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LEGISLATIVE ACTION

Senate

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House

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The Committee on Banking and Insurance (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

212.05 Sales, storage, use tax.—It is hereby declared to be  
the legislative intent that every person is exercising a taxable  
privilege who engages in the business of selling tangible  
personal property at retail in this state, including the



493334

11 business of making mail order sales, or who rents or furnishes  
12 any of the things or services taxable under this chapter, or who  
13 stores for use or consumption in this state any item or article  
14 of tangible personal property as defined herein and who leases  
15 or rents such property within the state.

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

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

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

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

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

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

36 2. Except as provided in subparagraph 3., for the lease or  
37 rental of a motor vehicle for a period of not less than 12  
38 months, sales tax is due on the lease or rental payments if the  
39 vehicle is registered in this state; provided, however, that no



493334

40 tax shall be due if the taxpayer documents use of the motor  
41 vehicle outside this state and tax is being paid on the lease or  
42 rental payments in another state.

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

55 Section 2. Section 212.0606, Florida Statutes, is amended  
56 to read:

57 212.0606 Rental car surcharge.—

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

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

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

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

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



493334

- 69           4. On an hourly basis or for a shorter increment of time;  
70           5. Without a separate fee for refueling the motor vehicle;  
71           6. Without a separate fee for minimum financial  
72 responsibility liability insurance; and  
73           7. Owned or controlled by the car-sharing service or its  
74 affiliates.

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

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

80           (2) Except as provided in subsection (3) ~~(2)~~, a surcharge  
81 of \$2 per day or any part of a day is imposed upon the lease or  
82 rental by a motor vehicle rental company or a peer-to-peer car-  
83 sharing program of a motor vehicle that is licensed for hire and  
84 designed to carry fewer than nine passengers, regardless of  
85 whether the motor vehicle is licensed in this state, for  
86 financial consideration and without transfer of the title of the  
87 motor vehicle. The surcharge is imposed regardless of whether  
88 the lease or rental occurs in person or through digital means.  
89 The surcharge applies to only the first 30 days of the term of a  
90 lease or rental and must be collected by the motor vehicle  
91 rental company or the peer-to-peer car-sharing program. The  
92 surcharge is subject to all applicable taxes imposed by this  
93 chapter.

94           (3) ~~(2)~~ A member of a car-sharing service who uses a motor  
95 vehicle as described in subsection (2) ~~(1)~~ for less than 24  
96 hours pursuant to an agreement with the car-sharing service  
97 shall pay a surcharge of \$1 per usage. A member of a car-sharing



493334

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

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

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

110 ~~(c) Only through automated means, including, but not~~  
111 ~~limited to, smartphone applications or electronic membership~~  
112 ~~cards;~~

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

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

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

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

122 (4) (a) ~~(3) (a)~~ Notwithstanding s. 212.20, and less the costs  
123 of administration, 80 percent of the proceeds of this surcharge  
124 shall be deposited in the State Transportation Trust Fund, 15.75  
125 percent of the proceeds of this surcharge shall be deposited in  
126 the Tourism Promotional Trust Fund created in s. 288.122, and



493334

127 4.25 percent of the proceeds of this surcharge shall be  
128 deposited in the Florida International Trade and Promotion Trust  
129 Fund. For the purposes of this subsection, the term "proceeds of  
130 this surcharge" ~~of the surcharge~~ means all funds collected and  
131 received by the department under this section, including  
132 interest and penalties on delinquent surcharges. The department  
133 shall provide the Department of Transportation rental car  
134 surcharge revenue information for the previous state fiscal year  
135 by September 1 of each year.

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

143 (5) (a) ~~(4)~~ Except as provided in this section, the  
144 department shall administer, collect, and enforce the surcharge  
145 as provided in this chapter.

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

151 (c) ~~(b)~~ A dealer ~~Dealers~~ who collects ~~collect~~ the rental car  
152 surcharge shall report to the department all surcharge revenues  
153 attributed to the county where the rental agreement was entered  
154 into on a timely filed return for each required reporting  
155 period. The provisions of this chapter which apply to interest



493334

156 and penalties on delinquent taxes apply to the surcharge. The  
157 surcharge shall not be included in the calculation of estimated  
158 taxes pursuant to s. 212.11. The dealer's credit provided in s.  
159 212.12 does not apply to any amount collected under this  
160 section.

161 (6)~~(5)~~ The surcharge imposed by this section does not apply  
162 to a motor vehicle provided at no charge to a person whose motor  
163 vehicle is being repaired, adjusted, or serviced by the entity  
164 providing the replacement motor vehicle.

