

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Latvala offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (c) of subsection (1) of section
 8 212.05, Florida Statutes, is amended to read:

9 212.05 Sales, storage, use tax.—It is hereby declared to
 10 be the legislative intent that every person is exercising a
 11 taxable privilege who engages in the business of selling
 12 tangible personal property at retail in this state, including
 13 the business of making mail order sales, or who rents or
 14 furnishes any of the things or services taxable under this
 15 chapter, or who stores for use or consumption in this state any

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16 item or article of tangible personal property as defined herein
17 and who leases or rents such property within the state.

18 (1) For the exercise of such privilege, a tax is levied on
19 each taxable transaction or incident, which tax is due and
20 payable as follows:

21 (c) At the rate of 6 percent of the gross proceeds derived
22 from the lease or rental of tangible personal property, as
23 defined herein; however, the following special provisions apply
24 to the lease or rental of motor vehicles:

25 1. When a motor vehicle is leased or rented by a motor
26 vehicle rental company or a peer-to-peer car-sharing program, as
27 those terms are defined in s. 212.0606(1), for a period of less
28 than 12 months:

29 a. If the motor vehicle is rented in Florida, the entire
30 amount of such rental is taxable, even if the vehicle is dropped
31 off in another state.

32 b. If the motor vehicle is rented in another state and
33 dropped off in Florida, the rental is exempt from Florida tax.

34 c. If the motor vehicle is rented by a peer-to-peer car-
35 sharing program, the peer-to-peer car-sharing program must
36 collect and remit the applicable tax due in connection with the
37 rental.

38 2. Except as provided in subparagraph 3., for the lease or
39 rental of a motor vehicle for a period of not less than 12
40 months, sales tax is due on the lease or rental payments if the

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41 vehicle is registered in this state; provided, however, that no
42 tax shall be due if the taxpayer documents use of the motor
43 vehicle outside this state and tax is being paid on the lease or
44 rental payments in another state.

45 3. The tax imposed by this chapter does not apply to the
46 lease or rental of a commercial motor vehicle as defined in s.
47 316.003(13)(a) to one lessee or rentee for a period of not less
48 than 12 months when tax was paid on the purchase price of such
49 vehicle by the lessor. To the extent tax was paid with respect
50 to the purchase of such vehicle in another state, territory of
51 the United States, or the District of Columbia, the Florida tax
52 payable shall be reduced in accordance with the provisions of s.
53 212.06(7). This subparagraph shall only be available when the
54 lease or rental of such property is an established business or
55 part of an established business or the same is incidental or
56 germane to such business.

57 Section 2. Section 212.0606, Florida Statutes, is amended
58 to read:

59 212.0606 Rental car surcharge.—

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

61 (a) "Car-sharing service" means a membership-based
62 organization or business, or division thereof, which requires
63 the payment of an application fee or a membership fee and
64 provides member access to motor vehicles:

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65 1. Only at locations that are not staffed by car-sharing
66 service personnel employed solely for the purpose of interacting
67 with car-sharing service members;

68 2. Twenty-four hours per day, 7 days per week;

69 3. Only through automated means, including, but not
70 limited to, a smartphone application or an electronic membership
71 card;

72 4. On an hourly basis or for a shorter increment of time;

73 5. Without a separate fee for refueling the motor vehicle;

74 6. Without a separate fee for minimum financial
75 responsibility liability insurance; and

76 7. Owned or controlled by the car-sharing service or its
77 affiliates.

78 (b) "Motor vehicle rental company" means an entity that is
79 in the business of providing, for financial consideration, motor
80 vehicles to the public under a rental agreement.

81 (c) "Peer-to-peer car-sharing program" has the same
82 meaning as in s. 627.7483(1).

