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LEGISLATIVE ACTION

Senate

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House

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,



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.