



Transportation & Ports Subcommittee

MEETING PACKET

**Tuesday, March 10, 2015
12:30 PM – 2:30 PM
Sumner Hall (404 HOB)**

**Steve Crisafulli
Speaker**

**Patrick Rooney, Jr.
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Ports Subcommittee

Start Date and Time: Tuesday, March 10, 2015 12:30 pm
End Date and Time: Tuesday, March 10, 2015 02:30 pm
Location: Sumner Hall (404 HOB)
Duration: 2.00 hrs

Consideration of the following proposed committee bill(s):

PCB TPS 15-02 -- Transportation

Consideration of the following bill(s):

HB 817 Transportation Network Companies by Gaetz

Presentation by the Department of Transportation - Freight Mobility Trade Plan

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Monday, March 9, 2015.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, March 9, 2015.

NOTICE FINALIZED on 03/06/2015 16:00 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB TPS 15-02 Transportation
SPONSOR(S): Transportation & Ports Subcommittee
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: Orig. Comm.: Transportation & Ports Subcommittee, Johnson, Vickers

SUMMARY ANALYSIS

This is a comprehensive bill related to transportation. In summary, the bill:

- Requires agencies to consider certain criteria when procuring transportation services related to cargo, freight, and package delivery.
Separates the definition of "autonomous technology" from "autonomous vehicle."
Authorizes television receivers to be located so the screen is visible from the driver's seat for autonomous vehicles.
Requires metropolitan planning organizations to consider advances in vehicle technology, including autonomous vehicles, when developing their long-range transportation plans.
Requires the Department of Transportation (DOT) to consider advances in vehicle technology, including autonomous vehicles, when developing its Strategic Intermodal System (SIS) plan.
Revises the appointment of membership of independent special districts regulating vehicles for hire.
Repeals an obsolete reference to bonds issued through the Broward County Expressway Authority.
Repeals Florida Statewide Transportation Corridors, which is duplicative of the SIS.
Provides that certain members of the Central Florida Expressway Authority's (CFX) board must be elected officials from their respective counties.
Provides a date for terms to end for members of CFX's board appointed by the Governor.
Provides that the Secretary of CFX is not required to be a member of its board.
Makes technical corrections to the Central Florida Expressway Authority Act.
Requires the Commission for Transportation Disadvantaged (CTD), in cooperation with the Center for Urban Transportation Research, to develop and implement a pilot program to assess the cost effectiveness of using transportation network companies as transportation operators.
Requires DOT, in cooperation with the Florida Transportation Commission (FTC), to study the viability of implementing a vehicle miles traveled system as a mechanism for funding transportation infrastructure.

The bill provides that contingent on legislative appropriation, CTD may spend up to \$750,000 on the transportation network company pilot program. DOT and the FTC will incur costs associated with studying the viability of a vehicle miles traveled funding system; however, the cost is unknown at this time. The bill does not have a fiscal impact on local government.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

This is a comprehensive bill related to transportation. For ease of understanding, this bill analysis is arranged by topic.

Sustainable Transportation Services Procurement (Section 1)

Current Situation

Florida currently has a Natural Gas Vehicle Rebate Program, which provides eligible applicants a rebate for the cost of conversion or the incremental cost incurred by an applicant associated with converting, purchasing, or leasing a natural gas fleet vehicle placed into service on or after July 1, 2013. The maximum rebate under the program is \$25,000 per vehicle, not to exceed 50 percent of eligible costs. Each applicant may receive up to \$250,000 per fiscal year on a first-come, first serve basis. The Legislature appropriated \$6 million for each state fiscal year.¹

Part I of Ch. 287, F.S., relates to the procurement of commodities, insurance, and contractual service. However, there currently is no mention of the use of natural gas and fuel efficient vehicles.

Proposed Changes

The bill creates s. 287.0836, F.S., relating to sustainable transportation services procurement. The bill provides that an agency² must consider the following criteria when evaluating a proposal or reply received pursuant to a request for proposal or invitation to negotiate for services related to cargo, freight, or package delivery:

- Whether the vendor uses alternative fuels, including natural gas fuel.³
- The fuel efficiency of the vehicles use by the vendor.

While the bill requires agencies to consider the use of natural gas and fuel efficient vehicles in the procurement of specified transportation services, it does not mandate their use.

Autonomous Vehicles (Sections 2, 3, 6, and 7)

Current Situation

Background

Autonomous vehicles are any vehicle equipped with advanced sensors and computing abilities to perceive its surroundings and activate steering, braking, and acceleration without operator input. While they are currently not in widespread use, they can potentially provide several distinct advantages when compared to conventional vehicles, including reduced fuel consumption, increased safety, reduced traffic congestion and improved traffic flow, increased speed limits and reduced need for parking spaces.

¹ <http://www.freshfromflorida.com/Divisions-Offices/Energy/Natural-Gas-Fuel-Fleet-Vehicle-Rebate> (Last visited March 5, 2015).

² Section 287.012(1), F.S., defines "agency" as "any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. "Agency" does not include the university and college boards of trustees or the state universities and colleges."

³ Section 377.810(2)(f), F.S., defines "natural gas fuel" as "any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23). This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. This term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation."

In 2012, the Legislature passed CS/CS/CS/HB 599,⁴ which contained provisions relating to autonomous vehicle technology. Florida became one of the few states in the nation to authorize the use of autonomous vehicles. Specifically, the bill:

- Defined “autonomous technology” and “autonomous vehicle.”
- Provided legislative intent regarding vehicles with autonomous technology.
- Authorized the operation of autonomous vehicles under specified conditions.
- Provided requirements for autonomous vehicles.
- Provided guidelines for testing autonomous vehicles.
- Provided a framework for liability for autonomous vehicles.
- Required the Department of Highway Safety and Motor Vehicles (DHSMV) to submit a report by February 12, 2014.

DHSMV Report

On February 12, 2014, the Department of Highway Safety and Motor Vehicles (DHSMV) issued its report on autonomous vehicles.⁵ DHSMV’s report noted that autonomous technology has potential to significantly improve highway safety by reducing crashes and saving lives. Similarly, the report found that autonomous technology offers business and economic opportunities for Florida, including technology and policy research, and testing, monitoring, and evaluating the technology. While Florida law allows the testing of autonomous vehicles on public roadways, there is limited regulatory oversight.

The report continued that technology is rapidly advancing and multiple industries are involved with many different approaches to autonomous vehicle technology development. In addition, there are currently no national safety standards and many unknowns relating to the deployment of autonomous vehicles. The report noted that policy-making at this juncture is difficult, at best. When DHSMV issued its report, it proposed no changes to existing Florida law and rules in order to encourage innovation and foster a positive business environment.

2014 Legislation

In 2014, the Legislature passed CS/CS/HB 7005,⁶ which expanded the entities authorized to conduct autonomous vehicle testing to include research organizations associated with accredited educational institutions.

Additionally, the bill provided that the Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for a liability, personal injury protection, and collision coverage of a motor vehicle insurance policy if the insured vehicle is equipped with autonomous driving technology or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system that complies with federal standards.

Testing of Autonomous Vehicles

In January 2014, the Tampa-Hillsborough Expressway Authority designated the Lee Roy Selmon Expressway as a testing site for autonomous vehicles. The Volkswagen Group contacted DHMSV regarding limited testing on an Audi-brand autonomous vehicle on a closed course in Hillsborough County. The one day event took place on the Selmon Expressway on July 28, 2014.⁷

Department of Transportation Work on Autonomous Vehicles

⁴ Ch. 2012-174, L.O.F.

⁵ A copy of DHSMV’s report on autonomous vehicles is available at: <http://www.flhsmv.gov/html/safety.html> (Last visited February 18, 2015).

⁶ Ch. 2014-216, L.O.F.

⁷ E-Mail from the Department of Highway Safety and Motor Vehicles to Transportation & Ports Subcommittee Staff. November 6, 2014. Copy on file with Transportation & Ports Subcommittee Staff.

The Department of Transportation (DOT) has also been working on numerous initiatives related to autonomous vehicles.⁸ It currently has several autonomous vehicle stakeholder working groups. In November 2013, DOT held its first ever autonomous vehicle summit. A second summit was held in December 2014.

DOT has collaborated with state universities and engineering consulting firms to gain a better understanding of some of the implications associated with planning for and integrating automated and connected vehicle technologies into the state's infrastructure. The research projects:

- Address the policy implications as it relates to federal, state, and local transportation plans;
- Explore how these technologies could assist the transportation disadvantaged remain mobile even as they age; and
- Assess the viability of various transit applications, particularly Bus Rapid Transit solutions.

Use of Television Receivers in Vehicles

Generally, current law prohibits motor vehicles from being equipped with television-type receivers located where the viewer or screen can be seen from the driver's seat. The statute provides exceptions for safety or law enforcement purposes and does not prohibit electronic displays used in conjunction with a vehicle navigation system. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Ch. 318, F.S.⁹

Metropolitan Planning Organizations

Based on census data, the U.S. Bureau of the Census designates urbanized areas throughout the state. Federal law and rule¹⁰ require a metropolitan planning organization (MPO) to be designated for each urbanized area¹¹ or group of contiguous urbanized areas. In addition, federal law and rules specify the requirements for a MPO transportation planning and programming activities. These requirements are updated after each federal transportation reauthorization bill enacted by Congress. State law also includes provisions governing MPO activities. Section 339.175, F.S., paraphrases or restates some key federal requirements. In addition, state law includes provisions that go beyond the federal requirements. For example, federal requirements regarding MPO membership are very general, while state law is more specific.

Current law requires each MPO to develop a long-range plan that addresses at least a 20 year planning horizon. The long-range transportation plan must; at a minimum:

- Identify transportation facilities that will function as an integrated metropolitan transportation system.
- Include a financial plan.
- Assess capital investment and other measures necessary to:
 - Ensure the preservation of the existing metropolitan transportation system.
 - Make the most efficient use of existing transportation facilities.
- Indicate, as appropriate, proposed transportation enhancement activities.
- In certain metropolitan areas,¹² coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the federal Clean Air Act.¹³

Strategic Intermodal System

Sections 339.61 through 339.65, F.S., create the Florida Strategic Intermodal System (SIS). The SIS consists of specified components, including:

⁸ Information on DOT's work on autonomous vehicles is available at: <http://www.automatedfl.com/> (Last visited February 11, 2015).

⁹ S. 316.303, F.S.

¹⁰ 23 U.S.C. 134 and 23 C.F.R 450 Part C

¹¹ An urbanized area is defined by the U.S. Bureau of the Census and has a population of 50,000 or more.

¹² This only applies to metropolitan areas classified as nonattainment areas for ozone or carbon monoxide.

¹³ S. 339.175(7), F.S.

- Highway Corridors.¹⁴
- The National Highway System.
- Airport, seaport, and spaceport facilities.
- Rail lines and rail facilities.
- Selected intermodal facilities that serve as existing or planned connectors between the components listed above.
- Other existing or planned corridors that serve a statewide or interregional purpose.¹⁵

Current law requires DOT to develop a Strategic Intermodal System Plan, to be consistent with the Florida Transportation Plan,¹⁶ and to update it at least once every five years, subsequent to Florida Transportation Plan updates.¹⁷ DOT is currently in the process of updating its SIS plan and the Florida Transportation Plan.

The SIS plan is required to include the following:

- A needs assessment.
- A project prioritization process.
- A map of facilities designated as SIS facilities; facilities that are emerging in importance and are likely to become part of the system in the future; and planned facilities that will meet the established criteria.
- A finance plan based on reasonable projections of anticipated revenues, including both 10-year and at least 20-year cost feasible components.
- An assessment of impacts of proposed improvements to SIS corridors on military installations that are either located directly on the SIS or located on the Strategic Highway Network or Strategic Rail Corridor Network.¹⁸

Proposed Changes

The bill amends s. 316.003(91), F.S., removing the definition of autonomous technology, which is embedded in the definition for autonomous vehicle. The bill creates a new s. 316.003(92), F.S., providing a definition for autonomous technology. The actual definitions do not change.

The bill amends s. 316.303(1), F.S., providing that television-type receiving equipment may be located so that the viewer or screen is visible from the driver's seat if the vehicle is equipped with autonomous technology and is being operated in autonomous mode.¹⁹ The bill amends s. 316.303(3), F.S., providing that s. 316.303, F.S., does not prohibit the use of electronic display by the operator of a vehicle equipped with autonomous technology while the vehicle is being operated in autonomous mode. This will allow the operator of an autonomous vehicle in autonomous mode to view an electronic display, which may be integrated into the autonomous vehicle.

The bill amends s. 339.175(7)(c)2., F.S., which currently requires the MPOs long-range transportation plan to make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods. The bill adds improve safety to the list of required considerations and requires such efforts to include, but not be limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

The bill creates s. 339.64(3)(c), F.S., requiring DOT in preparing its SIS plan to coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and

¹⁴ Highway corridors are established under s. 339.65, F.S.

¹⁵ S. 339.62, F.S.

¹⁶ The Florida Transportation Plan is developed pursuant to s. 339.155, F.S.

¹⁷ S. 339.64(1), F.S.

¹⁸ S. 339.64(4), F.S.

¹⁹ The operation of a vehicle in autonomous mode is provided for in s. 318.85(2), F.S.

technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments in SIS facilities.

The bill amends s. 339.64(4)(a), F.S., providing that the needs assessment within the SIS plan shall include, but not be limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

Independent Special Districts Regulating Vehicles For Hire (Section 4)

Current Situation

The Hillsborough County Public Transportation Commission (HPTC) is a legislatively-created independent special district regulating vehicles for hire. The HPTC regulates such vehicles in that county pursuant to authority granted to counties in s. 125.01(1)(n), F.S., to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county. The Commission appears to be the only independent special district with such responsibilities.²⁰

The HPTC currently has seven members.²¹ The Board of County Commissioners appoints three members from the board, the City Council of Tampa appoints two members, and the City Commission of Plant City and the City Council of Temple Terrace appoint one member each. Each member serves a two-year term.

Proposed Changes

The bill creates s. 335.21, F.S., revising the appointment of membership to the HPTC, notwithstanding any provision of local law. The bill stipulates that the Governor appoints four members, the Tampa City Council appoints one member, and the Hillsborough County Board of Commissioners appoints two members. All seven members must be Hillsborough County residents.

Broward County Expressway Authority Bonds (Section 5)

Current Situation

Florida expressway authorities are formed either under the Florida Expressway Authority Act²² or by special act of the Legislature. Most existing expressway authorities were created prior to the Florida Expressway Authority Act being enacted in 1990 and, therefore, are not subject to most of its provisions. The Miami-Dade Expressway Authority is the only authority currently created and governed by the Florida Expressway Authority Act.

