

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Gaetz offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 316.680, Florida Statutes, is created
6 to read:

7 316.680 Transportation network companies.-

8 (1) DEFINITIONS.-As used in this section, the term:

9 (a) "Digital network" means any online-enabled application,
10 software, website, or system offered or used by a transportation
11 network company that enables the prearrangement of rides with
12 transportation network company drivers.

13 (b) "Personal vehicle" means a vehicle that is used by a
14 transportation network company driver in connection with

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15 providing transportation network company service and is:

16 1. Owned, leased, or otherwise authorized for use by a
17 transportation network company driver; and

18 2. Not a taxi, jitney, limousine, or for-hire vehicle as
19 defined in s. 320.01(15).

20 (c) "Transportation network company" or "company" means an
21 entity granted a permit under this section to operate in this
22 state using a digital network or software application service to
23 connect passengers to transportation network company service
24 provided by drivers. A company is not deemed to own, control,
25 operate, or manage the vehicles used by drivers; is not deemed
26 to control or manage drivers; and is not a taxicab association
27 or for-hire vehicle owner. A transportation network company does
28 not include an individual, corporation, partnership, sole
29 proprietorship, or other entity arranging nonemergency medical
30 transportation for individuals qualifying for Medicaid or
31 Medicare pursuant to a contract with the state or a managed care
32 organization.

33 (d) "Transportation network company driver" or "driver"
34 means an individual who:

35 1. Receives connections to potential passengers and
36 related services from a transportation network company in
37 exchange for payment of a fee to the transportation network
38 company; and

39 2. Uses a personal vehicle to provide transportation
40 network company service to passengers upon connection through a

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41 digital network controlled by a transportation network company
42 in return for compensation or payment of a fee.

43 (e) "Transportation network company rider" or "rider"
44 means an individual or person who uses a transportation network
45 company's digital network to connect with a transportation
46 network company driver who provides transportation network
47 company service to the rider in the driver's personal vehicle
48 between points chosen by the rider.

49 (f) "Transportation network company service" means the
50 provision of transportation by a driver to a rider, beginning
51 when a driver accepts a ride requested by a rider through a
52 digital network controlled by a transportation network company,
53 continuing while the driver transports a rider, and ending when
54 the last rider departs from the personal vehicle. The term does
55 not include a taxi, for-hire vehicle, or street hail service.

56 (g) "Trip" means the duration of transportation network
57 company service beginning at a point of origin where the
58 passenger enters the driver's vehicle and ending at a point of
59 destination where the passenger exits the vehicle.

60 (2) NOT A COMMON CARRIER.—A transportation network company
61 or driver is not a common carrier and does not provide taxi or
62 for-hire vehicle service. In addition, a driver is not required
63 to register the vehicle that the driver uses for transportation
64 network company service as a commercial vehicle or a for-hire
65 vehicle.

66 (3) PERMIT REQUIRED.—

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67 (a) A person must obtain a permit from the department to
68 operate a transportation network company in this state.

69 (b) The department shall issue a permit to each applicant
70 that meets the requirements for a transportation network company
71 pursuant to this section and pays an annual permit fee of \$5,000
72 to the department.

73 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A
74 transportation network company must designate and maintain an
75 agent for service of process in this state. If the registered
76 agent of the company cannot, with reasonable diligence, be found
77 or if the company fails to designate or maintain a registered
78 agent in this state, the executive director of the department
79 must be an agent of the transportation network company upon whom
80 any process, notice, or demand may be served.

81 (5) FARE COLLECTED FOR SERVICES.—A company may collect a
82 fare on behalf of a driver for the services provided to
83 passengers; however, if a fare is collected from a passenger,
84 the company shall disclose to the passenger the fare calculation
85 method on its website or within its software application. The
86 company shall also provide the passenger with the applicable
87 rates being charged and the option to receive an estimated fare
88 before the passenger enters the driver's vehicle.

89 (6) IDENTIFICATION OF VEHICLES AND DRIVERS.—The company's
90 software application service or website shall display a picture
91 of the driver and the license plate number of the motor vehicle
92 used to provide transportation network company service before

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93 the passenger enters the driver's vehicle.

