

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.003, F.S.; revising definitions; amending s.
4 316.2397, F.S.; authorizing certain vehicles to show
5 or display certain lights under certain circumstances;
6 amending s. 316.520, F.S.; revising application of
7 agricultural load securing requirements; amending s.
8 322.12, F.S.; authorizing the Department of Highway
9 Safety and Motor Vehicles to waive certain commercial
10 motor vehicle testing requirements for specified
11 persons under certain circumstances; amending ss.
12 324.031 and 324.032, F.S.; revising the manner of
13 providing financial responsibility for owners,
14 operators, or lessees of certain for-hire passenger
15 transportation vehicles; amending s. 327.59, F.S.;
16 prohibiting certain vessels from remaining in certain
17 marinas that have been deemed unsuitable for refuge
18 during a hurricane; authorizing removal of such
19 vessels under certain circumstances; limiting
20 liability for certain damages; providing construction;
21 providing for penalties; amending s. 337.14, F.S.;
22 requiring certain contractors to be certified by the
23 Department of Transportation as qualified; revising
24 the financial statements required to accompany an
25 application for certification; prohibiting the

26 department from considering certain financial
 27 information; requiring the contractor to submit
 28 interim financial statements under certain
 29 circumstances; providing requirements for such
 30 statements; amending s. 627.748, F.S.; revising and
 31 providing definitions; deleting for-hire vehicles from
 32 the list of vehicles not considered TNC vehicles;
 33 revising automobile insurance requirements for TNCs
 34 and TNC drivers; authorizing certain entities to be
 35 regulated as disability-accessible TNCs; providing
 36 requirements; providing that disability-accessible
 37 TNCs, disability-accessible TNC drivers, and
 38 disability-accessible TNC vehicles are governed by
 39 state law; providing an effective date.

40

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

42

43 Section 1. Subsection (2) and paragraph (b) of subsection
 44 (55) of section 316.003, Florida Statutes, are amended to read:

45 316.003 Definitions.—The following words and phrases, when
 46 used in this chapter, shall have the meanings respectively
 47 ascribed to them in this section, except where the context
 48 otherwise requires:

49 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two
 50 wheels in the front and one wheel in the back; is equipped with

51 a roll cage or roll hoops, a seat belt for each occupant,
 52 ~~antilock~~ brakes meeting Federal Motor Vehicle Safety Standard
 53 No. 122, a steering mechanism ~~wheel~~, and seating that does not
 54 require the operator to straddle or sit astride it; and is
 55 manufactured in accordance with the applicable federal
 56 motorcycle safety standards in 49 C.F.R. part 571 by a
 57 manufacturer registered with the National Highway Traffic Safety
 58 Administration.

59 (55) PERSONAL DELIVERY DEVICE.—An electrically powered
 60 device that:

61 (b) Weighs less than 150 ~~80~~ pounds, excluding cargo;

62
 63 A personal delivery device is not considered a vehicle unless
 64 expressly defined by law as a vehicle. A mobile carrier is not
 65 considered a personal delivery device.

66 Section 2. Subsections (2) and (7) of section 316.2397,
 67 Florida Statutes, are amended to read:

68 316.2397 Certain lights prohibited; exceptions.—

69 (2) It is expressly prohibited for any vehicle or
 70 equipment, ~~except police vehicles,~~ to show or display blue
 71 lights, except that:

72 (a) Police vehicles may show or display blue lights.

73 (b) However, Vehicles owned, operated, or leased by the
 74 Department of Corrections or any county correctional agency may
 75 show or display blue lights when responding to emergencies.

76 (c) Portable radar speed display units in advance of a
 77 work zone area on roadways with a posted speed limit of 55 miles
 78 per hour or more may show or display flashing red and blue
 79 lights when workers are present.

