



1 A bill to be entitled
2 An act relating to transportation network companies;
3 amending s. 316.066, F.S.; requiring certain
4 information to be included on traffic crash reports;
5 providing penalties; creating s. 316.680, F.S.;
6 providing definitions; providing requirements for a
7 person to obtain a permit as a transportation network
8 company; directing the Department of Highway Safety
9 and Motor Vehicles to issue such permits; providing a
10 permit fee; requiring an agent for service of process;
11 requiring disclosure of a company's fares; requiring
12 display of certain information related to a
13 transportation network company driver; requiring that
14 a company provide an electronic receipt to a rider;
15 providing requirements for automobile insurance and
16 insurance disclosure; providing requirements for
17 drivers to act as independent contractors; requiring a
18 zero tolerance policy for drug and alcohol use;
19 providing requirements for employment as a
20 transportation network company driver; prohibiting
21 specified conduct; providing certain nondiscrimination
22 and accessibility requirements; requiring a company to
23 maintain certain records; providing for preemption;
24 amending s. 324.031, F.S.; providing for proof of
25 financial responsibility by owners or operators of a
26 vehicle used in connection with a transportation



27 | network company; providing an effective date.

28 |

29 | Be It Enacted by the Legislature of the State of Florida:

30 |

31 | Section 1. Paragraphs (b) and (c) of subsection (1) and
 32 | subsection (3) of section 316.066, Florida Statutes, are amended
 33 | to read:

34 | 316.066 Written reports of crashes.—

35 | (1)

36 | (b) The Florida Traffic Crash Report, Long Form must
 37 | include:

38 | 1. The date, time, and location of the crash.

39 | 2. A description of the vehicles involved.

40 | 3. The names and addresses of the parties involved,
 41 | including all drivers and passengers, and the identification of
 42 | the vehicle in which each was a driver or a passenger.

43 | 4. The names and addresses of witnesses.

44 | 5. The name, badge number, and law enforcement agency of
 45 | the officer investigating the crash.

46 | 6. The names of the insurance companies for the respective
 47 | parties involved in the crash.

48 | 7. A statement as to whether, at the time of the crash, a
 49 | driver was engaged in the provision of transportation network
 50 | company service, as defined in s. 316.680, or logged into a
 51 | transportation network company's digital network.

52 | (c) In any crash for which a Florida Traffic Crash Report,



53 Long Form is not required by this section and which occurs on
54 the public roadways of this state, the law enforcement officer
55 shall complete a short-form crash report or provide a driver
56 exchange-of-information form, to be completed by all drivers and
57 passengers involved in the crash, which requires the
58 identification of each vehicle that the drivers and passengers
59 were in. The short-form report must include:

- 60 1. The date, time, and location of the crash.
- 61 2. A description of the vehicles involved.
- 62 3. The names and addresses of the parties involved,
63 including all drivers and passengers, and the identification of
64 the vehicle in which each was a driver or a passenger.
- 65 4. The names and addresses of witnesses.
- 66 5. The name, badge number, and law enforcement agency of
67 the officer investigating the crash.
- 68 6. The names of the insurance companies for the respective
69 parties involved in the crash.
- 70 7. A statement as to whether, at the time of the crash, a
71 driver was engaged in the provision of transportation network
72 company service, as defined in s. 316.680, or logged into a
73 transportation network company's digital network.

74 (3) (a) Any driver failing to file the written report
75 required under subsection (1) commits a noncriminal traffic
76 infraction, punishable as a nonmoving violation as provided in
77 chapter 318.

78 (b) Any employee of a state or local agency in possession



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79 of information made confidential and exempt by this section who
80 knowingly discloses such confidential and exempt information to
81 a person not entitled to access such information under this
82 section commits a felony of the third degree, punishable as
83 provided in s. 775.082, s. 775.083, or s. 775.084.

