

By Senator Brandes

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1 A bill to be entitled
2 An act relating to chauffeured limousines; amending s.
3 125.01, F.S.; preempting the licensing and regulation
4 of chauffeured limousines, chauffeured limousine
5 services, and drivers of chauffeured limousines to the
6 state; creating s. 316.90, F.S.; providing a short
7 title; creating s. 316.901, F.S.; providing
8 definitions; creating s. 316.902, F.S.; providing
9 legislative findings and intent; creating s. 316.903,
10 F.S.; providing rules of operation for a chauffeured
11 limousine service; creating s. 316.904, F.S.;
12 providing chauffeured limousine vehicle standards;
13 creating s. 316.905, F.S.; providing requirements for
14 chauffeured limousine drivers; creating s. 316.906,
15 F.S.; providing penalties; providing for appeal of
16 penalties; creating s. 316.907, F.S.; authorizing the
17 Department of Highway Safety and Motor Vehicles to
18 adopt rules; amending ss. 324.031 and 324.032, F.S.;
19 revising proof of insurance requirements for owners or
20 operators of chauffeured limousines and chauffeured
21 limousine services; amending ss. 324.023, 324.151, and
22 627.733, F.S.; conforming cross-references; providing
23 an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (n) of subsection (1) of section
28 125.01, Florida Statutes, is amended to read:
29 125.01 Powers and duties.—

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30 (1) The legislative and governing body of a county shall
31 have the power to carry on county government. To the extent not
32 inconsistent with general or special law, this power includes,
33 but is not restricted to, the power to:

34 (n) License and regulate taxis, jitneys, limousines for
35 hire, rental cars, and other passenger vehicles for hire that
36 operate in the unincorporated areas of the county; except that
37 any constitutional charter county as defined in s. 125.011(1)
38 shall on July 1, 1988, have been authorized to have issued a
39 number of permits to operate taxis which is no less than the
40 ratio of one permit for each 1,000 residents of said county, and
41 any such new permits issued after June 4, 1988, shall be issued
42 by lottery among individuals with such experience as a taxi
43 driver as the county may determine. Notwithstanding any
44 provision of this paragraph, the legislative and governing body
45 of a county does not have the power to license or regulate
46 chauffeured limousines, chauffeured limousine services, and
47 drivers of chauffeured limousines, as defined in s. 316.901, and
48 the licensure and regulation thereof is specifically preempted
49 to the state.

50 Section 2. Section 316.90, Florida Statutes, is created to
51 read:

52 316.90 Chauffeured Limousines and Services Safety Act;
53 short title.—Sections 316.90-316.907 may be cited as the
54 “Chauffeured Limousines and Services Safety Act.”

55 Section 3. Section 316.901, Florida Statutes, is created to
56 read:

57 316.901 Chauffeured limousines and services; definitions.—
58 As used in ss. 316.90-316.907, the term:

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59 (1) "Advance reservation" means a reservation made in
60 advance by a person requesting the use of a chauffeured
61 limousine for transportation of a passenger or passengers for a
62 specified period of time, or from and to a specific location.

63 (2) "Chauffeured limousine" means a chauffeured, nonmetered
64 motor vehicle with four or more doors, designed to carry fewer
65 than nine passengers excluding the chauffeur, and operated for
66 hire pursuant to an advance reservation, the fare for which is
67 calculated on the basis of time and distance, except for trips
68 to airports or other point-to-point trips based on well-traveled
69 routes or for event-related trips such as sporting events, which
70 may be charged on a flat-fee basis. The term does not include a
71 taxicab; a vehicle used for not-for-profit, tax-exempt
72 operations; or a vehicle used for transportation of persons
73 between home and work locations or of persons having a common
74 work-related trip when ridesharing is incidental to another
75 purpose of the driver.

76 (3) "Chauffeured limousine service" means any business that
77 provides chauffeured limousines by advance reservation.

78 (4) "Department" means the Department of Highway Safety and
79 Motor Vehicles.

