

By Senator Brandes

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1 A bill to be entitled
2 An act relating to transportation companies; amending
3 s. 627.748, F.S.; revising definitions; defining the
4 term "transportation network company digital
5 advertising device"; deleting for-hire vehicles from
6 the list of vehicles that are not considered
7 transportation network company (TNC) carriers or are
8 not exempt from certain registration; authorizing TNC
9 drivers or their designees to contract with a company
10 for the installment of TNC digital advertising
11 devices; providing requirements for such devices;
12 requiring companies operating such devices to allocate
13 a specified percentage of advertisement inventory to
14 certain organizations; providing construction;
15 defining the term "luxury ground transportation
16 company"; authorizing entities to be regulated as
17 luxury ground TNCs; providing requirements; providing
18 that luxury ground TNCs, luxury ground TNC drivers,
19 and luxury ground TNC vehicles are governed
20 exclusively by state law; prohibiting local
21 governmental entities from taking specified actions
22 with respect to luxury ground TNCs, luxury ground TNC
23 drivers, and luxury ground TNC vehicles and providing
24 for retroactive applicability; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraphs (f) and (g) of subsection (1),

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30 subsections (11) through (14), and subsection (15) of section
31 627.748, Florida Statutes, are redesignated as paragraphs (g)
32 and (h) of subsection (1), subsections (12) through (15), and
33 subsection (17), respectively, a new paragraph (f) is added to
34 subsection (1) and a new subsection (11) and subsection (16) are
35 added to that section, and paragraphs (b) and (e) and present
36 paragraph (g) of subsection (1), subsection (2), and paragraph
37 (a) of present subsection (15) of that section are amended, to
38 read:

39 627.748 Transportation network companies.—

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

41 (b) "Prearranged ride" means the provision of
42 transportation by a TNC driver to a rider, beginning when a TNC
43 driver accepts a ride requested by a rider through a digital
44 network controlled by a transportation network company,
45 continuing while the TNC driver transports the rider, and ending
46 when the last rider exits from and is no longer occupying the
47 TNC vehicle. The term does not include a taxicab, ~~for hire~~
48 ~~vehicle~~, or street hail service and does not include ridesharing
49 as defined in s. 341.031, carpool as defined in s. 450.28, or
50 any other type of service in which the driver receives a fee
51 that does not exceed the driver's cost to provide the ride.

52 (e) "Transportation network company" or "TNC" means an
53 entity operating in this state pursuant to this section using a
54 digital network to connect a rider to a TNC driver, who provides
55 prearranged rides. A TNC is not deemed to own, control, operate,
56 direct, or manage the TNC vehicles or TNC drivers that connect
57 to its digital network, except where agreed to by written
58 contract, and is not a taxicab association ~~or for hire vehicle~~

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59 owner. An individual, corporation, partnership, sole
60 proprietorship, or other entity that arranges medical
61 transportation for individuals qualifying for Medicaid or
62 Medicare pursuant to a contract with the state or a managed care
63 organization is not a TNC. This section does not prohibit a TNC
64 from providing prearranged rides to individuals who qualify for
65 Medicaid or Medicare if it meets the requirements of this
66 section.

67 (f) "Transportation network company digital advertising
68 device" or "TNC digital advertising device" means a device no
69 larger than 20 inches tall, not including the attachment
70 mechanism, and 54 inches long, which is fixed to the roof of a
71 TNC vehicle and which displays advertisements on a digital
72 screen only while the TNC vehicle is turned on.

73 (h) ~~(g)~~ "Transportation network company vehicle" or "TNC
74 vehicle" means a vehicle that is not a taxicab or jitney~~r~~
75 ~~limousine, or for-hire vehicle as defined in s. 320.01(15) and~~
76 that is:

77 1. Used by a TNC driver to offer or provide a prearranged
78 ride; and

79 2. Owned, leased, or otherwise authorized to be used by the
80 TNC driver.

81
82 Notwithstanding any other provision of law, a vehicle that is
83 let or rented to another for consideration may be used as a TNC
84 vehicle.

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

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

91 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING
92 DEVICE.—

93 (a) A TNC driver or his or her designee may contract with a
94 company to install a TNC digital advertising device on a TNC
95 vehicle.

96 (b) A TNC digital advertising device must be enabled with
97 cellular or WiFi-enabled data transmission and equipped with
98 GPS.

99 (c) A TNC digital advertising device may not display
100 advertisements when the TNC vehicle is parked and turned off.

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

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

106 (f) A TNC digital advertising device must display
107 advertisements only to the sides of the vehicle and not to the
108 front or rear of the vehicle. Identification of the provider
109 does not constitute advertising under this paragraph.

110 (g) A TNC digital advertising device must meet the
111 requirements of the MIL-STD-810G standard, as determined through
112 independent safety and durability testing under the review of a
113 licensed professional engineer, before being installed on a TNC
114 vehicle.

115 (h) A TNC digital advertising device may not display
116 advertisements for illegal products or services or

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117 advertisements that include nudity, violent images, or
118 disparaging or false advertisements.

119 (i) A company operating a TNC digital advertising device
120 shall allocate 10 percent of all advertisement inventory for
121 government, not-for-profit, or charitable organizations at no
122 cost.

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

125 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.-

126 (a) As used in this subsection, the term "luxury ground
127 transportation network company" or "luxury ground TNC" means a
128 company that:

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

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

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

137 1. Comply with all of the requirements of this section
138 applicable to a TNC, including subsection (17), which do not
139 conflict with subparagraph 2. or which prohibit the company from
140 connecting riders to drivers who operate for-hire vehicles as
141 defined in 320.01(15), including limousines and luxury sedans
142 and excluding taxicabs.

143 2. Maintain at all times insurance coverage at the levels
144 at least equal to the greater of those required in this section
145 and those required of for-hire vehicles, regardless of whether

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146 the driver is operating as a for-hire vehicle driver or luxury
147 ground TNC driver. However, a prospective luxury ground TNC that
148 satisfies minimum financial responsibility at the time of
149 written notification to the department through compliance with
150 s. 324.032(2) by using self-insurance may continue to use self-
151 insurance to satisfy the requirements of this subparagraph.

152 (17)-(15) PREEMPTION.-

153 (a) It is the intent of the Legislature to provide for
154 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
155 vehicles, luxury ground TNCs, luxury ground TNC drivers, and
156 luxury ground TNC vehicles throughout the state. TNCs, TNC
157 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC
158 drivers, and luxury ground TNC vehicles are governed exclusively
159 by state law, including in any locality or other jurisdiction
160 that enacted a law or created rules governing TNCs, TNC drivers,
161 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,
162 or luxury ground TNC vehicles before July 1, 2017. A county,
163 municipality, special district, airport authority, port
164 authority, or other local governmental entity or subdivision may
165 not:

166 1. Impose a tax on, or require a license for, a TNC, a TNC
167 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground
168 TNC driver, or a luxury ground TNC vehicle if such tax or
169 license relates to providing prearranged rides;

170 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury
171 ground TNC, a luxury ground TNC driver, or a luxury ground TNC
172 vehicle to any rate, entry, operation, or other requirement of
173 the county, municipality, special district, airport authority,
174 port authority, or other local governmental entity or

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175 subdivision; or

176 3. Require a TNC, ~~or a TNC driver,~~ a luxury ground TNC, or
177 a luxury ground TNC driver to obtain a business license or any
178 other type of similar authorization to operate within the local
179 governmental entity's jurisdiction.

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