84 (c) Any person, knowing that he or she is not entitled to
85 obtain information made confidential and exempt by this section,
86 who obtains or attempts to obtain such information commits a
87 felony of the third degree, punishable as provided in s.
88 775.082, s. 775.083, or s. 775.084.

89 (d) Any person who knowingly uses confidential and exempt
90 information in violation of a filed written sworn statement or
91 contractual agreement required by this section commits a felony
92 of the third degree, punishable as provided in s. 775.082, s.
93 775.083, or s. 775.084.

94 (e) A driver who provides a false statement to a law
95 enforcement officer in connection with the information that is
96 required to be reported pursuant to subparagraph (1)(b)7. or
97 subparagraph (1)(c)7. commits a misdemeanor of the second
98 degree, punishable as provided in s. 775.082 or s. 775.083.

99 Section 2. Section 316.680, Florida Statutes, is created
100 to read:

101 316.680 Transportation network companies.-

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

103 (a) "Digital network" means any online-enabled application,
104 software, website, or system offered or used by a transportation



105 network company that enables the prearrangement of rides with
106 transportation network company drivers.

107 (b) "Personal vehicle" means a vehicle that is used by a
108 transportation network company driver in connection with
109 providing transportation network company service and is:

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

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

114
115 Notwithstanding any other provision of law, a vehicle that is
116 let or rented to another for consideration may be used as a
117 personal vehicle.

118 (c) "Transportation network company" or "company" means an
119 entity granted a permit under this section to operate in this
120 state using a digital network or software application service to
121 connect riders to transportation network company service
122 provided by drivers. A company is not deemed to own, control,
123 operate, or manage the vehicles used by drivers; is not deemed
124 to control or manage drivers; and is not a taxicab association
125 or for-hire vehicle owner. A transportation network company does
126 not include an individual, corporation, partnership, sole
127 proprietorship, or other entity arranging nonemergency medical
128 transportation for individuals qualifying for Medicaid or
129 Medicare pursuant to a contract with the state or a managed care
130 organization.



131 (d) "Transportation network company driver" or "driver"
132 means an individual who:

133 1. Receives connections to potential riders and related
134 services from a transportation network company in exchange for
135 payment of a fee to the transportation network company; and

136 2. Uses a personal vehicle to provide transportation
137 network company service to riders upon connection through a
138 digital network controlled by a transportation network company
139 in return for compensation or payment of a fee.

140 (e) "Transportation network company rider" or "rider"
141 means an individual or person who uses a transportation network
142 company's digital network to connect with a transportation
143 network company driver who provides transportation network
144 company service to the rider in the driver's personal vehicle
145 between points chosen by the rider.

146 (f) "Transportation network company service" means the
147 provision of transportation by a driver to a rider, beginning
148 when a driver accepts a ride requested by a rider through a
149 digital network controlled by a transportation network company,
150 continuing while the driver transports a rider, and ending when
151 the last rider departs from the personal vehicle. The term does
152 not include a taxi, for-hire vehicle, or street hail service and
153 does not include ridesharing as defined in s. 341.031, a carpool
154 service as defined s. 450.28, or any other type of service in
155 which the driver receives a fee that does not exceed the
156 driver's cost to provide the ride.



157 (g) "Trip" means the duration of transportation network
158 company service beginning at a point of origin where the rider
159 enters the driver's vehicle and ending at a point of destination
160 where the rider exits the vehicle.

161 (2) NOT A COMMON CARRIER.—A transportation network company
162 or driver is not a common carrier and does not provide taxi or
163 for-hire vehicle service. In addition, a driver is not required
164 to register the vehicle that the driver uses for transportation
165 network company service as a commercial motor vehicle or a for-
166 hire vehicle.

167 (3) PERMIT REQUIRED.—

168 (a) A company must obtain a permit from the department to
169 operate a transportation network company in this state.

170 (b) The department shall issue a permit to each company
171 that meets the requirements for a transportation network company
172 pursuant to this section and pays an annual permit fee of \$5,000
173 to the department to be deposited into the Highway Safety
174 Operating Trust Fund.

