

1 A bill to be entitled

2 An act relating to transportation network companies;  
3 creating s. 316.680, F.S.; providing definitions;  
4 providing requirements for a person to obtain a permit  
5 as a transportation network company; providing a  
6 permit fee; requiring an agent for service of process;  
7 requiring disclosure of a company's fares; requiring  
8 display of certain information related to a  
9 transportation network company driver; requiring that  
10 a company provide an electronic receipt to a  
11 passenger; providing requirements for automobile  
12 liability insurance and insurance disclosure;  
13 providing requirements for drivers to act as  
14 independent contractors; requiring a zero tolerance  
15 policy for drug and alcohol use; providing  
16 requirements for employment as a transportation  
17 network company driver; requiring that motor vehicles  
18 used by a transportation network company meet certain  
19 safety and emissions requirements; prohibiting  
20 specified conduct; providing certain nondiscrimination  
21 and accessibility requirements; requiring a company to  
22 maintain certain records; providing for preemption;  
23 authorizing rulemaking; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:  
26

27 Section 1. Section 316.680, Florida Statutes, is created  
28 to read:

29 316.680 Transportation network companies.—

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

31 (a) "Digital network" means any online-enabled application,  
32 software, website, or system offered or used by a transportation  
33 network company that enables the prearrangement of rides with  
34 transportation network company drivers.

35 (b) "Personal vehicle" means a vehicle that is used by a  
36 transportation network company driver in connection with  
37 providing transportation network company service and is:

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

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

42 (c) "Transportation network company" or "company" means an  
43 entity granted a permit under this section to operate in this  
44 state using a digital network or software application service to  
45 connect passengers to transportation network company service  
46 provided by drivers. A company is not deemed to own, control,  
47 operate, or manage the vehicles used by drivers; is not deemed  
48 to control or manage drivers; and is not a taxicab association  
49 or for-hire vehicle owner. A transportation network company does  
50 not include an individual, corporation, partnership, sole  
51 proprietorship, or other entity arranging nonemergency medical  
52 transportation for individuals qualifying for Medicaid or

53 Medicare pursuant to a contract with the state or a managed care  
54 organization.

55 (d) "Transportation network company driver" or "driver"  
56 means an individual who:

57 1. Receives connections to potential passengers and  
58 related services from a transportation network company in  
59 exchange for payment of a fee to the transportation network  
60 company; and

61 2. Uses a personal vehicle to provide transportation  
62 network company service to passengers upon connection through a  
63 digital network controlled by a transportation network company  
64 in return for compensation or payment of a fee.

65 (e) "Transportation network company rider" or "rider"  
66 means an individual or person who uses a transportation network  
67 company's digital network to connect with a transportation  
68 network company driver who provides transportation network  
69 company service to the rider in the driver's personal vehicle  
70 between points chosen by the rider.

71 (f) "Transportation network company service" means the  
72 provision of transportation by a driver to a rider, beginning  
73 when a driver accepts a ride requested by a rider through a  
74 digital network controlled by a transportation network company,  
75 continuing while the driver transports a rider, and ending when  
76 the last rider departs from the personal vehicle. The term does  
77 not include a taxi, for-hire vehicle, or street hail service.

78 (g) "Trip" means the duration of transportation network

79 company service beginning at a point of origin where the  
80 passenger enters the driver's vehicle and ending at a point of  
81 destination where the passenger exits the vehicle.

82 (2) NOT A COMMON CARRIER.—A transportation network company  
83 or driver is not a common carrier and does not provide taxi or  
84 for-hire vehicle service. In addition, a driver is not required  
85 to register the vehicle that the driver uses for transportation  
86 network company service as a commercial vehicle or a for-hire  
87 vehicle.

88 (3) PERMIT REQUIRED.—

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

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

95 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A  
96 transportation network company must designate and maintain an  
97 agent for service of process in this state. If the registered  
98 agent of the company cannot, with reasonable diligence, be found  
99 or if the company fails to designate or maintain a registered  
100 agent in this state, the executive director of the department  
101 must be an agent of the transportation network company upon whom  
102 any process, notice, or demand may be served.

