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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/11/2020	.	
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The Committee on Innovation, Industry, and Technology (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, paragraphs (b) and (e) and present paragraph (g)



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11 of subsection (1), subsection (2), paragraphs (b) and (c) of  
12 subsection (7), and paragraph (a) of present subsection (15) are  
13 amended, a new paragraph (f) is added to subsection (1), and a  
14 new subsection (11) and subsection (16) are added to that  
15 section, 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



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40 organization is not a TNC. This section does not prohibit a TNC  
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  
51 ~~limousine, or for-hire vehicle as defined in s. 320.01(15) 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 may be used as a TNC  
60 vehicle.

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

67 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE  
68 REQUIREMENTS.—



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

72 1. Automobile insurance that provides:

73 a. A primary automobile liability coverage of at least  
74 \$50,000 for death and bodily injury per person, \$100,000 for  
75 death and bodily injury per incident, and \$25,000 for property  
76 damage;

77 b. Personal injury protection benefits that meet the  
78 minimum coverage amounts required under ss. 627.730-627.7405;  
79 and

80 c. Uninsured and underinsured vehicle coverage as required  
81 by s. 627.727.

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

84 a. Automobile insurance maintained by the TNC driver or the  
85 TNC vehicle owner;

86 b. Automobile insurance maintained by the TNC; or

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

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

90 1. Automobile insurance that provides:

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

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

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



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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 the  
101 TNC vehicle owner;

102           b. Automobile insurance maintained by the TNC; or

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

104           (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING  
105 DEVICE.—

106           (a) A TNC driver or his or her designee may contract with a  
107 company to install a TNC digital advertising device on a TNC  
108 vehicle.

109           (b) A TNC digital advertising device may be enabled with  
110 cellular or WiFi-enabled data transmission and equipped with  
111 GPS.

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

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

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

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

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



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

129 (h) A TNC digital advertising device may not display  
130 advertisements for illegal products or services or  
131 advertisements that include nudity or violent images. All  
132 advertisements displayed on a TNC digital advertising device are  
133 subject to the Florida Deceptive and Unfair Trade Practices Act.

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

138 2. The owner or operator of a TNC digital advertising  
139 device that displays an advertisement that is in violation of  
140 this section or the Florida Deceptive and Unfair Trade Practices  
141 Act is immune from liability under this section and the Florida  
142 Deceptive and Unfair Trade Practices Act for the violation if  
143 the advertisement was displayed in good faith and without actual  
144 knowledge of the violation, unless the advertiser is the same  
145 person as the owner or operator.

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

148 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.-

149 (a) As used in this subsection, the term "luxury ground  
150 transportation network company" or "luxury ground TNC" means a  
151 company that:

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

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



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156 limousines and luxury sedans and excluding taxicabs.

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

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

166 2. Maintain insurance coverage required in this section  
167 when the luxury ground TNC driver is logged on to a digital  
168 network or while the luxury ground TNC driver is engaged in a  
169 prearranged ride. However, a prospective luxury ground TNC that  
170 satisfies minimum financial responsibility at the time of  
171 written notification to the department through compliance with  
172 s. 324.032(2) by using self-insurance may continue to use self-  
173 insurance to satisfy the requirements of this subparagraph.

174 (17)-(15) PREEMPTION.-

175 (a) It is the intent of the Legislature to provide for  
176 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC  
177 vehicles, luxury ground TNCs, luxury ground TNC drivers, and  
178 luxury ground TNC vehicles throughout the state. TNCs, TNC  
179 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC  
180 drivers, and luxury ground TNC vehicles are governed exclusively  
181 by state law, including in any locality or other jurisdiction  
182 that enacted a law or created rules governing TNCs, TNC drivers,  
183 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,  
184 or luxury ground TNC vehicles before July 1, 2017. A county,



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185 municipality, special district, airport authority, port  
186 authority, or other local governmental entity or subdivision may  
187 not:

188 1. Impose a tax on, or require a license for, a TNC, a TNC  
189 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground  
190 TNC driver, or a luxury ground TNC vehicle if such tax or  
191 license relates to providing prearranged rides;

192 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury  
193 ground TNC, a luxury ground TNC driver, or a luxury ground TNC  
194 vehicle to any rate, entry, operation, or other requirement of  
195 the county, municipality, special district, airport authority,  
196 port authority, or other local governmental entity or  
197 subdivision; or

198 3. Require a TNC, ~~or~~ a TNC driver, a luxury ground TNC, or  
199 a luxury ground TNC driver to obtain a business license or any  
200 other type of similar authorization to operate within the local  
201 governmental entity's jurisdiction.

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

203

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

205 And the title is amended as follows:

206 Delete everything before the enacting clause  
207 and insert:

208 A bill to be entitled  
209 An act relating to transportation network companies;  
210 amending s. 627.748, F.S.; revising and providing  
211 definitions; deleting for-hire vehicles from the list  
212 of vehicles that are not considered TNC carriers or  
213 are not exempt from certain registration; providing





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214 that TNC vehicle owners may maintain required  
215 insurance coverages; authorizing TNC drivers or their  
216 designees to contract with companies to install TNC  
217 digital advertising devices on TNC vehicles; providing  
218 requirements and restrictions for such devices;  
219 providing immunity from certain liability for TNC  
220 drivers and owners and operators of TNC digital  
221 advertising devices; providing exceptions; providing  
222 construction; authorizing entities to elect to be  
223 regulated as luxury ground TNCs by notifying the  
224 Department of Financial Services; providing  
225 requirements for luxury ground TNCs; providing for  
226 preemption over local law on the governance of luxury  
227 ground TNCs, luxury ground TNC drivers, and luxury  
228 ground TNC vehicles; providing an effective date.