94 (7) ELECTRONIC RECEIPT.—Within a reasonable period of
95 time, the company shall provide an electronic receipt to the
96 passenger which lists:

97 (a) The origin and destination of the trip.

98 (b) The total time and distance of the trip.

99 (c) An itemization of the total fare paid.

100 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE

101 REQUIREMENTS.—

102 (a) Beginning March 1, 2016, a transportation network
103 company driver or transportation network company on the driver's
104 behalf shall maintain primary automobile insurance that
105 recognizes that the driver is a transportation network company
106 driver or otherwise uses a vehicle to transport passengers for
107 compensation and covers the driver:

108 1. While the driver is logged into the transportation
109 network company's digital network; or

110 2. While the driver is engaged in transportation network
111 company service.

112 (b) The following automobile insurance requirements apply
113 while a participating driver is logged into the transportation
114 network company's digital network and is available to receive
115 transportation requests but is not engaged in transportation
116 network company service:

117 1. Primary automobile liability insurance in the amount of
118 at least \$50,000 for death and bodily injury per person,

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119 \$100,000 for death and bodily injury per incident, and \$25,000
120 for property damage.

121 2. Primary automobile liability insurance that provides
122 the minimum coverage requirements under ss. 627.730-627.7405.

123 (c) The following automobile insurance requirements apply
124 while a driver is engaged in transportation network company
125 service:

126 1. Primary automobile liability insurance that provides at
127 least \$1 million for death, bodily injury, and property damage;
128 and

129 2. Primary automobile liability insurance that provides
130 the minimum coverage requirements where required of a limousine
131 under ss. 627.730-627.7405.

132 (d) The coverage requirements of paragraphs (b) and (c)
133 may be satisfied by:

134 1. Automobile liability insurance maintained by the
135 driver;

136 2. Automobile liability insurance maintained by the
137 company; or

138 3. A combination of coverage maintained as provided in
139 subparagraphs 1. and 2.

140 (e) If insurance maintained by a driver under paragraph
141 (b) or paragraph (c) has lapsed or does not provide the required
142 coverage, insurance maintained by a transportation network
143 company shall provide the coverage required by this section
144 beginning with the first dollar of a claim.

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145 (f) Coverage under an automobile insurance policy
146 maintained by the transportation network company is not
147 dependent on a personal automobile insurer's first denying a
148 claim, and a personal automobile insurance policy is not
149 required for the transportation network company's insurer to
150 deny a claim.

151 (g) Insurance required by this section may be placed with
152 an insurer authorized to do business in the state or with a
153 surplus lines insurer eligible under the Surplus Lines Law under
154 ss. 626.913-626.937.

155 (h) Insurance satisfying the requirements of this section
156 is deemed to satisfy the financial responsibility requirement
157 for a motor vehicle under chapter 324 and the security required
158 under s. 627.733.

159 (i) A driver shall carry proof of coverage satisfying
160 paragraphs (b) and (c) with him or her at all times during his
161 or her use of a vehicle in connection with a transportation
162 network company's digital network. In the event of an accident,
163 the driver shall provide this insurance coverage information to
164 the directly interested parties, automobile insurers, and
165 investigating police officers. Such proof of financial
166 responsibility may be presented through a digital phone
167 application under s. 316.646 controlled by a transportation
168 network company. Upon such request, the driver shall also
169 disclose to directly interested parties, automobile insurers,
170 and investigating police officers whether he or she was logged

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171 into the transportation network company's digital network or
172 engaged in transportation network company service at the time of
173 the accident.

174 (j) If a transportation network company's insurer makes a
175 payment for a claim covered under comprehensive coverage or
176 collision coverage, the transportation network company shall
177 cause its insurer to issue the payment directly to the business
178 repairing the vehicle or jointly to the owner of the vehicle and
179 the primary lienholder on the covered vehicle.

180 (9) TRANSPORTATION NETWORK COMPANY AND INSURER;
181 EXCLUSIONS; DISCLOSURE.—

182 (a) The transportation network company shall disclose in
183 writing to drivers the following before they are allowed to
184 accept a request for transportation network company service on
185 the transportation network company's digital network:

186 1. The insurance coverage, including the types of coverage
187 and the limits for each coverage, that the transportation
188 network company provides while the driver uses a personal
189 vehicle in connection with a transportation network company's
190 digital network; and

191 2. That the driver's own automobile insurance policy might
192 not provide any coverage while the driver is logged into the
193 transportation network company's digital network and is
194 available to receive transportation requests or is engaged in
195 transportation network company service depending on its terms.