80 (7) Flashing lights are prohibited on vehicles except:

81 (a) As a means of indicating a right or left turn, to
 82 change lanes, or to indicate that the vehicle is lawfully
 83 stopped or disabled upon the highway;

84 (b) When a motorist intermittently flashes his or her
 85 vehicle's headlamps at an oncoming vehicle notwithstanding the
 86 motorist's intent for doing so;

87 (c) During periods of extreme low visibility on roadways
 88 with a posted speed limit of 55 miles per hour or more; and

89 (d)~~(e)~~ For the lamps authorized under subsections ~~(1)~~,
 90 (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which
 91 may flash.

92 Section 3. Subsection (4) of section 316.520, Florida
 93 Statutes, is amended to read:

94 316.520 Loads on vehicles.—

95 (4) The provision of subsection (2) requiring covering and
 96 securing the load with a close-fitting tarpaulin or other
 97 appropriate cover does not apply to vehicles carrying
 98 agricultural products locally from a harvest site or to or from
 99 a farm on roads where the posted speed limit is 65 miles per
 100 hour or less ~~and the distance driven on public roads is less~~

101 ~~than 20 miles.~~

102 Section 4. Paragraph (c) is added to subsection (4) of
103 section 322.12, Florida Statutes, to read:

104 322.12 Examination of applicants.—

105 (4) The examination for an applicant for a commercial
106 driver license shall include a test of the applicant's eyesight
107 given by a driver license examiner designated by the department
108 or by a licensed ophthalmologist, optometrist, or physician and
109 a test of the applicant's hearing given by a driver license
110 examiner or a licensed physician. The examination shall also
111 include a test of the applicant's ability to read and understand
112 highway signs regulating, warning, and directing traffic; his or
113 her knowledge of the traffic laws of this state pertaining to
114 the class of motor vehicle which he or she is applying to be
115 licensed to operate, including laws regulating driving under the
116 influence of alcohol or controlled substances, driving with an
117 unlawful blood-alcohol level, and driving while intoxicated; his
118 or her knowledge of the effects of alcohol and controlled
119 substances and the dangers of driving a motor vehicle after
120 having consumed alcohol or controlled substances; and his or her
121 knowledge of any special skills, requirements, or precautions
122 necessary for the safe operation of the class of vehicle which
123 he or she is applying to be licensed to operate. In addition,
124 the examination shall include an actual demonstration of the
125 applicant's ability to exercise ordinary and reasonable control

126 in the safe operation of a motor vehicle or combination of
127 vehicles of the type covered by the license classification which
128 the applicant is seeking, including an examination of the
129 applicant's ability to perform an inspection of his or her
130 vehicle.

131 (c) Notwithstanding any provision of law to the contrary,
132 the department may waive the skill test requirements provided in
133 this subsection for a commercial driver license for a person
134 with military commercial motor vehicle experience who qualifies
135 under 49 C.F.R. s. 383.77 if the person is on active duty or has
136 been honorably discharged from military service for 1 year or
137 less.

138 Section 5. Section 324.031, Florida Statutes, is amended
139 to read:

140 324.031 Manner of proving financial responsibility.—The
141 owner or operator of a taxicab, limousine, jitney, or any other
142 for-hire passenger transportation vehicle may prove financial
143 responsibility by providing satisfactory evidence of holding a
144 motor vehicle liability policy as defined in s. 324.021(8) or s.
145 324.151, which policy is provided by an insurer authorized to do
146 business in this state ~~issued by an insurance carrier~~ which is a
147 member of the Florida Insurance Guaranty Association or an
148 eligible nonadmitted insurer that has a superior, excellent,
149 exceptional, or equivalent financial strength rating by a rating
150 agency acceptable to the Office of Insurance Regulation of the

151 Financial Services Commission. The operator or owner of any
 152 other vehicle may prove his or her financial responsibility by:

153 (1) Furnishing satisfactory evidence of holding a motor
 154 vehicle liability policy as defined in ss. 324.021(8) and
 155 324.151;

156 (2) Furnishing a certificate of self-insurance showing a
 157 deposit of cash in accordance with s. 324.161; or

158 (3) Furnishing a certificate of self-insurance issued by
 159 the department in accordance with s. 324.171.