80 Section 4. Section 316.902, Florida Statutes, is created to
81 read:

82 316.902 Chauffeured limousines and services; legislative
83 findings and intent; preemption.—The Legislature finds that the
84 emerging field of transportation technology is a statewide
85 concern. The Legislature intends to provide a uniform statewide
86 level of regulation of emerging transportation technology to
87 provide stability and predictability to businesses seeking to

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88 implement such technology, to provide convenience and safety to
89 the traveling public, and to enhance personal mobility.
90 Accordingly, the regulation of chauffeured limousines,
91 chauffeured limousine services, and drivers of chauffeured
92 limousines is hereby preempted to the state. Further regulation
93 thereof by a county, a municipality, or any other political
94 subdivision of the state is void.

95 Section 5. Section 316.903, Florida Statutes, is created to
96 read:

97 316.903 Chauffeured limousine services; rules of
98 operation.—

99 (1) Before engaging in business in this state as a
100 chauffeured limousine service, and at all times thereafter while
101 so actively engaged, a chauffeured limousine service shall:

102 (a) Establish and maintain:

103 1. A publicly listed telephone number identifying the
104 business name and actual physical address for the purpose of
105 receiving telephone calls related to the chauffeured limousine
106 service.

107 2. A website that provides:

108 a. The telephone number and actual physical address of the
109 business as required under subparagraph 1.

110 b. Specific information regarding the method of fare
111 calculation and the rates and fees charged by the chauffeured
112 limousine service.

113 c. A mechanism for passengers of the chauffeured limousine
114 service to file complaints regarding the service through the
115 website.

116 3. A zero-tolerance intoxicating substance policy for

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117 drivers of chauffeured limousines.

118 4. A central records repository located in this state for
119 the maintenance of records required by the department. A
120 chauffeured limousine service shall make such records available
121 for inspection to the department for the purpose of establishing
122 compliance with this act.

123 (b) Employ only drivers that meet the requirements of s.
124 316.905.

125 1. In addition to obtaining sufficient proof that a driver
126 meets the requirements of s. 316.905, prior to a driver's
127 employment the chauffeured limousine service must also obtain at
128 least 1 year of the driver's driving history and shall check the
129 driver's record quarterly thereafter to ensure that
130 disqualifying violations specified in s. 316.905(1)(c)1. have
131 not occurred.

132 2. A chauffeured limousine service shall immediately
133 suspend any driver:

134 a. Who receives a disqualifying violation on his or her
135 driving record until such time as the driver's compliance is
136 reestablished.

137 b. Who is reported by a person who reasonably suspects the
138 driver was under the influence of alcohol or drugs during the
139 course of a passenger's trip pending an investigation of the
140 report.

141 (c) Ensure that valid background-screening certificates of
142 the driver and the insurer certificates of the chauffeured
143 limousine are displayed inside the chauffeured limousine so the
144 certificates are plainly visible to the passengers.

145 (2) A chauffeured limousine service may not unlawfully

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146 discriminate against passengers or potential passengers based
147 upon the geographic beginning point or end point of the ride.

148 (3) A chauffeured limousine service shall provide to the
149 driver a waybill for each ride which includes the driver's name,
150 motor vehicle license plate number, and the time and date of the
151 advance reservation.

152 (4) A chauffeured limousine service shall provide each
153 customer a paper or electronic receipt that lists the
154 origination and destination of the trip, the total distance and
155 time of the trip, and a breakdown of the total fare paid,
156 including fees and gratuity, if any.

157 (5) If, in the interim between background screenings of a
158 driver or between issuance and renewal of insurance as required
159 under s. 316.905, an event occurs that renders the driver or the
160 chauffeured limousine out of compliance with the standards in
161 this act, the driver or the vehicle, or both, as appropriate,
162 shall be disqualified from providing chauffeured limousine
163 services. The chauffeured limousine service is prohibited from
164 using the driver or the vehicle until such time as compliance is
165 reestablished in accordance with this act.

166 (6) A chauffeured limousine service shall annually provide
167 a report to the department which includes the number of rides
168 requested and accepted by drivers within each zip code where the
169 service operates in the state; the number of driver violations
170 and suspensions, including a list of complaints of driver
171 alcohol or drug intoxication and the outcome of investigations
172 into those complaints; and a listing of each accident or other
173 incident that involved a chauffeured limousine service's driver,
174 including the date, time, and cause of the incident, and the

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175 amounts paid, if any, by the driver's insurance and the
176 service's insurance.