175 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A
176 transportation network company must designate and maintain an
177 agent for service of process in this state. If the registered
178 agent of the company cannot, with reasonable diligence, be found
179 or if the company fails to designate or maintain a registered
180 agent in this state, the executive director of the department
181 must be an agent of the transportation network company upon whom
182 any process, notice, or demand may be served.



183 (5) FARE COLLECTED FOR SERVICES.—A company may collect a
184 fare on behalf of a driver for the services provided to riders;
185 however, if a fare is collected from a rider, the company shall
186 disclose to the rider the fare calculation method on its website
187 or within its software application service. The company shall
188 also provide the rider with the applicable rates being charged
189 and the option to receive an estimated fare before the rider
190 enters the driver's vehicle.

191 (6) IDENTIFICATION OF VEHICLES AND DRIVERS.—The company's
192 software application service or website shall display a picture
193 of the driver and the license plate number of the motor vehicle
194 used to provide transportation network company service before
195 the rider enters the driver's vehicle.

196 (7) ELECTRONIC RECEIPT.—Within a reasonable period of
197 time, the company shall provide an electronic receipt to the
198 rider which lists:

- 199 (a) The origin and destination of the trip.
200 (b) The total time and distance of the trip.
201 (c) An itemization of the total fare paid.

202 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE
203 REQUIREMENTS.—

204 (a) Beginning March 1, 2017, a transportation network
205 company driver or transportation network company on the driver's
206 behalf shall maintain primary automobile insurance that
207 recognizes that the driver is a transportation network company
208 driver or otherwise uses a vehicle to transport riders for



209 compensation and covers the driver:

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

212 2. While the driver is engaged in transportation network
213 company service.

214 (b) The following automobile insurance requirements apply
215 while a participating driver is logged into the transportation
216 network company's digital network and is available to receive
217 transportation requests but is not engaged in transportation
218 network company service:

219 1. Primary automobile liability insurance in the amount of
220 at least \$50,000 for death and bodily injury per person,
221 \$100,000 for death and bodily injury per incident, and \$25,000
222 for property damage.

223 2. Personal injury protection benefits that provide the
224 minimum coverage amounts required under ss. 627.730-627.7405.

225 (c) The following automobile insurance requirements apply
226 while a driver is engaged in transportation network company
227 service:

228 1. Primary automobile liability insurance that provides at
229 least \$1 million for death, bodily injury, and property damage;
230 and

231 2. Personal injury protection benefits that provide the
232 minimum coverage amounts where required of a limousine under ss.
233 627.730-627.7405.

234 (d) The coverage requirements of paragraphs (b) and (c)



235 may be satisfied by:

- 236 1. Automobile insurance maintained by the driver;
237 2. Automobile insurance maintained by the company; or
238 3. A combination of coverage maintained as provided in
239 subparagraphs 1. and 2.

240 (e) If insurance maintained by a driver under paragraph
241 (b) or paragraph (c) has lapsed or does not provide the required
242 coverage, insurance maintained by a transportation network
243 company shall provide the coverage required by this section
244 beginning with the first dollar of a claim.

245 (f) Coverage under an automobile insurance policy
246 maintained by the transportation network company is not
247 dependent on the maintenance of a personal automobile insurance
248 policy or on the personal automobile insurer's first denying a
249 claim.

250 (g) Automobile insurance required by this section must be
251 provided by an insurer authorized to do business in this state
252 which is a member of the Florida Insurance Guaranty Association
253 or an eligible surplus lines insurer that has a superior, an
254 excellent, an exceptional, or an equivalent financial strength
255 rating by a rating agency acceptable to the Office of Insurance
256 Regulation.

257 (h) Insurance satisfying the requirements of this section
258 is deemed to satisfy the financial responsibility requirement
259 for a motor vehicle under chapter 324 and the security required
260 under s. 627.733.