83 (2) Except as provided in subsection (3) ~~(2)~~, a
84 surcharge of \$2 per day or any part of a day is imposed upon the
85 lease or rental by a motor vehicle rental company or a peer-to-
86 peer car-sharing program of a motor vehicle that is licensed for
87 hire and designed to carry fewer than nine passengers,
88 regardless of whether the motor vehicle is licensed in this
89 state, for financial consideration and without transfer of the

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90 title of the motor vehicle. The surcharge is imposed regardless
91 of whether the lease or rental occurs in person or through
92 digital means. The surcharge applies to only the first 30 days
93 of the term of a lease or rental and must be collected by the
94 motor vehicle rental company or the peer-to-peer car-sharing
95 program. The surcharge is subject to all applicable taxes
96 imposed by this chapter.

97 ~~(3)(2)~~ A member of a car-sharing service who uses a motor
98 vehicle as described in subsection ~~(2)~~ ~~(1)~~ for less than 24
99 hours pursuant to an agreement with the car-sharing service
100 shall pay a surcharge of \$1 per usage. A member of a car-sharing
101 service who uses the same motor vehicle for 24 hours or more
102 shall pay a surcharge of \$2 per day or any part of a day as
103 provided in subsection ~~(2)~~ ~~(1)~~. The car-sharing service shall
104 collect the surcharge ~~For purposes of this subsection, the term~~
105 ~~"car-sharing service" means a membership-based organization or~~
106 ~~business, or division thereof, which requires the payment of an~~
107 ~~application or membership fee and provides member access to~~
108 ~~motor vehicles:~~

109 ~~(a) Only at locations that are not staffed by car-sharing~~
110 ~~service personnel employed solely for the purpose of interacting~~
111 ~~with car-sharing service members;~~

112 ~~(b) Twenty-four hours per day, 7 days per week;~~

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113 ~~(c) Only through automated means, including, but not~~
114 ~~limited to, smartphone applications or electronic membership~~
115 ~~cards;~~

116 ~~(d) On an hourly basis or for a shorter increment of time;~~

117 ~~(e) Without a separate fee for refueling the motor~~
118 ~~vehicle;~~

119 ~~(f) Without a separate fee for minimum financial~~
120 ~~responsibility liability insurance; and~~

121 ~~(g) Owned or controlled by the car-sharing service or its~~
122 ~~affiliates. The surcharge imposed under this subsection does not~~
123 ~~apply to the lease, rental, or use of a motor vehicle from a~~
124 ~~location owned, operated, or leased by or for the benefit of an~~
125 ~~airport or airport authority.~~

126 (4) (a) (3) (a) Notwithstanding s. 212.20, and less the costs
127 of administration, 80 percent of the proceeds of this surcharge
128 shall be deposited in the State Transportation Trust Fund, 15.75
129 percent of the proceeds of this surcharge shall be deposited in
130 the Tourism Promotional Trust Fund created in s. 288.122, and
131 4.25 percent of the proceeds of this surcharge shall be
132 deposited in the Florida International Trade and Promotion Trust
133 Fund. For the purposes of this subsection, the term "proceeds of
134 this surcharge" ~~of the surcharge~~ means all funds collected and
135 received by the department under this section, including
136 interest and penalties on delinquent surcharges. The department
137 shall provide the Department of Transportation rental car

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138 surcharge revenue information for the previous state fiscal year
139 by September 1 of each year.

140 (b) Notwithstanding any other ~~provision of~~ law, the
141 proceeds deposited in the State Transportation Trust Fund shall
142 be allocated on an annual basis in the Department of
143 Transportation's work program to each department district,
144 except the Turnpike District. The amount allocated to each
145 district shall be based on the amount of proceeds attributed to
146 the counties within each respective district.

147 (5) (a) ~~(4)~~ Except as provided in this section, the
148 department shall administer, collect, and enforce the surcharge
149 as provided in this chapter.

150 (b) ~~(a)~~ The department shall require a dealer ~~dealers~~ to
151 report surcharge collections according to the county to which
152 the surcharge was attributed. For purposes of this section, the
153 surcharge shall be attributed to the county where the rental
154 agreement was entered into.

155 (c) ~~(b)~~ A dealer ~~Dealers~~ who collects ~~collect~~ the rental
156 car surcharge shall report to the department all surcharge
157 revenues attributed to the county where the rental agreement was
158 entered into on a timely filed return for each required
159 reporting period. The provisions of this chapter which apply to
160 interest and penalties on delinquent taxes apply to the
161 surcharge. The surcharge shall not be included in the
162 calculation of estimated taxes pursuant to s. 212.11. The

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163 dealer's credit provided in s. 212.12 does not apply to any
164 amount collected under this section.