196 (b)1. An insurer that provides automobile liability

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197 insurance policies under part XI of chapter 627 may exclude any
198 and all coverage afforded under the owner's insurance policy for
199 any loss or injury that occurs while a driver is logged into a
200 transportation network company's digital network or while a
201 driver provides transportation network company service. This
202 right to exclude all coverage may apply to any coverage included
203 in an automobile insurance policy, including, but not limited
204 to:

205 a. Liability coverage for bodily injury and property
206 damage.

207 b. Uninsured and underinsured motorist coverage.

208 c. Medical payments coverage.

209 d. Comprehensive physical damage coverage.

210 e. Collision physical damage coverage.

211 f. Personal injury protection.

212 2. The exclusions described in subparagraph 1. apply
213 notwithstanding any requirement under chapter 324. This section
214 does not require or imply that a personal automobile insurance
215 policy provide coverage while the driver is logged into the
216 transportation network company's digital network, while the
217 driver is engaged in transportation network company service, or
218 while the driver otherwise uses a vehicle to transport
219 passengers for compensation.

220 3. This section does not preclude an insurer from
221 providing coverage by contract or endorsement for the driver's
222 vehicle.

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223 (c)1. An insurer that excludes the coverage described in
224 subparagraph (b)1. has no duty to defend or indemnify any claim
225 expressly excluded thereunder. This section does not invalidate
226 or limit an exclusion contained in a policy, including any
227 policy in use or approved for use in this state before July 1,
228 2015.

229 2. An automobile insurer that defends or indemnifies a
230 claim against a driver, which is excluded under the terms of its
231 policy, has a right of contribution against other insurers that
232 provide automobile insurance to the same driver in satisfaction
233 of the coverage requirements of subsection (8) at the time of
234 loss.

235 (d) In a claims coverage investigation, transportation
236 network companies and any insurer potentially providing coverage
237 under subsection (8) shall cooperate to facilitate the exchange
238 of relevant information with directly involved parties and any
239 insurer of the driver, if applicable, including the precise
240 times that a driver logged into and off of the transportation
241 network company's digital network during the 12-hour period
242 immediately before and the 12-hour period immediately after the
243 accident and disclose to one another a clear description of the
244 coverage, exclusions, and limits provided under any automobile
245 insurance maintained under subsection (8).

246 (10) DRIVERS AS INDEPENDENT CONTRACTORS.—

247 (a) A driver is an independent contractor and not an
248 employee of the company if all of the following conditions are

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249 met:

250 1. The company does not prescribe specific hours during
251 which the driver must be logged into the company's digital
252 network.

253 2. The company does not impose restrictions on the
254 driver's ability to use digital networks from other companies.

255 3. The company does not assign the driver to a particular
256 territory in which transportation network company services are
257 authorized to be provided.

258 4. The company does not restrict the driver from engaging
259 in any other occupation or business.

260 5. The company and the driver agree in writing that the
261 driver is an independent contractor of the company.

262 (b) A company operating under this section is not required
263 to provide workers' compensation coverage to a transportation
264 network company driver who is classified as an independent
265 contractor pursuant to this section.

266 (11) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—

267 (a) A company shall implement a zero tolerance policy on
268 use of illegal drugs or alcohol by a driver who is providing
269 transportation network company service or who is logged into the
270 company's digital network but is not providing service.

271 (b) A company shall provide notice on its website of a
272 zero tolerance policy under paragraph (a) and shall provide
273 procedures for a passenger to file a complaint about a driver
274 who the passenger reasonably suspects was under the influence of

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275 drugs or alcohol during the course of a trip.

276 (c) Upon receipt of a passenger complaint alleging a
277 violation of the zero tolerance policy, the company shall
278 immediately suspend the accused driver's access to the company's
279 digital network and shall conduct an investigation into the
280 reported incident. The suspension shall last for the duration of
281 the investigation.