The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and the Florida Turnpike Enterprise. The expressway authorities have boards of directors that typically include a combination of local-government officials and Governor appointees who decide on projects and expenditure of funds.

In 1983, the Broward County Expressway Authority was created.²³ The authority built the Sawgrass Expressway, which opened in 1986. In December 1990, the Sawgrass Expressway was acquired by DOT and became part of Florida's Turnpike System.²⁴ The Broward County Expressway Authority was repealed in 2011.²⁵

²⁰ The HPTC is an independent special district first created in 1983. Ch. 83-423, Laws of Florida.

²¹ Ch. 2001-299, L.O.F.

²² Part I of Ch. 348, F.S.

²³ Ch. 83-289, L.O.F.

²⁴ http://www.floridasturnpike.com/about_system.cfm (Last visited February 5, 2015).

²⁵ Ch. 2011-64, L.O.F.

While the Broward County Expressway Act was repealed in 2011, s. 338.231(5), F.S., continues to address issue related to series 1984 and series 1986 A bonds originally issued through the authority. Because the bonds have been retired and are no longer outstanding this subsection is now obsolete.

Proposed Changes

The bill repeals s. 338.231(5), F.S., relating to retired bonds issued through the abolished Broward County Expressway Authority.

Statewide Transportation Corridors (Section 8)

Current Situation

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors.²⁶ Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.
6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

With very limited exceptions these corridors are also in the Strategic Intermodal System (SIS) which is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. The facilities on SIS are designated by the DOT based on criteria provided in ss. 339.61 through 339.64, F.S.

Section 341.0532, F.S., is not linked to any other section of statute nor is it linked to any transportation funding and is not being used for any purpose. DOT also now has a Future Corridors Program²⁷ and there may be confusion between the Statewide Transportation Corridors and Future Corridors.

Proposed Changes

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors. As mentioned above, most of the corridors are on DOT's SIS.

Use of Transportation Network Companies (Sections 9 and 13)

Current Situation

Transportation Network Companies

²⁶ Ch. 2003-286, L.O.F.

²⁷ Information on DOT's Future Corridors Program is available at: <http://www.dot.state.fl.us/planning/policy/corridors/about.shtm> (Last visited March 5, 2015).

The provision of for-hire vehicle services, such as taxis, is changing. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages. Some states and local governments have taken steps to recognize and regulate companies using these new methods, which describe themselves as “transportation network companies” (TNCs) and not vehicles for hire.

California was the first state to recognize TNCs,²⁸ such as Uber, Lyft, and SideCar, which use these new technologies to match drivers of vehicles with passengers requesting vehicles for transportation. Presently, Florida law does not recognize TNCs, but some local governments have adopted local regulations authorizing TNCs to operate within the given local jurisdiction, some have rejected new regulations in favor of existing for-hire vehicle regulations, and some local governments are currently considering new regulations.

Public Transit/Commission for Transportation Disadvantaged

Under current law, a public transit provider is a public agency that provides public transit service.²⁹ Florida law defines “public transit” to mean the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. The definition expressly includes “paratransit” services.³⁰ Paratransit services are “on-demand” services. The individual user selects the specific origin and destination at a time agreed upon by the user and the service provider. Currently, public transit providers contract with taxis, limousines, “dial-a-ride,” buses, and other demand-responsive operations to provide paratransit services to their customers.³¹

Paratransit services for the transportation disadvantaged³² are provided through the Commission for the Transportation Disadvantaged. A local coordinating board oversees the community transportation coordinator,³³ who contracts with operators³⁴ that provide transportation. Some trips for individuals who are transportation disadvantaged are “sponsored”; i.e., funding for the trips is provided or subsidized, for example, by Medicaid. “Non-sponsored” transportation disadvantaged services are those not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.³⁵

Center for Urban Transportation Research

The Center for Urban Transportation Research (CUTR) is established at the University of South Florida and administered by the Board of Governors of the State University System. It serves as a continuing resource in the area of urban transportation and related research.³⁶

Proposed Changes

²⁸ See Forbes, *California Becomes First State to Regulate Ridesharing Services Lyft, Sidecar, UberX*: <http://www.forbes.com/sites/tomiogeron/2013/09/19/california-becomes-first-state-to-regulate-ridesharing-services-lyft-sidecar-uberx/>. (Last visited March 4, 2015).

²⁹ S. 341.031(1), F.S.

³⁰ S. 341.031(6), F.S.

³¹ S. 341.031(5) and (6) and s. 427.011(9), F.S.

³² Those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or certain children. See s. 427.011(1), F.S.

³³ A transportation entity recommended by an MPO, or by the appropriate official planning agency in an area outside the purview of an MPO, to ensure coordinated transportation services are provided to transportation disadvantaged persons in a designated service area. See s. 427.011(5), F.S.

³⁴ One or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons. See s. 427.011(6), F.S.

³⁵ S. 427.011(12), F.S.

³⁶ S. 334.065, F.S.

The bill creates s. 341.1025, F.S., providing that a public transit provider may enter into agreements with a TNC under which the TNC provides paratransit service or public transit service on behalf of the provider. The bill defines "transportation network company" as an entity that uses a digital or software application to connect passengers to services provided by TNC drivers.

The bill requires CTD, in cooperation with CUTR, to develop and implement a pilot program with at least one community transportation coordinator³⁷ to assess the cost effectiveness made possible through the use of a TNC as a transportation operator.³⁸

The bill provides that the pilot program must allow for one or more TNCs to provide all or some nonsponsored paratransit services to eligible transportation disadvantaged persons for no less than six months. A participating TNC is required to comply with all relevant standards for transportation operators.³⁹

Contingent on legislative appropriation, CTD may expend up to \$750,000 on the pilot program.

CTD is required to present the findings of the pilot program in a report to the appropriate Senate and House of Representatives committees by October 1, 2016.

Central Florida Expressway Authority (Sections 10 through 12)

Current Situation

The Orlando Orange County Expressway Authority (OOCEA), was created in part III of Ch. 348, F.S.,⁴⁰ and served Orange County. It was authorized to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in the county, as well as outside the jurisdictional boundaries of Orange County with the consent of the county within whose jurisdiction the activities occur.⁴¹

In 2014, CS/CS/SB 230 changed OOCEA to the Central Florida Expressway Authority (CFX).⁴² In summary, the bill:

- Created CFX and provides for the transfer of governance and control, legal rights and powers, responsibilities, terms and obligations of OOCEA to CFX.
- Provided for the composition of the governing body of CFX and the appointment of its officers.
- Provided ethics and accountability requirements of CFX board members and employees.
- Provided that the area served by CFX is within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties.
- Removed the existing OOCEA requirement that the route of a project be approved by a municipality before the right-of-way can be acquired.
- Required that CFX encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.
- Removed the existing OOCEA authority to waive payment and performance bonds for certain public works projects awarded pursuant to an economic development program.

³⁷ Section 427.011(5), F.S., defines "community transportation coordinator" as "a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in ss. 427.011-427.017 in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area."

³⁸ Section 427.011(6), F.S., defines "transportation operator" as "one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan."

³⁹ These are required under s. 427.013(9), F.S.

⁴⁰ Part III of Ch. 348, F.S., consists of ss. 348.751 through 348.765, F.S.

⁴¹ S. 348.754(2)(n), F.S.

⁴² Ch. 2014-171-L.O.F.

- Provided that upon termination of the lease-purchase agreement of the Central Florida Expressway System, title will be retained by the state, and extends the terms of lease-purchase agreements from 40 to 99 years.
- Provided for the transfer of the Osceola County Expressway System to CFX and provides for the repeal of the Osceola County Expressway Authority Act⁴³ when the Osceola County Expressway System is transferred to CFX.

CFX currently owns and operates 105 centerline miles of roadway in Orange County, which includes:

- 22 miles of the Spessard L. Holland East-West Expressway (SR 408);
- 23 miles of the Martin Andersen Beachline Expressway (SR 528);
- 33 miles of the Central Florida GreeneWay (SR 417);
- 22 miles of the Daniel Webster Western Beltway (SR 429); and
- 5 miles of the John Land Apopka Expressway (SR 414).

Proposed Changes

The bill changes the title of Part III of Ch. 348, F.S., from Orlando-Orange County Expressway Authority to Central Florida Expressway Authority to reflect the new name of the authority.

The bill also addresses several issues relating to the make-up of the CFX governing body. The bill amends s. 348.753(3), F.S., providing that the chairs of the boards of county commission from Seminole, Lake, and Osceola Counties appoint one member of the board from their respective counties, who must be a county commission member, chair, or county mayor. The bill also provides that members appointed by the Governor have their terms end on December 31 of his or her last year of service. The bill also removes an obsolete provisions regarding the terms of standing board members from when the make-up of the board changed in the 2014 law.

The bill amends s. 348.753(4)(a), F.S., removing the requirement that one of the members of the board serve as the authority's secretary.

The bill amends s. 348.754(2)(e), F.S., clarifying that CFX is a party to a December 23, 1989, lease purchase agreement between OOCEA and DOT.

Vehicle Miles Traveled Study (Section 14)

Current Situation

Concern regarding the sustainability of transportation funding sources remains a focus of attention in the transportation arena. A number of factors have together caused a reduction in transportation revenues:

- The bulk of federal surface transportation funding comes from the federal taxes on gasoline and diesel fuel assessed on a per-gallon basis, and the tax rates are not adjusted for inflation.
- The total number of vehicle miles traveled (VMT) has declined in recent years, resulting in fewer gallons of gas and diesel sold upon which to assess federal, state, and local taxes. This number is not expected to return to previously realized growth levels.
- Vehicle fuel efficiency continues to increase, also lowering the demand for gallons of gas and diesel.⁴⁴

Various alternatives to the existing gas and diesel taxes have been considered. One alternative is to replace those taxes with a "vehicle-miles-traveled tax" or a "mileage-based user fee":

⁴³ Part V of Ch. 348, F.S.

⁴⁴ See the Center for Urban Transportation Research, *Florida MPOAC Transportation Revenue Study*, July 2012. On file in the House Transportation & Ports Subcommittee.

Mileage-based user fees (MBUF) are an alternative way to finance the construction and maintenance of roads. Rather than the current gas tax method, which is based on the amount of fuel purchased at the pump, a VMT tax is based on how many miles are driven.⁴⁵

According to the Mileage-based User Fee Alliance, use of a distance-traveled mechanism is already being successfully implemented in several European nations and in New Zealand. Domestically, "...states are taking a lead in helping to resolve many of the implementation questions by working with academia, industry partners and each other to devise mileage-based user fee pilot projects around the country."⁴⁶

The State of Oregon appears to have made the most progress in the United States, having already completed two pilots and planning implementation of a voluntary program, beginning July 1, 2015, using 5,000 vehicles.⁴⁷ Interest has been expressed in developing a Florida-specific, implementable pilot project to determine the efficacy of a VMT fee as a viable alternative to per-gallon gas and diesel taxes.

Proposed Changes

The bill provides legislative recognition that the existing fuel tax structure used by the state to derive revenues for transportation projects is increasingly becoming inadequate to meet the state's long-term transportation infrastructure needs. The Legislature directs DOT, in cooperation with the Florida Transportation Commission (FTC), to study the impact of implementing a system that charges drivers based on VMT as an alternative, sustainable source for transportation funding. DOT, in cooperation with FTC, is required to issue a request for proposals to conduct a study of the viability of implementing a system that charges drivers based on VMT as an alternative to the present fuel tax structure to fund transportation projects. The study is required to synthesize previous research and findings from other states. The study shall, at a minimum, address the following specific issues:

- Various methods of recording and reporting highway use, including availability, adaptability, reliability, ease of use, cost, and security.
- Protection of personally identifiable information and relieving other privacy concerns.
- Ease and cost of administering charges for VMT compared to imposing fuel taxes.
- Effectiveness of methods of maintaining compliance.
- Interoperability with tolling.
- Interoperability with other states and visiting vehicles from out of state.
- Assessment of public acceptability of a charge for VMT compared to the fuel tax.
- The means of establishing rates for various vehicles based on type, weight, and roadways used.

In addition, the study is required to address the advantages and disadvantages of a VMT system, and other options for financing the state's transportation system, and the estimated fiscal impact for implementing a VMT system.

By December 31, 2016, DOT and FTC are required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the study's findings and making recommendations regarding the feasibility and means of implementing a VMT pilot project.

Effective Date (Section 15)

The bill has an effective date of July 1, 2015.

⁴⁵ See Mileage-Based User Fee Alliance website: <http://mbufa.org/about.html>. (Last visited March 4, 2015).

⁴⁶ See MBUFA website: <http://mbufa.org/where.html>. (Last visited March 4, 2015). Colorado, Minnesota, Nevada, New York City, Texas, Washington, the University of Iowa, and the I-95 Corridor Coalition have all undertaken efforts with respect to a

⁴⁷ See *Oregon's VMT Pilot to Begin its Third Phase – Road usage Charge Program Update*: <http://www.nlc.org/media-center/news-search/oregon%E2%80%99s-vmt-pilot-to-begin-its-third-phase-road-usage-charge-program-update>. (Last visited March 4, 2015).

B. SECTION DIRECTORY:

- Section 1 Creates s. 287.0836, F.S., relating to sustainable transportation services procurement.
- Section 2 Amends s. 316.003, F.S., relating to definitions.
- Section 3 Amends s. 316.303, F.S., relating to television receivers.
- Section 4 Creates s. 335.21, F.S., relating to governing bodies of independent special districts.
- Section 5 Amends s. 338.231, F.S., relating to turnpike tolls, fixing, pledge of tolls and other revenues.
- Section 6 Amends s. 339.175, F.S., relating to metropolitan planning organizations.
- Section 7 Amends s. 339.64, F.S., relating to the strategic intermodal system plan.
- Section 8 Repeals s. 341.0532, F.S., relating to Florida statewide transportation corridors.
- Section 9 Creates s. 341.1025, F.S., relating to public transit providers; transportation network company agreements for the provision of public transit service.
- Section 10 Retitles Part III of Ch. 348, F.S.
- Section 11 Amends s. 348.753, F.S., relating to the Central Florida Expressway Authority.
- Section 12 Amends s. 348.754, F.S., relating to the purposes and powers of the Central Florida Expressway Authority.
- Section 13 Requires the Commission for Transportation Disadvantaged, in cooperation with the Center for Urban Transportation Research to implement a pilot program.
- Section 14 Requires the Department of Transportation in cooperation with the Florida Transportation Commission to study a vehicle miles traveled funding mechanism for transportation infrastructure.
- Section 15 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOT may experience minimal costs associated with considering autonomous vehicles in its SIS plan.

Contingent on legislative appropriation, the bill authorizes the Commission for the Transportation Disadvantaged to expend up to \$750,000 on the pilot program for using a transportation network company as a transportation operator.