177 Section 6. Section 316.904, Florida Statutes, is created to
178 read:

179 316.904 Chauffeured limousine vehicle standards.—A
180 chauffeured limousine may not be older than 5 model years of age
181 when initially placed into service by a chauffeured limousine
182 service and must be taken out of service at 10 model years of
183 age. If a chauffeured limousine is taken out of service for more
184 than 30 calendar days after its initial placement into service,
185 the chauffeured limousine is no longer a previously in-service
186 vehicle.

187 Section 7. Section 316.905, Florida Statutes, is created to
188 read:

189 316.905 Chauffeured limousine drivers.—

190 (1) A driver for a chauffeured limousine service must:

191 (a) Possess a valid driver license issued in this state or
192 any other state which has been active for at least 5 years.

193 (b) Hold a motor vehicle liability policy in accordance
194 with s. 324.031 or s. 324.032, if the driver owns or leases the
195 chauffeured limousine, or be in possession of such proof
196 provided by the owner or lessee of the chauffeured limousine.

197 (c) Successfully complete a Level 1 background screening
198 under s. 435.03 conducted by the Department of Law Enforcement.

199 1. Such background screening shall include a statewide
200 criminal correspondence check through the Department of Law
201 Enforcement; a check of the Dru Sjodin National Sex Offender
202 Public Website; a local criminal records check through local law
203 enforcement agencies; and a check of the driver's driving record

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204 to ensure the driver has no conviction or an arrest awaiting
205 final disposition for driving under the influence of alcohol,
206 chemical substances, or controlled substances in violation of
207 chapter 316, in addition to any offense prohibited under s.
208 435.04(2) or similar law of another jurisdiction.

209 2. The driver must be rescreened annually following the
210 date of his or her most recent background screening.

211 3. Upon receipt of payment of the appropriate fee, the
212 Department of Law Enforcement shall conduct the screenings
213 required by this paragraph. The department shall issue a
214 certificate or renewed certificate, as applicable, to any driver
215 found to be in compliance with the screening standards specified
216 in this paragraph. Each certificate is valid for 14 months and
217 must contain a unique identification number associated with the
218 driver.

219 (2) At all times while operating a chauffeured limousine,
220 the driver shall:

221 (a) Have in his or her possession:

222 1. A valid driver license that meets the requirements of
223 paragraph (1) (a);

224 2. Proof of insurance that meets the requirements of s.
225 324.031 or s. 324.032;

226 3. A valid background screening certificate issued under
227 paragraph (1) (c);

228 4. A valid certificate issued by the motor vehicle insurer
229 attesting to the vehicle's compliance with the safety equipment
230 standards of chapter 316 and any other applicable requirements
231 on the date of issuance or renewal of the motor vehicle
232 liability policy; and

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233 5. A waybill for each ride which includes the driver's
234 name, vehicle license plate number, and the time and date of the
235 advance reservation. The driver shall produce the waybill for
236 any law enforcement officer upon request.

237 (b) Ensure that the valid background-screening certificates
238 and insurer certificates are displayed inside the chauffeured
239 limousine so that they are plainly visible to the passengers.

240 (c) Ensure that all chauffeured limousine passenger trips
241 are arranged only through advance registration. The driver of a
242 chauffeured limousine may not accept or solicit street hails.

243 (4) The driver of a chauffeured limousine may not
244 unlawfully discriminate against passengers or potential
245 passengers based upon the geographic beginning point or end
246 point of the ride.

247 (5) The driver of a chauffeured limousine shall provide
248 monthly to the chauffeured limousine service an affidavit
249 attesting to continued compliance with this section. If, in the
250 interim between background screenings or between issuance and
251 renewal of insurance as required by this section, an event
252 occurs that renders the driver noncompliant with the standards
253 in this section, the driver shall report the event to the
254 chauffeured limousine service, and the driver is prohibited from
255 operating any chauffeured limousine until such time as the
256 driver meets the requirements of this section.