282 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.-

283 (a) Before allowing a person to act as a driver on its
284 digital network, and at least once every 2 years thereafter, the
285 company shall:

286 1. Require the person to submit an application to the
287 company, including his or her address, date of birth, driver
288 license number, driving history, motor vehicle registration,
289 automobile liability insurance, and other information required
290 by the company.

291 2. Conduct, or have a third party conduct, a criminal
292 background check for each applicant to include:

293 a. The Multi-State/Multi-Jurisdiction Criminal Records
294 Locator or other similar commercial national database with
295 validation.

296 b. The Dru Sjodin National Sex Offender Public Website.

297 3. Obtain and review a driving history research report for
298 such person.

299 (b) The company shall prohibit a person to act as a driver
300 on its digital network if the person:

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- 301 1. Has had more than three moving violations in the
302 preceding 3-year period or one major violation in the preceding
303 3-year period. A major violation includes, but is not limited
304 to, fleeing or attempting to elude a law enforcement officer,
305 reckless driving, or driving with a suspended or revoked
306 license;
- 307 2. Has been convicted, within the past 7 years, of driving
308 under the influence of drugs or alcohol, fraud, sexual offenses,
309 use of a motor vehicle to commit a felony, a crime involving
310 property damage or theft, acts of violence, or acts of terror;
- 311 3. Is a match in the Dru Sjodin National Sex Offender
312 Public Website;
- 313 4. Does not possess a valid driver license;
- 314 5. Does not possess proof of registration for the motor
315 vehicle used to provide transportation network company service;
- 316 6. Does not possess proof of automobile liability
317 insurance for the motor vehicle used to provide transportation
318 network company service; or
- 319 7. Has not attained the age of 19 years.
- 320 (13) VEHICLE SAFETY AND EMISSIONS.—A company shall require
321 that a personal vehicle used by a driver to provide
322 transportation network company service meets the vehicle safety
323 and emissions requirements for a private motor vehicle of the
324 state in which the vehicle is registered.
- 325 (14) PROHIBITED CONDUCT.—A driver may not:
- 326 (a) Accept a ride other than a ride arranged through a

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327 digital network or software application service.

328 (b) Solicit or accept street hails.

329 (c) Solicit or accept cash payments from passengers. A
330 company shall adopt a policy prohibiting solicitation or
331 acceptance of cash payments from passengers and notify drivers
332 of such policy. Such policy must require a payment for
333 transportation network company service to be made electronically
334 using the company's digital network or software application
335 service.

336 (15) NONDISCRIMINATION; ACCESSIBILITY.—

337 (a) A company may not discriminate against a driver on the
338 basis of race, color, national origin, religious belief or
339 affiliation, sex, disability, age, or sexual orientation. A
340 company shall adopt a policy to assist drivers who reasonably
341 believe that they have received a negative rating from a
342 passenger because of their race, color, national origin,
343 religious belief or affiliation, sex, disability, age, or sexual
344 orientation.

345 (b) A company shall adopt a policy of nondiscrimination on
346 the basis of destination, race, color, national origin,
347 religious belief or affiliation, sex, disability, age, or sexual
348 orientation with respect to passengers and potential passengers
349 and shall notify drivers of such policy.

350 (c) A driver shall comply with the nondiscrimination
351 policy.

352 (d) A driver shall comply with all applicable laws

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353 relating to accommodation of service animals.

354 (e) A company may not impose additional charges for
355 providing transportation network company service to persons with
356 physical disabilities because of those disabilities.

357 (f) A company shall provide passengers an opportunity to
358 indicate whether they require a wheelchair-accessible vehicle.
359 If a company cannot arrange wheelchair-accessible service, it
360 shall direct the passenger to an alternate provider of
361 wheelchair-accessible service, if available.

362 (16) RECORDS.—A company shall maintain:

363 (a) Individual trip records for at least 1 year after the
364 date each trip was provided.

365 (b) Driver records for at least 1 year after the date on
366 which a driver's activation on the company's digital network has
367 ended.

368 (c) The company shall maintain records of written
369 passenger complaints received through the company's software
370 application for at least 2 years after the date such complaint
371 is received by the company.