160

161 Any person, including any firm, partnership, association,
 162 corporation, or other person, other than a natural person,
 163 electing to use the method of proof specified in subsection (2)
 164 shall furnish a certificate of deposit equal to the number of
 165 vehicles owned times \$30,000, to a maximum of \$120,000; in
 166 addition, any such person, other than a natural person, shall
 167 maintain insurance providing coverage in excess of limits of
 168 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
 169 such excess insurance shall provide minimum limits of
 170 \$125,000/250,000/50,000 or \$300,000 combined single limits.
 171 These increased limits shall not affect the requirements for
 172 proving financial responsibility under s. 324.032(1).

173 Section 6. Subsection (2) of section 324.032, Florida
 174 Statutes, is amended to read:

175 324.032 Manner of proving financial responsibility; for-

176 hire passenger transportation vehicles.—Notwithstanding the
177 provisions of s. 324.031:

178 (2) An owner or a lessee who is required to maintain
179 insurance under s. 324.021(9)(b) and who operates at least 150
180 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire
181 passenger transportation vehicles may provide financial
182 responsibility by complying with ~~the provisions of~~ s. 324.171,
183 such compliance to be demonstrated by maintaining at its
184 principal place of business an audited financial statement,
185 prepared in accordance with generally accepted accounting
186 principles, and providing to the department a certification
187 issued by a certified public accountant that the applicant's net
188 worth is at least equal to the requirements of s. 324.171 as
189 determined by the Office of Insurance Regulation of the
190 Financial Services Commission, including claims liabilities in
191 an amount certified as adequate by a Fellow of the Casualty
192 Actuarial Society.

193
194 Upon request by the department, the applicant must provide the
195 department at the applicant's principal place of business in
196 this state access to the applicant's underlying financial
197 information and financial statements that provide the basis of
198 the certified public accountant's certification. The applicant
199 shall reimburse the requesting department for all reasonable
200 costs incurred by it in reviewing the supporting information.

201 The maximum amount of self-insurance permissible under this
202 subsection is \$300,000 and must be stated on a per-occurrence
203 basis, and the applicant shall maintain adequate excess
204 insurance issued by an authorized or eligible insurer licensed
205 or approved by the Office of Insurance Regulation. All risks
206 self-insured shall remain with the owner or lessee providing it,
207 and the risks are not transferable to any other person, unless a
208 policy complying with subsection (1) is obtained.

209 Section 7. Subsection (1) of section 327.59, Florida
210 Statutes, is amended, and subsection (5) is added to that
211 section, to read:

212 327.59 Marina evacuations.—

213 (1) Except as provided in this section ~~After June 1, 1994,~~
214 marinas may not adopt, maintain, or enforce policies pertaining
215 to evacuation of vessels which require vessels to be removed
216 from marinas following the issuance of a hurricane watch or
217 warning, in order to ensure that protecting the lives and safety
218 of vessel owners is placed before interests of protecting
219 property.

220 (5) Upon the issuance of a hurricane watch affecting the
221 waters of a marina located in a deepwater seaport, a vessel that
222 weighs less than 500 gross tons may not remain in the waters of
223 such a marina that has been deemed not suitable for refuge
224 during a hurricane. The owner of such a vessel shall promptly
225 remove the vessel from the waterway upon issuance of an