There will be costs associated with DOT and the FTC conducting a study on vehicle miles traveled. However, the cost of the study is unknown at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

MPOs may experience minimal costs associated with considering autonomous vehicles in their long-range transportation plans.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Allowing autonomous vehicles to be equipped with television-type devices that can be visible from the driver's seat may encourage additional autonomous vehicle testing in the state. However, any economic impact of autonomous vehicle testing is unknown at this time.

Allowing the use of TNCs for the provision of certain public transit and transportation disadvantaged services may provide a cost savings, however, the savings is unknown at this time.

There may be a fiscal impact associated with authorizing contracts with TNCs to provide public transit services, however, the impact is indeterminate.

The bill does not provide any funding for the VMT study.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to transportation; creating s.
 3 287.0836, F.S.; requiring an agency to consider
 4 specified criteria when evaluating a proposal or reply
 5 received for procurement of specified transportation
 6 services; amending s. 316.003, F.S.; reorganizing
 7 certain definition provisions relating to autonomous
 8 vehicles; amending s. 316.303, F.S.; providing
 9 exceptions to a prohibition of a viewer or screen
 10 visible from the driver's seat of a motor vehicle;
 11 creating s. 335.21, F.S.; requiring the governing body
 12 of an independent special district created to regulate
 13 the operation of public vehicles on public highways to
 14 consist of certain members; amending s. 338.231, F.S.,
 15 relating to turnpike revenue; removing a provision
 16 authorizing the use of such revenue for payment of
 17 principal and interest of certain bonds and certain
 18 expenses of the Sawgrass Expressway; amending s.
 19 339.175, F.S.; revising requirements for long-range
 20 transportation plans developed by metropolitan
 21 planning organizations; amending s. 339.64, F.S.,
 22 relating to the Strategic Intermodal System Plan;
 23 requiring the Department of Transportation to
 24 coordinate with certain partners and industry
 25 representatives to consider infrastructure and
 26 technological improvements necessary to accommodate

27 advances in vehicle technology; revising requirements
 28 for a needs assessment; repealing s. 341.0532, F.S.,
 29 relating to transportation corridors; removing
 30 provisions that specify certain transportation
 31 facilities as statewide transportation corridors;
 32 creating s. 341.1025, F.S.; authorizing a public
 33 transit provider to enter into agreements with a
 34 transportation network company for the provision of
 35 certain transit services; defining the term
 36 "transportation network company"; revising the title
 37 of part III of chapter 348, F.S.; amending s. 348.753,
 38 F.S.; revising requirements for appointments to the
 39 governing body of the Central Florida Expressway
 40 Authority; specifying that terms of members appointed
 41 by the Governor end on a specified date; removing a
 42 requirement that the authority elect one of its
 43 members as secretary; amending s. 348.754, F.S.;
 44 specifying that the Central Florida Expressway
 45 Authority is a party to a certain lease-purchase
 46 agreement between the department and the Orlando-
 47 Orange County Expressway Authority; directing the
 48 Commission for the Transportation Disadvantaged, in
 49 cooperation with the Center for Urban Transportation
 50 Research, to develop and implement a pilot program
 51 with at least one community transportation coordinator
 52 relating to the use of a transportation network

53 company as a transportation operator; providing
 54 requirements for the pilot program; requiring the
 55 commission to present a report to the Legislature;
 56 directing the department, in cooperation with the
 57 Florida Transportation Commission, to provide for a
 58 study on the viability of implementing a system that
 59 charges drivers based on their vehicle miles traveled
 60 as an alternative to the present fuel tax structure to
 61 fund transportation projects; providing requirements
 62 for the study; requiring a report to the Governor and
 63 the Legislature; providing an effective date.

64

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

66

67 Section 1. Section 287.0836, Florida Statutes, is created
 68 to read:

69 287.0836 Sustainable transportation services procurement.-

70 An agency must consider the following criteria when evaluating a
 71 proposal or reply received pursuant to a request for proposals
 72 or an invitation to negotiate for services related to cargo,
 73 freight, or package delivery:

74 (1) Whether the vendor uses alternative fuels, including
 75 natural gas fuel as defined in s. 377.810.

76 (2) The fuel efficiency of the vehicles used by the
 77 vendor.

78 Section 2. Subsection (90) of section 316.003, Florida

79 Statutes, is amended, subsections (91), (92), and (93) are
 80 renumbered as subsections (92), (93), and (94), respectively,
 81 and a new subsection (91) is added to that section, to read:

82 316.003 Definitions.—The following words and phrases, when
 83 used in this chapter, shall have the meanings respectively
 84 ascribed to them in this section, except where the context
 85 otherwise requires:

86 (90) AUTONOMOUS VEHICLE.—Any vehicle equipped with
 87 autonomous technology. ~~The term "autonomous technology" means~~
 88 ~~technology installed on a motor vehicle that has the capability~~
 89 ~~to drive the vehicle on which the technology is installed~~
 90 ~~without the active control or monitoring by a human operator.~~
 91 The term excludes a motor vehicle enabled with active safety
 92 systems or driver assistance systems, including, without
 93 limitation, a system to provide electronic blind spot
 94 assistance, crash avoidance, emergency braking, parking
 95 assistance, adaptive cruise control, lane keep assistance, lane
 96 departure warning, or traffic jam and queuing assistant, unless
 97 any such system alone or in combination with other systems
 98 enables the vehicle on which the technology is installed to
 99 drive without the active control or monitoring by a human
 100 operator.

101 (91) AUTONOMOUS TECHNOLOGY.—Technology installed on a
 102 motor vehicle that has the capability to drive the vehicle on
 103 which the technology is installed without the active control or
 104 monitoring by a human operator.

105 Section 3. Subsections (1) and (3) of section 316.303,
 106 Florida Statutes, are amended to read:

107 316.303 Television receivers.—

108 (1) A ~~Ne~~ motor vehicle operated on the highways of this
 109 state shall not be equipped with television-type receiving
 110 equipment so located that the viewer or screen is visible from
 111 the driver's seat unless the vehicle is equipped with autonomous
 112 technology and is being operated in autonomous mode as provided
 113 in s. 316.85(2).

114 (3) This section does not prohibit the use of an
 115 electronic display used in conjunction with a vehicle navigation
 116 system or an electronic display used by an operator of a vehicle
 117 equipped with autonomous technology while the vehicle is being
 118 operated in autonomous mode as provided in s. 316.85(2).

119 Section 4. Section 335.21, Florida Statutes, is created to
 120 read:

121 335.21 Governing bodies of independent special districts
 122 regulating operation of public vehicles on public highways.—
 123 Notwithstanding any provision of local law, the membership of
 124 the governing body of an independent special district created
 125 for the purpose of regulating the operation of public vehicles
 126 upon the public highways under the jurisdiction of the
 127 independent special district shall consist of seven members.
 128 Four members shall be appointed by the Governor, one member
 129 shall be appointed by the governing body of the largest
 130 municipality situated within the jurisdiction of the independent

131 special district, and two members shall be appointed by the
 132 governing body of the county in which the independent special
 133 district has jurisdiction. All appointees must be residents of
 134 the county in which the independent special district has
 135 jurisdiction.

136 Section 5. Subsection (5) of section 338.231, Florida
 137 Statutes, is amended to read:

138 338.231 Turnpike tolls, fixing; pledge of tolls and other
 139 revenues.—The department shall at all times fix, adjust, charge,
 140 and collect such tolls and amounts for the use of the turnpike
 141 system as are required in order to provide a fund sufficient
 142 with other revenues of the turnpike system to pay the cost of
 143 maintaining, improving, repairing, and operating such turnpike
 144 system; to pay the principal of and interest on all bonds issued
 145 to finance or refinance any portion of the turnpike system as
 146 the same become due and payable; and to create reserves for all
 147 such purposes.

148 ~~(5) In each fiscal year while any of the bonds of the~~
 149 ~~Broward County Expressway Authority series 1984 and series 1986—~~
 150 ~~A remain outstanding, the department is authorized to pledge~~
 151 ~~revenues from the turnpike system to the payment of principal~~
 152 ~~and interest of such series of bonds and the operation and~~
 153 ~~maintenance expenses of the Sawgrass Expressway, to the extent~~
 154 ~~gross toll revenues of the Sawgrass Expressway are insufficient~~
 155 ~~to make such payments. The terms of an agreement relative to the~~
 156 ~~pledge of turnpike system revenue will be negotiated with the~~

157 ~~parties of the 1984 and 1986 Broward County Expressway Authority~~
 158 ~~lease-purchase agreements, and subject to the covenants of those~~
 159 ~~agreements. The agreement must establish that the Sawgrass~~
 160 ~~Expressway is subject to the planning, management, and operating~~
 161 ~~control of the department limited only by the terms of the~~
 162 ~~lease-purchase agreements. The department shall provide for the~~
 163 ~~payment of operation and maintenance expenses of the Sawgrass~~
 164 ~~Expressway until such agreement is in effect. This pledge of~~
 165 ~~turnpike system revenues is subordinate to the debt service~~
 166 ~~requirements of any future issue of turnpike bonds, the payment~~
 167 ~~of turnpike system operation and maintenance expenses, and~~
 168 ~~subject to any subsequent resolution or trust indenture relating~~
 169 ~~to the issuance of such turnpike bonds.~~

170 Section 6. Paragraph (c) of subsection (7) of section
 171 339.175, Florida Statutes, is amended to read:

172 339.175 Metropolitan planning organization.—

173 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
 174 develop a long-range transportation plan that addresses at least
 175 a 20-year planning horizon. The plan must include both long-
 176 range and short-range strategies and must comply with all other
 177 state and federal requirements. The prevailing principles to be
 178 considered in the long-range transportation plan are: preserving
 179 the existing transportation infrastructure; enhancing Florida's
 180 economic competitiveness; and improving travel choices to ensure
 181 mobility. The long-range transportation plan must be consistent,
 182 to the maximum extent feasible, with future land use elements

183 and the goals, objectives, and policies of the approved local
184 government comprehensive plans of the units of local government
185 located within the jurisdiction of the M.P.O. Each M.P.O. is
186 encouraged to consider strategies that integrate transportation
187 and land use planning to provide for sustainable development and
188 reduce greenhouse gas emissions. The approved long-range
189 transportation plan must be considered by local governments in
190 the development of the transportation elements in local
191 government comprehensive plans and any amendments thereto. The
192 long-range transportation plan must, at a minimum:

193 (c) Assess capital investment and other measures necessary
194 to:

195 1. Ensure the preservation of the existing metropolitan
196 transportation system including requirements for the operation,
197 resurfacing, restoration, and rehabilitation of major roadways
198 and requirements for the operation, maintenance, modernization,
199 and rehabilitation of public transportation facilities; and

200 2. Make the most efficient use of existing transportation
201 facilities to relieve vehicular congestion, improve safety, and
202 maximize the mobility of people and goods. Such efforts shall
203 include, but not be limited to, consideration of infrastructure
204 and technological improvements necessary to accommodate advances
205 in vehicle technology, such as autonomous vehicle technology and
206 other developments.

207
208 In the development of its long-range transportation plan, each

209 M.P.O. must provide the public, affected public agencies,
 210 representatives of transportation agency employees, freight
 211 shippers, providers of freight transportation services, private
 212 providers of transportation, representatives of users of public
 213 transit, and other interested parties with a reasonable
 214 opportunity to comment on the long-range transportation plan.
 215 The long-range transportation plan must be approved by the
 216 M.P.O.

217 Section 7. Paragraph (a) of subsection (4) of section
 218 339.64, Florida Statutes, is amended, and paragraph (c) is added
 219 to subsection (3) of that section, to read:

220 339.64 Strategic Intermodal System Plan.—

221 (3)

222 (c) The department shall also coordinate with federal,
 223 regional, and local partners, as well as industry
 224 representatives, to consider infrastructure and technological
 225 improvements necessary to accommodate advances in vehicle
 226 technology, such as autonomous vehicle technology and other
 227 developments, in Strategic Intermodal System facilities.

228 (4) The Strategic Intermodal System Plan shall include the
 229 following:

230 (a) A needs assessment. Such assessment shall include, but
 231 not be limited to, consideration of infrastructure and
 232 technological improvements necessary to accommodate advances in
 233 vehicle technology, such as autonomous vehicle technology and
 234 other developments.

235 Section 8. Section 341.0532, Florida Statutes, is
 236 repealed.

237 Section 9. Section 341.1025, Florida Statutes, is created
 238 to read:

239 341.1025 Public transit providers; transportation network
 240 company agreements for provision of public transit service.-A
 241 public transit provider may enter into an agreement with a
 242 transportation network company under which the transportation
 243 network company provides paratransit or public transit service
 244 on behalf of the provider. As used in this section, the term
 245 "transportation network company" means an entity that uses a
 246 digital or software application to connect passengers to
 247 services provided by transportation network company drivers.

248 Section 10. Part III of chapter 348, Florida Statutes,
 249 consisting of ss. 348.751-348.765, Florida Statutes, is retitled
 250 "Central Florida Expressway Authority."

251 Section 11. Subsection (3) and paragraph (a) of subsection
 252 (4) of section 348.753, Florida Statutes, are amended to read:

253 348.753 Central Florida Expressway Authority.-

254 (3) The governing body of the authority shall consist of
 255 nine members. The chairs of the boards of the county commissions
 256 of Seminole, Lake, and Osceola Counties shall each appoint one
 257 member from its respective county, who must ~~may~~ be a commission
 258 member or chair or a county mayor. The Mayor of Orange County
 259 shall appoint a member from the Orange County Commission. The
 260 Governor shall appoint three citizen members, each of whom must

261 be a citizen of either Orange County, Seminole County, Lake
 262 County, or Osceola County. The ~~eight member must be the~~ Mayor
 263 of Orange County and. ~~The ninth member must be the~~ Mayor of the
 264 City of Orlando shall also serve as members. The executive
 265 director of the Florida Turnpike Enterprise shall serve as a
 266 nonvoting advisor to the governing body of the authority. Each
 267 member appointed by the Governor shall serve for 4 years, with
 268 his or her term ending on December 31 of his or her last year of
 269 service. Each county-appointed member shall serve for 2 years.
 270 ~~The terms of standing board members expire June 20, 2014.~~ Each
 271 appointed member shall hold office until his or her successor
 272 has been appointed and has qualified. A vacancy occurring during
 273 a term must be filled only for the balance of the unexpired
 274 term. Each appointed member of the authority shall be a person
 275 of outstanding reputation for integrity, responsibility, and
 276 business ability, but, except as provided in this subsection, a
 277 person who is an officer or employee of a municipality or county
 278 may not be an appointed member of the authority. Any member of
 279 the authority is eligible for reappointment.