165 ~~(6)-(5)~~ The surcharge imposed by this section does not
166 apply to a motor vehicle provided at no charge to a person whose
167 motor vehicle is being repaired, adjusted, or serviced by the
168 entity providing the replacement motor vehicle.

169 Section 3. Section 627.7483, Florida Statutes, is created
170 to read:

171 627.7483 Peer-to-peer car sharing; insurance
172 requirements.-

173 (1) DEFINITIONS.-As used in this section, the term:

174 (a) "Car-sharing delivery period" means the period of time
175 during which a shared vehicle is being delivered to the location
176 of the car-sharing start time, if applicable, as documented by
177 the governing peer-to-peer car-sharing program agreement.

178 (b) "Car-sharing period" means the period of time that
179 commences either at the car-sharing delivery period or, if there
180 is no car-sharing delivery period, at the car-sharing start time
181 and that ends at the car-sharing termination time.

182 (c) "Car-sharing start time" means the time when the
183 shared vehicle is under the control of the shared vehicle
184 driver, which time occurs at or after the time the reservation
185 of the shared vehicle is scheduled to begin, as documented in
186 the records of a peer-to-peer car-sharing program.

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187 (d) "Car-sharing termination time" means the earliest of
188 the following events:

189 1. The expiration of the agreed-upon period of time
190 established for the use of a shared vehicle according to the
191 terms of the peer-to-peer car-sharing program agreement, if the
192 shared vehicle is delivered to the location agreed upon in the
193 peer-to-peer car-sharing program agreement;

194 2. The time the shared vehicle is returned to a location
195 as alternatively agreed upon by the shared vehicle owner and
196 shared vehicle driver, as communicated through a peer-to-peer
197 car-sharing program; or

198 3. The time the shared vehicle owner or the shared vehicle
199 owner's authorized designee takes possession and control of the
200 shared vehicle.

201 (e) "Peer-to-peer car sharing" or "car sharing" means the
202 authorized use of a motor vehicle by an individual other than
203 the vehicle's owner through a peer-to-peer car-sharing program.
204 For the purposes of this section, the term does not include the
205 renting of a motor vehicle through a rental car company, the use
206 of a for-hire vehicle as defined in s. 320.01(15), ridesharing
207 as defined in s. 341.031(9), carpool as defined in s. 450.28(3),
208 or the use of a motor vehicle under an agreement for a car-
209 sharing service as defined in s. 212.0606(1).

210 (f) "Peer-to-peer car-sharing program" means a business
211 platform that enables peer-to-peer car sharing by connecting

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212 motor vehicle owners with drivers for financial consideration.
213 For the purposes of this section, the term does not include a
214 rental car company, a car-sharing service as defined in s.
215 212.0606(1), a taxicab association, or the owner of a for-hire
216 vehicle as defined in s. 320.01(15).

217 (g) "Peer-to-peer car-sharing program agreement" means the
218 terms and conditions established by the peer-to-peer car-sharing
219 program which are applicable to a shared vehicle owner and a
220 shared vehicle driver and which govern the use of a shared
221 vehicle through a peer-to-peer car-sharing program. For the
222 purposes of this section, the term does not include a rental
223 agreement or an agreement for a for-hire vehicle as defined in
224 s. 320.01(15) or for a car-sharing service as defined in s.
225 212.0606(1).

226 (h) "Shared vehicle" means a motor vehicle that is
227 available for sharing through a peer-to-peer car-sharing
228 program. For the purposes of this section, the term does not
229 include a rental car, a for-hire vehicle as defined in s.
230 320.01(15), or a motor vehicle used for ridesharing as defined
231 in s. 341.031(9), for carpool as defined in s. 450.28(3), or for
232 car-sharing service as defined in s. 212.0606(1).

233 (i) "Shared vehicle driver" means an individual who has
234 been authorized by the shared vehicle owner to drive the shared
235 vehicle under the peer-to-peer car-sharing program agreement.