103 (5) FARE COLLECTED FOR SERVICES.—A company may collect a  
104 fare on behalf of a driver for the services provided to

105 passengers; however, if a fare is collected from a passenger,  
106 the company shall disclose to the passenger the fare calculation  
107 method on its website or within its software application. The  
108 company shall also provide the passenger with the applicable  
109 rates being charged and the option to receive an estimated fare  
110 before the passenger enters the driver's vehicle.

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

116 (7) ELECTRONIC RECEIPT.—Within a reasonable period of  
117 time, to be determined by rule of the department, after  
118 completion of a trip, the company shall provide an electronic  
119 receipt to the passenger which lists:

- 120 (a) The origin and destination of the trip.  
121 (b) The total time and distance of the trip.  
122 (c) An itemization of the total fare paid.

123 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE  
124 REQUIREMENTS.—

125 (a) Beginning March 1, 2016, a transportation network  
126 company driver or transportation network company on the driver's  
127 behalf shall maintain primary automobile insurance that  
128 recognizes that the driver is a transportation network company  
129 driver or otherwise uses a vehicle to transport passengers for  
130 compensation and covers the driver:

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

133 2. While the driver is engaged in transportation network  
134 company service.

135 (b) The following automobile insurance requirements apply  
136 while a participating driver is logged into the transportation  
137 network company's digital network and is available to receive  
138 transportation requests but is not engaged in transportation  
139 network company service:

140 1. Primary automobile liability insurance in the amount of  
141 at least \$50,000 for death and bodily injury per person,  
142 \$100,000 for death and bodily injury per incident, and \$25,000  
143 for property damage.

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

146 (c) The following automobile insurance requirements apply  
147 while a driver is engaged in transportation network company  
148 service:

149 1. Primary automobile liability insurance that provides at  
150 least \$1 million for death, bodily injury, and property damage;  
151 and

152 2. Primary automobile liability insurance that provides  
153 the minimum coverage requirements where required of a limousine  
154 under ss. 627.730-627.7405.

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

157 1. Automobile liability insurance maintained by the  
158 driver;

159 2. Automobile liability insurance maintained by the  
160 company; or

161 3. A combination of coverage maintained as provided in  
162 subparagraphs 1. and 2.

163 (e) If insurance maintained by a driver under paragraph  
164 (b) or paragraph (c) has lapsed or does not provide the required  
165 coverage, insurance maintained by a transportation network  
166 company shall provide the coverage required by this section  
167 beginning with the first dollar of a claim.

168 (f) Coverage under an automobile insurance policy  
169 maintained by the transportation network company is not  
170 dependent on a personal automobile insurer's first denying a  
171 claim, and a personal automobile insurance policy is not  
172 required for the transportation network company's insurer to  
173 deny a claim.

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

178 (h) Insurance satisfying the requirements of this section  
179 is deemed to satisfy the financial responsibility requirement  
180 for a motor vehicle under chapter 324 and the security required  
181 under s. 627.733.

182 (i) A driver shall carry proof of coverage satisfying

183 paragraphs (b) and (c) with him or her at all times during his  
184 or her use of a vehicle in connection with a transportation  
185 network company's digital network. In the event of an accident,  
186 the driver shall provide this insurance coverage information to  
187 the directly interested parties, automobile insurers, and  
188 investigating police officers. Such proof of financial  
189 responsibility may be presented through a digital phone  
190 application under s. 316.646 controlled by a transportation  
191 network company. Upon such request, the driver shall also  
192 disclose to directly interested parties, automobile insurers,  
193 and investigating police officers whether he or she was logged  
194 into the transportation network company's digital network or  
195 engaged in transportation network company service at the time of  
196 the accident.

