

By the Committee on Innovation, Industry, and Technology; and  
Senator Brandes

580-03374-20

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1                                   A bill to be entitled  
2       An act relating to transportation companies; amending  
3       s. 320.01, F.S.; revising the definition of the term  
4       "for-hire vehicle" to exclude transportation network  
5       company (TNC) vehicles and certain motor vehicles used  
6       for prearranged rides for persons with disabilities  
7       for compensation; amending s. 627.748, F.S.; revising  
8       and providing definitions; deleting for-hire vehicles  
9       from the list of vehicles that are not considered TNC  
10      carriers or are not exempt from certain registration;  
11      providing that TNC vehicle owners may maintain  
12      required insurance coverages; authorizing TNC drivers  
13      or their designees to contract with companies to  
14      install TNC digital advertising devices on TNC  
15      vehicles; providing requirements and restrictions for  
16      such devices; providing immunity from certain  
17      liability for TNC drivers and owners and operators of  
18      TNC digital advertising devices; providing exceptions;  
19      providing construction relating to such devices;  
20      authorizing entities to elect to be regulated as  
21      luxury ground TNCs by notifying the Department of  
22      Financial Services; providing requirements for luxury  
23      ground TNCs; providing for preemption over local law  
24      on the governance of luxury ground TNCs, luxury ground  
25      TNC drivers, and luxury ground TNC vehicles; providing  
26      that TNCs are not liable for certain harm to persons  
27      or property if certain conditions are met; providing  
28      construction relating to insurance coverage and  
29      liability; providing an effective date.

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

Section 1. Paragraph (b) of subsection (15) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(15)

(b) The following are not included in the term "for-hire vehicle": a motor vehicle used for transporting school children to and from school under contract with school officials; a hearse or ambulance when operated by a licensed embalmer or mortician or his or her agent or employee in this state; a motor vehicle used in the transportation of agricultural or horticultural products or in transporting agricultural or horticultural supplies direct to growers or the consumers of such supplies or to associations of such growers or consumers; a motor vehicle temporarily used by a farmer for the transportation of agricultural or horticultural products from any farm or grove to a packinghouse or to a point of shipment by a transportation company; ~~or~~ a motor vehicle not exceeding 1 1/2 tons under contract with the Government of the United States to carry United States mail, provided such vehicle is not used for commercial purposes; a TNC vehicle as defined in s. 627.748(1); or a motor vehicle compliant with the Americans with Disabilities Act which is owned and used by a company that uses a digital network to facilitate prearranged rides to persons with disabilities for compensation.

Section 2. Present paragraphs (f) and (g) of subsection

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59 (1), present subsections (11) through (14), and present  
60 subsection (15) of section 627.748, Florida Statutes, are  
61 redesignated as paragraphs (g) and (h) of subsection (1),  
62 subsections (12) through (15), and subsection (17),  
63 respectively, a new paragraph (f) is added to subsection (1) and  
64 a new subsection (11) and subsections (16) and (18) are added to  
65 that section, and paragraphs (b) and (e) and present paragraph  
66 (g) of subsection (1), subsection (2), paragraphs (b) and (c) of  
67 subsection (7), and paragraph (a) of present subsection (15) of  
68 that section are amended, to read:

69 627.748 Transportation network companies.—

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

71 (b) "Prearranged ride" means the provision of  
72 transportation by a TNC driver to a rider, beginning when a TNC  
73 driver accepts a ride requested by a rider through a digital  
74 network controlled by a transportation network company,  
75 continuing while the TNC driver transports the rider, and ending  
76 when the last rider exits from and is no longer occupying the  
77 TNC vehicle. The term does not include a taxicab, ~~for-hire~~  
78 ~~vehicle~~, or street hail service and does not include ridesharing  
79 as defined in s. 341.031, carpool as defined in s. 450.28, or  
80 any other type of service in which the driver receives a fee  
81 that does not exceed the driver's cost to provide the ride.

82 (e) "Transportation network company" or "TNC" means an  
83 entity operating in this state pursuant to this section using a  
84 digital network to connect a rider to a TNC driver, who provides  
85 prearranged rides. A TNC is not deemed to own, control, operate,  
86 direct, or manage the TNC vehicles or TNC drivers that connect  
87 to its digital network, except where agreed to by written

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88 contract, and is not a taxicab association ~~or for hire vehicle~~  
89 ~~owner~~. An individual, corporation, partnership, sole  
90 proprietorship, or other entity that arranges medical  
91 transportation for individuals qualifying for Medicaid or  
92 Medicare pursuant to a contract with the state or a managed care  
93 organization is not a TNC. This section does not prohibit a TNC  
94 from providing prearranged rides to individuals who qualify for  
95 Medicaid or Medicare if it meets the requirements of this  
96 section.