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236 (j) "Shared vehicle owner" means the registered owner, or
237 a natural person or an entity designated by the registered
238 owner, of a motor vehicle made available for sharing to shared
239 vehicle drivers through a peer-to-peer car-sharing program. For
240 the purposes of this section, the term does not include an owner
241 of a for-hire vehicle as defined in s. 320.01(15).

242 (2) INSURANCE COVERAGE REQUIREMENTS.—

243 (a)1. A peer-to-peer car-sharing program shall ensure
244 that, during each car-sharing period, the shared vehicle owner
245 and the shared vehicle driver are insured under a motor vehicle
246 insurance policy that provides all of the following:

247 a. Property damage liability coverage that meets the
248 minimum coverage amounts required under s. 324.022.

249 b. Bodily injury liability coverage limits as described in
250 s. 324.021(7) (a) and (b).

251 c. Personal injury protection benefits that meet the
252 minimum coverage amounts required under s. 627.736.

253 d. Uninsured and underinsured vehicle coverage as required
254 under s. 627.727.

255 2. The peer-to-peer car-sharing program shall also ensure
256 that the motor vehicle insurance policy under subparagraph 1.:

257 a. Recognizes that the shared vehicle insured under the
258 policy is made available and used through a peer-to-peer car-
259 sharing program; or

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260 b. Does not exclude the use of a shared vehicle by a
261 shared vehicle driver.

262 (b)1. The insurance described under paragraph (a) may be
263 satisfied by a motor vehicle insurance policy maintained by:

264 a. A shared vehicle owner;

265 b. A shared vehicle driver;

266 c. A peer-to-peer car-sharing program; or

267 d. A combination of a shared vehicle owner, a shared
268 vehicle driver, and a peer-to-peer car-sharing program.

269 2. The insurance policy maintained in subparagraph 1.
270 which satisfies the insurance requirements under paragraph (a)
271 is primary during each car-sharing period.

272 3.a. If the insurance maintained by a shared vehicle owner
273 or shared vehicle driver in accordance with subparagraph 1. has
274 lapsed or does not provide the coverage required under paragraph
275 (a), the insurance maintained by the peer-to-peer car-sharing
276 program must provide the coverage required under paragraph (a),
277 beginning with the first dollar of a claim, and must defend such
278 claim, except under circumstances as set forth in subparagraph
279 (3) (a)2.

280 b. Coverage under a motor vehicle insurance policy
281 maintained by the peer-to-peer car-sharing program must not be
282 dependent on another motor vehicle insurer first denying a
283 claim, and another motor vehicle insurance policy is not
284 required to first deny a claim.

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285 c. Notwithstanding any other law, statute, rule, or
286 regulation to the contrary, a peer-to-peer car-sharing program
287 has an insurable interest in a shared vehicle during the car-
288 sharing period. This sub-subparagraph does not create liability
289 for a peer-to-peer car-sharing program for maintaining the
290 coverage required under paragraph (a) and under this paragraph,
291 if applicable.

292 d. A peer-to-peer car-sharing program may own and maintain
293 as the named insured one or more policies of motor vehicle
294 insurance which provide coverage for:

295 (I) Liabilities assumed by the peer-to-peer car-sharing
296 program under a peer-to-peer car-sharing program agreement;

297 (II) Liability of the shared vehicle owner;

298 (III) Liability of the shared vehicle driver;

299 (IV) Damage or loss to the shared motor vehicle; or

300 (V) Damage, loss, or injury to persons or property to
301 satisfy the personal injury protection and uninsured and
302 underinsured motorist coverage requirements of this section.

303 e. Insurance required under paragraph (a), when maintained
304 by a peer-to-peer car-sharing program, may be provided by an
305 insurer authorized to do business in this state which is a
306 member of the Florida Insurance Guaranty Association or an
307 eligible surplus lines insurer that has a superior, excellent,
308 exceptional, or equivalent financial strength rating by a rating
309 agency acceptable to the office. A peer-to-peer car-sharing

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310 program is not transacting in insurance when it maintains the
311 insurance required under this section.

