

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Transportation & Ports
 2 Subcommittee

3 Representative Gaetz offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 316.680, Florida Statutes, is created
 8 to read:

9 316.680 Transportation network companies.—

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

11 (a) "Transportation network company" or "company" means an
 12 entity granted a permit under this section to operate in this
 13 state using a digital network or software application service to
 14 connect passengers to transportation network company service
 15 provided by drivers. A company is not deemed to own, control,
 16 operate, or manage the vehicles used by drivers; is not deemed
 17 to control or manage drivers; and is not a taxicab association

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18 or for-hire vehicle owner. A transportation network company
19 shall not include an individual, corporation, partnership, sole
20 proprietorship, or other entity arranging non-emergency medical
21 transportation for individuals qualifying for Medicaid under
22 P.L.1968, c.413 (C.30:4D-1 et seq.) or Medicare under the
23 federal Social Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et
24 seq.) pursuant to a contract with the state or a managed care
25 organization.

26 (b) "Transportation network company driver" or "driver"
27 means an individual who operates a motor vehicle who:

28 1. Receives connections to potential passengers and
29 related services from a transportation network company in
30 exchange for payment of a fee to the transportation network
31 company; and

32 2. Operate a motor vehicle that is:

33 A. Owned, leased, or otherwise authorized for use by the
34 individual;

35 B. Not a taxi, jitney, limousine, or for-hire vehicle as
36 defined in s. 320.01(15); and

37 C. Used to provide transportation network company service.

38 (c) "Transportation network company service" means the
39 transportation of a passenger between points chosen by the
40 passenger and prearranged with a driver through the use of a
41 company digital network or software application service. Service
42 begins when a driver accepts a request for transportation
43 received through the company's digital network or software

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44 application service, continues while the driver transports the
45 passenger in the driver's vehicle, and ends when the passenger
46 exits the driver's vehicle. The term does not include a taxi,
47 for-hire vehicle, or street hail service.

48 (d) "Trip" means the duration of transportation network
49 company service beginning at a point of origin where the
50 passenger enters the driver's vehicle and ending at a point of
51 destination where the passenger exits the vehicle.

52 (2) NOT COMMON CARRIERS.—A transportation network company
53 or transportation network company driver is not a common carrier
54 and does not provide taxi or for-hire vehicle service. In
55 addition, a driver shall not be required to register the vehicle
56 such driver uses for transportation network company service as a
57 commercial vehicle or a for-hire vehicle.

58 (3) PERMIT REQUIRED.—

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

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

65 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A
66 transportation network company must designate and maintain an
67 agent for service of process in this state.

68 (5) FARE COLLECTED FOR SERVICES.—On behalf of a driver, a
69 company may collect a fare for the services provided to

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70 passengers; provided that, if a fare is collected from a
71 passenger, the company shall disclose to passengers the fare
72 calculation method on its website or within its software
73 application. The company shall also provide passengers with the
74 applicable rates being charged and the option to receive an
75 estimated fare before the passenger enters the driver's vehicle.

76 (6) IDENTIFICATION OF VEHICLES AND DRIVERS.—The company's
77 software application service or website shall display a picture
78 of the driver and the license plate number of the motor vehicle
79 used to provide transportation network company service before
80 the passenger enters the driver's vehicle.

81 (7) ELECTRONIC RECEIPT.—Within a reasonable period of
82 time, to be determined by the department, after completion of a
83 trip, the company shall provide an electronic receipt to the
84 passenger which lists:

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

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

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

88 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE
89 REQUIREMENTS.—

90 (a) Beginning October 1, 2015, companies and
91 transportation network company drivers must comply with
92 automobile liability insurance requirements under this
93 subsection.

94 (b)1. When a driver is logged into the company's digital
95 network and is available to receive requests for transportation,

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96 but is not providing transportation network company service, the
97 following automobile liability insurance requirements shall
98 apply:

99 a. Automobile liability insurance that meets at least the
100 minimum coverage requirements under s. 324.021(7) (a)-(c).

101 b. Automobile liability insurance that provides the
102 minimum coverage requirements where required of a limousine by
103 ss. 627.730 through 627.7405.

104 2. A company shall maintain automobile liability insurance
105 in the amount required in sub-subparagraph 1.a. and shall
106 provide coverage in the event a participating driver's own
107 automobile liability policy excludes coverage according to its
108 policy terms or does not provide coverage of the minimum
109 requirements in sub-subparagraph 1.a.

110 (c) When a driver is providing transportation network
111 company service, the following automobile liability insurance
112 requirements shall apply:

113 1. Automobile liability insurance that recognizes the
114 driver's provision of transportation network company service.

115 2. Automobile liability insurance of at least \$1 million
116 for death, personal injury, and property damage.

117 3. Automobile liability insurance that provides the
118 minimum coverage requirements where required of a limousine by
119 ss. 627.730 through 627.7405.

120 (d) The coverage requirements of paragraph (c) may be
121 satisfied by:

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122 1. Automobile liability insurance maintained by the
123 driver;

124 2. Automobile liability insurance maintained by the
125 company; or

126 3. A combination of coverage maintained as provided in
127 subparagraphs 1. and 2.