197 (9) TRANSPORTATION NETWORK COMPANY AND INSURER;  
198 EXCLUSIONS; DISCLOSURE.—

199 (a) The transportation network company shall disclose in  
200 writing to drivers the following before they are allowed to  
201 accept a request for transportation network company service on  
202 the transportation network company's digital network:

203 1. The insurance coverage, including the types of coverage  
204 and the limits for each coverage, that the transportation  
205 network company provides while the driver uses a personal  
206 vehicle in connection with a transportation network company's  
207 digital network; and

208 2. That the driver's own automobile insurance policy might



209 not provide any coverage while the driver is logged into the  
210 transportation network company's digital network and is  
211 available to receive transportation requests or is engaged in  
212 transportation network company service depending on its terms.

213 (b)1. An insurer that provides automobile liability  
214 insurance policies under part XI of chapter 627 may exclude any  
215 and all coverage afforded under the owner's insurance policy for  
216 any loss or injury that occurs while a driver is logged into a  
217 transportation network company's digital network or while a  
218 driver provides transportation network company service. This  
219 right to exclude all coverage may apply to any coverage included  
220 in an automobile insurance policy, including, but not limited  
221 to:

222 a. Liability coverage for bodily injury and property  
223 damage.

224 b. Uninsured and underinsured motorist coverage.

225 c. Medical payments coverage.

226 d. Comprehensive physical damage coverage.

227 e. Collision physical damage coverage.

228 f. Personal injury protection.

229 2. The exclusions described in subparagraph 1. apply  
230 notwithstanding any requirement under chapter 324. This section  
231 does not require or imply that a personal automobile insurance  
232 policy provide coverage while the driver is logged into the  
233 transportation network company's digital network, while the  
234 driver is engaged in transportation network company service, or

235 while the driver otherwise uses a vehicle to transport  
236 passengers for compensation.

237 3. This section does not preclude an insurer from  
238 providing coverage by contract or endorsement for the driver's  
239 vehicle.

240 (c)1. An insurer that excludes the coverage described in  
241 subparagraph (b)1. has no duty to defend or indemnify any claim  
242 expressly excluded thereunder. This section does not invalidate  
243 or limit an exclusion contained in a policy, including any  
244 policy in use or approved for use in this state before July 1,  
245 2015.

246 2. An automobile insurer that defends or indemnifies a  
247 claim against a driver, which is excluded under the terms of its  
248 policy, has a right of contribution against other insurers that  
249 provide automobile insurance to the same driver in satisfaction  
250 of the coverage requirements of subsection (8) at the time of  
251 loss.

252 (d) In a claims coverage investigation, transportation  
253 network companies and any insurer potentially providing coverage  
254 under subsection (8) shall cooperate to facilitate the exchange  
255 of relevant information with directly involved parties and any  
256 insurer of the driver, if applicable, including the precise  
257 times that a driver logged into and off of the transportation  
258 network company's digital network during the 12-hour period  
259 immediately before and the 12-hour period immediately after the  
260 accident and disclose to one another a clear description of the

261 coverage, exclusions, and limits provided under any automobile  
262 insurance maintained under subsection (8).

263 (10) DRIVERS AS INDEPENDENT CONTRACTORS.—A driver is an  
264 independent contractor and not an employee of the company if all  
265 of the following conditions are met:

266 (a) The company does not prescribe specific hours during  
267 which the driver must be logged into the company's digital  
268 network.

269 (b) The company does not impose restrictions on the  
270 driver's ability to use digital networks from other companies.

271 (c) The company does not assign the driver to a particular  
272 territory in which transportation network company services are  
273 authorized to be provided.

274 (d) The company does not restrict the driver from engaging  
275 in any other occupation or business.

276 (e) The company and the driver agree in writing that the  
277 driver is an independent contractor of the company.

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

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

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

287 drugs or alcohol during the course of a trip.

288 (c) Upon receipt of a passenger complaint alleging a  
 289 violation of the zero tolerance policy, the company shall  
 290 immediately suspend the accused driver's access to the company's  
 291 digital network and shall conduct an investigation into the  
 292 reported incident. The suspension shall last for the duration of  
 293 the investigation.