312 (3) LIABILITIES AND INSURANCE EXCLUSIONS.-

313 (a) Liability.-

314 1. A peer-to-peer car-sharing program shall assume
315 liability, except as provided in subparagraph 2., of a shared
316 vehicle owner for bodily injury or property damage to third
317 parties or uninsured and underinsured motorist or personal
318 injury protection losses during the car-sharing period in an
319 amount stated in the peer-to-peer car-sharing program agreement,
320 which amount may not be less than those set forth in ss.
321 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,
322 respectively.

323 2. The assumption of liability under subparagraph 1. does
324 not apply if a shared vehicle owner:

325 a. Makes an intentional or fraudulent material
326 misrepresentation or omission to the peer-to-peer car-sharing
327 program before the car-sharing period in which the loss occurs;
328 or

329 b. Acts in concert with a shared vehicle driver who fails
330 to return the shared vehicle pursuant to the terms of the peer-
331 to-peer car-sharing program agreement.

332 3. A peer-to-peer car-sharing program shall assume primary
333 liability for a claim when it is in whole or in part providing
334 the insurance required under paragraph (2)(a) and:

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335 a. A dispute exists as to who was in control of the shared
336 motor vehicle at the time of the loss; and

337 b. The peer-to-peer car-sharing program does not have
338 available, did not retain, or fails to provide the information
339 required under subsection (5).

340
341 The shared vehicle owner's insurer shall indemnify the peer-to-
342 peer car-sharing program to the extent of the insurer's
343 obligation, if any, under the applicable insurance policy if it
344 is determined that the shared vehicle owner was in control of
345 the shared motor vehicle at the time of the loss.

346 (b) Vicarious liability.—A peer-to-peer car-sharing
347 program and a shared vehicle owner are exempt from vicarious
348 liability consistent with 49 U.S.C. s. 30106 (2005) under any
349 state or local law that imposes liability solely based on
350 vehicle ownership.

351 (c) Exclusions in motor vehicle insurance policies.—An
352 authorized insurer that writes motor vehicle liability insurance
353 in this state may exclude any and all coverage and the duty to
354 defend or indemnify for any claim afforded under a shared
355 vehicle owner's motor vehicle insurance policy, including, but
356 not limited to:

357 1. Liability coverage for bodily injury and property
358 damage;

359 2. Personal injury protection coverage;

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- 360 3. Uninsured and underinsured motorist coverage;
- 361 4. Medical payments coverage;
- 362 5. Comprehensive physical damage coverage; and
- 363 6. Collision physical damage coverage.

364
365 This paragraph does not invalidate or limit any exclusion
366 contained in a motor vehicle insurance policy, including any
367 insurance policy in use or approved for use which excludes
368 coverage for motor vehicles made available for rent, sharing, or
369 hire or for any business use.

370 (d) Contribution against indemnification.—A shared vehicle
371 owner's motor vehicle insurer that defends or indemnifies a
372 claim against a shared vehicle which is excluded under the terms
373 of its policy has the right to seek contribution against the
374 motor vehicle insurer of the peer-to-peer car-sharing program if
375 the claim is:

376 1. Made against the shared vehicle owner or the shared
377 vehicle driver for loss or injury that occurs during the car-
378 sharing period; and

379 2. Excluded under the terms of its policy.

380 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a
381 motor vehicle owner registers as a shared vehicle owner on a
382 peer-to-peer car-sharing program and before the shared vehicle
383 owner may make a shared vehicle available for car sharing on the
384 peer-to-peer car-sharing program, the peer-to-peer car-sharing

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385 program must notify the shared vehicle owner that, if the shared
386 vehicle has a lien against it, the use of the shared vehicle
387 through a peer-to-peer car-sharing program, including the use
388 without physical damage coverage, may violate the terms of the
389 contract with the lienholder.

390 (5) RECORDKEEPING.—A peer-to-peer car-sharing program
391 shall:

392 (a) Collect and verify records pertaining to the use of a
393 shared vehicle, including, but not limited to, the times used,
394 fees paid by the shared vehicle driver, and revenues received by
395 the shared vehicle owner.

