

1 A bill to be entitled

2 An act relating to transportation network companies;
3 amending s. 627.748, F.S.; revising and providing
4 definitions; deleting for-hire vehicles from the list
5 of vehicles that are not considered TNC carriers or
6 are not exempt from certain registration; authorizing
7 TNC drivers to contract for installment of TNC digital
8 advertising devices; providing requirements for such
9 devices; requiring operators of such devices to
10 allocate a specified percentage of advertisement
11 inventory to certain organizations; providing
12 construction; authorizing entities to be regulated as
13 luxury ground TNCs; providing requirements; providing
14 that luxury ground TNCs, luxury ground TNC drivers,
15 and luxury ground TNC vehicles are governed by state
16 law; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (f) of subsection (1), subsections
21 (11) through (14), and subsection (15) of section 627.748,
22 Florida Statutes, are redesignated as paragraph (g) of
23 subsection (1), subsections (12) through (15), and subsection
24 (17), respectively, paragraphs (b) and (e) and present paragraph
25 (g) of subsection (1), subsection (2), and paragraph (a) of

26 present subsection (15) are amended, and a new subsection (11)
 27 and subsection (16) are added to that section, to read:

28 627.748 Transportation network companies.—

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

30 (b) "Prearranged ride" means the provision of
 31 transportation by a TNC driver to a rider, beginning when a TNC
 32 driver accepts a ride requested by a rider through a digital
 33 network controlled by a transportation network company,
 34 continuing while the TNC driver transports the rider, and ending
 35 when the last rider exits from and is no longer occupying the
 36 TNC vehicle. The term does not include a taxicab, ~~for hire~~
 37 ~~vehicle~~, or street hail service and does not include ridesharing
 38 as defined in s. 341.031, carpool as defined in s. 450.28, or
 39 any other type of service in which the driver receives a fee
 40 that does not exceed the driver's cost to provide the ride.

41 (e) "Transportation network company" or "TNC" means an
 42 entity operating in this state pursuant to this section using a
 43 digital network to connect a rider to a TNC driver, who provides
 44 prearranged rides. A TNC is not deemed to own, control, operate,
 45 direct, or manage the TNC vehicles or TNC drivers that connect
 46 to its digital network, except where agreed to by written
 47 contract, and is not a taxicab association ~~or for hire vehicle~~
 48 ~~owner~~. An individual, corporation, partnership, sole
 49 proprietorship, or other entity that arranges medical
 50 transportation for individuals qualifying for Medicaid or

51 Medicare pursuant to a contract with the state or a managed care
52 organization is not a TNC. This section does not prohibit a TNC
53 from providing prearranged rides to individuals who qualify for
54 Medicaid or Medicare if it meets the requirements of this
55 section.

56 (f) "Transportation network company digital advertising
57 device" or "TNC digital advertising device" means a device no
58 larger than 20 inches tall and 54 inches long that is fixed to
59 the roof of a TNC vehicle and that displays advertisements on a
60 digital screen only while the TNC vehicle is turned on.

61 (h) ~~(g)~~ "Transportation network company vehicle" or "TNC
62 vehicle" means a vehicle that is not a taxicab ~~or~~ jitney ~~or~~
63 ~~limousine, or for-hire vehicle as defined in s. 320.01(15) and~~
64 that is:

65 1. Used by a TNC driver to offer or provide a prearranged
66 ride; and

67 2. Owned, leased, or otherwise authorized to be used by
68 the TNC driver.

69
70 Notwithstanding any other provision of law, a vehicle that is
71 let or rented to another for consideration may be used as a TNC
72 vehicle.

73 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
74 common carrier, contract carrier, or motor carrier and does not
75 provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC

76 driver is not required to register the vehicle that the TNC
77 driver uses to provide prearranged rides as a commercial motor
78 vehicle ~~or a for-hire vehicle~~.

79 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING
80 DEVICE.-

81 (a) A TNC driver may contract with an individual or
82 company to install a TNC digital advertising device on a TNC
83 vehicle.

84 (b) A TNC digital advertising device must be enabled with
85 wireless Internet access and equipped with GPS.

