

By the Committees on Rules; and Innovation, Industry, and
Technology; and Senator Brandes

595-04472-20

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1 A bill to be entitled
2 An act relating to transportation companies; amending
3 s. 627.748, F.S.; redefining terms; defining the term
4 "transportation network company digital advertising
5 device"; deleting for-hire vehicles from the list of
6 vehicles that are excluded from transportation network
7 company (TNC) provisions; providing that TNC vehicle
8 owners may maintain required insurance coverages;
9 authorizing TNC drivers or their designees to contract
10 with companies to install TNC digital advertising
11 devices on TNC vehicles; providing requirements and
12 restrictions for such devices; providing immunity from
13 certain liability for TNC drivers, TNC vehicle owners,
14 owners and operators of TNC digital advertising
15 devices, and TNCs except under certain circumstances;
16 providing construction relating to such devices;
17 defining the term "luxury ground transportation
18 network company"; authorizing entities to elect to be
19 regulated as luxury ground TNCs by notifying the
20 Department of Financial Services; providing
21 requirements for luxury ground TNCs; providing for the
22 preemption of local law in the governance of luxury
23 ground TNCs, luxury ground TNC drivers, and luxury
24 ground TNC vehicles; providing that TNCs are not
25 liable for certain harm to persons or property if
26 certain conditions are met; providing construction
27 relating to insurance coverage and liability;
28 providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Present paragraphs (f) and (g) of subsection
33 (1), present subsections (11) through (14), and present
34 subsection (15) of section 627.748, Florida Statutes, are
35 redesignated as paragraphs (g) and (h) of subsection (1),
36 subsections (12) through (15), and subsection (17),
37 respectively, a new paragraph (f) is added to subsection (1) and
38 a new subsection (11) and subsections (16) and (18) are added to
39 that section, and paragraphs (b) and (e) and present paragraph
40 (g) of subsection (1), subsection (2), paragraphs (b) and (c) of
41 subsection (7), and paragraph (a) of present subsection (15) of
42 that section are amended, to read:

43 627.748 Transportation network companies.—

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

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

56 (e) "Transportation network company" or "TNC" means an
57 entity operating in this state pursuant to this section using a
58 digital network to connect a rider to a TNC driver, who provides

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

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

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

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

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

84
85 Notwithstanding any other ~~provision of~~ law, a vehicle that is
86 let or rented to another for consideration, or a motor vehicle
87 compliant with the Americans with Disabilities Act which is

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88 owned and used by a company that uses a digital network to
89 facilitate prearranged rides to persons with disabilities for
90 compensation, may be used as a TNC vehicle.

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

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

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

102 1. Automobile insurance that provides:

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

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

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

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

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

116 b. Automobile insurance maintained by the TNC; or

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- 117 c. A combination of sub-subparagraphs a. and b.
- 118 (c) The following automobile insurance requirements apply
- 119 while a TNC driver is engaged in a prearranged ride:
- 120 1. Automobile insurance that provides:
- 121 a. A primary automobile liability coverage of at least \$1
- 122 million for death, bodily injury, and property damage;
- 123 b. Personal injury protection benefits that meet the
- 124 minimum coverage amounts required of a limousine under ss.
- 125 627.730-627.7405; and
- 126 c. Uninsured and underinsured vehicle coverage as required
- 127 by s. 627.727.
- 128 2. The coverage requirements of this paragraph may be
- 129 satisfied by any of the following:
- 130 a. Automobile insurance maintained by the TNC driver or the
- 131 TNC vehicle owner;
- 132 b. Automobile insurance maintained by the TNC; or
- 133 c. A combination of sub-subparagraphs a. and b.
- 134 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING
- 135 DEVICE.—
- 136 (a) A TNC driver or his or her designee may contract with a
- 137 company to install a TNC digital advertising device on a TNC
- 138 vehicle.
- 139 (b) A TNC digital advertising device may be enabled with
- 140 cellular or WiFi-enabled data transmission and equipped with
- 141 GPS.
- 142 (c) A TNC digital advertising device may display
- 143 advertisements only when the TNC vehicle is turned on.
- 144 (d) A TNC digital advertising device must follow the
- 145 lighting requirements of s. 316.2397.