261 (i) A driver shall carry proof of coverage satisfying
262 paragraphs (b) and (c) with him or her at all times during his
263 or her use of a vehicle in connection with a transportation
264 network company's digital network. In the event of an accident,
265 the driver shall provide this insurance coverage information to
266 the directly interested parties, automobile insurers, and
267 investigating police officers. Such proof of financial
268 responsibility may be presented through a digital phone
269 application under s. 316.646 controlled by a transportation
270 network company. Upon such request, the driver shall also
271 disclose to directly interested parties, automobile insurers,
272 and investigating police officers whether he or she was logged
273 into the transportation network company's digital network or
274 engaged in transportation network company service at the time of
275 the accident.

276 (j) If a transportation network company's insurer makes a
277 payment for a claim covered under comprehensive coverage or
278 collision coverage, the transportation network company shall
279 cause its insurer to issue the payment directly to the business
280 repairing the vehicle or jointly to the owner of the vehicle and
281 the primary lienholder on the covered vehicle.

282 (9) TRANSPORTATION NETWORK COMPANY AND INSURER;
283 EXCLUSIONS; DISCLOSURE.—

284 (a) The transportation network company shall disclose the
285 following in writing to drivers before they are allowed to
286 accept a request for transportation network company service on



287 the transportation network company's digital network:

288 1. The insurance coverage, including the types of coverage
289 and the limits for each coverage, that the transportation
290 network company provides while the driver uses a personal
291 vehicle in connection with a transportation network company's
292 digital network.

293 2. That the driver's own automobile insurance policy might
294 not provide any coverage while the driver is logged into the
295 transportation network company's digital network and is
296 available to receive transportation requests or is engaged in
297 transportation network company service depending on its terms.

298 3. That the provision of rides for compensation, whether
299 prearranged or otherwise, which is not covered by this section
300 subjects the driver to the coverage requirements imposed by s.
301 324.032(1), and that failure to meet such limits subjects the
302 driver to penalties provided in s. 324.221, up to and including
303 a misdemeanor of the second degree.

304 (b)1. An insurer that provides automobile liability
305 insurance policies under part XI of chapter 627 may exclude any
306 and all coverage afforded under the owner's or driver's
307 insurance policy for any loss or injury that occurs while a
308 driver is logged into a transportation network company's digital
309 network or while a driver provides transportation network
310 company service. This right to exclude all coverage may apply to
311 any coverage included in an automobile insurance policy,
312 including, but not limited to:



313 a. Liability coverage for bodily injury and property
314 damage.

315 b. Uninsured and underinsured motorist coverage.

316 c. Medical payments coverage.

317 d. Comprehensive physical damage coverage.

318 e. Collision physical damage coverage.

319 f. Personal injury protection.

320 2. The exclusions described in subparagraph 1. apply
321 notwithstanding any requirement under chapter 324. This section
322 does not require or imply that a personal automobile insurance
323 policy provides coverage while the driver is logged into the
324 transportation network company's digital network, while the
325 driver is engaged in transportation network company service, or
326 while the driver otherwise uses a vehicle to transport riders
327 for compensation.

328 3. This section does not preclude an insurer from
329 providing coverage by contract or endorsement for the driver's
330 vehicle.

331 (c)1. An insurer that excludes the coverage described in
332 subparagraph (b)1. has no duty to defend or indemnify any claim
333 expressly excluded thereunder. This section does not invalidate
334 or limit an exclusion contained in a policy, including a policy
335 in use or approved for use in this state before July 1, 2016.

336 2. An automobile insurer that defends or indemnifies a
337 claim against a driver, which is excluded under the terms of its
338 policy, has a right of contribution against other insurers that



339 provide automobile insurance to the same driver in satisfaction
340 of the coverage requirements of subsection (8) at the time of
341 loss.

342 (d) In a claims coverage investigation, transportation
343 network companies and any insurer providing coverage under
344 subsection (8) shall cooperate to facilitate the exchange of
345 relevant information with directly involved parties and any
346 insurer of the driver, if applicable, including the precise
347 times that a driver logged into and off of the transportation
348 network company's digital network during the 12-hour period
349 immediately before and the 12-hour period immediately after the
350 accident and disclose to one another a clear description of the
351 coverage, exclusions, and limits provided under any automobile
352 insurance maintained under subsection (8).