97 (f) "Transportation network company digital advertising  
98 device" or "TNC digital advertising device" means a device no  
99 larger than 20 inches tall and 54 inches long that is fixed to  
100 the roof of a TNC vehicle and that displays advertisements on a  
101 digital screen only when the TNC vehicle is turned on.

102 (h) ~~(g)~~ "Transportation network company vehicle" or "TNC  
103 vehicle" means a vehicle that is not a taxicab or ~~jitney~~  
104 ~~limousine, or for hire vehicle as defined in s. 320.01(15)~~ and  
105 that is:

106 1. Used by a TNC driver to offer or provide a prearranged  
107 ride; and

108 2. Owned, leased, or otherwise authorized to be used by the  
109 TNC driver.

110  
111 Notwithstanding any other ~~provision of~~ law, a vehicle that is  
112 let or rented to another for consideration, or a motor vehicle  
113 compliant with the Americans with Disabilities Act which is  
114 owned and used by a company that uses a digital network to  
115 facilitate prearranged rides to persons with disabilities for  
116 compensation, may be used as a TNC vehicle.

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117 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a common  
118 carrier, contract carrier, or motor carrier and does not provide  
119 taxicab ~~or for-hire vehicle~~ service. In addition, a TNC driver  
120 is not required to register the vehicle that the TNC driver uses  
121 to provide prearranged rides as a commercial motor vehicle ~~or a~~  
122 ~~for-hire vehicle~~.

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

125 (b) The following automobile insurance requirements apply  
126 while a participating TNC driver is logged on to the digital  
127 network but is not engaged in a prearranged ride:

128 1. Automobile insurance that provides:

129 a. A primary automobile liability coverage of at least  
130 \$50,000 for death and bodily injury per person, \$100,000 for  
131 death and bodily injury per incident, and \$25,000 for property  
132 damage;

133 b. Personal injury protection benefits that meet the  
134 minimum coverage amounts required under ss. 627.730-627.7405;  
135 and

136 c. Uninsured and underinsured vehicle coverage as required  
137 by s. 627.727.

138 2. The coverage requirements of this paragraph may be  
139 satisfied by any of the following:

140 a. Automobile insurance maintained by the TNC driver or the  
141 TNC vehicle owner;

142 b. Automobile insurance maintained by the TNC; or

143 c. A combination of sub-subparagraphs a. and b.

144 (c) The following automobile insurance requirements apply  
145 while a TNC driver is engaged in a prearranged ride:

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- 146 1. Automobile insurance that provides:
- 147 a. A primary automobile liability coverage of at least \$1
- 148 million for death, bodily injury, and property damage;
- 149 b. Personal injury protection benefits that meet the
- 150 minimum coverage amounts required of a limousine under ss.
- 151 627.730-627.7405; and
- 152 c. Uninsured and underinsured vehicle coverage as required
- 153 by s. 627.727.
- 154 2. The coverage requirements of this paragraph may be
- 155 satisfied by any of the following:
- 156 a. Automobile insurance maintained by the TNC driver or the
- 157 TNC vehicle owner;
- 158 b. Automobile insurance maintained by the TNC; or
- 159 c. A combination of sub-subparagraphs a. and b.
- 160 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING
- 161 DEVICE.—
- 162 (a) A TNC driver or his or her designee may contract with a
- 163 company to install a TNC digital advertising device on a TNC
- 164 vehicle.
- 165 (b) A TNC digital advertising device may be enabled with
- 166 cellular or WiFi-enabled data transmission and equipped with
- 167 GPS.
- 168 (c) A TNC digital advertising device may display
- 169 advertisements only when the TNC vehicle is turned on.
- 170 (d) A TNC digital advertising device must follow the
- 171 lighting requirements of s. 316.2397.
- 172 (e) No portion of the TNC digital advertising device may
- 173 extend beyond the front or rear windshield of the vehicle, nor
- 174 may it impact the TNC driver's vision.

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175 (f) A TNC digital advertising device must display  
176 advertisements only to the sides of the vehicle and not to the  
177 front or rear of the vehicle. Identification of the provider  
178 does not constitute advertising under this paragraph.