396 (b) Retain the records in paragraph (a) for a time period
397 not less than the applicable personal injury statute of
398 limitations.

399 (c) Provide the information contained in the records in
400 paragraph (a) upon request to the shared vehicle owner, the
401 shared vehicle owner's insurer, or the shared vehicle driver's
402 insurer to facilitate a claim coverage investigation.

403 (6) CONSUMER PROTECTIONS.—

404 (a) Disclosures.—Each peer-to-peer car-sharing program
405 agreement made in this state must disclose to the shared vehicle
406 owner and the shared vehicle driver:

407 1. Any right of the peer-to-peer car-sharing program to
408 seek indemnification from the shared vehicle owner or the shared
409 vehicle driver for economic loss resulting from a breach of the

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410 terms and conditions of the peer-to-peer car-sharing program
411 agreement.

412 2. That a motor vehicle insurance policy issued to the
413 shared vehicle owner for the shared vehicle or to the shared
414 vehicle driver does not provide a defense or indemnification for
415 any claim asserted by the peer-to-peer car-sharing program.

416 3. That the peer-to-peer car-sharing program's insurance
417 coverage on the shared vehicle owner and the shared vehicle
418 driver is in effect only during each car-sharing period and
419 that, for any use of the shared vehicle by the shared vehicle
420 driver after the car-sharing termination time, the shared
421 vehicle driver and the shared vehicle owner may not have
422 insurance coverage.

423 4. The daily rate, fees, and, if applicable, any insurance
424 or protection package costs that are charged to the shared
425 vehicle owner or the shared vehicle driver.

426 5. That the shared vehicle owner's motor vehicle liability
427 insurance may exclude coverage for a shared vehicle.

428 6. An emergency telephone number of the personnel capable
429 of fielding calls for roadside assistance and other customer
430 service inquiries.

431 7. Any conditions under which a shared vehicle driver must
432 maintain a personal motor vehicle insurance policy with certain
433 applicable coverage limits on a primary basis in order to book a
434 shared vehicle.

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435 (b) Driver license verification and data retention.-

436 1. A peer-to-peer car-sharing program may not enter into a
437 peer-to-peer car-sharing program agreement with a driver unless
438 the driver:

439 a. Holds a driver license issued under chapter 322 which
440 authorizes the driver to drive vehicles of the class of the
441 shared vehicle;

442 b. Is a nonresident who:

443 (I) Holds a driver license issued by the state or country
444 of the driver's residence which authorizes the driver in that
445 state or country to drive vehicles of the class of the shared
446 vehicle; and

447 (II) Is at least the same age as that required of a
448 resident to drive; or

449 c. Is otherwise specifically authorized by the Department
450 of Highway Safety and Motor Vehicles to drive vehicles of the
451 class of the shared vehicle.

452 2. A peer-to-peer car-sharing program shall keep a record
453 of:

454 a. The name and address of the shared vehicle driver;

455 b. The number of the driver license of the shared vehicle
456 driver and each other person, if any, who will operate the
457 shared vehicle; and

458 c. The place of issuance of the driver license.

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459 (c) Responsibility for equipment.—A peer-to-peer car-
460 sharing program has sole responsibility for any equipment that
461 is put in or on the shared vehicle to monitor or facilitate the
462 peer-to-peer car-sharing transaction, including a GPS system.
463 The peer-to-peer car-sharing program shall indemnify and hold
464 harmless the shared vehicle owner for any damage to or theft of
465 such equipment during the car-sharing period which is not caused
466 by the shared vehicle owner. The peer-to-peer car-sharing
467 program may seek indemnity from the shared vehicle driver for
468 any damage to or loss of such equipment which occurs during the
469 car-sharing period.