165 Section 3. Section 627.7483, Florida Statutes, is created  
166 to read:

167 627.7483 Peer-to-peer car sharing; insurance requirements.-

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

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

173 (b) "Car-sharing period" means the period of time that  
174 commences either at the car-sharing delivery period or, if there  
175 is no car-sharing delivery period, at the car-sharing start time  
176 and that ends at the car-sharing termination time.

177 (c) "Car-sharing start time" means the time when the shared  
178 vehicle is under the control of the shared vehicle driver, which  
179 time occurs at or after the time the reservation of the shared  
180 vehicle is scheduled to begin, as documented in the records of a  
181 peer-to-peer car-sharing program.

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

184 1. The expiration of the agreed-upon period of time



493334

185 established for the use of a shared vehicle according to the  
186 terms of the peer-to-peer car-sharing program agreement, if the  
187 shared vehicle is delivered to the location agreed upon in the  
188 peer-to-peer car-sharing program agreement;

189 2. The time the shared vehicle is returned to a location as  
190 alternatively agreed upon by the shared vehicle owner and shared  
191 vehicle driver, as communicated through a peer-to-peer car-  
192 sharing program; or

193 3. The time the shared vehicle owner or the shared vehicle  
194 owner's authorized designee takes possession and control of the  
195 shared vehicle.

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

205 (f) "Peer-to-peer car-sharing program" means a business  
206 platform that enables peer-to-peer car sharing by connecting  
207 motor vehicle owners with drivers for financial consideration.  
208 For the purposes of this section, the term does not include a  
209 rental car company, a car-sharing service as defined in s.  
210 212.0606(1), a taxicab association, or the owner of a for-hire  
211 vehicle as defined in s. 320.01(15).

212 (g) "Peer-to-peer car-sharing program agreement" means the  
213 terms and conditions established by the peer-to-peer car-sharing





493334

214 program which are applicable to a shared vehicle owner and a  
215 shared vehicle driver and which govern the use of a shared  
216 vehicle through a peer-to-peer car-sharing program. For the  
217 purposes of this section, the term does not include a rental  
218 agreement or an agreement for a for-hire vehicle as defined in  
219 s. 320.01(15) or for a car-sharing service as defined in s.  
220 212.0606(1).

221 (h) "Shared vehicle" means a motor vehicle that is  
222 available for sharing through a peer-to-peer car-sharing  
223 program. For the purposes of this section, the term does not  
224 include a rental car, a for-hire vehicle as defined in s.  
225 320.01(15), or a motor vehicle used for ridesharing as defined  
226 in s. 341.031(9), for carpool as defined in s. 450.28(3), or for  
227 car-sharing service as defined in s. 212.0606(1).

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

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

237 (2) INSURANCE COVERAGE REQUIREMENTS.-

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

242 a. Property damage liability coverage that meets the



493334

243 minimum coverage amounts required under s. 324.022.  
244 b. Bodily injury liability coverage limits as described in  
245 s. 324.021(7) (a) and (b).  
246 c. Personal injury protection benefits that meet the  
247 minimum coverage amounts required under s. 627.736.  
248 d. Uninsured and underinsured vehicle coverage as required  
249 under s. 627.727.  
250 2. The peer-to-peer car-sharing program shall also ensure  
251 that the motor vehicle insurance policy under subparagraph 1.:  
252 a. Recognizes that the shared vehicle insured under the  
253 policy is made available and used through a peer-to-peer car-  
254 sharing program; or  
255 b. Does not exclude the use of a shared vehicle by a shared  
256 vehicle driver.  
257 (b)1. The insurance described under paragraph (a) may be  
258 satisfied by a motor vehicle insurance policy maintained by:  
259 a. A shared vehicle owner;  
260 b. A shared vehicle driver;  
261 c. A peer-to-peer car-sharing program; or  
262 d. A combination of a shared vehicle owner, a shared  
263 vehicle driver, and a peer-to-peer car-sharing program.  
264 2. The insurance policy maintained in subparagraph 1. which  
265 satisfies the insurance requirements under paragraph (a) is  
266 primary during each car-sharing period.  
267 3.a. If the insurance maintained by a shared vehicle owner  
268 or shared vehicle driver in accordance with subparagraph 1. has  
269 lapsed or does not provide the coverage required under paragraph  
270 (a), the insurance maintained by the peer-to-peer car-sharing  
271 program must provide the coverage required under paragraph (a),



493334

272 beginning with the first dollar of a claim, and must defend such  
273 claim, except under circumstances as set forth in subparagraph  
274 (3) (a) 2.

