



887958

LEGISLATIVE ACTION

Senate

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House

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.