257 (6) A driver that meets the requirements of this section
258 may not operate a chauffeured limousine for passenger trips of
259 the chauffeured limousine service which does not meet the
260 standards under s. 316.904 until such time as the limousine's
261 compliance is reestablished.

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262 Section 8. Section 316.906, Florida Statutes, is created to
263 read:

264 316.906 Chauffeured limousines and services; review and
265 inspection for compliance; penalties.-

266 (1) The department may conduct reviews and inspections of
267 chauffeured limousine services for the purpose of determining
268 compliance with this act.

269 (2) The department may impose the following penalties for
270 violations of this act:

271 (a) In addition to penalties provided in this chapter and
272 chapters 318, 319, 320, 322, and 324, violations of this act are
273 punishable as provided in s. 316.655.

274 (b) Civil penalties are as follows:

275 1. A civil penalty of \$1,000 for violations identified in
276 an initial compliance review or inspection.

277 2. A civil penalty of \$2,500 for violations found in a
278 follow-up compliance review or inspection conducted within 6
279 months after a previous compliance review or inspection where
280 violations were identified.

281 3. A civil penalty of \$5,000 for violations found in a
282 follow-up compliance review or inspection conducted within 12
283 months after a previous compliance review or inspection where
284 violations were identified.

285 (c) All civil penalties imposed and collected under this
286 subsection shall be paid to the Chief Financial Officer, who
287 shall credit the total amount collected to the State
288 Transportation Disadvantaged Trust Fund for use as provided in
289 s. 427.0159.

290 (d) A chauffeured limousine service aggrieved by the

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291 imposition of a civil penalty under this section may apply to
292 the Commercial Motor Vehicle Review Board for a modification,
293 cancellation, or revocation of the penalty. Such appeal
294 proceedings must be conducted in accordance with chapter 120.

295 Section 9. Section 316.907, Florida Statutes, is created to
296 read:

297 316.907 Chauffeured limousines and services; rulemaking
298 authority.—The department may adopt or revise rules to implement
299 and administer ss. 316.90-316.907.

300 Section 10. Section 324.031, Florida Statutes, is amended
301 to read:

302 324.031 Manner of proving financial responsibility.—

303 (1) The owner or operator of a taxicab, limousine, jitney,
304 or any other for-hire passenger transportation vehicle may prove
305 financial responsibility by providing satisfactory evidence of
306 holding a motor vehicle liability policy as defined in s.
307 324.021(8) or s. 324.151, which policy is issued by an insurance
308 carrier which is a member of the Florida Insurance Guaranty
309 Association. Except as provided in subsection (2), the operator
310 or owner of any other vehicle may prove his or her financial
311 responsibility by:

312 (a)~~(1)~~ Furnishing satisfactory evidence of holding a motor
313 vehicle liability policy as defined in ss. 324.021(8) and
314 324.151;

315 (b)~~(2)~~ Furnishing a certificate of self-insurance showing a
316 deposit of cash in accordance with s. 324.161; or

317 (c)~~(3)~~ Furnishing a certificate of self-insurance issued by
318 the department in accordance with s. 324.171.

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320 Any person, including any firm, partnership, association,
321 corporation, or other person, other than a natural person,
322 electing to use the method of proof specified in paragraph
323 (1) (b) subsection ~~(2)~~ shall furnish a certificate of deposit
324 equal to the number of vehicles owned times \$30,000, to a
325 maximum of \$120,000; in addition, any such person, other than a
326 natural person, shall maintain insurance providing coverage in
327 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
328 single limits, and such excess insurance shall provide minimum
329 limits of \$125,000/250,000/50,000 or \$300,000 combined single
330 limits. These increased limits shall not affect the requirements
331 for proving financial responsibility under s. 324.032(1).

332 (2) The owner or operator of a chauffeured limousine, as
333 defined in s. 316.901, may prove financial responsibility by
334 furnishing satisfactory evidence of holding a motor vehicle
335 liability policy, with minimum limits of
336 \$500,000/1,000,000/50,000.