372 (17) PREEMPTION.—It is the intent of the Legislature to
373 provide for uniformity of laws governing transportation network
374 companies and transportation network company drivers throughout
375 the state. Notwithstanding any other provision of law,
376 transportation network companies and drivers are governed
377 exclusively by this section and any rules adopted by the
378 department to administer this section. A county, municipality,

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379 special district, or other local governmental entity or
380 subdivision may not impose a tax on, or require a license for, a
381 company or a driver, or a vehicle used by a driver, if such tax
382 or license relates to providing transportation network company
383 services, or subject a company to any rate, entry, operational,
384 or other requirements of the county, municipality, special
385 district, or other local governmental entity or subdivision.
386 This section does not prohibit an airport from charging an
387 appropriate fee for use of the airport's facilities or
388 designating locations for staging, pickup, and other similar
389 operations at the airport. However, such fees may not be
390 assessed on a per-driver or per-vehicle basis.

391 (18) RULEMAKING.—The department may adopt rules to
392 administer this section.

393 Section 2. Section 324.031, Florida Statutes, is amended
394 to read:

395 324.031 Manner of proving financial responsibility.—The
396 owner or operator of a taxicab, limousine, jitney, any vehicle
397 used in connection with a transportation network company or any
398 other for-hire passenger transportation vehicle may prove
399 financial responsibility by providing satisfactory evidence of
400 holding a motor vehicle liability policy as defined in s.
401 324.021(8) or s. 324.151, which policy is issued by an insurance
402 carrier which is a member of the Florida Insurance Guaranty
403 Association or an eligible surplus lines insurer under s.
404 626.918 that is rated "A-" or higher by A. M. Best Company. The

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405 operator or owner of any other vehicle may prove his or her
406 financial responsibility by:

407 ~~(1) furnishing satisfactory evidence of holding a motor~~
408 ~~vehicle liability policy as defined in ss. 324.021(8) and~~
409 ~~324.151.~~

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

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

414

415 ~~Any person, including any firm, partnership, association,~~
416 ~~corporation, or other person, other than a natural person,~~
417 ~~electing to use the method of proof specified in subsection (2)~~
418 ~~shall furnish a certificate of deposit equal to the number of~~
419 ~~vehicles owned times \$30,000, to a maximum of \$120,000; in~~
420 ~~addition, any such person, other than a natural person, shall~~
421 ~~maintain insurance providing coverage in excess of limits of~~
422 ~~\$10,000/20,000/10,000 or \$30,000 combined single limits, and~~
423 ~~such excess insurance shall provide minimum limits of~~
424 ~~\$125,000/250,000/50,000 or \$300,000 combined single limits.~~
425 ~~These increased limits shall not affect the requirements for~~
426 ~~proving financial responsibility under s. 324.032(1).~~

427 Section 3. Section 324.032, Florida Statutes, is amended
428 to read:

429 324.032 Manner of proving financial responsibility; for-
430 hire passenger transportation vehicles.—Notwithstanding the

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431 provisions of s. 324.031:

432 (1)(a) A person who is either the owner or a lessee
433 required to maintain insurance under s. 627.733(1)(b) and who
434 operates one or more taxicabs, limousines, jitneys, or any other
435 for-hire passenger transportation vehicles may prove financial
436 responsibility by furnishing satisfactory evidence of holding a
437 motor vehicle liability policy, but with minimum limits of
438 \$125,000/250,000/50,000.

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

445 ~~(2) An owner or a lessee who is required to maintain~~
446 ~~insurance under s. 324.021(9)(b) and who operates at least 300~~
447 ~~taxicabs, limousines, jitneys, or any other for-hire passenger~~
448 ~~transportation vehicles may provide financial responsibility by~~
449 ~~complying with the provisions of s. 324.171, such compliance to~~
450 ~~be demonstrated by maintaining at its principal place of~~
451 ~~business an audited financial statement, prepared in accordance~~
452 ~~with generally accepted accounting principles, and providing to~~
453 ~~the department a certification issued by a certified public~~
454 ~~accountant that the applicant's net worth is at least equal to~~
455 ~~the requirements of s. 324.171 as determined by the Office of~~
456 ~~Insurance Regulation of the Financial Services Commission,~~

