



233592

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2012	.	
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The Committee on Budget (Norman) recommended the following:

1 **Senate Amendment to Amendment (562340) (with title**
2 **amendment)**

3
4 Between lines 2323 and 2324
5 insert:

6 Section 67. Paragraph (b) of subsection (9) of section
7 324.021, Florida Statutes, is amended to read:

8 324.021 Definitions; minimum insurance required.—The
9 following words and phrases when used in this chapter shall, for
10 the purpose of this chapter, have the meanings respectively
11 ascribed to them in this section, except in those instances
12 where the context clearly indicates a different meaning:

13 (9) OWNER; OWNER/LESSOR.—



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14 (b) *Owner/lessor.*—Notwithstanding any other provision of
15 the Florida Statutes or existing case law:

16 1. The lessor, under an agreement to lease a motor vehicle
17 for 1 year or longer which requires the lessee to obtain
18 insurance acceptable to the lessor which contains limits not
19 less than \$100,000/\$300,000 bodily injury liability and \$50,000
20 property damage liability or not less than \$500,000 combined
21 property damage liability and bodily injury liability, shall not
22 be deemed the owner of said motor vehicle for the purpose of
23 determining financial responsibility for the operation of said
24 motor vehicle or for the acts of the operator in connection
25 therewith; further, this subparagraph shall be applicable so
26 long as the insurance meeting these requirements is in effect.
27 The insurance meeting such requirements may be obtained by the
28 lessor or lessee, provided, if such insurance is obtained by the
29 lessor, the combined coverage for bodily injury liability and
30 property damage liability shall contain limits of not less than
31 \$1 million and may be provided by a lessor's blanket policy.
32 This subparagraph does not apply to a lease here/pay here
33 transaction as described in subparagraph 4.

34 2. The lessor, under an agreement to rent or lease a motor
35 vehicle for a period of less than 1 year, shall be deemed the
36 owner of the motor vehicle for the purpose of determining
37 liability for the operation of the vehicle or the acts of the
38 operator in connection therewith only up to \$100,000 per person
39 and up to \$300,000 per incident for bodily injury and up to
40 \$50,000 for property damage. If the lessee or the operator of
41 the motor vehicle is uninsured or has any insurance with limits
42 less than \$500,000 combined property damage and bodily injury



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43 liability, the lessor shall be liable for up to an additional
44 \$500,000 in economic damages only arising out of the use of the
45 motor vehicle. The additional specified liability of the lessor
46 for economic damages shall be reduced by amounts actually
47 recovered from the lessee, from the operator, and from any
48 insurance or self-insurance covering the lessee or operator.
49 Nothing in this subparagraph shall be construed to affect the
50 liability of the lessor for its own negligence.

51 3. The owner who is a natural person and loans a motor
52 vehicle to any permissive user shall be liable for the operation
53 of the vehicle or the acts of the operator in connection
54 therewith only up to \$100,000 per person and up to \$300,000 per
55 incident for bodily injury and up to \$50,000 for property
56 damage. If the permissive user of the motor vehicle is uninsured
57 or has any insurance with limits less than \$500,000 combined
58 property damage and bodily injury liability, the owner shall be
59 liable for up to an additional \$500,000 in economic damages only
60 arising out of the use of the motor vehicle. The additional
61 specified liability of the owner for economic damages shall be
62 reduced by amounts actually recovered from the permissive user
63 and from any insurance or self-insurance covering the permissive
64 user. Nothing in this subparagraph shall be construed to affect
65 the liability of the owner for his or her own negligence.

66 4. The lessor, under a lease here/pay here transaction that
67 requires the lessee to obtain insurance acceptable to the
68 lessor, which contains limits not less than \$25,000/\$50,000
69 bodily injury liability and \$50,000 property damage liability or
70 not less than \$100,000 combined property damage liability and
71 bodily injury liability, is not the owner of the motor vehicle



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72 for the purpose of determining financial responsibility for the
73 operation of the motor vehicle or for the acts of the operator
74 in connection with the operation of the motor vehicle. This
75 subparagraph applies only while the insurance meeting such
76 requirements is in effect. Such insurance may be obtained by the
77 lessor or lessee; however, if such insurance is obtained by the
78 lessor, the combined coverage for bodily injury liability and
79 property damage liability must contain limits of not less than
80 \$100,000 and may be provided by a lessor's blanket policy.

81
82 As used in this paragraph, the term "lease here/pay here
83 transaction" means any transaction involving the lease of a
84 motor vehicle in writing for a period of 1 year or more and in
85 which the designated lessor of the motor vehicle for the entire
86 term of the lease is the licensed motor vehicle dealer that
87 furnishes the motor vehicle to the lessee or an affiliated
88 company of the licensed motor vehicle dealer that furnishes the
89 motor vehicle to the lessee. For purposes of this paragraph, the
90 term "affiliated company" means a corporate entity organized
91 under the laws of this state, or any other state, which has at
92 least 51 percent common ownership with the licensed motor
93 vehicle dealer that is furnishing the motor vehicle that is the
94 subject of the lease.

95
96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:

98 Delete line 2852

99 and insert:

100 other motor vehicle; amending s. 324.021, F.S.;



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101 revising the definition of the term "owner/lessor" to
102 include lease here/pay here transactions; defining
103 terms; amending s. 324.072, F.S.;