280 (4) (a) The authority shall elect one of its members as
 281 chair of the authority. The authority shall also elect one of
 282 its members as vice chair, ~~one of its members as secretary,~~ and
 283 one of its members as treasurer. The chair, vice chair,
 284 ~~secretary,~~ and treasurer shall hold such offices at the will of
 285 the authority. Five members of the authority constitute a
 286 quorum, and the vote of five members is necessary for any action

287 taken by the authority. A vacancy in the authority does not
 288 impair the right of a quorum of the authority to exercise all of
 289 the rights and perform all of the duties of the authority.

290 Section 12. Paragraph (e) of subsection (2) of section
 291 348.754, Florida Statutes, is amended to read:

292 348.754 Purposes and powers.—

293 (2) The authority may exercise all powers necessary,
 294 appurtenant, convenient, or incidental to the implementation of
 295 the stated purposes, including, but not limited to, the
 296 following rights and powers:

297 (e) To enter into and make lease-purchase agreements with
 298 the department for terms not exceeding 99 years, or until any
 299 bonds secured by a pledge of rentals pursuant to the agreement,
 300 and any refundings pursuant to the agreement, are fully paid as
 301 to both principal and interest, whichever is longer. The
 302 authority is a party to a lease-purchase agreement between the
 303 department and the Orlando-Orange County Expressway Authority
 304 dated December 23, 1985, as supplemented by a first supplement
 305 to the lease-purchase agreement dated November 25, 1986, and a
 306 second supplement to the lease-purchase agreement dated October
 307 27, 1988. The authority may not enter into other lease-purchase
 308 agreements with the department and may not amend the existing
 309 agreement in a manner that expands or increases the department's
 310 obligations unless the department determines that the agreement
 311 or amendment is necessary to permit the refunding of bonds
 312 issued before July 1, 2013.

313 Section 13. (1) The Commission for the Transportation
 314 Disadvantaged, in cooperation with the Center for Urban
 315 Transportation Research, shall develop and implement a pilot
 316 program with at least one community transportation coordinator
 317 to assess the potential for increasing accessibility and cost
 318 effectiveness made possible through use of a transportation
 319 network company as a transportation operator. As used in this
 320 section, the term "transportation network company" means an
 321 entity that uses a digital or software application to connect
 322 passengers to services provided by transportation network
 323 company drivers.

324 (2) The pilot program must allow for one or more
 325 transportation network companies to provide all or some
 326 nonsponsored paratransit services to eligible transportation
 327 disadvantaged persons for no less than 6 months. A participating
 328 transportation network company shall comply with all relevant
 329 standards for transportation operators as required under s.
 330 427.013(9), Florida Statutes.

331 (3) Contingent upon legislative appropriation, the
 332 commission may expend up to \$750,000 for the pilot program.

333 (4) The commission shall present the findings of the pilot
 334 program in a report to President of the Senate and the Speaker
 335 of the House of Representatives by October 1, 2016.

336 Section 14. Transportation system funding.—The Legislature
 337 recognizes that the existing fuel tax structure used to derive
 338 revenues for the funding of transportation projects in this

339 state is becoming increasingly inadequate to meet the state's
340 long-term transportation infrastructure needs. Therefore, the
341 Legislature directs the Department of Transportation, in
342 cooperation with the Florida Transportation Commission, to
343 conduct a study on the impact of implementing a system that
344 charges drivers based on the vehicle miles traveled as an
345 alternative, sustainable source of transportation funding.

346 (1) The Department of Transportation, in cooperation with
347 the Florida Transportation Commission, shall issue a request for
348 proposals to conduct a study on the viability of implementing a
349 system in this state that charges drivers based on their vehicle
350 miles traveled as an alternative to the present fuel tax
351 structure to fund transportation projects. The study shall
352 synthesize previous research and findings from other states. The
353 study shall, at a minimum, address the following issues:

354 (a) Various methods of recording and reporting highway
355 use, including availability, adaptability, reliability, ease of
356 use, cost, and security.

357 (b) Protection of personally identifiable information and
358 relieving other privacy concerns.

359 (c) Ease and cost of administering charges for vehicle
360 miles traveled compared to imposing fuel taxes.

361 (d) Effectiveness of methods of maintaining compliance.

362 (e) Interoperability with tolling.

363 (f) Interoperability with other states and visiting
364 vehicles from out of state.

365 (g) Assessments of public acceptability of a charge for
 366 vehicle miles traveled compared to the fuel tax.

367 (h) The means of establishing rates for various vehicles
 368 based on type, weight, and roadways used.

369 (2) In addition, the study must address the advantages and
 370 disadvantages of a vehicle-miles-traveled system, other options
 371 for funding the state's transportation system, and the estimated
 372 fiscal impact of implementing a vehicle-miles-traveled system.

373 (3) By December 31, 2016, the Department of Transportation
 374 and the Florida Transportation Commission shall submit a report
 375 to the Governor, the President of the Senate, and the Speaker of
 376 the House of Representatives detailing the findings of the study
 377 and making recommendations regarding the feasibility and means
 378 of implementing a vehicle-miles-traveled system pilot project.

379 Section 15. This act shall take effect July 1, 2015.



Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Ports
 2 Subcommittee

3 Representative Rooney offered the following:

4
 5 **Amendment (with title amendment)**

6 Between lines 118 and 119, insert:

7 Section 4. Subsection (14) of section 316.515, Florida
 8 Statutes, is amended to read:

9 316.515 Maximum width, height, length.—

10 (14) MANUFACTURED BUILDINGS.—The Department of
 11 Transportation may, in its discretion and upon application and
 12 good cause shown therefor that the same is not contrary to the
 13 public interest, issue a special permit for truck tractor-
 14 semitrailer combinations where the total number of overwidth
 15 deliveries of manufactured buildings, as defined in s.
 16 553.36(13), may be reduced by permitting the use of multiple



Amendment No. 1.

17 sections or single units on an overlength trailer of no more
18 than 80 ~~54~~ feet.

19

20

21

22

T I T L E A M E N D M E N T

23

Between lines 10 and 11, insert:

24

amending s. 316.515, F.S.; authorizing the Department of

25

Transportation to permit truck tractor-semitrailer combinations

26

where the total number of overwidth deliveries of manufactured

27

buildings may be reduced by the transport of multiple sections

28

or single units on an overlength trailer of no more than a

29

specified length under certain circumstances;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 817 Transportation Network Companies

SPONSOR(S): Gaetz

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee		Johnson <i>AS</i>	Vickers <i>PW</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

Currently, transportation network companies (TNC) are not referenced in state statutes, however, some local jurisdictions have passed regulations regarding these entities. The bill preempts to the state the regulation of TNCs and creates a regulatory framework for the operation of TNCs. Specifically, the bill:

- Provides definitions.
- Provides that a TNC is not a common carrier and does not provide taxi or for-hire vehicle service.
- Requires a permit from the Department of Highway Safety and Motor Vehicles (DHSMV) to operate a TNC.
- Provides an annual registration fee for TNCs.
- Requires that TNCs that charge fares disclose the fare calculation.
- Requires the identification of vehicles and drivers.
- Requires an electronic receipt to be provided to TNC passengers.
- Provides minimum TNC and driver insurance requirements.
- Provides certain TNC and insurer disclosure requirements.
- Requires TNCs to have a zero tolerance policy for drug or alcohol use.
- Provides minimum requirements for TNC drivers.
- Prohibits certain conduct from TNC drivers.
- Requires TNCs to develop a policy on nondiscrimination and accessibility.
- Requires TNCs to maintain certain records for a minimum period of time.
- Limits the disclosure of personal identifying information.
- Authorizes DHSMV to adopt rules.

The bill has an indeterminate positive fiscal impact on DHSMV. The bill has a potential negative fiscal impact on local governments that are currently collecting fees from TNCs.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Currently, the majority of taxi regulation in the State of Florida is controlled by local governments. Florida law currently provides the following requirements relating to limousines and taxis to:

- Require that taxis and limousines must maintain a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, up to \$250,000 per incident for bodily injury, and \$50,000 for property damage;¹
- qualify an owner or lessee who is required to maintain insurance under s. 324.021(9)(b), F.S., and who operates at least 300 taxicabs, limousines, jitneys, or any other for-hire passenger vehicles to fulfill the requirement through self-insurance as provided by s. 324.171, F.S.;²
- define that with respect to workers' compensation an "employee" is not a taxicab, limousine, or other passenger vehicle-for-hire driver who operates said vehicles pursuant to a written agreement with a company which provides any dispatch, marketing, insurance, communications, or other services under which the driver and any fees or charges paid by the driver to the company for such services are not conditioned upon, or expressed as a proportion of, fare revenues;³
- provide that the child restraint requirements imposed by s. 316.613, F.S., do not apply to a chauffeur-driven taxi, limousine, sedan, van, bus, motor coach, or other passenger vehicle if the operator and the motor vehicle are hired and used for the transportation of persons for compensation; and
- provide that, to the extent not inconsistent with general or special law, the legislative and governing body of a county must have the power to carry on county government, including, but not restricted to, the power to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1), F.S.,⁴ must on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, must be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

For-hire vehicle services are undergoing changes with respect to models most often associated with the provision of transportation to individuals, such as by taxi. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages. Some states and local governments have taken steps to recognize and regulate companies using these new methods, which describe themselves as "transportation network companies" (TNCs) and not vehicles for hire.

¹ S. 324.032(1), F.S.

² S. 324.032(2), F.S.

³ S. 440.02, F.S.

⁴ "County" means any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word "county" within the above provisions must include "board of county commissioners" of such county.

California was the first state to recognize TNCs,⁵ such as Uber, Lyft, and SideCar, which use these new methods to match drivers of vehicles with passengers requesting vehicles for transportation. Presently, Florida law does not recognize TNCs, but some local governments have adopted local regulations authorizing TNCs to operate within the given local jurisdiction, some have rejected new regulations in favor of existing for-hire vehicle regulations, and some local governments are currently considering new regulations.

Proposed Changes

The bill creates s. 316.830, F.S., relating to transportation network companies.

Definitions

The bill provides the following definitions:

- Transportation Network Company or Company-an entity granted a permit under s. 316.680, F.S., to operate in this state using a digital network or software application service to connect passengers to TNC service provided by drivers. A company is not deemed to own, control, operate, or manage the vehicles used by drivers and is not a taxicab association or for-hire vehicle owner.
- Transportation Network Company Driver or Driver-an individual who operates a motor vehicle that is:
 - Owned, leased, or otherwise authorized for use by the individual.
 - Not a taxi, jitney, limousine, or for hire vehicle as defined in s. 320.01(15), F.S.⁶
 - Used to provide TNC service.
- Transportation Network Company Service-the transportation of a passenger between points chosen by the passenger and prearranged with a driver through the use of a company digital network or software application service. Service begins when a driver accepts a request for transportation received through the company's digital network or software application service, continues while the driver transports the passenger in the driver's vehicle, and ends when the passenger exits the driver's vehicle. The term does not include a taxi, for-hire vehicle, or street hail service.
- Trip-The duration of TNC service beginning at the point of origin where the passenger enters the driver's vehicle and ending at a point of destination where the passenger exits the vehicle.

⁵ See Forbes, *California Becomes First State to Regulate Ridesharing Services Lyft, Sidecar, UberX*:

<http://www.forbes.com/sites/tomiogeron/2013/09/19/california-becomes-first-state-to-regulate-ridesharing-services-lyft-sidecar-uberx/>. (Last visited March 4, 2015).

⁶ Section 320.01(15), F.S. defines "For-hire vehicle" as any motor vehicle, when used for transporting persons or goods for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a "share-expense" basis. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is "for hire." The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation "for hire." 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."

Not Common Carriers

The bill provides that a TNC or its driver is not a common carrier and does not provide taxi or for-hire vehicle service.

Permit Required

The bill requires a person to obtain a permit from the Department of Highway Safety and Motor Vehicles (DHSMV) to operate a TNC in the state.

DHSMV is required to issue a permit to each applicant meeting the TNC requirements and paying DHSMV an annual permit fee of \$5,000.

Agent for Service of Process Required

The bill requires each TNC to designate and maintain an agent for service of process in the state.

Fare Charged for TNC Service

The bill authorizes TNCs to charge a fare for TNC service provided to passengers. If the TNC charges a fare, it must disclose the fare calculation method on its website or within the digital network software application service. Before the passenger enters the driver's vehicles, the TNC is required to provide the passenger with the applicable rates being charged or the option to receive an estimate fare.

Identification of Vehicles and Drivers

The bill requires the company's software application to display a picture of the driver and the license plate number of the motor vehicle used to provide TNC service before the passenger enters the driver's vehicle.

Electronic Receipt

The bill requires the TNC, within a reasonable period of time after the completion of a trip, to be determined by DHSMV, to provide the passenger an electronic receipt, which lists:

- The origin and destination of the trip.
- The total time and distance of the trip.
- An itemization of the total fare paid.

TNC and Driver Insurance Requirements

The bill provides that beginning October 1, 2015, TNCs and their drivers must comply with the prescribed automobile liability insurance requirements.

When a TNC driver is logged into the TNC's digital network and available to receive requests for transportation, but is not providing THC service: the following automobile liability insurance requirements apply:

- Automobile liability insurance that meets at least the minimum coverage requirements under s. 324.021(7)(a)-(c), F.S.
- Automobile liability insurance that provides the minimum personal injury protection requirements under s. 627.736, F.S.
- A TNC shall maintain automobile liability insurance in the amount required above and shall provide coverage in the event a participating driver's own automobile liability policy excludes coverage according to its policy terms and limits or does not provide coverage for the minimum requirements above.

When a driver is providing TNC service, the following automobile liability insurance requirements apply:

- Automobile liability insurance that recognizes the driver's provision of TNC service.
- Automobile liability insurance of at least \$1 million for death, personal injury, and property damage.

- Automobile liability insurance that provides the minimum personal injury protection coverage requirements as required by s. 627.736.

The coverage requirements above may be satisfied by:

- Automobile liability insurance maintained by the driver;
- Automobile liability insurance maintained by the TNC; or
- A combination of coverage maintained by the driver and the TNC.

If the insurance maintained by the driver has lapsed, failed to provide the required coverage, denied a claim for the required coverage, or otherwise ceased to exist, insurance maintained by the TNC shall provide the coverage required beginning with the first dollar of the claim.

The required insurance may be placed with an insurer authorized to do business in the state or with a surplus lines insurer eligible under the Surplus Lines Law.⁷

A TNC or driver may prove financial responsibility⁸ by providing satisfactory evidence of holding an automobile liability policy.

TNC and Insurer Disclosure Requirements

The bill requires the TNC to disclose in writing to drivers before drivers are allowed to accept a request for TNC service on the company's digital network the following:

- The insurance coverage limits of liability that the company provides when the driver uses a personal vehicle in connection with a TNC's digital network.
- That the driver's personal insurance policy may not provide coverage while the driver uses a vehicle in connection with a TNC's digital network.

