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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
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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



661740

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.

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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



661740

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.