337 (3) A chauffeured limousine service, as defined in s.
338 316.901, may prove financial responsibility by furnishing
339 satisfactory evidence of holding a nonowned motor vehicle
340 liability policy with minimum limits of \$500,000 combined single
341 limits.

342 Section 11. Section 324.032, Florida Statutes, is amended
343 to read:

344 324.032 Manner of proving financial responsibility; for-
345 hire passenger transportation vehicles.—Notwithstanding the
346 provisions of s. 324.031:

347 (1) (a) A person who is either the owner or a lessee
348 required to maintain insurance under s. 627.733(1) (b) and who

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349 operates one or more taxicabs, limousines, jitneys, or any other
350 for-hire passenger transportation vehicles may prove financial
351 responsibility by furnishing satisfactory evidence of holding a
352 motor vehicle liability policy, but with minimum limits of
353 \$125,000/250,000/50,000.

354 (b) A person who is either the owner or a lessee required
355 to maintain insurance under s. 324.021(9)(b) and who operates
356 limousines, jitneys, or any other for-hire passenger vehicles,
357 other than taxicabs, may prove financial responsibility by
358 furnishing satisfactory evidence of holding a motor vehicle
359 liability policy as defined in s. 324.031.

360 (c) A person who is the owner or a lessee required to
361 maintain insurance under s. 324.021(9)(b) and who operates a
362 chauffeured limousine, as defined in s. 316.901, may prove
363 financial responsibility by furnishing satisfactory evidence of
364 holding a motor vehicle liability policy, but with minimum in
365 excess of limits of \$500,000/1,000,000/50,000.

366 (d) A chauffeured limousine service, as defined in s.
367 316.901, may prove financial responsibility by furnishing
368 satisfactory evidence of holding a non-owned motor vehicle
369 liability policy with minimum limits of \$500,000 combined single
370 limits.

371 (2) An owner or a lessee who is required to maintain
372 insurance under s. 324.021(9)(b) and who operates at least 300
373 taxicabs, limousines, jitneys, or any other for-hire passenger
374 transportation vehicles may provide financial responsibility by
375 complying with the provisions of s. 324.171, such compliance to
376 be demonstrated by maintaining at its principal place of
377 business an audited financial statement, prepared in accordance

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378 with generally accepted accounting principles, and providing to
379 the department a certification issued by a certified public
380 accountant that the applicant's net worth is at least equal to
381 the requirements of s. 324.171 as determined by the Office of
382 Insurance Regulation of the Financial Services Commission,
383 including claims liabilities in an amount certified as adequate
384 by a Fellow of the Casualty Actuarial Society.

385

386 Upon request by the department, the applicant must provide the
387 department at the applicant's principal place of business in
388 this state access to the applicant's underlying financial
389 information and financial statements that provide the basis of
390 the certified public accountant's certification. The applicant
391 shall reimburse the requesting department for all reasonable
392 costs incurred by it in reviewing the supporting information.
393 The maximum amount of self-insurance permissible under this
394 subsection is \$300,000 and must be stated on a per-occurrence
395 basis, and the applicant shall maintain adequate excess
396 insurance issued by an authorized or eligible insurer licensed
397 or approved by the Office of Insurance Regulation. All risks
398 self-insured shall remain with the owner or lessee providing it,
399 and the risks are not transferable to any other person, unless a
400 policy complying with subsection (1) is obtained.

401 Section 12. Section 324.023, Florida Statutes, is amended
402 to read:

403 324.023 Financial responsibility for bodily injury or
404 death.—In addition to any other financial responsibility
405 required by law, every owner or operator of a motor vehicle that
406 is required to be registered in this state, or that is located