An insurer that provides automobile liability insurance policies under part XI of Ch. 627, F.S.,⁹ may:

- Exclude any and all coverage and the duty to defend the owner's insurance policy for a loss or injury that occurs while an insured vehicle provides or is available to provide TNC service, if such exclusion is expressly set forth in the policy and approved for sale in the state. This right to exclude coverage and the duty to indemnify and defend applies to any coverage included in an automobile insurance policy, including, but not limited to:
 - Liability coverage for bodily injury and property damage.
 - Uninsured and underinsured motorist coverage.
 - Comprehensive physical damage coverage.
 - Collision physical damage coverage.
 - Personal injury protection.

The insurer is required to notify the insured within 30 days after receiving a notice of loss that the insurer has no duty to defend or indemnify any person or organization for liability for a loss that is properly excluded pursuant to the terms of the applicable primary or excess insurance policy.

An insurer that provides automobile liability insurance in the state must disclose in a prominent place on its application for insurance whether the insurance policy provides coverage for an insured vehicle providing or available to provide TNC service. If an automobile liability insurance policy contains an exclusion for TNC service, the insurer or its agent must disclose in writing the exact language of such exclusion to the applicant during the application process.

⁷ SS. 626.913-626.937, F.S.

⁸ This is under Ch. 324, F.S. and s. 627.733, F.S.

⁹ Part XI of Ch. 627, F.S., relates to motor vehicle property and casualty insurance contracts.

In a claims coverage investigation, TNCs and any insurer providing coverage under s. 316.680, F.S., shall cooperate to facilitate the exchange of information, including the precise times that a driver logged on or off the TNC's digital network in the 24-hour period immediately preceding the accident and disclose to one another a clear description of the coverage, exclusions, and the limits provided under the insurance policy each party issued or maintained.

Zero Tolerance for Drug and Alcohol Use

The bill requires TNCs to implement a zero tolerance policy on the use of drugs or alcohol by a driver who is providing TNC service or who is logged into the TNC's digital network but is not providing service.

The TNC is required to provide notice on its website of its zero tolerance policy and provide procedures for a passenger to file a complaint about a driver who a passenger reasonably suspects was under the influence of drugs or alcohol during the course of a trip.

Upon receiving a passenger complaint alleging a violation of the zero tolerance policy, the TNC is required to immediately suspend the accused driver's access to its digital platform and shall investigate the reported incident. The suspension lasts the duration of the investigation.

The company is required to maintain records of a passenger complaint for at least two years after the date the complaint is received by the TNC.

TNC Driver Requirements

Prior to allowing a person to act as a driver on its digital platform, a TNC shall:

- Require the person to submit an application, including his or her address, date of birth, driver license number, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC.
- Conduct, or have a third party conduct, a state and national criminal background check for each applicant to include:
 - The Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial national database with validation.
 - The Dru Sjodin National Sex Offender Public Website.
- Obtain and review a driving history research report on the person.

The TNC is required to prohibit a person to act as a driver on its digital platform if the person:

- Has had more than three moving violations in the preceding 3-year period or one major violation in the preceding 3-year period. A major violation includes, but is not limited to, fleeing or attempting to elude a law enforcement officer, reckless driving, or driving with a suspended or revoked license;
- Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage or theft, acts of violence, or acts of terror;
- Is a match in the Dru Sjodin National Sex Offender Public Website;
- Does not possess a valid driver license;
- Does not possess proof of registration for the motor vehicle used to provide TNC service;
- Does not possess proof of automobile liability insurance for the motor vehicle used to provide TNC service; or
- Has not attained the age of 19 years.

Vehicle Safety and Emissions

The bill requires TNCs to require that a motor vehicle used to provide TNC service meets the vehicle safety standards and emissions requirements for a private motor vehicle of the state in which the vehicle is registered.

Prohibited Conduct

The bill prohibits a driver from:

- Accepting a ride other than a ride arranged through the TNCs digital network or software application service.
- Soliciting or accepting street hails.
- Soliciting or accepting cash payment for passengers. TNCs are required to adopt a policy prohibiting solicitation or acceptance of cash payments from passengers and notify drivers of the policy. The policy must require a payment for TNC service to be made electronically using the TNCs digital network of software application service.

Nondiscrimination; Accessibility

The bill requires TNCs to adopt a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers and shall notify drivers of such policy.

Drivers are required to comply with the nondiscrimination policy.

Drivers are required to comply with all applicable laws relating to the accommodation of service animals.

The bill prohibits a company from imposing additional charges for providing TNC service to persons with physical disabilities because of those disabilities.

TNCs are required to provide passengers with the opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible service, the TNC is required to direct the passenger to an alternative provider of wheelchair-accessible service, if available.

Records

A TNC is required to maintain:

- Individual trip records for at least one year after the date each trip was provided.
- Driver records for at least one year after the date on which a driver's activation on the TNC's digital network has ended.

Personal Identifying Information

The bill provides that a TNC shall only disclose a passenger's personal identifying information to a third party if:

- The passenger consents;
- Disclosure is required by a legal obligation; or
- Disclosure is required to protect or defend the terms of use of the TNC service or to investigate violations of those terms.

Notwithstanding the above, a TNC may share a passenger's name and telephone number with the driver providing TNC service to such passenger to facilitate correct identification of the passenger by the driver or to facilitate communication between the passenger and the driver.

Preemption

The bill provides that notwithstanding any other provision of law, TNCs and its drivers are governed exclusively by s. 316.680, F.S., and any DHSMV rules adopted to administer s. 316.680, F.S. A

municipality or other local governmental entity may not impose a tax on, or require a license for, a TNC or a driver or subject a TNC to a municipality's or other local governmental entity's rate, entry, operational, or other requirements.

Rulemaking

The bill authorizes DHSMV to adopt rules to administer s. 316.680, F.S.

Effective Date

The bill has an effective date of July 1, 2015.

B. SECTION DIRECTORY:

Section 1 Creates s. 316.680, F.S., relating to transportation network companies.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. The bill will provide a positive fiscal impact to DHSMV. The bill requires TNCs to pay an annual permit fee of \$5,000 to DHSMV. The Revenue Estimating Conference has not officially estimated the impact at this time.

2. Expenditures:

DHSMV may incur some expenses associated with regulating TNCs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill preempts to the state the regulation of TNCs. To the extent municipalities and other local governmental entities are imposing fees on TNCs, they will experience a negative fiscal impact.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

TNCs may see a reduced cost associated with statewide regulation instead of regulation at the local government level.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill preempts to the state the regulation of transportation network companies; however, an exception applies since it applies to similarly situated persons, including special districts regulating transportation network companies. If the provision applies, the bill will require a two-thirds vote.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DHSMV to adopt rules administering the regulation of TNCs.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to transportation network companies;
 3 creating s. 316.680, F.S.; providing definitions;
 4 providing requirements for a person to obtain a permit
 5 as a transportation network company; providing a
 6 permit fee; requiring an agent for service of process;
 7 requiring disclosure of a company's fares; requiring
 8 display of certain information related to a
 9 transportation network company driver; requiring that
 10 a company provide an electronic receipt to a
 11 passenger; providing requirements for automobile
 12 liability insurance and insurance disclosure;
 13 requiring that a company implement a zero tolerance
 14 policy for drug and alcohol use; providing
 15 requirements for employment as a transportation
 16 network company driver; requiring that motor vehicles
 17 used by a transportation network company meet certain
 18 safety and emissions requirements; prohibiting
 19 specified conduct; requiring a company to adopt a
 20 nondiscrimination policy and meet certain requirements
 21 for accessibility; requiring a company to maintain
 22 specified records; prohibiting a company from
 23 disclosing specified information; providing for
 24 preemption; authorizing rulemaking; providing an
 25 effective date.
 26

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

28

29 Section 1. Section 316.680, Florida Statutes, is created
30 to read:

31 316.680 Transportation network companies.-

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

33 (a) "Transportation network company" or "company" means an
34 entity granted a permit under this section to operate in this
35 state using a digital network or software application service to
36 connect passengers to transportation network company service
37 provided by drivers. A company is not deemed to own, control,
38 operate, or manage the vehicles used by drivers and is not a
39 taxicab association or for-hire vehicle owner.

40 (b) "Transportation network company driver" or "driver"
41 means an individual who operates a motor vehicle that is:

42 1. Owned, leased, or otherwise authorized for use by the
43 individual.

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

46 3. Used to provide transportation network company service.

47 (c) "Transportation network company service" means the
48 transportation of a passenger between points chosen by the
49 passenger and prearranged with a driver through the use of a
50 company digital network or software application service. Service
51 begins when a driver accepts a request for transportation
52 received through the company's digital network or software

53 application service, continues while the driver transports the
 54 passenger in the driver's vehicle, and ends when the passenger
 55 exits the driver's vehicle. The term does not include a taxi,
 56 for-hire vehicle, or street hail service.

57 (d) "Trip" means the duration of transportation network
 58 company service beginning at a point of origin where the
 59 passenger enters the driver's vehicle and ending at a point of
 60 destination where the passenger exits the vehicle.

61 (2) NOT COMMON CARRIERS.—A transportation network company
 62 or transportation network company driver is not a common carrier
 63 and does not provide taxi or for-hire vehicle service.

64 (3) PERMIT REQUIRED.—

65 (a) A person must obtain a permit from the department to
 66 operate a transportation network company in this state.

67 (b) The department shall issue a permit to each applicant
 68 that meets the requirements for a transportation network company
 69 pursuant to this section and pays an annual permit fee of \$5,000
 70 to the department.

71 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A
 72 transportation network company must designate and maintain an
 73 agent for service of process in this state.

74 (5) FARE CHARGED FOR TRANSPORTATION NETWORK COMPANY
 75 SERVICE.—A transportation network company may charge a fare for
 76 the transportation network company service provided to
 77 passengers. If the company charges a fare, the company must
 78 disclose the fare calculation method on its website or within

79 the digital network software application service. Before the
 80 passenger enters the driver's vehicle, the company shall provide
 81 the passenger with the applicable rates being charged and the
 82 option to receive an estimated fare.

83 (6) IDENTIFICATION OF VEHICLES AND DRIVERS.—The company's
 84 software application service or website shall display a picture
 85 of the driver and the license plate number of the motor vehicle
 86 used to provide transportation network company service before
 87 the passenger enters the driver's vehicle.

88 (7) ELECTRONIC RECEIPT.—Within a reasonable period of
 89 time, to be determined by the department, after completion of a
 90 trip, the company shall provide an electronic receipt to the
 91 passenger which lists:

- 92 (a) The origin and destination of the trip.
- 93 (b) The total time and distance of the trip.
- 94 (c) An itemization of the total fare paid.

95 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE
 96 REQUIREMENTS.—

97 (a) Beginning October 1, 2015, companies and
 98 transportation network company drivers must comply with
 99 automobile liability insurance requirements under this
 100 subsection.

101 (b)1. When a driver is logged into the company's digital
 102 network and is available to receive requests for transportation,
 103 but is not providing transportation network company service, the
 104 following automobile liability insurance requirements shall

105 apply:

106 a. Automobile liability insurance that meets at least the
 107 minimum coverage requirements under s. 324.021(7)(a)-(c).

108 b. Automobile liability insurance that provides the
 109 minimum personal injury protection coverage requirements under
 110 s. 627.736.

111 2. A company shall maintain automobile liability insurance
 112 in the amount required in sub-subparagraph 1.a. and shall
 113 provide coverage in the event a participating driver's own
 114 automobile liability policy excludes coverage according to its
 115 policy terms or does not provide coverage of the minimum
 116 requirements in sub-subparagraph 1.b.

117 (c) When a driver is providing transportation network
 118 company service, the following automobile liability insurance
 119 requirements shall apply:

120 1. Automobile liability insurance that recognizes the
 121 driver's provision of transportation network company service.

122 2. Automobile liability insurance of at least \$1 million
 123 for death, personal injury, and property damage.

124 3. Automobile liability insurance that provides the
 125 minimum personal injury protection coverage requirements as
 126 required by s. 627.736.

127 (d) The coverage requirements of paragraph (c) may be
 128 satisfied by:

129 1. Automobile liability insurance maintained by the
 130 driver;

131 2. Automobile liability insurance maintained by the
 132 company; or

133 3. A combination of coverage maintained as provided in
 134 subparagraphs 1. and 2.

135 (e) If insurance maintained by a driver under this section
 136 has lapsed, failed to provide the required coverage, denied a
 137 claim for the required coverage, or otherwise ceased to exist,
 138 insurance maintained by the company shall provide the coverage
 139 required by this section beginning with the first dollar of a
 140 claim.

141 (f) Insurance required by this section may be placed with
 142 an insurer authorized to do business in the state or with a
 143 surplus lines insurer eligible under the Surplus Lines Law under
 144 ss. 626.913-626.937.

145 (g) A company or driver may prove financial responsibility
 146 under chapter 324 and s. 627.733 by providing satisfactory
 147 evidence of holding an automobile liability policy pursuant to
 148 this subsection.

149 (9) TRANSPORTATION NETWORK COMPANY AND INSURER DISCLOSURE
 150 REQUIREMENTS.—

151 (a) The company shall disclose in writing to drivers
 152 before the drivers are allowed to accept a request for
 153 transportation network company service on the company's digital
 154 network the following:

155 1. The insurance coverage and limits of liability that the
 156 company provides while the driver uses a personal vehicle in

157 connection with a company's digital network.

158 2. That the driver's personal insurance policy may not
 159 provide coverage while the driver uses a vehicle in connection
 160 with a company's digital network.

161 (b) An insurer that provides automobile liability
 162 insurance policies under part XI of chapter 627 may:

163 1. Exclude any and all coverage and the duty to defend
 164 afforded under the owner's insurance policy for a loss or injury
 165 that occurs while an insured vehicle provides or is available to
 166 provide transportation network company service, if such
 167 exclusion is expressly set forth in the policy and approved for
 168 sale in the state. This right to exclude coverage and the duty
 169 to indemnify and defend applies to any coverage included in an
 170 automobile liability insurance policy, including, but not
 171 limited to:

172 a. Liability coverage for bodily injury and property
 173 damage.

174 b. Uninsured and underinsured motorist coverage.

175 c. Medical payments coverage.

176 d. Comprehensive physical damage coverage.

177 e. Collision physical damage coverage.

178 f. Personal injury protection.

179 2. The insurer must notify the insured within 30 days
 180 after receiving a notice of loss that the insurer has no duty to
 181 defend or indemnify any person or organization for liability for
 182 a loss that is properly excluded pursuant to the terms of the

183 applicable primary or excess insurance policy.

