



887958

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2019	.	
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The Committee on Banking and Insurance (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



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11 whether the lease is for a fixed term or with an option to  
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 \$100,000 per person and up to  
28 \$300,000 per incident for bodily injury liability and up to  
29 \$50,000 for property damage liability, or at least \$500,000 for  
30 combined property damage liability and bodily injury liability.  
31 The failure of the lessee to obtain or maintain insurance  
32 coverage required by the lease agreement does not impose  
33 liability on the lessor. However, the lessor of the special  
34 mobile equipment may be liable for damages that:

35 (a) Occurred while the lessor's employee or contractor was  
36 operating, maintaining, or using the equipment; or

37 (b) Resulted from the lessor's gross negligence or criminal  
38 wrongdoing.

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



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to lessor liability under special  
mobile equipment leases; creating s. 768.092, F.S.;  
defining terms; providing that a lessor of special  
mobile equipment that causes injury, death, or damage  
is not liable for certain acts of the lessee or  
lessee's agent if the lease agreement requires  
documented proof of specified insurance coverage;  
providing that a lessee's failure to obtain or  
maintain the required coverage does not impose  
liability on the lessor; providing that the lessor may  
be liable for damages under certain circumstances;  
providing an effective date.