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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2019	.	
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	.	

The Committee on Infrastructure and Security (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 212.0606, Florida Statutes, is amended
to read:

212.0606 Rental car surcharge.—

(1) Except as provided in subsection (2), a surcharge of \$2
per day or any part of a day is imposed upon the lease or rental
of a motor vehicle licensed for hire and designed to carry fewer



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11 than nine passengers regardless of whether the motor vehicle is
12 licensed in this state. The surcharge applies to only the first
13 30 days of the term of a lease or rental. The surcharge is
14 subject to all applicable taxes imposed by this chapter. For
15 purposes of this subsection, the term "rental of a motor
16 vehicle" means the renting or leasing of a motor vehicle when
17 the rental or lease is facilitated, in person or through digital
18 means, by a motor vehicle rental company as defined in s.
19 320.01(47), a car-sharing service as defined in s. 320.01(46),
20 or a peer-to-peer car sharing program as defined in s.
21 320.01(48) for consideration without transfer of the title of
22 the motor vehicle.

23 (2) A member of a car-sharing service as defined in
24 320.01(46) who uses a motor vehicle as described in subsection
25 (1) for less than 24 hours pursuant to an agreement with the
26 car-sharing service shall pay a surcharge of \$1 per usage. A
27 member of a car-sharing service who uses the same motor vehicle
28 for 24 hours or more shall pay a surcharge of \$2 per day or any
29 part of a day as provided in subsection (1). ~~For purposes of~~
30 ~~this subsection, the term "car-sharing service" means a~~
31 ~~membership-based organization or business, or division thereof,~~
32 ~~which requires the payment of an application or membership fee~~
33 ~~and provides member access to motor vehicles:~~

34 ~~(a) Only at locations that are not staffed by car-sharing~~
35 ~~service personnel employed solely for the purpose of interacting~~
36 ~~with car-sharing service members;~~

37 ~~(b) Twenty-four hours per day, 7 days per week;~~

38 ~~(c) Only through automated means, including, but not~~
39 ~~limited to, smartphone applications or electronic membership~~



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40 eards;

41 ~~(d) On an hourly basis or for a shorter increment of time;~~

42 ~~(e) Without a separate fee for refueling the motor vehicle;~~

43 ~~(f) Without a separate fee for minimum financial~~

44 ~~responsibility liability insurance; and~~

45 ~~(g) Owned or controlled by the car-sharing service or its~~

46 ~~affiliates.~~

47

48 The surcharge imposed under this subsection does not apply to
49 the lease, rental, or use of a motor vehicle from a location
50 owned, operated, or leased by or for the benefit of an airport
51 or airport authority.

52 (3) A peer-to-peer car-sharing program as defined in
53 320.01(48) or a motor vehicle rental company as defined in
54 320.01(47) which rents a motor vehicle as described in
55 subsection (1) for less than 24 hours must pay a surcharge of \$1
56 per usage.

57 (4)~~(3)~~(a) Notwithstanding s. 212.20, and less the costs of
58 administration, 80 percent of the proceeds of this surcharge
59 shall be deposited in the State Transportation Trust Fund, 15.75
60 percent of the proceeds of this surcharge shall be deposited in
61 the Tourism Promotional Trust Fund created in s. 288.122, and
62 4.25 percent of the proceeds of this surcharge shall be
63 deposited in the Florida International Trade and Promotion Trust
64 Fund. For the purposes of this subsection, the term "proceeds of
65 this surcharge" ~~of the surcharge~~ means all funds collected and
66 received by the department under this section, including
67 interest and penalties on delinquent surcharges. The department
68 shall provide the Department of Transportation rental car



69 surcharge revenue information for the previous state fiscal year
70 by September 1 of each year.

71 (b) Notwithstanding any other provision of law, the
72 proceeds deposited in the State Transportation Trust Fund shall
73 be allocated on an annual basis in the Department of
74 Transportation's work program to each department district,
75 except the Turnpike District. The amount allocated to each
76 district shall be based on the amount of proceeds attributed to
77 the counties within each respective district.

78 (5)~~(4)~~ Except as provided in this section, the department
79 shall administer, collect, and enforce the surcharge as provided
80 in this chapter.

81 (a) For purposes of this subsection, the term "dealer"
82 means a motor vehicle rental company as defined in s.
83 320.01(47), a car-sharing service as defined in s. 320.01(46),
84 or a peer-to-peer car sharing program as defined in s.
85 320.01(48).