184 (c) An insurer that provides automobile liability
185 insurance in the state must disclose in a prominent place on its
186 application for insurance whether the insurance policy provides
187 coverage for an insured vehicle providing or available to
188 provide transportation network company service. If an automobile
189 liability insurance policy contains an exclusion for such
190 service, the insurer or its agent must disclose in writing the
191 exact language of such exclusion to the applicant during the
192 application process.

193 (d) In a claims coverage investigation, companies and any
194 insurer providing coverage under this section shall cooperate to
195 facilitate the exchange of information, including the precise
196 times that a driver logged on and off of the company's digital
197 network in the 24-hour period immediately preceding the accident
198 and disclose to one another a clear description of the coverage,
199 exclusions, and limits provided under the insurance policy each
200 party issued or maintained.

201 (10) ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—

202 (a) A company shall implement a zero tolerance policy on
203 use of drugs or alcohol by a driver who is providing
204 transportation network company service or who is logged into the
205 company's digital network but is not providing service.

206 (b) A company shall provide notice on its website of a
207 zero tolerance policy under paragraph (a) and shall provide
208 procedures for a passenger to file a complaint about a driver

209 who the passenger reasonably suspects was under the influence of
 210 drugs or alcohol during the course of a trip.

211 (c) Upon receipt of a passenger complaint alleging a
 212 violation of the zero tolerance policy, the company shall
 213 immediately suspend the accused driver's access to the company's
 214 digital platform and shall conduct an investigation into the
 215 reported incident. The suspension shall last for the duration of
 216 the investigation.

217 (d) The company shall maintain records of a passenger
 218 complaint for a period of at least 2 years after the date such
 219 complaint is received by the company.

220 (11) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—

221 (a) Before allowing a person to act as a driver on its
 222 digital platform, the company shall:

223 1. Require the person to submit an application to the
 224 company, including his or her address, date of birth, driver
 225 license number, driving history, motor vehicle registration,
 226 automobile liability insurance, and other information required
 227 by the company.

228 2. Conduct, or have a third party conduct, a state and
 229 national criminal background check for each applicant to
 230 include:

231 a. The Multi-State/Multi-Jurisdiction Criminal Records
 232 Locator or other similar commercial national database with
 233 validation.

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

235 3. Obtain and review a driving history research report for
 236 such person.

237 (b) The company shall prohibit a person to act as a driver
 238 on its digital platform if the person:

239 1. Has had more than three moving violations in the
 240 preceding 3-year period or one major violation in the preceding
 241 3-year period. A major violation includes, but is not limited
 242 to, fleeing or attempting to elude a law enforcement officer,
 243 reckless driving, or driving with a suspended or revoked
 244 license;

245 2. Has been convicted, within the past 7 years, of driving
 246 under the influence of drugs or alcohol, fraud, sexual offenses,
 247 use of a motor vehicle to commit a felony, a crime involving
 248 property damage or theft, acts of violence, or acts of terror;

249 3. Is a match in the Dru Sjodin National Sex Offender
 250 Public Website;

251 4. Does not possess a valid driver license;

252 5. Does not possess proof of registration for the motor
 253 vehicle used to provide transportation network company service;

254 6. Does not possess proof of automobile liability
 255 insurance for the motor vehicle used to provide transportation
 256 network company service; or

257 7. Has not attained the age of 19 years.

258 (12) VEHICLE SAFETY AND EMISSIONS.—A company shall require
 259 that a motor vehicle used by a driver to provide transportation
 260 network company service meets the vehicle safety and emissions

261 requirements for a private motor vehicle of the state in which
 262 the vehicle is registered.

263 (13) PROHIBITED CONDUCT.—A driver may not:

264 (a) Accept a ride other than a ride arranged through a
 265 company's digital network or software application service.

266 (b) Solicit or accept street hails.

267 (c) Solicit or accept cash payments from passengers. A
 268 company shall adopt a policy prohibiting solicitation or
 269 acceptance of cash payments from passengers and notify drivers
 270 of such policy. Such policy must require a payment for
 271 transportation network company service to be made electronically
 272 using the company's digital network or software application
 273 service.

274 (14) NONDISCRIMINATION; ACCESSIBILITY.—

275 (a) A company shall adopt a policy of nondiscrimination on
 276 the basis of destination, race, color, national origin,
 277 religious belief or affiliation, sex, disability, age, sexual
 278 orientation, or gender identity with respect to passengers and
 279 potential passengers and shall notify drivers of such policy.

280 (b) A driver shall comply with the nondiscrimination
 281 policy.

282 (c) A driver shall comply with all applicable laws
 283 relating to accommodation of service animals.

284 (d) A company may not impose additional charges for
 285 providing transportation network company service to persons with
 286 physical disabilities because of those disabilities.

287 (e) A company shall provide passengers an opportunity to
 288 indicate whether they require a wheelchair-accessible vehicle.
 289 If a company cannot arrange wheelchair-accessible service, it
 290 shall direct the passenger to an alternate provider of
 291 wheelchair-accessible service, if available.

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

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

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

298 (16) PERSONAL IDENTIFYING INFORMATION.—

299 (a) A company shall only disclose a passenger's personal
 300 identifying information to a third party if:

- 301 1. The passenger consents;
 302 2. Disclosure is required by a legal obligation; or
 303 3. Disclosure is required to protect or defend the terms
 304 of use of the transportation network company service or to
 305 investigate violations of those terms.

306 (b) Notwithstanding paragraph (a), a company may share a
 307 passenger's name and telephone number with the driver providing
 308 transportation network company service to such passenger to
 309 facilitate correct identification of the passenger by the driver
 310 or to facilitate communication between the passenger and the
 311 driver.

312 (17) PREEMPTION.—Notwithstanding any other provision of

HB 817

2015

313 law, companies and drivers are governed exclusively by this
314 section and any rules adopted by the department to administer
315 this section. A municipality or other local governmental entity
316 may not impose a tax on, or require a license for, a company or
317 a driver or subject a company to the municipality's or other
318 local governmental entity's rate, entry, operational, or other
319 requirements.

320 (18) RULEMAKING.—The department may adopt rules to
321 administer this section.

322 Section 2. This act shall take effect July 1, 2015.



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Committee/Subcommittee hearing bill: Transportation & Ports
 2 Subcommittee
 3 Representative Gaetz offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Section 316.680, Florida Statutes, is created
 8 to read:

9 316.680 Transportation network companies.-

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

11 (a) "Transportation network company" or "company" means an
 12 entity granted a permit under this section to operate in this
 13 state using a digital network or software application service to
 14 connect passengers to transportation network company service
 15 provided by drivers. A company is not deemed to own, control,
 16 operate, or manage the vehicles used by drivers; is not deemed
 17 to control or manage drivers; and is not a taxicab association



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18 or for-hire vehicle owner. A transportation network company
19 shall not include an individual, corporation, partnership, sole
20 proprietorship, or other entity arranging non-emergency medical
21 transportation for individuals qualifying for Medicaid under
22 P.L.1968, c.413 (C.30:4D-1 et seq.) or Medicare under the
23 federal Social Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et
24 seq.) pursuant to a contract with the state or a managed care
25 organization.

26 (b) "Transportation network company driver" or "driver"
27 means an individual who operates a motor vehicle who:

28 1. Receives connections to potential passengers and
29 related services from a transportation network company in
30 exchange for payment of a fee to the transportation network
31 company; and

32 2. Operate a motor vehicle that is:

33 A. Owned, leased, or otherwise authorized for use by the
34 individual;

35 B. Not a taxi, jitney, limousine, or for-hire vehicle as
36 defined in s. 320.01(15); and

37 C. Used to provide transportation network company service.

38 (c) "Transportation network company service" means the
39 transportation of a passenger between points chosen by the
40 passenger and prearranged with a driver through the use of a
41 company digital network or software application service. Service
42 begins when a driver accepts a request for transportation
43 received through the company's digital network or software



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44 application service, continues while the driver transports the
45 passenger in the driver's vehicle, and ends when the passenger
46 exits the driver's vehicle. The term does not include a taxi,
47 for-hire vehicle, or street hail service.

48 (d) "Trip" means the duration of transportation network
49 company service beginning at a point of origin where the
50 passenger enters the driver's vehicle and ending at a point of
51 destination where the passenger exits the vehicle.

52 (2) NOT COMMON CARRIERS.—A transportation network company
53 or transportation network company driver is not a common carrier
54 and does not provide taxi or for-hire vehicle service. In
55 addition, a driver shall not be required to register the vehicle
56 such driver uses for transportation network company service as a
57 commercial vehicle or a for-hire vehicle.

58 (3) PERMIT REQUIRED.—

59 (a) A person must obtain a permit from the department to
60 operate a transportation network company in this state.

61 (b) The department shall issue a permit to each applicant
62 that meets the requirements for a transportation network company
63 pursuant to this section and pays an annual permit fee of \$5,000
64 to the department.

65 (4) AGENT FOR SERVICE OF PROCESS REQUIRED.—A

66 transportation network company must designate and maintain an
67 agent for service of process in this state.

68 (5) FARE COLLECTED FOR SERVICES.—On behalf of a driver, a
69 company may collect a fare for the services provided to



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70 passengers; provided that, if a fare is collected from a
71 passenger, the company shall disclose to passengers the fare
72 calculation method on its website or within its software
73 application. The company shall also provide passengers with the
74 applicable rates being charged and the option to receive an
75 estimated fare before the passenger enters the driver's vehicle.

76 (6) IDENTIFICATION OF VEHICLES AND DRIVERS.-The company's
77 software application service or website shall display a picture
78 of the driver and the license plate number of the motor vehicle
79 used to provide transportation network company service before
80 the passenger enters the driver's vehicle.

81 (7) ELECTRONIC RECEIPT.-Within a reasonable period of
82 time, to be determined by the department, after completion of a
83 trip, the company shall provide an electronic receipt to the
84 passenger which lists:

85 (a) The origin and destination of the trip.

86 (b) The total time and distance of the trip.

87 (c) An itemization of the total fare paid.

88 (8) TRANSPORTATION NETWORK COMPANY AND DRIVER INSURANCE
89 REQUIREMENTS.-

90 (a) Beginning October 1, 2015, companies and
91 transportation network company drivers must comply with
92 automobile liability insurance requirements under this
93 subsection.

94 (b)1. When a driver is logged into the company's digital
95 network and is available to receive requests for transportation,



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96 but is not providing transportation network company service, the
97 following automobile liability insurance requirements shall
98 apply:

99 a. Automobile liability insurance that meets at least the
100 minimum coverage requirements under s. 324.021(7)(a)-(c).

101 b. Automobile liability insurance that provides the
102 minimum coverage requirements where required of a limousine by
103 ss. 627.730 through 627.7405.

104 2. A company shall maintain automobile liability insurance
105 in the amount required in sub-subparagraph 1.a. and shall
106 provide coverage in the event a participating driver's own
107 automobile liability policy excludes coverage according to its
108 policy terms or does not provide coverage of the minimum
109 requirements in sub-subparagraph 1.a.

110 (c) When a driver is providing transportation network
111 company service, the following automobile liability insurance
112 requirements shall apply:

113 1. Automobile liability insurance that recognizes the
114 driver's provision of transportation network company service.

115 2. Automobile liability insurance of at least \$1 million
116 for death, personal injury, and property damage.

117 3. Automobile liability insurance that provides the
118 minimum coverage requirements where required of a limousine by
119 ss. 627.730 through 627.7405.

120 (d) The coverage requirements of paragraph (c) may be
121 satisfied by:



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122 1. Automobile liability insurance maintained by the
123 driver;

124 2. Automobile liability insurance maintained by the
125 company; or

126 3. A combination of coverage maintained as provided in
127 subparagraphs 1. and 2.

128 (e) If insurance maintained by a driver under this section
129 has lapsed, failed to provide the required coverage, denied a
130 claim for the required coverage, or otherwise ceased to exist,
131 insurance maintained by the company shall provide the coverage
132 required by this section beginning with the first dollar of a
133 claim.

134 (f) Insurance required by this section may be placed with
135 an insurer authorized to do business in the state or with a
136 surplus lines insurer eligible under the Surplus Lines Law under
137 ss. 626.913-626.937.

138 (g) A company or driver may prove financial responsibility
139 under chapter 324 and s. 627.733 by providing satisfactory
140 evidence of holding an automobile liability policy pursuant to
141 this subsection.

142 (9) TRANSPORTATION NETWORK COMPANY AND INSURER DISCLOSURE
143 REQUIREMENTS.—

144 (a) The company shall disclose in writing to drivers
145 before the drivers are allowed to accept a request for
146 transportation network company service on the company's digital
147 network the following:



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148 1. The insurance coverage and limits of liability that the
149 company provides while the driver uses a personal vehicle in
150 connection with a company's digital network.

151 2. That the driver's personal insurance policy may not
152 provide coverage while the driver uses a vehicle in connection
153 with a company's digital network depending on its terms.

154 (b) An insurer that provides automobile liability
155 insurance policies under part XI of chapter 627 may:

156 1. Exclude any and all coverage and the duty to defend
157 afforded under the owner's insurance policy for a loss or injury
158 that occurs while an insured vehicle provides or is available to
159 provide transportation network company service, if such
160 exclusion is expressly set forth in the policy and approved for
161 sale in the state. This right to exclude coverage and the duty
162 to indemnify and defend applies to any coverage included in an
163 automobile liability insurance policy, including, but not
164 limited to:

165 a. Liability coverage for bodily injury and property
166 damage.

167 b. Uninsured and underinsured motorist coverage.

168 c. Medical payments coverage.

169 d. Comprehensive physical damage coverage.

170 e. Collision physical damage coverage.

171 f. Personal injury protection.

172 2. The insurer must notify the insured within 30 days
173 after receiving a notice of loss that the insurer has no duty to



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174 defend or indemnify any person or organization for liability for
175 a loss that is properly excluded pursuant to the terms of the
176 applicable primary or excess insurance policy.

177 (c) An insurer that provides automobile liability
178 insurance in the state must disclose in a prominent place on its
179 application for insurance whether the insurance policy provides
180 coverage for an insured vehicle providing or available to
181 provide transportation network company service. If an automobile
182 liability insurance policy contains an exclusion for such
183 service, the insurer or its agent must disclose in writing the
184 exact language of such exclusion to the applicant during the
185 application process.

186 (d) In a claims coverage investigation, companies and any
187 insurer providing coverage under this section shall cooperate to
188 facilitate the exchange of information, including the precise
189 times that a driver logged on and off of the company's digital
190 network in the 24-hour period immediately preceding the accident
191 and disclose to one another a clear description of the coverage,
192 exclusions, and limits provided under the insurance policy each
193 party issued or maintained.