86 (c) A TNC digital advertising device may not display
87 advertisements when the TNC vehicle is parked or turned off.

88 (d) A TNC digital advertising device must follow the
89 lighting requirements of s. 316.2397.

90 (e) No portion of the TNC digital advertising device may
91 extend beyond the front or rear windshield of the vehicle, nor
92 may it impact the TNC driver's vision.

93 (f) A TNC digital advertising device must display
94 advertisements only on the sides of the device and not to the
95 front or rear of the vehicle. Identification of the provider
96 does not constitute advertising under this paragraph.

97 (g) A TNC digital advertising device must meet the
98 requirements of the MIL-STD-810G standard, as determined through
99 independent safety and durability testing under the review of a
100 licensed professional engineer, before being installed on a TNC

101 vehicle.

102 (h) A TNC digital advertising device may not display
103 advertisements for illegal products or services or
104 advertisements that include nudity, violent images, or
105 disparaging or false advertisements.

106 (i) An individual or company operating a TNC digital
107 advertisement device shall allocate 10 percent of all
108 advertisement inventory for government, not-for-profit, or
109 charitable organizations at no cost.

110 (j) For the purposes of this chapter, a TNC advertising
111 device shall be deemed part of a TNC vehicle.

112 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

113 (a) As used in this subsection, the term "luxury ground
114 transportation network company" or "luxury ground TNC" means a
115 company that:

116 1. Meets the requirements of paragraph (b).

117 2. Notwithstanding other provisions of this section, uses
118 its digital network to connect riders exclusively to drivers who
119 operate for-hire vehicles as defined in s. 320.01(15), including
120 limousines and luxury sedans and excluding taxicabs.

121 (b) An entity may elect, upon written notification to the
122 department, to be regulated as a luxury ground TNC. A luxury
123 ground TNC must:

124 1. Comply with all of the requirements of this section
125 applicable to a TNC, including subsection (17), that do not

126 conflict with subparagraph 2. or that prohibit the company from
127 connecting riders to drivers who operate for-hire vehicles as
128 defined in 320.01(15), including limousines and luxury sedans
129 and excluding taxicabs.

130 2. Maintain at all times insurance coverage at the levels
131 at least equal to the greater of those required in this section
132 and those required of for-hire vehicles, regardless of whether
133 the driver is operating as a for-hire vehicle driver or luxury
134 ground TNC driver. However, a prospective luxury ground TNC that
135 satisfies minimum financial responsibility at the time of
136 written notification to the department through compliance with
137 s. 324.032(2) by using self-insurance may continue to use self-
138 insurance to satisfy the requirements of this subparagraph.

139 (17)-(15) PREEMPTION.-

140 (a) It is the intent of the Legislature to provide for
141 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
142 vehicles, luxury ground TNCs, luxury ground TNC drivers, and
143 luxury ground TNC vehicles throughout the state. TNCs, TNC
144 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC
145 drivers, and luxury ground TNC vehicles are governed exclusively
146 by state law, including in any locality or other jurisdiction
147 that enacted a law or created rules governing TNCs, TNC drivers,
148 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,
149 or luxury ground TNC vehicles before July 1, 2017. A county,
150 municipality, special district, airport authority, port

151 authority, or other local governmental entity or subdivision may
152 not:

153 1. Impose a tax on, or require a license for, a TNC, a TNC
154 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground
155 TNC driver, or a luxury ground TNC vehicle if such tax or
156 license relates to providing prearranged rides;

157 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury
158 ground TNC, a luxury ground TNC driver, or a luxury ground TNC
159 vehicle to any rate, entry, operation, or other requirement of
160 the county, municipality, special district, airport authority,
161 port authority, or other local governmental entity or
162 subdivision; or

163 3. Require a TNC, ~~or~~ a TNC driver, a luxury ground TNC, or
164 a luxury ground TNC driver to obtain a business license or any
165 other type of similar authorization to operate within the local
166 governmental entity's jurisdiction.

167 Section 2. This act shall take effect upon becoming a law.