275 b. Coverage under a motor vehicle insurance policy  
276 maintained by the peer-to-peer car-sharing program must not be  
277 dependent on another motor vehicle insurer first denying a  
278 claim, and another motor vehicle insurance policy is not  
279 required to first deny a claim.

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

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

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

292 (II) Liability of the shared vehicle owner;

293 (III) Liability of the shared vehicle driver;

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

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

298 e. Insurance required under paragraph (a), when maintained  
299 by a peer-to-peer car-sharing program, may be provided by an  
300 insurer authorized to do business in this state which is a



493334

301 member of the Florida Insurance Guaranty Association or an  
302 eligible surplus lines insurer that has a superior, excellent,  
303 exceptional, or equivalent financial strength rating by a rating  
304 agency acceptable to the office. A peer-to-peer car-sharing  
305 program is not transacting in insurance when it maintains the  
306 insurance required under this section.

307 (3) LIABILITIES AND INSURANCE EXCLUSIONS.-

308 (a) Liability.-

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

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

320 a. Makes an intentional or fraudulent material  
321 misrepresentation or omission to the peer-to-peer car-sharing  
322 program before the car-sharing period in which the loss occurs;  
323 or

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

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



493334

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

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

335  
336 The shared vehicle owner's insurer shall indemnify the peer-to-  
337 peer car-sharing program to the extent of the insurer's  
338 obligation, if any, under the applicable insurance policy if it  
339 is determined that the shared vehicle owner was in control of  
340 the shared motor vehicle at the time of the loss.

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

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

352 1. Liability coverage for bodily injury and property  
353 damage;

354 2. Personal injury protection coverage;

355 3. Uninsured and underinsured motorist coverage;

356 4. Medical payments coverage;

357 5. Comprehensive physical damage coverage; and

358 6. Collision physical damage coverage.



493334

359  
360 This paragraph does not invalidate or limit any exclusion  
361 contained in a motor vehicle insurance policy, including any  
362 insurance policy in use or approved for use which excludes  
363 coverage for motor vehicles made available for rent, sharing, or  
364 hire or for any business use.

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

371 1. Made against the shared vehicle owner or the shared  
372 vehicle driver for loss or injury that occurs during the car-  
373 sharing period; and

374 2. Excluded under the terms of its policy.

375 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a  
376 motor vehicle owner registers as a shared vehicle owner on a  
377 peer-to-peer car-sharing program and before the shared vehicle  
378 owner may make a shared vehicle available for car sharing on the  
379 peer-to-peer car-sharing program, the peer-to-peer car-sharing  
380 program must notify the shared vehicle owner that, if the shared  
381 vehicle has a lien against it, the use of the shared vehicle  
382 through a peer-to-peer car-sharing program, including the use  
383 without physical damage coverage, may violate the terms of the  
384 contract with the lienholder.

385 (5) RECORDKEEPING.—A peer-to-peer car-sharing program  
386 shall:

387 (a) Collect and verify records pertaining to the use of a



493334

388 shared vehicle, including, but not limited to, the times used,  
389 fees paid by the shared vehicle driver, and revenues received by  
390 the shared vehicle owner.

391 (b) Retain the records in paragraph (a) for a time period  
392 not less than the applicable personal injury statute of  
393 limitations.

394 (c) Provide the information contained in the records in  
395 paragraph (a) upon request to the shared vehicle owner, the  
396 shared vehicle owner's insurer, or the shared vehicle driver's  
397 insurer to facilitate a claim coverage investigation.

398 (6) CONSUMER PROTECTIONS.—

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

402 1. Any right of the peer-to-peer car-sharing program to  
403 seek indemnification from the shared vehicle owner or the shared  
404 vehicle driver for economic loss resulting from a breach of the  
405 terms and conditions of the peer-to-peer car-sharing program  
406 agreement.

407 2. That a motor vehicle insurance policy issued to the  
408 shared vehicle owner for the shared vehicle or to the shared  
409 vehicle driver does not provide a defense or indemnification for  
410 any claim asserted by the peer-to-peer car-sharing program.

411 3. That the peer-to-peer car-sharing program's insurance  
412 coverage on the shared vehicle owner and the shared vehicle  
413 driver is in effect only during each car-sharing period and  
414 that, for any use of the shared vehicle by the shared vehicle  
415 driver after the car-sharing termination time, the shared  
416 vehicle driver and the shared vehicle owner may not have



493334

417 insurance coverage.

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

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

423 6. An emergency telephone number of the personnel capable  
424 of fielding calls for roadside assistance and other customer  
425 service inquiries.