194 (10) LIMITATIONS ON TRANSPORTATION NETWORK COMPANIES.-
195 Drivers shall be independent contractors and not employees of
196 the company if all of the following conditions are met:

197 (a) The company does not prescribe specific hours during
198 which a driver must be logged into the company's digital
199 platform;



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200 (b) The company imposes no restrictions on the driver's
201 ability to utilize digital platforms from other companies;

202 (c) The company does not assign a driver a particular
203 territory in which transportation network company services can
204 be provided;

205 (d) The company does not restrict a driver from engaging
206 in any other occupation or business; and

207 (e) The company and the driver agree in writing the driver
208 is an independent contractor of the company.

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

210 (a) A company shall implement a zero tolerance policy on
211 use of drugs or alcohol by a driver who is providing
212 transportation network company service or who is logged into the
213 company's digital network but is not providing service.

214 (b) A company shall provide notice on its website of a
215 zero tolerance policy under paragraph (a) and shall provide
216 procedures for a passenger to file a complaint about a driver
217 who the passenger reasonably suspects was under the influence of
218 drugs or alcohol during the course of a trip.

219 (c) Upon receipt of a passenger complaint alleging a
220 violation of the zero tolerance policy, the company shall
221 immediately suspend the accused driver's access to the company's
222 digital platform and shall conduct an investigation into the
223 reported incident. The suspension shall last for the duration of
224 the investigation.

225 (d) The company shall maintain records of a passenger



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226 complaint for a period of at least 2 years after the date such
227 complaint is received by the company.

228 (12) TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.-

229 (a) Before allowing a person to act as a driver on its
230 digital platform, the company shall:

231 1. Require the person to submit an application to the
232 company, including his or her address, date of birth, driver
233 license number, driving history, motor vehicle registration,
234 automobile liability insurance, and other information required
235 by the company.

236 2. Conduct, or have a third party conduct, a state and
237 national criminal background check for each applicant to
238 include:

239 a. The Multi-State/Multi-Jurisdiction Criminal Records
240 Locator or other similar commercial national database with
241 validation.

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

243 3. Obtain and review a driving history research report for
244 such person.

245 (b) The company shall prohibit a person to act as a driver
246 on its digital platform if the person:

247 1. Has had more than three moving violations in the
248 preceding 3-year period or one major violation in the preceding
249 3-year period. A major violation includes, but is not limited
250 to, fleeing or attempting to elude a law enforcement officer,
251 reckless driving, or driving with a suspended or revoked



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252 license;

253 2. Has been convicted, within the past 7 years, of driving
254 under the influence of drugs or alcohol, fraud, sexual offenses,
255 use of a motor vehicle to commit a felony, a crime involving
256 property damage or theft, acts of violence, or acts of terror;

257 3. Is a match in the Dru Sjodin National Sex Offender
258 Public Website;

259 4. Does not possess a valid driver license;

260 5. Does not possess proof of registration for the motor
261 vehicle used to provide transportation network company service;

262 6. Does not possess proof of automobile liability
263 insurance for the motor vehicle used to provide transportation
264 network company service; or

265 7. Has not attained the age of 19 years.

266 (13) VEHICLE SAFETY AND EMISSIONS.—A company shall require
267 that a motor vehicle used by a driver to provide transportation
268 network company service meets the vehicle safety and emissions
269 requirements for a private motor vehicle of the state in which
270 the vehicle is registered.

271 (14) PROHIBITED CONDUCT.—A driver may not:

272 (a) Accept a ride other than a ride arranged through a
273 digital network or software application service.

274 (b) Solicit or accept street hails.

275 (c) Solicit or accept cash payments from passengers. A
276 company shall adopt a policy prohibiting solicitation or
277 acceptance of cash payments from passengers and notify drivers



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278 of such policy. Such policy must require a payment for
279 transportation network company service to be made electronically
280 using the company's digital network or software application
281 service.

282 (15) NONDISCRIMINATION; ACCESSIBILITY.-

283 (a) A company shall adopt a policy of nondiscrimination on
284 the basis of destination, race, color, national origin,
285 religious belief or affiliation, sex, disability, age, sexual
286 orientation, or gender identity with respect to passengers and
287 potential passengers and shall notify drivers of such policy.

288 (b) A driver shall comply with the nondiscrimination
289 policy.

290 (c) A driver shall comply with all applicable laws
291 relating to accommodation of service animals.

292 (d) A company may not impose additional charges for
293 providing transportation network company service to persons with
294 physical disabilities because of those disabilities.

295 (e) A company shall provide passengers an opportunity to
296 indicate whether they require a wheelchair-accessible vehicle.
297 If a company cannot arrange wheelchair-accessible service, it
298 shall direct the passenger to an alternate provider of
299 wheelchair-accessible service, if available.

300 (15) RECORDS.-A company shall maintain:

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

303 (b) Driver records for at least 1 year after the date on



Amendment No. 1.

304 which a driver's activation on the company's digital network has
305 ended.

306 (16) PREEMPTION.—It is the intent of the Legislature to
307 provide for uniformity of laws governing transportation network
308 companies and transportation network company drivers through the
309 state. Notwithstanding any other provision of law, companies and
310 drivers are governed exclusively by this section and any rules
311 adopted by the department to administer this section. A county,
312 municipality, special district, or other local governmental
313 entity or subdivision may not impose a tax on, or require a
314 license for, a company or a driver, or a vehicle used by a
315 driver which such tax or license relates to providing
316 transportation network company services, or subject a company to
317 the county's, municipality's, special districts, or other local
318 governmental entity's or subdivision's rate, entry, operational,
319 or other requirements.

320 (17) RULEMAKING.—The department may adopt rules to
321 administer this section.

322 Section 2. This act shall take effect July 1, 2015.

323

324

325 **T I T L E A M E N D M E N T**

326 Remove everything before the enacting clause and insert:
327 An act relating to transportation network companies; creating s.
328 316.680, F.S.; providing definitions; providing requirements for
329 a person to obtain a permit as a transportation network company;



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330 providing a permit fee; requiring an agent for service of
331 process; requiring disclosure of a company's fares; requiring
332 display of certain information related to a transportation
333 network company driver; requiring that a company provide an
334 electronic receipt to a passenger; providing requirements for
335 automobile liability insurance and insurance disclosure;
336 providing certain limitations on transportation network
337 companies regarding conditions when drivers are independent
338 contractors; requiring that a company implement a zero tolerance
339 policy for drug and alcohol use; providing requirements for
340 employment as a transportation network company driver; requiring
341 that motor vehicles used by a transportation network company
342 meet certain safety and emissions requirements; prohibiting
343 specified conduct; requiring a company to adopt a
344 nondiscrimination policy and meet certain requirements for
345 accessibility; requiring a company to maintain specified
346 records; providing for preemption; authorizing rulemaking;
347 providing an effective date.



Amendment No. 1a.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Ports
2 Subcommittee
3 Representative Hager offered the following:

4
5 **Amendment to Amendment (775181) by Representative Gaetz**
6 **(with title amendment)**

7 Between lines 10 and 11 of the amendment, insert:

8 (a) "Application" means an Internet-enabled application or
9 platform belonging to a transportation network company.

10 Between lines 37 and 38 of the amendment, insert:

11 (c) "Transportation network company insurance" means an
12 insurance policy that expressly provides coverage for a
13 participating driver's use of a motor vehicle in connection with
14 an application.

15 Remove lines 88-193 of the amendment and insert:

16 (8) TRANSPORTATION NETWORK COMPANY INSURANCE.-



Amendment No. 1a.

17 (a)1. Notwithstanding any provision of chapter 627, a
18 transportation network company and a participating driver shall
19 maintain transportation network company insurance as provided in
20 this paragraph.

21 2. From the moment a driver accepts a ride request on an
22 application until the driver completes the request on the
23 application or until the ride is complete, whichever is later,
24 transportation network company insurance shall provide:

25 A. Liability coverage in the amount of \$1 million for
26 death, bodily injury, and property damage.

27 B. Uninsured and underinsured motorist coverage in the
28 amount of \$1 million.

29 C. Personal injury protection as required by s. 627.736.

30 D. Physical damage coverage, including collision or
31 comprehensive physical damage coverage, if the driver carries
32 such coverage on his or her personal motor vehicle insurance
33 policy. This subparagraph does not apply if the driver maintains
34 transportation network company insurance.

35 3. From the moment a driver logs onto an application until
36 the driver accepts a ride request; from the moment a driver
37 completes a request on an application, or the ride is complete,
38 whichever is later; and until the driver accepts another ride
39 request on the application or logs off the application, a
40 transportation network company insurance policy shall provide:

41 A. Liability coverage for death and bodily injury in the
42 amount of \$125,000 per person and \$250,000 per incident.



Amendment No. 1a.

43 B. Liability coverage for property damage in the amount of
44 \$50,000.

45 C. Uninsured and underinsured motorist coverage in the
46 amount of \$250,000.

47 D. Personal injury protection as required by s. 627.736.

48 E. Physical damage coverage, including collision or
49 comprehensive physical damage coverage, if the driver carries
50 such coverage on his or her personal motor vehicle insurance
51 policy. This subparagraph does not apply if the driver maintains
52 transportation network company insurance.

53 4. The coverage requirements of this subsection may be
54 satisfied by transportation network company insurance maintained
55 by a driver, a company, or a combination of a driver and a
56 company. If the requirement is satisfied by a policy maintained
57 by a driver, the company shall verify that the insurance policy
58 is specifically written to cover the driver's use of a motor
59 vehicle in connection with an application.

60 5. A transportation network company insurance policy shall
61 not require as a prerequisite of coverage that another motor
62 vehicle insurance policy first deny a claim.

63 6. If transportation network company insurance maintained
64 by a driver has lapsed or ceased to exist, the company must
65 provide insurance coverage required by this section beginning
66 with the first dollar of a claim.

67 (b) A transportation network company shall disclose in
68 writing to a participating driver the insurance coverage and



Amendment No. 1a.

69 limits of liability the company provides when the driver uses a
70 motor vehicle in connection with an application. The company
71 shall advise the driver that the personal motor vehicle
72 insurance policy of the driver may not provide insurance
73 coverage required pursuant to this subsection.

74 (c) An insurer that provides transportation network
75 company insurance shall defend and indemnify the insured.

76 (d)1. Nothing in this subsection shall be construed to
77 require that a participating driver's personal motor vehicle
78 insurance policy provide primary or excess coverage from the
79 moment the driver logs on to an application until the driver
80 logs off the application or a ride is complete, whichever is
81 later.

82 2. From the moment a driver logs on to an application
83 until the driver logs off the application, or until a ride is
84 complete, whichever is later, the personal motor vehicle
85 insurance policy of the driver or motor vehicle owner shall not:

86 A. Provide any coverage to the driver, motor vehicle
87 owner, or a third party unless the policy expressly provides for
88 such coverage, with or without a separate charge, or the policy
89 contains an amendment or endorsement to provide such coverage,
90 for which a separately stated premium is charged; or

91 B. Have a duty to defend or indemnify the driver's
92 activities in connection with the company,

93
94 unless the policy expressly provides otherwise, with or without



Amendment No. 1a.

95 a separate charge, or the policy contains an amendment or
96 endorsement to provide such coverage, for which a separately
97 stated premium is charged.

98 3. Notwithstanding any other law, a personal motor vehicle
99 insurer may offer a motor vehicle liability insurance policy
100 that covers a driver in connection with an application only if
101 the policy expressly provides for coverage during the periods
102 specified in subparagraph 2., with or without a separate charge,
103 or the policy contains an amendment or an endorsement to provide
104 such coverage, for which a separately stated premium may be
105 charged.

106 (e) In a claims investigation, a transportation network
107 company or its insurer shall cooperate with other insurers to
108 facilitate the exchange of information, including the dates and
109 times at which an accident occurred that involved a
110 participating driver and the precise times that the driver
111 logged on and off the application.

112 (f) A participating driver shall carry proof of
113 transportation network company insurance coverage at all times
114 during his or her use of a motor vehicle in connection with an
115 application. In the event of an accident, a driver shall, upon
116 request, provide insurance coverage information to any party
117 involved in the accident and to a police officer.

118 (g) Notwithstanding any law regarding primary or excess
119 policy coverage, this section determines the obligations of an
120 insurance policy issued to a transportation network company and



Amendment No. 1a.

121 a participating driver using a motor vehicle in connection with
122 an application.

123

124 -----

125

T I T L E A M E N D M E N T

126

Remove lines 334-335 of the amendment and insert:

127

electronic receipt to a passenger; eestablishing motor vehicle

128

insurance requirements for transportation network companies and

129

participating drivers during certain periods; requiring a

130

transportation network company to make certain disclosures in

131

writing; requiring a transportation network company and its

132

insurer to cooperate with certain claims coverage

133

investigations; providing for application of certain coverage

134

requirements;



Amendment No. 1b.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Ports
2 Subcommittee

3 Representative Watson, B. offered the following:

4
5 **Amendment to Amendment (775181) by Representative Gaetz**
6 **(with title amendment)**

7 Remove lines 309-319 of the amendment and insert:

8 (16) PREEMPTION.-Nothing in this section shall prohibit or
9 preempt a county, municipality, authority, special district, or
10 other local government from regulating transportation services
11 for hire, including transportation network companies, private
12 transportation service operators, private transportation
13 vehicles and transportation services. Such regulations may
14 include setting standards for operators, vehicles and the
15 conduct of private transportation services, enhancing insurance
16 requirements, requiring local permits to provide services
17 originating within the local jurisdiction, issuing and revoking



Amendment No. 1b.

18 permits, regulating the number of permits to be issued, setting
19 rates, imposing fees and charges, regulating accessibility and
20 discrimination, regulating times and locations of operation,
21 establishing pick-up and drop-off locations, charging access
22 fees, limiting access to certain areas, and other such matters
23 as determined by the local jurisdiction.