353 (10) DRIVERS AS INDEPENDENT CONTRACTORS.—

354 (a) A driver is an independent contractor and not an
355 employee of the company if all of the following conditions are
356 met:

357 1. The company does not prescribe specific hours during
358 which the driver must be logged into the company's digital
359 network.

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

362 3. The company does not assign the driver to a particular
363 territory in which transportation network company services are
364 authorized to be provided.



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

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

369 (b) A company operating under this section is not required
370 to provide workers' compensation coverage to a transportation
371 network company driver who is classified as an independent
372 contractor pursuant to this section.

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

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

378 (b) A company shall provide notice on its website of a
379 zero tolerance policy under paragraph (a) and shall provide
380 procedures for a rider to file a complaint about a driver who
381 the rider reasonably suspects was under the influence of drugs
382 or alcohol during the course of a trip.

383 (c) Upon receipt of a rider complaint alleging a violation
384 of the zero tolerance policy, the company shall immediately
385 suspend the accused driver's access to the company's digital
386 network and shall conduct an investigation into the reported
387 incident. The suspension shall last for the duration of the
388 investigation.

389 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—



390 (a) Before allowing a person to act as a driver on its
391 digital network, and at least once annually thereafter, the
392 company shall:

393 1. Require the applicant to submit an application to the
394 company, including his or her address, date of birth, social
395 security number, driver license number, driving history, motor
396 vehicle registration, automobile liability insurance, and other
397 information required by the company.

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

400 a. A Multi-State/Multi-Jurisdiction Criminal Records
401 Locator or other similar commercial national database with
402 validation.

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

404 3. Conduct a social security trace or similar
405 identification check that is designed to identify relevant
406 information about the applicant, including first name, middle
407 name or initial, last name, aliases, maiden name, alternative
408 spellings, nicknames, date of birth, and any known addresses.

409 4. Obtain and review a driving history research report for
410 the applicant.

411 (b) The company shall prohibit an applicant from acting as
412 a driver on its digital network if the applicant:

413 1. Has had more than three moving violations in the
414 preceding 3-year period or one major violation in the preceding
415 3-year period. A major violation is:



- 416 a. Fleeing or attempting to elude a law enforcement
417 officer;
- 418 b. Reckless driving; or
- 419 c. Driving with a suspended or revoked license;
- 420 2. Has been convicted, within the past 7 years, of driving
421 under the influence of drugs or alcohol, fraud, sexual offenses,
422 use of a motor vehicle to commit a felony, a crime involving
423 property damage or theft, acts of violence, or acts of terror;
- 424 3. Has been convicted, within the past 7 years, of any
425 offense listed in the level 2 screening standards in s.
426 435.04(2) or (3), or a substantially similar law of another
427 state or federal law;
- 428 4. Is a match in the Dru Sjodin National Sex Offender
429 Public Website;
- 430 5. Does not possess a valid driver license;
- 431 6. Does not possess proof of registration for the motor
432 vehicle used to provide transportation network company service;
- 433 7. Does not possess proof of automobile liability
434 insurance for the motor vehicle used to provide transportation
435 network company service; or
- 436 8. Has not attained the age of 19 years.
- 437 (13) PROHIBITED CONDUCT.—A driver may not:
- 438 (a) Accept a rider other than a rider arranged through a
439 digital network or software application service.
- 440 (b) Solicit or accept street hails.
- 441 (c) Solicit or accept cash payments from riders. A company



442 shall adopt a policy prohibiting solicitation or acceptance of
443 cash payments from riders and notify drivers of such policy.
444 Such policy must require a payment for transportation network
445 company service to be made electronically using the company's
446 digital network or software application service.