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

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

153 (g) A TNC digital advertising device must, at a minimum,
154 meet the requirements of the MIL-STD-810G standard or other
155 reasonable environmental and safety industry standard, as
156 determined through independent safety and durability testing
157 under the review of a licensed professional engineer, before
158 being installed on a TNC vehicle.

159 (h) A TNC digital advertising device may not display
160 advertisements for illegal products or services or
161 advertisements that include nudity or violent images.

162 (i)1. A TNC driver or TNC vehicle owner, or an owner or
163 operator of a TNC digital advertising device that displays or
164 disseminates an advertisement on behalf of another, is exempt
165 from violations of this subsection or s. 501.212(2) or any other
166 violation of the Florida Deceptive and Unfair Trade Practices
167 Act resulting from display of an advertisement on a digital
168 advertising device unless the TNC driver, TNC vehicle owner, or
169 owner or operator of a TNC digital advertising device has actual
170 knowledge that the advertisement violates this section or the
171 Florida Deceptive and Unfair Trade Practices Act.

172 2. A TNC that is not the owner or operator of a TNC digital
173 advertising device is exempt from any violation of this
174 subsection or the Florida Deceptive and Unfair Trade Practices

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175 Act resulting from display of an advertisement on a TNC digital
176 advertising device unless the advertisement is displayed on
177 behalf of the TNC.

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

180 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.-

181 (a) As used in this section, the term "luxury ground
182 transportation network company" or "luxury ground TNC" means a
183 company that:

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

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

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

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

198 2. Maintain insurance coverage as required by subsection
199 (7). However, if a prospective luxury ground TNC satisfies
200 minimum financial responsibility through compliance with s.
201 324.032(2) by using self-insurance when it gives the department
202 written notification of its election to be regulated as a luxury
203 ground TNC, the luxury ground TNC may use self-insurance to meet

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204 the insurance requirements of subsection (7), so long as such
205 self-insurance complies with s. 324.032(2) and provides the
206 limits of liability required by subsection (7).

207 (17)-(15) PREEMPTION.—

208 (a) It is the intent of the Legislature to provide for
209 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
210 vehicles, luxury ground TNCs, luxury ground TNC drivers, and
211 luxury ground TNC vehicles throughout the state. TNCs, TNC
212 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC
213 drivers, and luxury ground TNC vehicles are governed exclusively
214 by state law, including in any locality or other jurisdiction
215 that enacted a law or created rules governing TNCs, TNC drivers,
216 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,
217 or luxury ground TNC vehicles before July 1, 2017. A county,
218 municipality, special district, airport authority, port
219 authority, or other local governmental entity or subdivision may
220 not:

221 1. Impose a tax on, or require a license for, a TNC, a TNC
222 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground
223 TNC driver, or a luxury ground TNC vehicle if such tax or
224 license relates to providing prearranged rides;

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

231 3. Require a TNC, ~~or~~ a TNC driver, a luxury ground TNC, or
232 a luxury ground TNC driver to obtain a business license or any

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233 other type of similar authorization to operate within the local
234 governmental entity's jurisdiction.

235 (18) VICARIOUS LIABILITY.—

236 (a) A TNC shall not be liable under the law of this state
237 by reason of owning, operating, or maintaining the digital
238 network accessed by a TNC driver or rider, or by being the TNC
239 affiliated with a TNC driver, for harm to persons or property
240 that results or arises out of the use, operation, or possession
241 of a motor vehicle operating as a TNC vehicle while the driver
242 is logged on to the digital network if:

243 1. There is no negligence under this section or criminal
244 wrongdoing under the federal criminal code or the criminal laws
245 of this state on the part of the TNC;

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

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

250 (b) Nothing in this subsection shall alter or reduce the
251 coverage or policy limits of the insurance requirements of
252 subsection (7) or the liability of any person other than the
253 vicarious liability of a TNC under paragraph (a).

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