

By the Committees on Rules; Judiciary; and Banking and Insurance; and Senator Stargel

595-04579-19

2019862c3

1 A bill to be entitled
2 An act relating to lessor liability under special
3 mobile equipment leases; creating s. 768.092, F.S.;
4 defining terms; providing that a lessor of special
5 mobile equipment that causes injury, death, or damage
6 is not liable for certain acts of the lessee or
7 lessee's agent if the lease agreement requires
8 documented proof of specified insurance coverage;
9 providing that a lessee's failure to have in effect
10 the required coverage does not impose liability on the
11 lessor; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

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

17 768.092 Special mobile equipment; liability of lessors.-

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

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

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

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

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

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30 (2) The lessor of any special mobile equipment that causes
31 injury, death, or damage while leased under a lease agreement is
32 not liable for acts of the lessee or the lessee's agent or
33 employee in connection with the rental or lease, including any
34 bodily injury, death, or damage resulting from the operation,
35 maintenance, or use of the special mobile equipment, if the
36 lease agreement requires documented proof of insurance coverage
37 containing limits of at least \$250,000 per person and up to
38 \$500,000 per incident for bodily injury liability and up to
39 \$100,000 for property damage liability, or at least \$750,000 for
40 combined property damage liability and bodily injury liability.
41 The failure of the lessee to have in effect the insurance
42 coverage required by the lease agreement does not impose
43 liability on the lessor.

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