426 7. Any conditions under which a shared vehicle driver must  
427 maintain a personal motor vehicle insurance policy with certain  
428 applicable coverage limits on a primary basis in order to book a  
429 shared vehicle.

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

431 1. A peer-to-peer car-sharing program may not enter into a  
432 peer-to-peer car-sharing program agreement with a driver unless  
433 the driver:

434 a. Holds a driver license issued under chapter 322 which  
435 authorizes the driver to drive vehicles of the class of the  
436 shared vehicle;

437 b. Is a nonresident who:

438 (I) Holds a driver license issued by the state or country  
439 of the driver's residence which authorizes the driver in that  
440 state or country to drive vehicles of the class of the shared  
441 vehicle; and

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

444 c. Is otherwise specifically authorized by the Department  
445 of Highway Safety and Motor Vehicles to drive vehicles of the





493334

446 class of the shared vehicle.

447 2. A peer-to-peer car-sharing program shall keep a record  
448 of:

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

450 b. The number of the driver license of the shared vehicle  
451 driver and each other person, if any, who will operate the  
452 shared vehicle; and

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

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

465 (d) Motor vehicle safety recalls.—At the time a motor  
466 vehicle owner registers as a shared vehicle owner on a peer-to-  
467 peer car-sharing program and before the shared vehicle owner may  
468 make a shared vehicle available for car sharing on the peer-to-  
469 peer car-sharing program, the peer-to-peer car-sharing program  
470 must:

471 1. Verify that the shared vehicle does not have any safety  
472 recalls on the vehicle for which the repairs have not been made;  
473 and

474 2. Notify the shared vehicle owner that if the shared



493334

475 vehicle owner:

476 a. Has received an actual notice of a safety recall on the  
477 vehicle, he or she may not make a vehicle available as a shared  
478 vehicle on the peer-to-peer car-sharing program until the safety  
479 recall repair has been made.

480 b. Receives an actual notice of a safety recall on a shared  
481 vehicle while the shared vehicle is made available on the peer-  
482 to-peer car-sharing program, he or she shall remove the shared  
483 vehicle as available on the peer-to-peer car-sharing program as  
484 soon as practicably possible after receiving the notice of the  
485 safety recall and until the safety recall repair has been made.

486 c. Receives an actual notice of a safety recall while the  
487 shared vehicle is in the possession of a shared vehicle driver,  
488 he or she shall notify the peer-to-peer car-sharing program  
489 about the safety recall as soon as practicably possible after  
490 receiving the notice of the safety recall, so that he or she may  
491 address the safety recall repair.

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

493 (a) The liability of a peer-to-peer car-sharing program for  
494 any act or omission of the peer-to-peer car-sharing program  
495 which results in bodily injury to a person as a result of the  
496 use of a shared vehicle through peer-to-peer car sharing; or

497 (b) The ability of a peer-to-peer car-sharing program to  
498 seek, by contract, indemnification from the shared vehicle owner  
499 or the shared vehicle driver for economic loss resulting from a  
500 breach of the terms and conditions of the peer-to-peer car-  
501 sharing program agreement.

502 Section 4. This act shall take effect March 1, 2021.

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493334

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

505 And the title is amended as follows:

506 Delete everything before the enacting clause

507 and insert:

508 A bill to be entitled

509 An act relating to motor vehicle rentals; amending s.  
510 212.05, F.S.; specifying the applicable sales tax rate  
511 on motor vehicle leases and rentals by motor vehicle  
512 rental companies and peer-to-peer car-sharing  
513 programs; requiring peer-to-peer car-sharing programs  
514 to collect and remit the applicable sales tax;  
515 amending s. 212.0606, F.S.; defining terms; specifying  
516 the applicable rental car surcharge on motor vehicle  
517 leases and rentals by motor vehicle rental companies  
518 and peer-to-peer car-sharing programs; specifying  
519 applicability of the surcharge; requiring motor  
520 vehicle rental companies and peer-to-peer car-sharing  
521 programs to collect the surcharge; requiring car-  
522 sharing services to collect a certain surcharge;  
523 making technical changes; creating s. 627.7483, F.S.;  
524 defining terms; specifying insurance requirements for  
525 shared vehicle owners and shared vehicle drivers under  
526 peer-to-peer car-sharing programs; providing that a  
527 peer-to-peer car-sharing program has an insurable  
528 interest in a shared vehicle during certain periods;  
529 authorizing peer-to-peer car-sharing programs to own  
530 and maintain certain motor vehicle insurance policies;  
531 requiring peer-to-peer car-sharing programs to assume  
532 certain liability; providing exceptions; requiring a



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