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457 ~~including claims liabilities in an amount certified as adequate~~
458 ~~by a Fellow of the Casualty Actuarial Society.~~

459
460 ~~Upon request by the department, the applicant must provide the~~
461 ~~department at the applicant's principal place of business in~~
462 ~~this state access to the applicant's underlying financial~~
463 ~~information and financial statements that provide the basis of~~
464 ~~the certified public accountant's certification. The applicant~~
465 ~~shall reimburse the requesting department for all reasonable~~
466 ~~costs incurred by it in reviewing the supporting information.~~
467 ~~The maximum amount of self-insurance permissible under this~~
468 ~~subsection is \$300,000 and must be stated on a per-occurrence~~
469 ~~basis, and the applicant shall maintain adequate excess~~
470 ~~insurance issued by an authorized or eligible insurer licensed~~
471 ~~or approved by the Office of Insurance Regulation. All risks~~
472 ~~self-insured shall remain with the owner or lessee providing it,~~
473 ~~and the risks are not transferable to any other person, unless a~~
474 ~~policy complying with subsection (1) is obtained.~~

475 Section 4. Subsection (1) and paragraph (a) of subsection
476 (2) of section 324.022, Florida Statutes, are amended to read:

477 324.022 Financial responsibility for property damage.—

478 (1) Every owner or operator of a motor vehicle required to
479 be registered in this state shall establish and maintain the
480 ability to respond in damages for liability on account of
481 accidents arising out of the use of the motor vehicle in the
482 amount of \$10,000 because of damage to, or destruction of,

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483 property of others in any one crash. The requirements of this
484 section may be met by ~~one of~~ the methods established in s.
485 324.031; by self-insuring as authorized by s. 768.28(16); or by
486 maintaining an insurance policy providing coverage for property
487 damage liability in the amount of at least \$10,000 because of
488 damage to, or destruction of, property of others in any one
489 accident arising out of the use of the motor vehicle. The
490 requirements of this section may also be met by having a policy
491 which provides coverage in the amount of at least \$30,000 for
492 combined property damage liability and bodily injury liability
493 for any one crash arising out of the use of the motor vehicle.
494 The policy, with respect to coverage for property damage
495 liability, must meet the applicable requirements of s. 324.151,
496 subject to the usual policy exclusions that have been approved
497 in policy forms by the Office of Insurance Regulation. No
498 insurer shall have any duty to defend uncovered claims
499 irrespective of their joinder with covered claims.

500 (2) As used in this section, the term:

501 (a) "Motor vehicle" means any self-propelled vehicle that
502 has four or more wheels and that is of a type designed and
503 required to be licensed for use on the highways of this state,
504 and any trailer or semitrailer designed for use with such
505 vehicle. The term does not include:

506 1. A mobile home.

507 2. A motor vehicle that is used in mass transit and
508 designed to transport more than five passengers, exclusive of

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509 the operator of the motor vehicle, and that is owned by a
510 municipality, transit authority, or political subdivision of the
511 state.

512 3. A school bus as defined in s. 1006.25.

513 4. A vehicle providing for-hire transportation that is
514 subject to ~~the provisions of~~ s. 324.031. A taxicab shall
515 maintain security as required under s. 324.032 ~~324.032(1)~~.

516 Section 5. Section 324.023, Florida Statutes, is amended
517 to read:

518 324.023 Financial responsibility for bodily injury or
519 death.—In addition to any other financial responsibility
520 required by law, every owner or operator of a motor vehicle that
521 is required to be registered in this state, or that is located
522 within this state, and who, regardless of adjudication of guilt,
523 has been found guilty of or entered a plea of guilty or nolo
524 contendere to a charge of driving under the influence under s.
525 316.193 after October 1, 2007, shall, by ~~one of~~ the methods
526 established in s. 324.031 ~~324.031(1) or (2)~~, establish and
527 maintain the ability to respond in damages for liability on
528 account of accidents arising out of the use of a motor vehicle
529 in the amount of \$100,000 because of bodily injury to, or death
530 of, one person in any one crash and, subject to such limits for
531 one person, in the amount of \$300,000 because of bodily injury
532 to, or death of, two or more persons in any one crash and in the
533 amount of \$50,000 because of property damage in any one crash.
534 If the owner or operator chooses to establish and maintain such

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535 ability by furnishing a certificate of deposit ~~pursuant to s.~~
536 ~~324.031(2)~~, such certificate of deposit must be at least
537 \$350,000. Such higher limits must be carried for a minimum
538 period of 3 years. If the owner or operator has not been
539 convicted of driving under the influence or a felony traffic
540 offense for a period of 3 years after ~~from~~ the date of
541 reinstatement of driving privileges for a violation of s.
542 316.193, the owner or operator shall be exempt from this
543 section.