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407 within this state, and who, regardless of adjudication of guilt,
408 has been found guilty of or entered a plea of guilty or nolo
409 contendere to a charge of driving under the influence under s.
410 316.193 after October 1, 2007, shall, by one of the methods
411 established in s. 324.031(1) (a) or (1) (b) ~~s. 324.031(1) or (2)~~,
412 establish and maintain the ability to respond in damages for
413 liability on account of accidents arising out of the use of a
414 motor vehicle in the amount of \$100,000 because of bodily injury
415 to, or death of, one person in any one crash and, subject to
416 such limits for one person, in the amount of \$300,000 because of
417 bodily injury to, or death of, two or more persons in any one
418 crash and in the amount of \$50,000 because of property damage in
419 any one crash. If the owner or operator chooses to establish and
420 maintain such ability by furnishing a certificate of deposit
421 pursuant to s. 324.031(1) (b) ~~s. 324.031(2)~~, such certificate of
422 deposit must be at least \$350,000. Such higher limits must be
423 carried for a minimum period of 3 years. If the owner or
424 operator has not been convicted of driving under the influence
425 or a felony traffic offense for a period of 3 years from the
426 date of reinstatement of driving privileges for a violation of
427 s. 316.193, the owner or operator shall be exempt from this
428 section.

429 Section 13. Subsection (1) of section 324.151, Florida
430 Statutes, is amended to read:

431 324.151 Motor vehicle liability policies; required
432 provisions.—

433 (1) A motor vehicle liability policy to be proof of
434 financial responsibility under s. 324.031(1) (a) ~~s. 324.031(1)~~,
435 shall be issued to owners or operators under the following

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436 provisions:

437 (a) An owner's liability insurance policy shall designate
438 by explicit description or by appropriate reference all motor
439 vehicles with respect to which coverage is thereby granted and
440 shall insure the owner named therein and any other person as
441 operator using such motor vehicle or motor vehicles with the
442 express or implied permission of such owner against loss from
443 the liability imposed by law for damage arising out of the
444 ownership, maintenance, or use of such motor vehicle or motor
445 vehicles within the United States or the Dominion of Canada,
446 subject to limits, exclusive of interest and costs with respect
447 to each such motor vehicle as is provided for under s.
448 324.021(7). Insurers may make available, with respect to
449 property damage liability coverage, a deductible amount not to
450 exceed \$500. In the event of a property damage loss covered by a
451 policy containing a property damage deductible provision, the
452 insurer shall pay to the third-party claimant the amount of any
453 property damage liability settlement or judgment, subject to
454 policy limits, as if no deductible existed.

455 (b) An operator's motor vehicle liability policy of
456 insurance shall insure the person named therein against loss
457 from the liability imposed upon him or her by law for damages
458 arising out of the use by the person of any motor vehicle not
459 owned by him or her, with the same territorial limits and
460 subject to the same limits of liability as referred to above
461 with respect to an owner's policy of liability insurance.

462 (c) All such motor vehicle liability policies shall state
463 the name and address of the named insured, the coverage afforded
464 by the policy, the premium charged therefor, the policy period,

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465 the limits of liability, and shall contain an agreement or be
466 endorsed that insurance is provided in accordance with the
467 coverage defined in this chapter as respects bodily injury and
468 death or property damage or both and is subject to all
469 provisions of this chapter. Said policies shall also contain a
470 provision that the satisfaction by an insured of a judgment for
471 such injury or damage shall not be a condition precedent to the
472 right or duty of the insurance carrier to make payment on
473 account of such injury or damage, and shall also contain a
474 provision that bankruptcy or insolvency of the insured or of the
475 insured's estate shall not relieve the insurance carrier of any
476 of its obligations under said policy.

477 Section 14. Subsection (3) of section 627.733, Florida
478 Statutes, is amended to read:

479 627.733 Required security.—

480 (3) Such security shall be provided:

481 (a) By an insurance policy delivered or issued for delivery
482 in this state by an authorized or eligible motor vehicle
483 liability insurer which provides the benefits and exemptions
484 contained in ss. 627.730-627.7405. Any policy of insurance
485 represented or sold as providing the security required hereunder
486 shall be deemed to provide insurance for the payment of the
487 required benefits; or

488 (b) By any other method authorized by s. 324.031(1)(b) or
489 (1)(c) ~~324.031(2) or (3)~~ and approved by the Department of
490 Highway Safety and Motor Vehicles as affording security
491 equivalent to that afforded by a policy of insurance or by self-
492 insuring as authorized by s. 768.28(16). The person filing such
493 security shall have all of the obligations and rights of an

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494 insurer under ss. 627.730-627.7405.

495 Section 15. This act shall take effect October 1, 2014.