86 (b)~~(a)~~ The department shall require dealers to report
87 surcharge collections according to the county to which the
88 surcharge was attributed. For purposes of this section, the
89 surcharge shall be attributed to the county where the rental
90 agreement was entered into.

91 (c)~~(b)~~ Dealers who collect the rental car surcharge shall
92 report to the department all surcharge revenues attributed to
93 the county where the rental agreement was entered into on a
94 timely filed return for each required reporting period. The
95 provisions of this chapter which apply to interest and penalties
96 on delinquent taxes apply to the surcharge. The surcharge shall
97 not be included in the calculation of estimated taxes pursuant



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98 to s. 212.11. The dealer's credit provided in s. 212.12 does not
99 apply to any amount collected under this section.

100 (6)~~(5)~~ The surcharge imposed by this section does not apply
101 to a motor vehicle provided at no charge to a person whose motor
102 vehicle is being repaired, adjusted, or serviced by the entity
103 providing the replacement motor vehicle.

104 Section 2. Subsections (46), (47), and (48) are added to
105 section 320.01, Florida Statutes, to read:

106 320.01 Definitions, general.—As used in the Florida
107 Statutes, except as otherwise provided, the term:

108 (46) "Car-sharing service" means a membership-based
109 organization or business, or division thereof, which requires
110 the payment of an application fee or a membership fee and
111 provides member access to motor vehicles:

112 (a) Only at locations that are not staffed by car-sharing
113 service personnel employed solely for the purpose of interacting
114 with car-sharing service members;

115 (b) Twenty-four hours per day, 7 days per week;

116 (c) Only through automated means, including, but not
117 limited to, smartphone applications or electronic membership
118 cards;

119 (d) On an hourly basis or for a shorter increment of time;

120 (e) Without a separate fee for refueling the motor vehicle;

121 (f) Without a separate fee for minimum financial
122 responsibility liability insurance; and

123 (g) Owned or controlled by the car-sharing service or its
124 affiliates.

125 (47) "Motor vehicle rental company" means any person who is
126 in the business of providing motor vehicles to the public under



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127 a rental agreement for a period of 30 days or less for
128 consideration.

129 (48) "Peer-to-peer car-sharing program" means a business
130 platform that connects vehicle owners with drivers to enable the
131 renting of vehicles for financial consideration.

132 Section 3. Section 320.0605, Florida Statutes, is amended
133 to read:

134 320.0605 Certificate of registration; possession required;
135 exception.—

136 (1) (a) The registration certificate or an official copy
137 thereof, a true copy or an electronic copy of rental or lease
138 documentation issued for a motor vehicle or issued for a
139 replacement vehicle in the same registration period, a temporary
140 receipt printed upon self-initiated electronic renewal of a
141 registration via the Internet, or a cab card issued for a
142 vehicle registered under the International Registration Plan
143 shall, at all times while the vehicle is being used or operated
144 on the roads of this state, be in the possession of the operator
145 thereof or be carried in the vehicle for which issued and shall
146 be exhibited upon demand of any authorized law enforcement
147 officer or any agent of the department, except for a vehicle
148 registered under s. 320.0657. The provisions of this section do
149 not apply during the first 30 days after purchase of a
150 replacement vehicle. A violation of this section is a
151 noncriminal traffic infraction, punishable as a nonmoving
152 violation as provided in chapter 318.

153 (b)1. The act of presenting to a law enforcement officer or
154 agent of the department an electronic device displaying an
155 electronic copy of rental or lease documentation does not



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156 constitute consent for the officer or agent to access any
157 information on the device other than the displayed rental or
158 lease documentation.

159 2. The person who presents the device to the officer or
160 agent assumes liability for any resulting damage to the device.

161 (2) Rental or lease documentation that is sufficient to
162 satisfy the requirement in subsection (1) includes the
163 following:

164 (a) ~~Date of rental~~ and time of ~~exit from~~ rental facility;

165 (b) ~~Rental station identification;~~

166 ~~(c) Rental agreement number;~~

167 (c) ~~(d)~~ Rental vehicle identification number;

168 (d) ~~(e)~~ Rental vehicle license plate number and state of
169 registration;

170 (e) ~~(f)~~ Vehicle's make, model, and color;

171 (f) ~~(g)~~ Vehicle's mileage; and

172 (g) ~~(h)~~ Authorized renter's name.

