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LEGISLATIVE ACTION

Senate

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House

The Committee on Innovation, Industry, and Technology (Brandes) recommended the following:

1 **Senate Substitute for Amendment (817654) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (b) of subsection (15) of section
7 320.01, Florida Statutes, is amended to read:

8 320.01 Definitions, general.—As used in the Florida
9 Statutes, except as otherwise provided, the term:

10 (15)



11 (b) The following are not included in the term "for-hire
12 vehicle": a motor vehicle used for transporting school children
13 to and from school under contract with school officials; a
14 hearse or ambulance when operated by a licensed embalmer or
15 mortician or his or her agent or employee in this state; a motor
16 vehicle used in the transportation of agricultural or
17 horticultural products or in transporting agricultural or
18 horticultural supplies direct to growers or the consumers of
19 such supplies or to associations of such growers or consumers; a
20 motor vehicle temporarily used by a farmer for the
21 transportation of agricultural or horticultural products from
22 any farm or grove to a packinghouse or to a point of shipment by
23 a transportation company; ~~or~~ a motor vehicle not exceeding 1 1/2
24 tons under contract with the Government of the United States to
25 carry United States mail, provided such vehicle is not used for
26 commercial purposes; a TNC vehicle as defined in s. 627.748(1);
27 or a motor vehicle compliant with the Americans with
28 Disabilities Act which is owned and used by a company that uses
29 a digital network to facilitate prearranged rides to persons
30 with disabilities for compensation.

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



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40 subsection (7), and paragraph (a) of present subsection (15) of
41 that section are amended, to read:

42 627.748 Transportation network companies.—

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

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

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



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69 section.

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

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

79 1. Used by a TNC driver to offer or provide a prearranged
80 ride; and

81 2. Owned, leased, or otherwise authorized to be used by the
82 TNC driver.

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

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

96 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
97 REQUIREMENTS.—



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

101 1. Automobile insurance that provides:

102 a. A primary automobile liability coverage of at least
103 \$50,000 for death and bodily injury per person, \$100,000 for
104 death and bodily injury per incident, and \$25,000 for property
105 damage;

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

109 c. Uninsured and underinsured vehicle coverage as required
110 by s. 627.727.

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

113 a. Automobile insurance maintained by the TNC driver or the
114 TNC vehicle owner;

115 b. Automobile insurance maintained by the TNC; or

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

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

119 1. Automobile insurance that provides:

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

122 b. Personal injury protection benefits that meet the
123 minimum coverage amounts required of a limousine under ss.
124 627.730-627.7405; and

125 c. Uninsured and underinsured vehicle coverage as required
126 by s. 627.727.



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

129 a. Automobile insurance maintained by the TNC driver or the
130 TNC vehicle owner;

131 b. Automobile insurance maintained by the TNC; or

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

133 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING
134 DEVICE.—

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

138 (b) A TNC digital advertising device may be enabled with
139 cellular or WiFi-enabled data transmission and equipped with
140 GPS.

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

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

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

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

152 (g) A TNC digital advertising device must, at a minimum,
153 meet the requirements of the MIL-STD-810G standard or other
154 reasonable environmental and safety industry standard, as
155 determined through independent safety and durability testing



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156 under the review of a licensed professional engineer, before
157 being installed on a TNC vehicle.

158 (h) A TNC digital advertising device may not display
159 advertisements for illegal products or services or
160 advertisements that include nudity or violent images. All
161 advertisements displayed on a TNC digital advertising device are
162 subject to the Florida Deceptive and Unfair Trade Practices Act.

163 (i)1. A TNC driver is immune from liability for the display
164 of an advertisement that violates this section or the Florida
165 Deceptive and Unfair Trade Practices Act unless the TNC driver
166 is the advertiser.

167 2. The owner or operator of a TNC digital advertising
168 device that displays an advertisement that is in violation of
169 this section or the Florida Deceptive and Unfair Trade Practices
170 Act is immune from liability under this section and the Florida
171 Deceptive and Unfair Trade Practices Act for the violation if
172 the advertisement was displayed in good faith and without actual
173 knowledge of the violation, unless the advertiser is the same
174 person as the owner or operator.

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

177 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.-

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

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

182 2. Notwithstanding other provisions of this section, uses a
183 digital network to connect riders exclusively to drivers who
184 operate for-hire vehicles as defined in s. 320.01(15), including



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185 limousines and luxury sedans and excluding taxicabs.

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

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

195 2. Maintain insurance coverage required in this section
196 when the luxury ground TNC driver is logged on to a digital
197 network or while the luxury ground TNC driver is engaged in a
198 prearranged ride. However, a prospective luxury ground TNC that
199 satisfies minimum financial responsibility at the time of
200 written notification to the department through compliance with
201 s. 324.032(2) by using self-insurance may continue to use self-
202 insurance to satisfy the requirements of this subparagraph.

203 (17)-(15) PREEMPTION.-

204 (a) It is the intent of the Legislature to provide for
205 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
206 vehicles, luxury ground TNCs, luxury ground TNC drivers, and
207 luxury ground TNC vehicles throughout the state. TNCs, TNC
208 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC
209 drivers, and luxury ground TNC vehicles are governed exclusively
210 by state law, including in any locality or other jurisdiction
211 that enacted a law or created rules governing TNCs, TNC drivers,
212 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,
213 or luxury ground TNC vehicles before July 1, 2017. A county,



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214 municipality, special district, airport authority, port
215 authority, or other local governmental entity or subdivision may
216 not:

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

221 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury
222 ground TNC, a luxury ground TNC driver, or a luxury ground TNC
223 vehicle to any rate, entry, operation, or other requirement of
224 the county, municipality, special district, airport authority,
225 port authority, or other local governmental entity or
226 subdivision; or

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

231 (18) LIABILITY.—

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

239 1. There is no negligence or criminal wrongdoing on the
240 part of the TNC; and

241 2. The TNC has fulfilled all of its obligations under this
242 section with respect to the TNC driver.



243 (b) This subsection does not alter or reduce the required
244 insurance coverages or policy limits under subsection (7).

245 Section 3. This act shall take effect upon becoming a law.

246

247 ===== T I T L E A M E N D M E N T =====

248 And the title is amended as follows:

249 Delete everything before the enacting clause
250 and insert:

251 A bill to be entitled

252 An act relating to transportation companies; amending
253 s. 320.01, F.S.; revising the definition of the term
254 "for-hire vehicle" to exclude transportation network
255 company (TNC) vehicles and certain motor vehicles used
256 for prearranged rides for persons with disabilities
257 for compensation; amending s. 627.748, F.S.; revising
258 and providing definitions; deleting for-hire vehicles
259 from the list of vehicles that are not considered TNC
260 carriers or are not exempt from certain registration;
261 providing that TNC vehicle owners may maintain
262 required insurance coverages; authorizing TNC drivers
263 or their designees to contract with companies to
264 install TNC digital advertising devices on TNC
265 vehicles; providing requirements and restrictions for
266 such devices; providing immunity from certain
267 liability for TNC drivers and owners and operators of
268 TNC digital advertising devices; providing exceptions;
269 providing construction relating to such devices;
270 authorizing entities to elect to be regulated as
271 luxury ground TNCs by notifying the Department of



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272 Financial Services; providing requirements for luxury
273 ground TNCs; providing for preemption over local law
274 on the governance of luxury ground TNCs, luxury ground
275 TNC drivers, and luxury ground TNC vehicles; providing
276 that TNCs are not liable for certain harm to persons
277 or property if certain conditions are met; providing
278 construction relating to insurance coverage; providing
279 an effective date.