447 (14) NONDISCRIMINATION; ACCESSIBILITY.—

448 (a) A company may not discriminate against a driver on the
449 basis of race, color, national origin, religious belief or
450 affiliation, sex, disability, age, or sexual orientation. A
451 company shall adopt a policy to assist a driver who reasonably
452 believes that he or she has received a negative rating from a
453 rider because of his or her race, color, national origin,
454 religious belief or affiliation, sex, disability, age, or sexual
455 orientation.

456 (b) A company shall adopt a policy of nondiscrimination on
457 the basis of destination, race, color, national origin,
458 religious belief or affiliation, sex, disability, age, or sexual
459 orientation with respect to riders and potential riders and
460 shall notify drivers of such policy.

461 (c) A driver shall comply with the nondiscrimination
462 policy.

463 (d) A driver shall comply with all applicable laws
464 relating to accommodation of service animals.

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



468 (f) A company shall provide riders an opportunity to
469 indicate whether they require a wheelchair-accessible vehicle.
470 If a company cannot arrange wheelchair-accessible service, it
471 shall direct the rider to an alternate provider of wheelchair-
472 accessible service, if available.

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

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

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

479 (c) The company shall maintain records of written rider
480 complaints received through the company's software application
481 service for at least 2 years after the date such complaint is
482 received by the company.

483 (16) PREEMPTION.—It is the intent of the Legislature to
484 provide for uniformity of laws governing transportation network
485 companies, transportation network company drivers, and vehicles
486 used by transportation network company drivers throughout the
487 state. Transportation network companies, transportation network
488 company drivers, and vehicles used by transportation network
489 company drivers are governed exclusively by state law and any
490 rules adopted by the department. A county, municipality, special
491 district, airport authority, port authority, or other local
492 governmental entity or subdivision may not impose a tax on, or
493 require a license for, a company or a driver, or a vehicle used



494 by a driver, if such tax or license relates to providing
495 transportation network company services, or subjects a company,
496 driver, or vehicle to any rate, entry, operation, or other
497 requirement of the county, municipality, special district,
498 airport authority, port authority, or other local governmental
499 entity or subdivision. This section does not prohibit an airport
500 from charging reasonable fees for use of the airport's
501 facilities or designating locations for staging, pickup, and
502 other similar operations at the airport.

503 Section 3. Section 324.031, Florida Statutes, is amended
504 to read:

505 324.031 Manner of proving financial responsibility.—The
506 owner or operator of a taxicab, limousine, jitney, any vehicle
507 used in connection with a transportation network company, or
508 any other for-hire passenger transportation vehicle may prove
509 financial responsibility by providing satisfactory evidence of
510 holding a motor vehicle liability policy as defined in s.
511 324.021(8) or s. 324.151, which policy is issued by an insurance
512 carrier which is a member of the Florida Insurance Guaranty
513 Association or an eligible surplus lines insurer. The operator
514 or owner of any other vehicle may prove his or her financial
515 responsibility by:

516 (1) Furnishing satisfactory evidence of holding a motor
517 vehicle liability policy as defined in ss. 324.021(8) and
518 324.151;

519 (2) Furnishing a certificate of self-insurance showing a



520 deposit of cash in accordance with s. 324.161; or
521 (3) Furnishing a certificate of self-insurance issued by
522 the department in accordance with s. 324.171.
523
524 Any person, including any firm, partnership, association,
525 corporation, or other person, other than a natural person,
526 electing to use the method of proof specified in subsection (2)
527 shall furnish a certificate of deposit equal to the number of
528 vehicles owned times \$30,000, to a maximum of \$120,000; in
529 addition, any such person, other than a natural person, shall
530 maintain insurance providing coverage in excess of limits of
531 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
532 such excess insurance shall provide minimum limits of
533 \$125,000/250,000/50,000 or \$300,000 combined single limits.
534 These increased limits shall not affect the requirements for
535 proving financial responsibility under s. 324.032(1).
536 Section 4. This act shall take effect July 1, 2016.