173 Section 4. Section 322.38, Florida Statutes, is amended to
174 read:

175 322.38 Renting motor vehicle to another.—

176 (1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any
177 other person unless the other ~~latter~~ person is ~~then~~ duly
178 licensed, or, if a nonresident, he or she ~~shall be~~ licensed
179 under the laws of the state or country of his or her residence,
180 except a nonresident whose home state or country does not
181 require that an operator be licensed.

182 (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to
183 another until he or she has inspected the driver license of the
184 person to whom the vehicle is to be rented, and ~~has compared and~~



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185 verified that the driver license is unexpired ~~signature thereon~~
186 ~~with the signature of such person written in his or her~~
187 ~~presence.~~

188 (3) Every person renting a motor vehicle to another shall
189 keep a record of the registration number of the motor vehicle so
190 rented, the name and address of the person to whom the vehicle
191 is rented, the number of the license of said latter person, and
192 the ~~date and place when and where the said~~ license was issued.
193 Such record shall be open to inspection by any police officer,
194 or officer or employee of the department.

195 (4) If a motor vehicle is rented to a person through
196 digital, electronic, or other means that allow the renter to
197 obtain possession of the motor vehicle without direct contact
198 with an owner or agent or an employee of an entity owning the
199 vehicle, or if the renter does not execute a rental contract at
200 the time that he or she takes possession of the vehicle, it must
201 be deemed that the requirements of subsections (1) and (2) are
202 met when, at the time the renter enrolls in a membership
203 program, master agreement, or other means of establishing use of
204 the motor vehicle through a motor vehicle rental company as
205 defined in s. 320.01(47) or peer-to-peer car-sharing program as
206 defined in s. 320.01(48), or any time thereafter, the renter is
207 required to verify that he or she is duly licensed and that the
208 license is unexpired.

209 Section 5. Section 331.17, Florida Statutes, is created to
210 read:

211 331.17 Transportation services at airports.—In order to
212 facilitate the provision of service on the property of a
213 publicly owned airport that is open for public use, a motor



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214 vehicle rental company as defined in 320.01(47), a car-sharing
215 service as defined in s. 320.01(46), or a peer-to-peer car-
216 sharing program defined in s 320.01(48) must enter an agreement
217 with the airport to provide such services.

218 Section 6. This act shall take effect July 1, 2019.

219
220 ===== T I T L E A M E N D M E N T =====

221 And the title is amended as follows:

222 Delete everything before the enacting clause
223 and insert:

224 A bill to be entitled
225 An act relating to vehicles for rent or lease;
226 amending s. 212.0606, F.S.; defining the term "rental
227 of a motor vehicle"; requiring a member of a certain
228 car-sharing service who uses a motor vehicle for less
229 than a specified period of time pursuant to an
230 agreement with the car-sharing service to pay a
231 specified surcharge per usage; deleting a definition;
232 requiring that a certain peer-to-peer car-sharing
233 program or motor vehicle rental company pay a
234 specified surcharge per usage; defining the term
235 "dealer"; amending s. 320.01, F.S.; defining terms;
236 amending s. 320.0605, F.S.; authorizing an electronic
237 copy of certain rental or lease documentation to be in
238 the possession of the vehicle operator or carried in
239 the vehicle and to be exhibited upon demand of any
240 authorized law enforcement officer or any agent of the
241 Department of Highway Safety and Motor Vehicles;
242 providing that the act of presenting a certain



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243 electronic device to the officer or agent does not
244 constitute consent for the officer or agent to access
245 any information on the device other than the displayed
246 rental or lease documentation; providing for
247 assumption of liability for any resulting damage to
248 the device; revising requirements for rental or lease
249 documentation; amending s. 322.38, F.S.; prohibiting a
250 person from renting a motor vehicle to another person
251 unless he or she has verified that the renter's driver
252 license is unexpired; requiring that a person renting
253 a motor vehicle to another person keep a record of the
254 place where the renter's license was issued; providing
255 that, under certain circumstances, specified
256 requirements are deemed met when a renter is required
257 at certain times to verify that he or she is duly
258 licensed and that the license is unexpired; creating
259 s. 331.17, F.S.; requiring a motor vehicle rental
260 company, car-sharing service, or a peer-to-peer car-
261 sharing program to enter an agreement with certain
262 publicly owned airports for certain purposes;
263 providing an effective date.