226 evacuation order by the deepwater seaport. If the United States
227 Coast Guard Captain of the Port sets the deepwater seaport
228 condition to Yankee and a vessel owner has failed to remove a
229 vessel from the waterway, the marina owner or operator, or an
230 employee or agent thereof, regardless of existing contractual
231 provisions between the marina owner and vessel owner, shall
232 remove the vessel, or cause it to be removed, if reasonable,
233 from its slip and may charge the vessel owner a reasonable fee
234 for such removal. A marina owner, operator, employee, or agent
235 is not liable for any damage incurred by a vessel as the result
236 of a hurricane and is held harmless as a result of such actions
237 to remove the vessel from the waterway. This section does not
238 provide immunity to a marina owner, operator, employee, or agent
239 for any damage caused by intentional acts or negligence when
240 removing a vessel under this subsection. After a hurricane watch
241 has been issued, the owner or operator of a vessel that has not
242 been removed from the waterway of the marina pursuant to an
243 evacuation order by the deepwater seaport may be subject to the
244 penalties provided in s. 313.22(3).

245 Section 8. Subsection (1) of section 337.14, Florida
246 Statutes, is amended to read:

247 337.14 Application for qualification; certificate of
248 qualification; restrictions; request for hearing.—

249 (1) Any contractor desiring to bid for the performance of
250 any construction contract in excess of \$250,000 which the

251 department proposes to let must first be certified by the
252 department as qualified pursuant to this section and rules of
253 the department. The rules of the department must address the
254 qualification of contractors to bid on construction contracts in
255 excess of \$250,000 and must include requirements with respect to
256 the equipment, past record, experience, financial resources, and
257 organizational personnel of the applying contractor which are
258 necessary to perform the specific class of work for which the
259 contractor seeks certification. Any contractor who desires to
260 bid on contracts in excess of \$50 million and is not qualified
261 and in good standing with the department as of January 1, 2019,
262 must first be certified by the department as qualified and
263 ~~desires to bid on contracts in excess of \$50 million~~ must have
264 satisfactorily completed two projects, each in excess of \$15
265 million, for the department or for any other state department of
266 transportation. The department may limit the dollar amount of
267 any contract upon which a contractor is qualified to bid or the
268 aggregate total dollar volume of contracts such contractor is
269 allowed to have under contract at any one time. Each applying
270 contractor seeking qualification to bid on construction
271 contracts in excess of \$250,000 shall furnish the department a
272 statement under oath, on such forms as the department may
273 prescribe, setting forth detailed information as required on the
274 application. Each application for certification must be
275 accompanied by audited financial statements prepared in

276 accordance with United States generally accepted accounting
277 principles and United States generally accepted auditing
278 standards by a certified public accountant licensed by this
279 state or another state ~~the latest annual financial statement of~~
280 ~~the applying contractor completed within the last 12 months. The~~
281 audited financial statements must be for the applying contractor
282 specifically and must have been prepared within the immediately
283 preceding 12 months. The department may not consider any
284 financial information relating to the parent entity of the
285 applying contractor, if any. The department shall not certify as
286 qualified any applying contractor that fails to submit the
287 audited financial statements required by this subsection. If the
288 application or the annual financial statement shows the
289 financial condition of the applying contractor more than 4
290 months before ~~prior to~~ the date on which the application is
291 received by the department, the applying contractor must also
292 submit interim audited financial statements prepared in
293 accordance with United States generally accepted accounting
294 principles and United States generally accepted auditing
295 standards by a certified public accountant licensed by this
296 state or another state ~~an interim financial statement and an~~
297 ~~updated application must be submitted. The interim financial~~
298 statements ~~statement~~ must cover the period from the end date of
299 the annual statement and must show the financial condition of
300 the applying contractor no more than 4 months before ~~prior to~~

301 the date that the interim financial statements are ~~statement is~~
302 received by the department. However, upon the request of the
303 applying contractor, an application and accompanying annual or
304 interim financial statements ~~statement~~ received by the
305 department within 15 days after either 4-month period under this
306 subsection shall be considered timely. ~~Each required annual or~~
307 ~~interim financial statement must be audited and accompanied by~~
308 ~~the opinion of a certified public accountant.~~ An applying
309 contractor desiring to bid exclusively for the performance of
310 construction contracts with proposed budget estimates of less
311 than \$1 million may submit reviewed annual or reviewed interim
312 financial statements prepared by a certified public accountant.
313 The information required by this subsection is confidential and
314 exempt from s. 119.07(1). The department shall act upon the
315 application for qualification within 30 days after the
316 department determines that the application is complete. The
317 department may waive the requirements of this subsection for
318 projects having a contract price of \$500,000 or less if the
319 department determines that the project is of a noncritical
320 nature and the waiver will not endanger public health, safety,
321 or property.

