183 vehicles, luxury ground TNCs, luxury ground TNC drivers, and  
184 luxury ground TNC vehicles throughout the state. TNCs, TNC  
185 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC



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186 drivers, and luxury ground TNC vehicles are governed exclusively  
187 by state law, including in any locality or other jurisdiction  
188 that enacted a law or created rules governing TNCs, TNC drivers,  
189 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,  
190 or luxury ground TNC vehicles before July 1, 2017. A county,  
191 municipality, special district, airport authority, port  
192 authority, or other local governmental entity or subdivision may  
193 not:

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

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

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

208 (18) VICARIOUS LIABILITY.-

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





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215 is logged on to the digital network if:

216 1. There is no negligence under this section or criminal  
217 wrongdoing under the federal criminal code or the criminal laws  
218 of this state on the part of the TNC;

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

221 3. The TNC is not the owner or bailee of the motor vehicle  
222 that causes harm to persons or property.

223 (b) Nothing in this subsection shall alter or reduce the  
224 coverage or policy limits of the insurance requirements of  
225 subsection (7) or the liability of any person other than the  
226 vicarious liability of a TNC under paragraph (a).

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

228  
229 ===== T I T L E A M E N D M E N T =====

230 And the title is amended as follows:

231 Delete everything before the enacting clause  
232 and insert:

233 A bill to be entitled  
234 An act relating to transportation companies; amending  
235 s. 627.748, F.S.; redefining terms; defining the term  
236 "transportation network company digital advertising  
237 device"; deleting for-hire vehicles from the list of  
238 vehicles that are excluded from transportation network  
239 company (TNC) provisions; providing that TNC vehicle  
240 owners may maintain required insurance coverages;  
241 authorizing TNC drivers or their designees to contract  
242 with companies to install TNC digital advertising  
243 devices on TNC vehicles; providing requirements and



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244 restrictions for such devices; providing immunity from  
245 certain liability for TNC drivers, TNC vehicle owners,  
246 owners and operators of TNC digital advertising  
247 devices, and TNCs except under certain circumstances;  
248 providing construction relating to such devices;  
249 defining the term "luxury ground transportation  
250 network company"; authorizing entities to elect to be  
251 regulated as luxury ground TNCs by notifying the  
252 Department of Financial Services; providing  
253 requirements for luxury ground TNCs; providing for  
254 preemption over local law on the governance of luxury  
255 ground TNCs, luxury ground TNC drivers, and luxury  
256 ground TNC vehicles; providing that TNCs are not  
257 liable for certain harm to persons or property if  
258 certain conditions are met; providing construction  
259 relating to insurance coverage and liability;  
260 providing an effective date.