294 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.-

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

298 1. Require the person to submit an application to the  
 299 company, including his or her address, date of birth, driver  
 300 license number, driving history, motor vehicle registration,  
 301 automobile liability insurance, and other information required  
 302 by the company.

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

305 a. A level 1 screening pursuant to chapter 435 at least  
 306 once every other year.

307 b. The Multi-State/Multi-Jurisdiction Criminal Records  
 308 Locator or other similar commercial national database with  
 309 validation.

310 c. The Dru Sjodin National Sex Offender Public Website.

311 3. Obtain and review a driving history research report for  
 312 such person.

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

315 1. Has had more than three moving violations in the  
316 preceding 3-year period or one major violation in the preceding  
317 3-year period. A major violation includes, but is not limited  
318 to, fleeing or attempting to elude a law enforcement officer,  
319 reckless driving, or driving with a suspended or revoked  
320 license;

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

325 3. Is a match in the Dru Sjodin National Sex Offender  
326 Public Website;

327 4. Does not possess a valid driver license;

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

330 6. Does not possess proof of automobile liability  
331 insurance for the motor vehicle used to provide transportation  
332 network company service; or

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

334 (13) VEHICLE SAFETY AND EMISSIONS.—A company shall require  
335 that a personal vehicle used by a driver to provide  
336 transportation network company service meets the vehicle safety  
337 and emissions requirements for a private motor vehicle of the  
338 state in which the vehicle is registered.

- 339        (14) PROHIBITED CONDUCT.—A driver may not:
- 340        (a) Accept a ride other than a ride arranged through a
- 341 digital network or software application service.
- 342        (b) Solicit or accept street hails.
- 343        (c) Solicit or accept cash payments from passengers. A
- 344 company shall adopt a policy prohibiting solicitation or
- 345 acceptance of cash payments from passengers and notify drivers
- 346 of such policy. Such policy must require a payment for
- 347 transportation network company service to be made electronically
- 348 using the company's digital network or software application
- 349 service.
- 350        (15) NONDISCRIMINATION; ACCESSIBILITY.—
- 351        (a) A company shall adopt a policy of nondiscrimination on
- 352 the basis of destination, race, color, national origin,
- 353 religious belief or affiliation, sex, disability, age, or sexual
- 354 orientation with respect to passengers and potential passengers
- 355 and shall notify drivers of such policy.
- 356        (b) A driver shall comply with the nondiscrimination
- 357 policy.
- 358        (c) A driver shall comply with all applicable laws
- 359 relating to accommodation of service animals.
- 360        (d) A company may not impose additional charges for
- 361 providing transportation network company service to persons with
- 362 physical disabilities because of those disabilities.
- 363        (e) A company shall provide passengers an opportunity to
- 364 indicate whether they require a wheelchair-accessible vehicle.

365 If a company cannot arrange wheelchair-accessible service, it  
366 shall direct the passenger to an alternate provider of  
367 wheelchair-accessible service, if available.

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

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

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

374 (c) The company shall maintain records of a passenger  
375 complaint for at least 2 years after the date such complaint is  
376 received by the company.

377 (17) PREEMPTION.—It is the intent of the Legislature to  
378 provide for uniformity of laws governing transportation network  
379 companies and transportation network company drivers throughout  
380 the state. Notwithstanding any other provision of law,  
381 transportation network companies and drivers are governed  
382 exclusively by this section and any rules adopted by the  
383 department to administer this section. A county, municipality,  
384 special district, or other local governmental entity or  
385 subdivision may not impose a tax on, or require a license for, a  
386 company or a driver, or a vehicle used by a driver, if such tax  
387 or license relates to providing transportation network company  
388 services, or subject a company to any rate, entry, operational,  
389 or other requirements of the county, municipality, special  
390 district, or other local governmental entity or subdivision.

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391 This section does not prohibit an airport from charging an  
392 appropriate fee for use of the airport's facilities or  
393 designating locations for staging, pickup, and other similar  
394 operations at the airport.

395 (18) RULEMAKING.—The department may adopt rules to  
396 administer this section.

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