179 (g) A TNC digital advertising device must, at a minimum,  
180 meet the requirements of the MIL-STD-810G standard or other  
181 reasonable environmental and safety industry standard, as  
182 determined through independent safety and durability testing  
183 under the review of a licensed professional engineer, before  
184 being installed on a TNC vehicle.

185 (h) A TNC digital advertising device may not display  
186 advertisements for illegal products or services or  
187 advertisements that include nudity or violent images. All  
188 advertisements displayed on a TNC digital advertising device are  
189 subject to the Florida Deceptive and Unfair Trade Practices Act.

190 (i)1. A TNC driver is immune from liability for the display  
191 of an advertisement that violates this section or the Florida  
192 Deceptive and Unfair Trade Practices Act unless the TNC driver  
193 is the advertiser.

194 2. The owner or operator of a TNC digital advertising  
195 device that displays an advertisement that is in violation of  
196 this section or the Florida Deceptive and Unfair Trade Practices  
197 Act is immune from liability under this section and the Florida  
198 Deceptive and Unfair Trade Practices Act for the violation if  
199 the advertisement was displayed in good faith and without actual  
200 knowledge of the violation, unless the advertiser is the same  
201 person as the owner or operator.

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

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204 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

205 (a) As used in this section, the term "luxury ground  
206 transportation network company" or "luxury ground TNC" means a  
207 company that:

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

209 2. Notwithstanding other provisions of this section, uses a  
210 digital network to connect riders exclusively to drivers who  
211 operate for-hire vehicles as defined in s. 320.01(15), including  
212 limousines and luxury sedans and excluding taxicabs.

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

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

222 2. Maintain insurance coverage required in this section  
223 when the luxury ground TNC driver is logged on to a digital  
224 network or while the luxury ground TNC driver is engaged in a  
225 prearranged ride. However, a prospective luxury ground TNC that  
226 satisfies minimum financial responsibility at the time of  
227 written notification to the department through compliance with  
228 s. 324.032(2) by using self-insurance may continue to use self-  
229 insurance to satisfy the requirements of this subparagraph.

230 (17)-(15) PREEMPTION.—

231 (a) It is the intent of the Legislature to provide for  
232 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC



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233 vehicles, luxury ground TNCs, luxury ground TNC drivers, and  
 234 luxury ground TNC vehicles throughout the state. TNCs, TNC  
 235 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC  
 236 drivers, and luxury ground TNC vehicles are governed exclusively  
 237 by state law, including in any locality or other jurisdiction  
 238 that enacted a law or created rules governing TNCs, TNC drivers,  
 239 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,  
 240 or luxury ground TNC vehicles before July 1, 2017. A county,  
 241 municipality, special district, airport authority, port  
 242 authority, or other local governmental entity or subdivision may  
 243 not:

244 1. Impose a tax on, or require a license for, a TNC, a TNC  
 245 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground  
 246 TNC driver, or a luxury ground TNC vehicle if such tax or  
 247 license relates to providing prearranged rides;

248 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury  
 249 ground TNC, a luxury ground TNC driver, or a luxury ground TNC  
 250 vehicle to any rate, entry, operation, or other requirement of  
 251 the county, municipality, special district, airport authority,  
 252 port authority, or other local governmental entity or  
 253 subdivision; or

254 3. Require a TNC, ~~or~~ a TNC driver, a luxury ground TNC, or  
 255 a luxury ground TNC driver to obtain a business license or any  
 256 other type of similar authorization to operate within the local  
 257 governmental entity's jurisdiction.

258 (18) LIABILITY.—

259 (a) A TNC shall not be liable under the law of this state  
 260 by reason of owning, operating, or maintaining the digital  
 261 network accessed by a TNC driver or rider, or by being the TNC

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262 affiliated with a TNC driver, for harm to persons or property  
263 that results or arises out of the use, operation, or possession  
264 of a motor vehicle operating as a TNC vehicle while the driver  
265 is logged on to the digital network if:

266 1. There is no negligence or criminal wrongdoing on the  
267 part of the TNC;

268 2. The TNC has fulfilled all of its obligations under this  
269 section with respect to the TNC driver; and

270 3. The TNC is not the owner or bailee of the motor vehicle  
271 that caused harm to persons or property.

272 (b) This subsection does not alter or reduce the required  
273 insurance coverages or policy limits under subsection (7) or the  
274 liability of any person under any other legal theory.

275 Section 3. This act shall take effect upon becoming a law.