470 (d) Motor vehicle safety recalls.—At the time a motor
471 vehicle owner registers as a shared vehicle owner on a peer-to-
472 peer car-sharing program and before the shared vehicle owner may
473 make a shared vehicle available for car sharing on the peer-to-
474 peer car-sharing program, the peer-to-peer car-sharing program
475 must:

476 1. Verify that the shared vehicle does not have any safety
477 recalls on the vehicle for which the repairs have not been made;
478 and

479 2. Notify the shared vehicle owner that if the shared
480 vehicle owner:

481 a. Has received an actual notice of a safety recall on the
482 vehicle, he or she may not make a vehicle available as a shared

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483 vehicle on the peer-to-peer car-sharing program until the safety
484 recall repair has been made.

485 b. Receives an actual notice of a safety recall on a
486 shared vehicle while the shared vehicle is made available on the
487 peer-to-peer car-sharing program, he or she shall remove the
488 shared vehicle as available on the peer-to-peer car-sharing
489 program as soon as practicably possible after receiving the
490 notice of the safety recall and until the safety recall repair
491 has been made.

492 c. Receives an actual notice of a safety recall while the
493 shared vehicle is in the possession of a shared vehicle driver,
494 he or she shall notify the peer-to-peer car-sharing program
495 about the safety recall as soon as practicably possible after
496 receiving the notice of the safety recall, so that he or she may
497 address the safety recall repair.

498 (7) CONSTRUCTION.—This section does not limit:

499 (a) The liability of a peer-to-peer car-sharing program
500 for any act or omission of the peer-to-peer car-sharing program
501 which results in bodily injury to a person as a result of the
502 use of a shared vehicle through peer-to-peer car sharing; or

503 (b) The ability of a peer-to-peer car-sharing program to
504 seek, by contract, indemnification from the shared vehicle owner
505 or the shared vehicle driver for economic loss resulting from a
506 breach of the terms and conditions of the peer-to-peer car-
507 sharing program agreement.

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508 Section 4. This act shall take effect March 1, 2021.
509
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512 -----

513 **T I T L E A M E N D M E N T**

514 Remove everything before the enacting clause and insert:
515 An act relating to motor vehicle rentals; amending s. 212.05,
516 F.S.; specifying the applicable sales tax rate on motor vehicle
517 leases and rentals by motor vehicle rental companies and peer-
518 to-peer car-sharing programs; requiring peer-to-peer car-sharing
519 programs to collect and remit the applicable sales tax; amending
520 s. 212.0606, F.S.; defining terms; specifying the applicable
521 rental car surcharge on motor vehicle leases and rentals by
522 motor vehicle rental companies and peer-to-peer car-sharing
523 programs; specifying applicability of the surcharge; requiring
524 motor vehicle rental companies and peer-to-peer car-sharing
525 programs to collect the surcharge; requiring car-sharing
526 services to collect a certain surcharge; making technical
527 changes; creating s. 627.7483, F.S.; defining terms; specifying
528 insurance requirements for shared vehicle owners and shared
529 vehicle drivers under peer-to-peer car-sharing programs;
530 providing that a peer-to-peer car-sharing program has an
531 insurable interest in a shared vehicle during certain periods;
532 authorizing peer-to-peer car-sharing programs to own and

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533 maintain certain motor vehicle insurance policies; requiring
534 peer-to-peer car-sharing programs to assume certain liability;
535 providing exceptions; requiring a shared vehicle owner's insurer
536 to indemnify the peer-to-peer car-sharing program under certain
537 circumstances; providing an exemption from vicarious liability
538 for peer-to-peer car-sharing programs and shared vehicle owners;
539 authorizing motor vehicle insurers to exclude coverages and a
540 duty to defend or indemnify claims under a shared vehicle
541 owner's policy; providing construction relating to exclusions;
542 providing a right of contribution to a shared vehicle owner's
543 insurer for certain claims; requiring a peer-to-peer car-sharing
544 program to provide certain information to shared vehicle owners
545 regarding liens; specifying recordkeeping and record sharing,
546 disclosure, and driver license verification and data retention
547 requirements for peer-to-peer car-sharing programs; providing
548 that peer-to-peer car-sharing programs have sole responsibility
549 for certain equipment in or on a shared vehicle; providing for
550 indemnification; specifying requirements for peer-to-peer car-
551 sharing programs relating to safety recalls on a shared vehicle;
552 providing construction; providing an effective date.