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LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 768.092, Florida Statutes, is created to  
read:

768.092 Special mobile equipment; liability of lessors.—

(1) As used in this section, the term:

(a) "Lease agreement" means a written agreement for the  
rental or lease of special mobile equipment, regardless of  
whether the lease is for a fixed term or with an option to



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12 purchase.

13 (b) "Lessee" means a person who rents or leases special  
14 mobile equipment from the lessor pursuant to a lease agreement.

15 (c) "Lessor" means a person who, pursuant to a lease  
16 agreement, offers or arranges for the rental or lease of special  
17 mobile equipment by the lessee.

18 (d) "Special mobile equipment" has the same meaning as in  
19 s. 316.003.

20 (2) The lessor of any special mobile equipment that causes  
21 injury, death, or damage while leased under a lease agreement is  
22 not liable for acts of the lessee or the lessee's agent or  
23 employee in connection with the rental or lease, including any  
24 bodily injury, death, or damage resulting from the operation,  
25 maintenance, or use of the special mobile equipment, if the  
26 lease agreement requires documented proof of insurance coverage  
27 containing limits of at least \$250,000 per person and up to  
28 \$500,000 per incident for bodily injury liability and up to  
29 \$100,000 for property damage liability, or at least \$750,000 for  
30 combined property damage liability and bodily injury liability.  
31 The failure of the lessee to have in effect the insurance  
32 coverage required by the lease agreement does not impose  
33 liability on the lessor.

34 Section 2. This act shall take effect July 1, 2019.

35  
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete everything before the enacting clause  
39 and insert:

40 A bill to be entitled



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41 An act relating to lessor liability under special  
42 mobile equipment leases; creating s. 768.092, F.S.;  
43 defining terms; providing that a lessor of special  
44 mobile equipment that causes injury, death, or damage  
45 is not liable for certain acts of the lessee or  
46 lessee's agent if the lease agreement requires  
47 documented proof of specified insurance coverage;  
48 providing that a lessee's failure to have in effect  
49 the required coverage does not impose liability on the  
50 lessor; providing an effective date.