322 Section 9. Paragraphs (b), (e), and (g) of subsection (1),
323 subsection (2), paragraphs (b) and (c) of subsection (7), and
324 paragraph (a) of present subsection (15) of section 627.748,
325 Florida Statutes, are amended, and a new subsection (15) is

326 added to that section, to read:

327 627.748 Transportation network companies.—

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

329 (b) "Prearranged ride" means the provision of
 330 transportation by a TNC driver to a rider, beginning when a TNC
 331 driver accepts a ride requested by a rider through a digital
 332 network controlled by a transportation network company,
 333 continuing while the TNC driver transports the rider, and ending
 334 when the last rider exits from and is no longer occupying the
 335 TNC vehicle. The term does not include a taxicab, ~~for hire~~
 336 ~~vehicle~~, or street hail service and does not include ridesharing
 337 as defined in s. 341.031, carpool as defined in s. 450.28, or
 338 any other type of service in which the driver receives a fee
 339 that does not exceed the driver's cost to provide the ride.

340 (e) "Transportation network company" or "TNC" means an
 341 entity operating in this state pursuant to this section using a
 342 digital network to connect a rider to a TNC driver, who provides
 343 prearranged rides. A TNC is not deemed to own, control, operate,
 344 direct, or manage the TNC vehicles or TNC drivers that connect
 345 to its digital network, except where agreed to by written
 346 contract, and is not a taxicab association ~~or for hire vehicle~~
 347 ~~owner~~. An individual, corporation, partnership, sole
 348 proprietorship, or other entity that arranges medical
 349 transportation for individuals qualifying for Medicaid or
 350 Medicare pursuant to a contract with the state or a managed care

351 organization is not a TNC. This section does not prohibit a TNC
 352 from providing prearranged rides to individuals who qualify for
 353 Medicaid or Medicare if it meets the requirements of this
 354 section.

355 (g) "Transportation network company vehicle" or "TNC
 356 vehicle" means a vehicle that is not a taxicab, jitney, or
 357 limousine, ~~or for-hire vehicle as defined in s. 320.01(15)~~ and
 358 that is:

359 1. Used by a TNC driver to offer or provide a prearranged
 360 ride; and

361 2. Owned, leased, or otherwise authorized to be used by
 362 the TNC driver.

363
 364 Notwithstanding any other provision of law, a vehicle that is
 365 let or rented to another for consideration may be used as a TNC
 366 vehicle.

367 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
 368 common carrier, contract carrier, or motor carrier and does not
 369 provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC
 370 driver is not required to register the vehicle that the TNC
 371 driver uses to provide prearranged rides as a commercial motor
 372 vehicle ~~or a for-hire vehicle~~.

373 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
 374 INSURANCE REQUIREMENTS.—

375 (b) The following automobile insurance requirements apply

376 while a participating TNC driver is logged on to the digital
 377 network but is not engaged in a prearranged ride:

378 1. Automobile insurance that provides:

379 a. A primary automobile liability coverage of at least
 380 \$50,000 for death and bodily injury per person, \$100,000 for
 381 death and bodily injury per incident, and \$25,000 for property
 382 damage;

383 b. Personal injury protection benefits that meet the
 384 minimum coverage amounts required under ss. 627.730-627.7405;
 385 and

386 c. Uninsured and underinsured vehicle coverage as required
 387 by s. 627.727.

