

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 1696

INTRODUCER: Rules Committee and Senator Calatayud

SUBJECT: Prearranged Transportation Services

DATE: April 8, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
3.	<u>Johnson</u>	<u>Yeatman</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1696 prohibits a person from willfully impersonating a transportation network company (TNC) driver by engaging in specified conduct. Under the bill, a violation of the prohibition is generally a second degree misdemeanor; however, a person commits a third degree felony if he or she impersonates a TNC driver during the commission of, or to facilitate the commission of, a separate felony offense.

Additionally, the bill clarifies that services purchased from a TNC do not qualify as privately owned or operated bus transit systems, and that a TNC is not a transportation service provider, and thus not subject to specified regulations relating to paratransit service contracts. The bill also modifies training requirements for paratransit drivers to authorize access to third-party training materials.

The bill may have a fiscal impact on both governmental entities and the private sector. *See* Section V., Fiscal Impact Statement for details.

The bill takes effect July 1, 2025.

II. Present Situation:

Transportation Network Companies (TNCs)

A Transportation Network Company (TNC), codified in s. 627.748, F.S., is defined to mean an entity operating pursuant to s. 627.748, F.S., using a digital network to connect a rider to a TNC driver, who provides prearranged rides. Specifically, a TNC:

- Does not own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract.
- Is not a taxicab association.
- Is not an individual, corporation, partnership, sole proprietorship, or other entity that arranges medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization.¹

A TNC driver receives connections to potential riders and related services from a TNC and in return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider after being connected through a digital network.² A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab service, and is not required to register a TNC vehicle as a commercial motor vehicle or a for-hire vehicle.³ A TNC's digital network must display the TNC driver's photograph and the TNC vehicle's license plate number before the rider enters the TNC vehicle.⁴

Transit Safety Standards

Section 341.061, F.S., requires the Florida Department of Transportation (FDOT) to adopt rules establishing minimum equipment and operational safety standards for the following entities:

- Governmentally owned bus transit systems and privately owned or operated bus transit systems operating in this state that are financed wholly or partly by state funds;
- Bus transit systems created pursuant to ch. 427, F.S., providing for the transportation disadvantaged system; and
- Privately owned or operated bus transit systems under contract with any of the above systems.

Such bus transit system standards must be developed jointly by the FDOT and representatives of the transit systems. Accordingly, each bus transit system must:

- Develop a transit safety program plan that complies with established standards;
- Certify to the FDOT that such plan complies with established standards; and
- Implement and comply with the plan during the operation of the transit system.⁵

¹ However, a TNC may provide prearranged rides to individuals who qualify for Medicaid or Medicare if it meets specified requirements under s. 627.748, F.S.

² Section 627.748(1)(g), F.S.

³ Section 627.748(2), F.S.

⁴ Section 627.748(5), F.S.

⁵ Section 341.061(2)(a), F.S.

Additionally, as part of its safety plan, each bus transit system must:

- Require all transit buses operated by the system to be inspected at least annually in accordance with established standards;
- Ensure that qualified personnel of the bus transit system, or public or private entities qualified by the bus transit system, perform safety inspections; and
- Annually certify in writing to the department that it has complied with the adopted safety program plan and safety inspections.⁶

Transportation Service Provider Contracts

For purposes of transportation service contracts, the term “transportation service provider” is defined to mean an organization or entity that contracts with a local government to provide paratransit service to persons with disabilities.⁷

For contracts entered into or renewed on or after October 1, 2024, a transportation service provider must agree to provide training to each driver of a motor vehicle used to provide paratransit service to persons with disabilities which, at a minimum, meets requirements established by the Agency for Persons with Disabilities (APD) for training and professional development of staff providing direct services to clients of the agency.⁸

III. Effect of Proposed Changes:

The bill creates a criminal offense related to the impersonation of a TNC driver. Under the bill, a person who willfully impersonates a TNC driver by virtue of any of the following commits a second degree misdemeanor:⁹

- Making a false statement;
- Displaying counterfeit signage or emblems of a trade dress, trademark, brand, or logo of a TNC; or
- Engaging in any other act that falsely represents that he or she represents a TNC or is responding to a passenger ride request for a TNC.

However, a person who willfully impersonates a TNC driver during the commission of, or to facilitate the commission of, a separate felony offense commits a third degree felony.¹⁰

The bill clarifies that services purchased from a TNC which otherwise comply with the TNC statute, are not considered privately owned or operated bus transit systems for purposes of the FDOT’s transit safety standards. Therefore, TNCs are not subject to specified regulations related to transit safety standards, inspections, and system safety reviews.

⁶ Section 341.061(2)(b), F.S.

⁷ Section 427.02(1), F.S.

⁸ Section 427.02(2)(a), F.S.

⁹ A second degree misdemeanor is punishable by up to 60 days in county jail and a \$500 fine. Sections. 775.082 and 775.083, F.S.

¹⁰ A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Sections. 775.082, F.S., 775.083, F.S., or 775.084, F.S.

The bill amends the definition of “transportation service provider” as it relates to paratransit service contracts, specifying that such service providers use a dedicated fleet of vehicles operated by its employees or directly contracted drivers who meet paratransit service standards. The bill provides that the term “transportation service provider” does not include a TNC.

The bill amends the current requirement that transportation service providers provide training to each driver providing paratransit service to persons with disabilities that meet requirements established by the APD. The bill requires each transportation service provider to provide each driver with access to third-party training materials that meet such requirements.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on the private sector by exempting TNCs from specified requirements related to safety inspections and driver training, which may reduce expenses incurred by TNCs that are currently complying with such requirements.

C. Government Sector Impact:

The bill may create an increase in the need for state prison beds due to creating a felony offense related to impersonating a TNC driver, which may result in more offenders being sentenced to prison. However, the number of potential offenders under this new provision is not known. Therefore, the magnitude of the impact on the prison population cannot be determined.

The bill may create an increase in the need for county jail beds due to creating a misdemeanor offense related to impersonating a TNC driver, which may result in more offenders being sentenced to jail. However, the number of potential offenders under this new provision is not known. Therefore, the magnitude of the impact on the county jail population cannot be determined.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 316.2021 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 341.061 and 427.02.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Rules on April 8, 2025:

- Clarifies that one must willfully impersonate a transportation network company driver during the commission of, or to facilitate the commission of, a separate felony offense, for this offense to become a felony.
- Conforms the Senate bill to the House bill.

B. Amendments:

None.