



310678

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/19/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 2260 and 2261  
insert:

Section 57. Paragraph (b) of subsection (9) of section 324.021, Florida Statutes, is amended to read:

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

(9) OWNER; OWNER/LESSOR.—



310678

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

15 1. An owner of a motor vehicle who rents or leases the  
16 motor vehicle to a person is not liable for harm to persons or  
17 property which results or arises out of the use, operation, or  
18 possession of the motor vehicle during the period of the rental  
19 or lease or any extension thereof, if the owner/lessor is  
20 engaged in the trade or business of renting or leasing motor  
21 vehicles and there is no negligence or criminal wrongdoing on  
22 the part of the owner/lessor, so long as the rental or lease  
23 agreement is in writing.

24 2. Notwithstanding subparagraph 1., an owner/lessor is  
25 subject to the following financial responsibilities:

26 a.1. The lessor, under an agreement to lease a motor  
27 vehicle for 1 year or longer, must obtain or ensure that the  
28 lessee obtains ~~which requires the lessee to obtain insurance~~  
29 ~~that acceptable to the lessor which~~ contains limits not less  
30 than \$100,000/\$300,000 bodily injury liability and \$50,000  
31 property damage liability or not less than \$500,000 combined  
32 property damage liability and bodily injury liability, ~~shall not~~  
33 ~~be deemed the owner of said motor vehicle for the purpose of~~  
34 ~~determining financial responsibility for the operation of said~~  
35 ~~motor vehicle or for the acts of the operator in connection~~  
36 ~~therewith; further, this subparagraph shall be applicable so~~  
37 ~~long as the insurance meeting these requirements is in effect.~~  
38 The insurance meeting such requirements may be obtained by the  
39 lessor or lessee, provided, if such insurance is obtained by the  
40 lessor, the combined coverage for bodily injury liability and  
41 property damage liability shall contain limits of not less than



310678

42 \$1 million and may be provided by a lessor's blanket policy.

43 ~~b.2.~~ The lessor, under an agreement to rent or lease a  
44 motor vehicle for a period of less than 1 year, must obtain  
45 insurance that contains limits not less than ~~shall be deemed the~~  
46 ~~owner of the motor vehicle for the purpose of determining~~  
47 ~~liability for the operation of the vehicle or the acts of the~~  
48 ~~operator in connection therewith only up to \$100,000 per person~~  
49 and up to \$300,000 per incident for bodily injury and up to  
50 \$50,000 for property damage. If the lessee or the operator of  
51 the motor vehicle is uninsured or has any insurance with limits  
52 less than \$500,000 combined property damage and bodily injury  
53 liability, the lessor shall be liable for up to an additional  
54 \$500,000 in economic damages only arising out of the use of the  
55 motor vehicle. The additional specified liability of the lessor  
56 for economic damages shall be reduced by amounts actually  
57 recovered from the lessee, from the operator, and from any  
58 insurance or self-insurance covering the lessee or operator.  
59 Nothing in this subparagraph shall be construed to affect the  
60 liability of the lessor for its own negligence.

61 3. The owner who is a natural person and loans a motor  
62 vehicle to any permissive user shall be liable for the operation  
63 of the vehicle or the acts of the operator in connection  
64 therewith only up to \$100,000 per person and up to \$300,000 per  
65 incident for bodily injury and up to \$50,000 for property  
66 damage. If the permissive user of the motor vehicle is uninsured  
67 or has any insurance with limits less than \$500,000 combined  
68 property damage and bodily injury liability, the owner shall be  
69 liable for up to an additional \$500,000 in economic damages only  
70 arising out of the use of the motor vehicle. The additional



310678

71 specified liability of the owner for economic damages shall be  
72 reduced by amounts actually recovered from the permissive user  
73 and from any insurance or self-insurance covering the permissive  
74 user. Nothing in this subparagraph shall be construed to affect  
75 the liability of the owner for his or her own negligence.  
76

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

78 And the title is amended as follows:

79 Delete line 311

80 and insert:

81 motor vehicle; amending s. 324.021, F.S.; revising the  
82 definition of the term "owner/lessor" for purposes of  
83 liability; providing that an owner of a motor vehicle  
84 who rents or leases the vehicle is not liable for harm  
85 to persons or property under certain circumstances;  
86 providing the financial responsibilities of an  
87 owner/lessor of a motor vehicle; amending s. 324.072,  
88 F.S.; prohibiting