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

390 a. Automobile insurance maintained by the TNC driver or
 391 the TNC vehicle owner;

392 b. Automobile insurance maintained by the TNC; or

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

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

396 1. Automobile insurance that provides:

397 a. A primary automobile liability coverage of at least \$1
 398 million for death, bodily injury, and property damage;

399 b. Personal injury protection benefits that meet the
 400 minimum coverage amounts required of a limousine under ss.

401 627.730-627.7405; and

402 c. Uninsured and underinsured vehicle coverage as required
403 by s. 627.727.

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

406 a. Automobile insurance maintained by the TNC driver or
407 the TNC vehicle owner;

408 b. Automobile insurance maintained by the TNC; or

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

410 (15) DISABILITY-ACCESSIBLE TRANSPORTATION NETWORK
411 COMPANIES.-

412 (a) As used in this subsection, the term:

413 1. "Disability-accessible TNC" means a company that:

414 a. Meets the requirements of paragraph (b); and

415 b. Notwithstanding other provisions of this section, uses
416 a digital network to connect riders to drivers who operate
417 disability-accessible vehicles.

418 2. "Disability-accessible vehicle" means a for-hire
419 vehicle as defined in s. 320.01(15) which meets or exceeds the
420 requirements of the Americans with Disabilities Act.

421 (b) An entity may elect, upon written notification to the
422 department, to be regulated as a disability-accessible TNC. A
423 disability-accessible TNC must:

424 1. Comply with all of the requirements of this section
425 applicable to a TNC, including subsection (16), which do not

426 conflict with subparagraph 2. or prohibit the company from
427 connecting riders to drivers who operate for-hire vehicles as
428 defined in s. 320.01(15), including disability-accessible
429 vehicles.

430 2. Maintain insurance coverage required in this section
431 when the disability-accessible TNC driver is logged on to a
432 digital network or while the disability-accessible TNC driver is
433 engaged in a prearranged ride. However, a prospective
434 disability-accessible TNC that satisfies minimum financial
435 responsibility at the time of written notification to the
436 department through compliance with s. 324.032(2) by using self-
437 insurance may continue to use self-insurance to satisfy the
438 requirements of this subparagraph.

439 (16)-(15) PREEMPTION.-

440 (a) It is the intent of the Legislature to provide for
441 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
442 vehicles, and disability-accessible TNCs, disability-accessible
443 TNC drivers, and disability-accessible TNC vehicles throughout
444 the state. TNCs, TNC drivers, ~~and~~ TNC vehicles, disability-
445 accessible TNCs, disability-accessible TNC drivers, and
446 disability-accessible TNC vehicles are governed exclusively by
447 state law, including in any locality or other jurisdiction that
448 enacted a law or created rules governing TNCs, TNC drivers, ~~or~~
449 TNC vehicles, disability-accessible TNCs, disability-accessible
450 TNC drivers, and disability-accessible TNC vehicles before July

451 1, 2017. A county, municipality, special district, airport
 452 authority, port authority, or other local governmental entity or
 453 subdivision may not:

454 1. Impose a tax on, or require a license for, a TNC, a TNC
 455 driver, ~~or a TNC vehicle,~~ a disability-accessible TNC, a
 456 disability-accessible TNC driver, or a disability-accessible TNC
 457 vehicle if such tax or license relates to providing prearranged
 458 rides;

459 2. Subject a TNC, a TNC driver, ~~or a TNC vehicle,~~ a
 460 disability-accessible TNC, a disability-accessible TNC driver,
 461 or a disability-accessible TNC vehicle to any rate, entry,
 462 operation, or other requirement of the county, municipality,
 463 special district, airport authority, port authority, or other
 464 local governmental entity or subdivision; or

465 3. Require a TNC, ~~or a TNC driver,~~ a disability-accessible
 466 TNC, or a disability-accessible TNC driver to obtain a business
 467 license or any other type of similar authorization to operate
 468 within the local governmental entity's jurisdiction.

469 Section 10. This act shall take effect July 1, 2020.