24
25
26
27
28
29
30

T I T L E A M E N D M E N T

Remove line 346 of the amendment and insert:
records; providing that the act does not prohibit or preempt
certain regulations by local governments; authorizing
rulemaking;



Florida Department of
TRANSPORTATION

Multimodal Update

House Transportation and Ports
Subcommittee

**Rich Biter, Assistant Secretary
Intermodal Systems Development
Florida Department of Transportation**

State of Florida by the #s

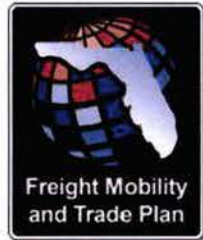
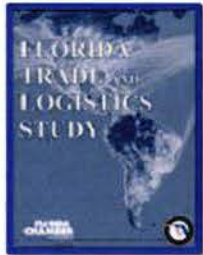
Component	Owner/Operator	Facilities
State Highways	State of Florida	12,099 centerline miles 6,783 bridges
Local Roads	Local governments	109,989 centerline miles 5,381 bridges
Public Transit	Local agencies, SFRTA, SunRail	30 urban fixed route transit agencies 10 rural fixed/deviated route transit agencies
Rail	Private sector*	2,753 miles of mainline track
Seaports	Local agencies	15 deepwater seaports, 7 with cruises
Waterways	Federal & State of Florida	3,475 miles of intracoastal & inland routes
Airports	Local agencies	19 commercial airports 110 public general aviation 646 private general aviation
Spaceports	Special districts	2 spaceports

*State owns SFRC and CFRC



Freight Mobility & Trade Plan (FMTP)

Florida Chamber
Trade and Logistics
Study



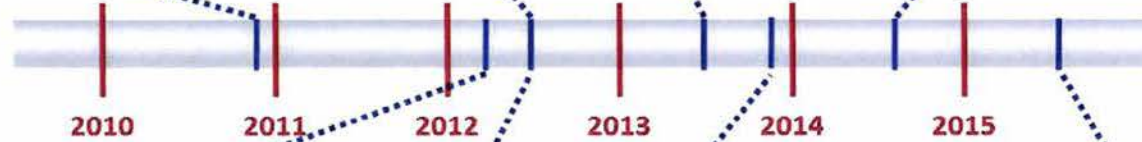
Freight Mobility
and Trade Plan
kickoff



Freight Mobility
and Trade Plan
Policy Element
completion



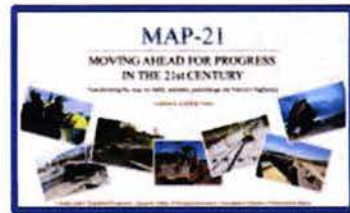
Freight Mobility
and Trade Plan
Investment Element
completion



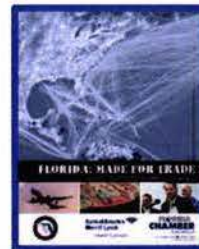
Florida House
Bill (HB) 599



Moving Ahead for
Progress in the 21st
Century (MAP-21)



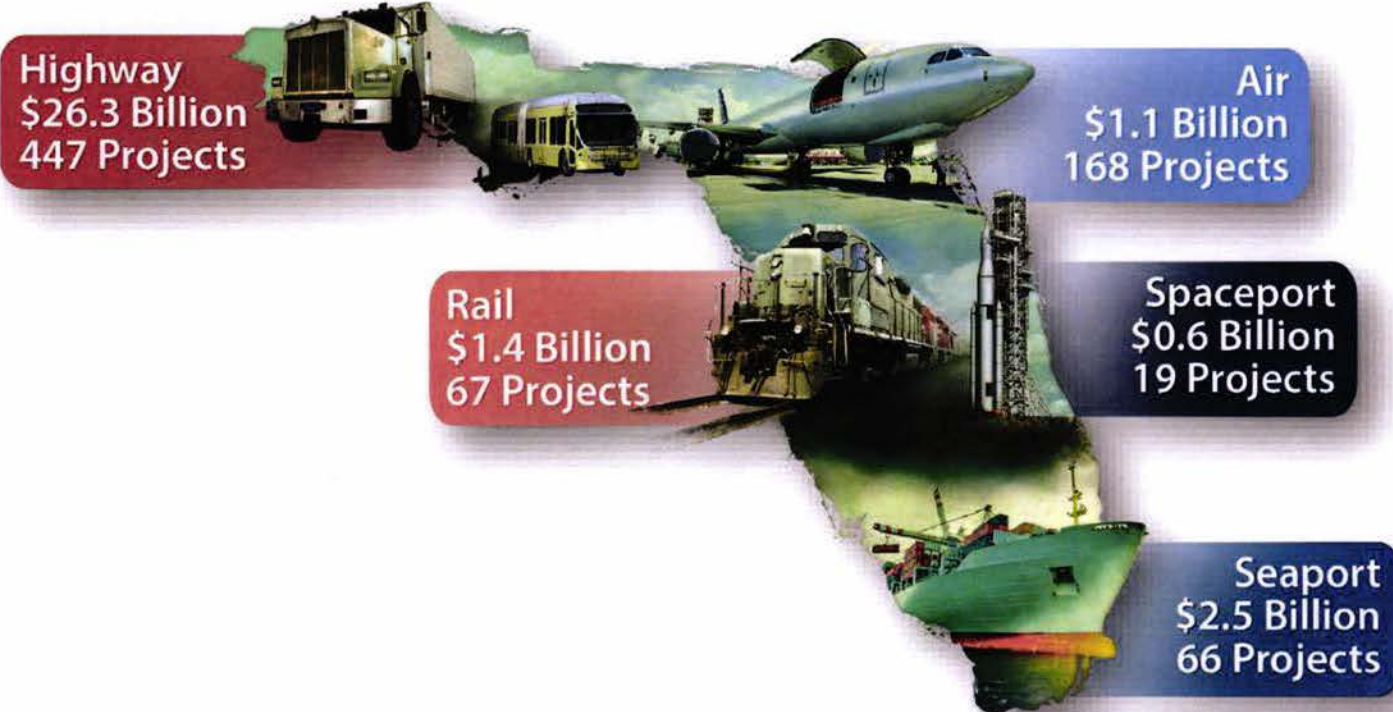
Florida Chamber
Trade and Logistics
Study 2.0



Panama Canal
Expansion
completion
(projected)

FMTP Update

Identified Florida Freight Project Needs by Mode



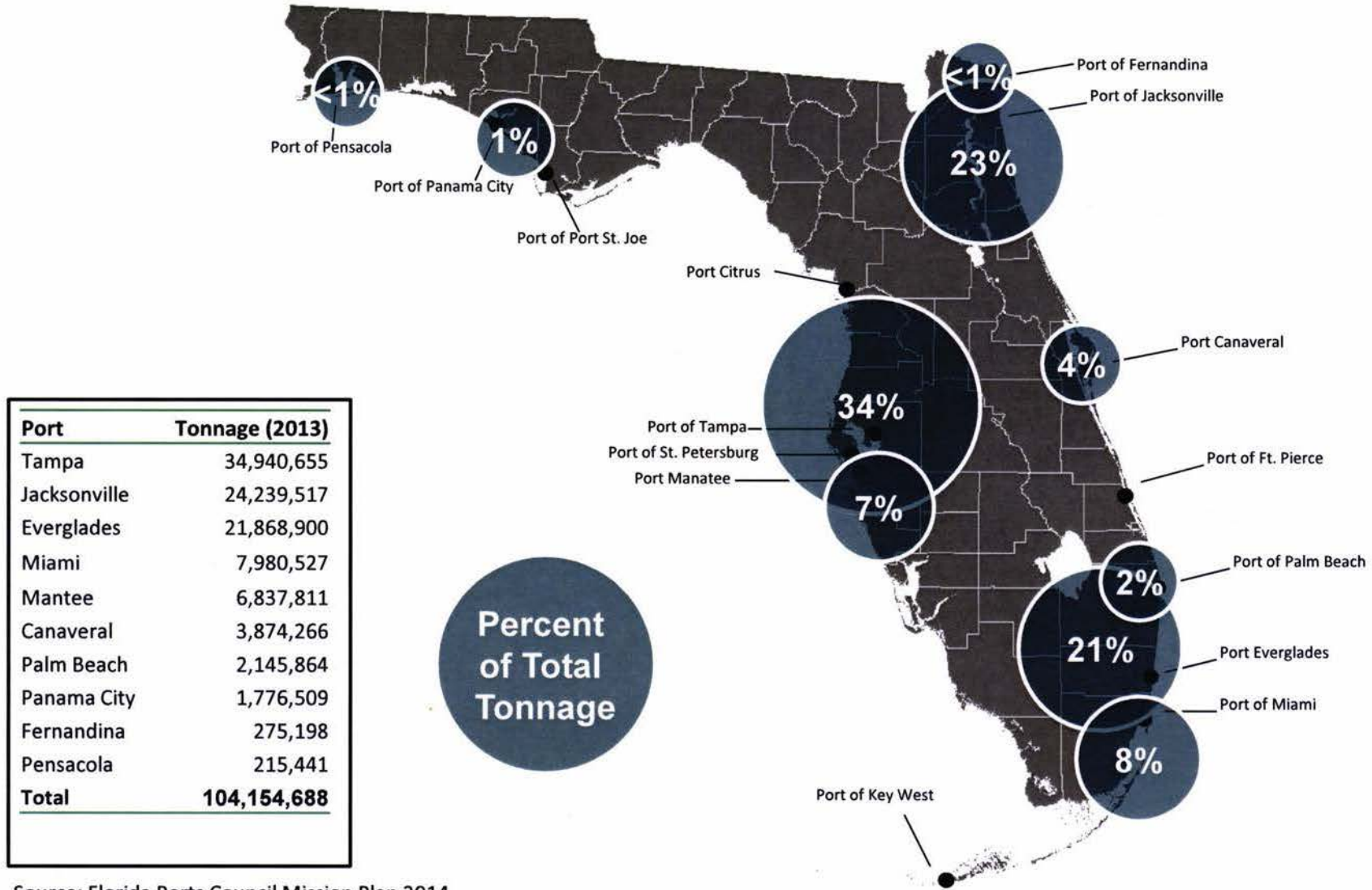
*Based on Current 5 year work program and projected unfunded future considerations



Florida Department of Transportation

www.FreightMovesFlorida.com

Florida's Waterborne Trade in Tons

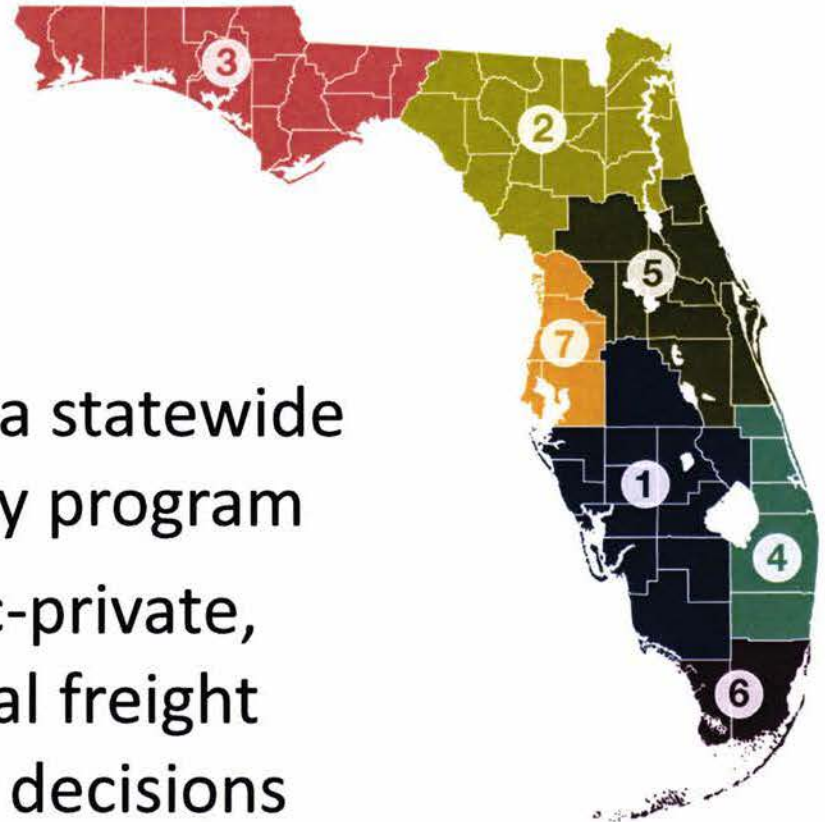


Source: Florida Ports Council Mission Plan 2014



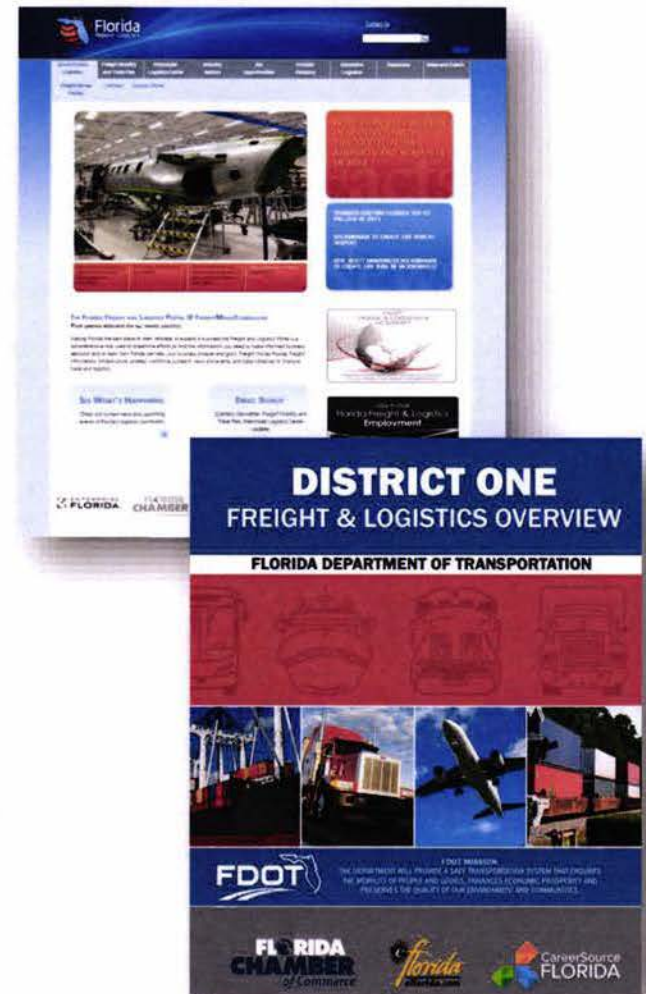
Institutionalizing Freight Planning

- FDOT District Freight Coordinators
 - Seven Positions Statewide
 - District coordination for matters of multimodal and freight activity
 - Assists in collaborating on a statewide multimodal freight mobility program
 - Assists in facilitating public-private, state-local and state-federal freight transportation investment decisions



Institutionalizing Freight Planning

- Ongoing initiatives:
 - Continuing enhancement of the Logistics Portal
 - Automated Vehicle Technology
 - Participation in Enterprise Florida Trade Missions
 - Perishable Partnership
 - Providing resources such as County Freight Brochures for use by our partners
 - Working with the MPOAC to coordinate statewide and local freight planning
 - Trade and Logistics Academy



Florida As A National Leader

Brookings Institute
Top 10 State and
Metropolitan
Innovations to Watch

Consistently Ranked
#1 and #2 in
Infrastructure by the
National Chamber
Foundation

Ranked #1 State for
Aviation Manufacturing
Attractiveness by Price
Waterhouse Coopers

3rd Largest Logistics
and Distribution
Industry in the
Nation



Florida Department of
TRANSPORTATION

Questions?