544 Section 6. Paragraph (a) of subsection (2) of section
545 324.051, Florida Statutes, is amended to read:

546 324.051 Reports of crashes; suspensions of licenses and
547 registrations.—

548 (2) (a) Thirty days after receipt of notice of any accident
549 described in paragraph (1) (a) involving a motor vehicle within
550 this state, the department shall suspend, after due notice and
551 opportunity to be heard, the license of each operator and all
552 registrations of the owner of the vehicles operated by such
553 operator whether or not involved in such crash and, in the case
554 of a nonresident owner or operator, shall suspend such
555 nonresident's operating privilege in this state, unless such
556 operator or owner shall, prior to the expiration of such 30
557 days, be found by the department to be exempt from the operation
558 of this chapter, based upon evidence satisfactory to the
559 department that:

560 1. The motor vehicle was legally parked at the time of

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561 such crash.

562 2. The motor vehicle was owned by the United States
563 Government, this state, or any political subdivision of this
564 state or any municipality therein.

565 3. Such operator or owner has secured a duly acknowledged
566 written agreement providing for release from liability by all
567 parties injured as the result of said crash and has complied
568 with ~~one of the provisions of~~ s. 324.031.

569 4. Such operator or owner has deposited with the
570 department security to conform with s. 324.061 when applicable
571 and has complied with ~~one of the provisions of~~ s. 324.031.

572 5. One year has elapsed since such owner or operator was
573 suspended pursuant to subsection (3), the owner or operator has
574 complied with ~~one of the provisions of~~ s. 324.031, and no bill
575 of complaint of which the department has notice has been filed
576 in a court of competent jurisdiction.

577
578 No such policy or bond shall be effective under this subsection
579 unless it contains limits of not less than those specified in s.
580 324.021(7).

581 Section 7. Section 324.071, Florida Statutes, is amended
582 to read:

583 324.071 Reinstatement; renewal of license; reinstatement
584 fee.—Any operator or owner whose license or registration has
585 been suspended pursuant to s. 324.051(2), s. 324.072, s.
586 324.081, or s. 324.121 may effect its reinstatement upon

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587 compliance with the provisions of s. 324.051(2)(a)3. or 4., or
588 s. 324.081(2) and (3), as the case may be, and with ~~one of the~~
589 ~~provisions of~~ s. 324.031 and upon payment to the department of a
590 nonrefundable reinstatement fee of \$15. Only one such fee shall
591 be paid by any one person irrespective of the number of licenses
592 and registrations to be then reinstated or issued to such
593 person. All such fees shall be deposited to a department trust
594 fund. When the reinstatement of any license or registration is
595 effected by compliance with s. 324.051(2)(a)3. or 4., the
596 department shall not renew the license or registration within a
597 period of 3 years from such reinstatement, nor shall any other
598 license or registration be issued in the name of such person,
599 unless the operator is continuing to comply with ~~one of the~~
600 ~~provisions of~~ s. 324.031.

601 Section 8. Subsection (1) of section 324.151, Florida
602 Statutes, is amended to read:

603 324.151 Motor vehicle liability policies; required
604 provisions.—

605 (1) A motor vehicle liability policy to be proof of
606 financial responsibility under s. 324.031 ~~324.031(1)~~, shall be
607 issued to owners or operators under the following provisions:

608 (a) An owner's liability insurance policy shall designate
609 by explicit description or by appropriate reference all motor
610 vehicles with respect to which coverage is thereby granted and
611 shall insure the owner named therein and any other person as
612 operator using such motor vehicle or motor vehicles with the

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613 express or implied permission of such owner against loss from
614 the liability imposed by law for damage arising out of the
615 ownership, maintenance, or use of such motor vehicle or motor
616 vehicles within the United States or the Dominion of Canada,
617 subject to limits, exclusive of interest and costs with respect
618 to each such motor vehicle as is provided for under s.
619 324.021(7). Insurers may make available, with respect to
620 property damage liability coverage, a deductible amount not to
621 exceed \$500. In the event of a property damage loss covered by a
622 policy containing a property damage deductible provision, the
623 insurer shall pay to the third-party claimant the amount of any
624 property damage liability settlement or judgment, subject to
625 policy limits, as if no deductible existed.