128 (e) If insurance maintained by a driver under this section
129 has lapsed, failed to provide the required coverage, denied a
130 claim for the required coverage, or otherwise ceased to exist,
131 insurance maintained by the company shall provide the coverage
132 required by this section beginning with the first dollar of a
133 claim.

134 (f) Insurance required by this section may be placed with
135 an insurer authorized to do business in the state or with a
136 surplus lines insurer eligible under the Surplus Lines Law under
137 ss. 626.913-626.937.

138 (g) A company or driver may prove financial responsibility
139 under chapter 324 and s. 627.733 by providing satisfactory
140 evidence of holding an automobile liability policy pursuant to
141 this subsection.

142 (9) TRANSPORTATION NETWORK COMPANY AND INSURER DISCLOSURE
143 REQUIREMENTS.—

144 (a) The company shall disclose in writing to drivers
145 before the drivers are allowed to accept a request for
146 transportation network company service on the company's digital
147 network the following:

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148 1. The insurance coverage and limits of liability that the
149 company provides while the driver uses a personal vehicle in
150 connection with a company's digital network.

151 2. That the driver's personal insurance policy may not
152 provide coverage while the driver uses a vehicle in connection
153 with a company's digital network depending on its terms.

154 (b) An insurer that provides automobile liability
155 insurance policies under part XI of chapter 627 may:

156 1. Exclude any and all coverage and the duty to defend
157 afforded under the owner's insurance policy for a loss or injury
158 that occurs while an insured vehicle provides or is available to
159 provide transportation network company service, if such
160 exclusion is expressly set forth in the policy and approved for
161 sale in the state. This right to exclude coverage and the duty
162 to indemnify and defend applies to any coverage included in an
163 automobile liability insurance policy, including, but not
164 limited to:

165 a. Liability coverage for bodily injury and property
166 damage.

167 b. Uninsured and underinsured motorist coverage.

168 c. Medical payments coverage.

169 d. Comprehensive physical damage coverage.

170 e. Collision physical damage coverage.

171 f. Personal injury protection.

172 2. The insurer must notify the insured within 30 days
173 after receiving a notice of loss that the insurer has no duty to

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174 defend or indemnify any person or organization for liability for
175 a loss that is properly excluded pursuant to the terms of the
176 applicable primary or excess insurance policy.

177 (c) An insurer that provides automobile liability
178 insurance in the state must disclose in a prominent place on its
179 application for insurance whether the insurance policy provides
180 coverage for an insured vehicle providing or available to
181 provide transportation network company service. If an automobile
182 liability insurance policy contains an exclusion for such
183 service, the insurer or its agent must disclose in writing the
184 exact language of such exclusion to the applicant during the
185 application process.

186 (d) In a claims coverage investigation, companies and any
187 insurer providing coverage under this section shall cooperate to
188 facilitate the exchange of information, including the precise
189 times that a driver logged on and off of the company's digital
190 network in the 24-hour period immediately preceding the accident
191 and disclose to one another a clear description of the coverage,
192 exclusions, and limits provided under the insurance policy each
193 party issued or maintained.

194 (10) LIMITATIONS ON TRANSPORTATION NETWORK COMPANIES.-
195 Drivers shall be independent contractors and not employees of
196 the company if all of the following conditions are met:

197 (a) The company does not prescribe specific hours during
198 which a driver must be logged into the company's digital
199 platform;

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200 (b) The company imposes no restrictions on the driver's
201 ability to utilize digital platforms from other companies;

202 (c) The company does not assign a driver a particular
203 territory in which transportation network company services can
204 be provided;

205 (d) The company does not restrict a driver from engaging
206 in any other occupation or business; and

207 (e) The company and the driver agree in writing the driver
208 is an independent contractor of the company.

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

210 (a) A company shall implement a zero tolerance policy on
211 use of drugs or alcohol by a driver who is providing
212 transportation network company service or who is logged into the
213 company's digital network but is not providing service.

214 (b) A company shall provide notice on its website of a
215 zero tolerance policy under paragraph (a) and shall provide
216 procedures for a passenger to file a complaint about a driver
217 who the passenger reasonably suspects was under the influence of
218 drugs or alcohol during the course of a trip.

219 (c) Upon receipt of a passenger complaint alleging a
220 violation of the zero tolerance policy, the company shall
221 immediately suspend the accused driver's access to the company's
222 digital platform and shall conduct an investigation into the
223 reported incident. The suspension shall last for the duration of
224 the investigation.

225 (d) The company shall maintain records of a passenger

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226 complaint for a period of at least 2 years after the date such
227 complaint is received by the company.

228 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.-

229 (a) Before allowing a person to act as a driver on its
230 digital platform, the company shall:

231 1. Require the person to submit an application to the
232 company, including his or her address, date of birth, driver
233 license number, driving history, motor vehicle registration,
234 automobile liability insurance, and other information required
235 by the company.