626 (b) An operator's motor vehicle liability policy of
627 insurance shall insure the person named therein against loss
628 from the liability imposed upon him or her by law for damages
629 arising out of the use by the person of any motor vehicle not
630 owned by him or her, with the same territorial limits and
631 subject to the same limits of liability as referred to above
632 with respect to an owner's policy of liability insurance.

633 (c) All such motor vehicle liability policies shall state
634 the name and address of the named insured, the coverage afforded
635 by the policy, the premium charged therefor, the policy period,
636 the limits of liability, and shall contain an agreement or be
637 endorsed that insurance is provided in accordance with the
638 coverage defined in this chapter as respects bodily injury and

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639 death or property damage or both and is subject to all
640 provisions of this chapter. Said policies shall also contain a
641 provision that the satisfaction by an insured of a judgment for
642 such injury or damage shall not be a condition precedent to the
643 right or duty of the insurance carrier to make payment on
644 account of such injury or damage, and shall also contain a
645 provision that bankruptcy or insolvency of the insured or of the
646 insured's estate shall not relieve the insurance carrier of any
647 of its obligations under said policy.

648 Section 9. Paragraph (b) of subsection (1) and paragraph
649 (b) of subsection (3) of section 627.733, Florida Statutes, are
650 amended to read:

651 627.733 Required security.—

652 (1)

653 (b) Every owner or registrant of a motor vehicle used as a
654 taxicab shall not be governed by paragraph (1)(a) but shall
655 maintain security as required under s. 324.032 ~~324.032(1)~~, and
656 s. 627.737 shall not apply to any motor vehicle used as a
657 taxicab.

658 (3) Such security shall be provided:

659 (b) By any other method authorized by s. 324.031
660 ~~324.031(2) or (3)~~ and approved by the Department of Highway
661 Safety and Motor Vehicles as affording security equivalent to
662 that afforded by a policy of insurance or by self-insuring as
663 authorized by s. 768.28(16). The person filing such security
664 shall have all of the obligations and rights of an insurer under

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665 ss. 627.730-627.7405.

666 Section 10. This act shall take effect July 1, 2015.

667

668 -----

669 **T I T L E A M E N D M E N T**

670 Remove everything before the enacting clause and insert:

671 A bill to be entitled

672 An act relating to transportation network companies;
673 creating s. 316.680, F.S.; providing definitions;
674 providing requirements for a person to obtain a permit
675 as a transportation network company; providing a
676 permit fee; requiring an agent for service of process;
677 requiring disclosure of a company's fares; requiring
678 display of certain information related to a
679 transportation network company driver; requiring that
680 a company provide an electronic receipt to a
681 passenger; providing requirements for automobile
682 liability insurance and insurance disclosure;
683 providing requirements for drivers to act as
684 independent contractors; requiring a zero tolerance
685 policy for drug and alcohol use; providing
686 requirements for employment as a transportation
687 network company driver; requiring that motor vehicles
688 used by a transportation network company meet certain
689 safety and emissions requirements; prohibiting
690 specified conduct; providing certain nondiscrimination

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691 and accessibility requirements; requiring a company to
692 maintain certain records; providing for preemption;
693 authorizing rulemaking; amending ss. 324.031 and
694 324.032, F.S.; revising methods for owners or
695 operators of certain vehicles to prove financial
696 responsibility; providing for such proof by owners or
697 operators of a vehicle used in connection with a
698 transportation network company; amending ss. 324.022,
699 324.023, 324.051, 324.071, 324.151, and 627.733, F.S.;
700 conforming provisions to changes made by the act;
701 providing an effective date.

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