236 2. Conduct, or have a third party conduct, a state and
237 national criminal background check for each applicant to
238 include:

239 a. The Multi-State/Multi-Jurisdiction Criminal Records
240 Locator or other similar commercial national database with
241 validation.

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

243 3. Obtain and review a driving history research report for
244 such person.

245 (b) The company shall prohibit a person to act as a driver
246 on its digital platform if the person:

247 1. Has had more than three moving violations in the
248 preceding 3-year period or one major violation in the preceding
249 3-year period. A major violation includes, but is not limited
250 to, fleeing or attempting to elude a law enforcement officer,
251 reckless driving, or driving with a suspended or revoked

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252 license;

253 2. Has been convicted, within the past 7 years, of driving
254 under the influence of drugs or alcohol, fraud, sexual offenses,
255 use of a motor vehicle to commit a felony, a crime involving
256 property damage or theft, acts of violence, or acts of terror;

257 3. Is a match in the Dru Sjodin National Sex Offender
258 Public Website;

259 4. Does not possess a valid driver license;

260 5. Does not possess proof of registration for the motor
261 vehicle used to provide transportation network company service;

262 6. Does not possess proof of automobile liability
263 insurance for the motor vehicle used to provide transportation
264 network company service; or

265 7. Has not attained the age of 19 years.

266 (13) VEHICLE SAFETY AND EMISSIONS.—A company shall require
267 that a motor vehicle used by a driver to provide transportation
268 network company service meets the vehicle safety and emissions
269 requirements for a private motor vehicle of the state in which
270 the vehicle is registered.

271 (14) PROHIBITED CONDUCT.—A driver may not:

272 (a) Accept a ride other than a ride arranged through a
273 digital network or software application service.

274 (b) Solicit or accept street hails.

275 (c) Solicit or accept cash payments from passengers. A
276 company shall adopt a policy prohibiting solicitation or
277 acceptance of cash payments from passengers and notify drivers

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278 of such policy. Such policy must require a payment for
279 transportation network company service to be made electronically
280 using the company's digital network or software application
281 service.

282 (15) NONDISCRIMINATION; ACCESSIBILITY.—

283 (a) A company shall adopt a policy of nondiscrimination on
284 the basis of destination, race, color, national origin,
285 religious belief or affiliation, sex, disability, age, sexual
286 orientation, or gender identity with respect to passengers and
287 potential passengers and shall notify drivers of such policy.

288 (b) A driver shall comply with the nondiscrimination
289 policy.

290 (c) A driver shall comply with all applicable laws
291 relating to accommodation of service animals.

292 (d) A company may not impose additional charges for
293 providing transportation network company service to persons with
294 physical disabilities because of those disabilities.

295 (e) A company shall provide passengers an opportunity to
296 indicate whether they require a wheelchair-accessible vehicle.
297 If a company cannot arrange wheelchair-accessible service, it
298 shall direct the passenger to an alternate provider of
299 wheelchair-accessible service, if available.

300 (15) RECORDS.—A company shall maintain:

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

303 (b) Driver records for at least 1 year after the date on

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304 which a driver's activation on the company's digital network has
305 ended.

306 (16) PREEMPTION.—It is the intent of the Legislature to
307 provide for uniformity of laws governing transportation network
308 companies and transportation network company drivers through the
309 state. Notwithstanding any other provision of law, companies and
310 drivers are governed exclusively by this section and any rules
311 adopted by the department to administer this section. A county,
312 municipality, special district, or other local governmental
313 entity or subdivision may not impose a tax on, or require a
314 license for, a company or a driver, or a vehicle used by a
315 driver which such tax or license relates to providing
316 transportation network company services, or subject a company to
317 the county's, municipality's, special districts, or other local
318 governmental entity's or subdivision's rate, entry, operational,
319 or other requirements.

320 (17) RULEMAKING.—The department may adopt rules to
321 administer this section.

322 Section 2. This act shall take effect July 1, 2015.

323

324 -----

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

326 Remove everything before the enacting clause and insert:
327 An act relating to transportation network companies; creating s.
328 316.680, F.S.; providing definitions; providing requirements for
329 a person to obtain a permit as a transportation network company;

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330 providing a permit fee; requiring an agent for service of
331 process; requiring disclosure of a company's fares; requiring
332 display of certain information related to a transportation
333 network company driver; requiring that a company provide an
334 electronic receipt to a passenger; providing requirements for
335 automobile liability insurance and insurance disclosure;
336 providing certain limitations on transportation network
337 companies regarding conditions when drivers are independent
338 contractors; requiring that a company implement a zero tolerance
339 policy for drug and alcohol use; providing requirements for
340 employment as a transportation network company driver; requiring
341 that motor vehicles used by a transportation network company
342 meet certain safety and emissions requirements; prohibiting
343 specified conduct; requiring a company to adopt a
344 nondiscrimination policy and meet certain requirements for
345 accessibility; requiring a company to maintain specified
346 records; providing for preemption; authorizing rulemaking;
347 providing an effective date.