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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2021	.	
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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



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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 and to peer-to-peer  
23 car-sharing programs:

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

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

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

33 2. Except as provided in subparagraph 3., for the lease or  
34 rental of a motor vehicle for a period of not less than 12  
35 months, sales tax is due on the lease or rental payments if the  
36 vehicle is registered in this state; provided, however, that no  
37 tax shall be due if the taxpayer documents use of the motor  
38 vehicle outside this state and tax is being paid on the lease or  
39 rental payments in another state.



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40           3. The tax imposed by this chapter does not apply to the  
41 lease or rental of a commercial motor vehicle as defined in s.  
42 316.003(13) (a) to one lessee or rentee for a period of not less  
43 than 12 months when tax was paid on the purchase price of such  
44 vehicle by the lessor. To the extent tax was paid with respect  
45 to the purchase of such vehicle in another state, territory of  
46 the United States, or the District of Columbia, the Florida tax  
47 payable shall be reduced in accordance with the provisions of s.  
48 212.06(7). This subparagraph shall only be available when the  
49 lease or rental of such property is an established business or  
50 part of an established business or the same is incidental or  
51 germane to such business.

52           Section 2. Section 212.0606, Florida Statutes, is amended  
53 to read:

54           212.0606 Rental car surcharge.—

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

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

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

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

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

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

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

68           6. Without a separate fee for minimum financial



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69 responsibility liability insurance; and

70 7. Owned or controlled by the car-sharing service or its  
71 affiliates.

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

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

77 (2) Except as provided in subsections (3), (4), and (5)  
78 subsection (2), a surcharge of \$2 per day or any part of a day  
79 is imposed upon the lease or rental by a motor vehicle rental  
80 company of a motor vehicle that is licensed for hire and  
81 designed to carry fewer than nine passengers, regardless of  
82 whether the motor vehicle is licensed in this state, for  
83 financial consideration and without transfer of the title of the  
84 motor vehicle. The surcharge is imposed regardless of whether  
85 the lease or rental occurs in person or through digital means.  
86 The surcharge applies to only the first 30 days of the term of a  
87 lease or rental and must be collected by the motor vehicle  
88 rental company. The surcharge is subject to all applicable taxes  
89 imposed by this chapter.

90 (3) A surcharge of \$1 per day or any part of a day is  
91 imposed upon each peer-to-peer car-sharing program agreement  
92 involving a shared vehicle that is registered in this state and  
93 designed to carry fewer than nine passengers for financial  
94 consideration and without transfer of the title of the shared  
95 vehicle. If the duration of the car-sharing period for a peer-  
96 to-peer car-sharing program agreement subject to the surcharge  
97 established pursuant to this section is less than 24 hours, the



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98 applicable surcharge will be \$1 per usage. The surcharge applies  
99 to the first 30 days only of a car-sharing period for any peer-  
100 to-peer car-sharing program agreement to which the surcharge  
101 applies and must be collected by the peer-to-peer car-sharing  
102 program. The surcharge is subject to all applicable taxes  
103 imposed by this chapter.

104 (4) A surcharge of \$1 per usage is imposed upon the lease  
105 or rental for less than 24 hours by a motor vehicle rental  
106 company of a motor vehicle that is licensed for hire and  
107 designed to carry fewer than nine passengers, regardless of  
108 whether the motor vehicle is licensed in this state, for  
109 financial consideration and without transfer of the title of the  
110 motor vehicle. The surcharge is imposed regardless of whether  
111 the lease or rental occurs in person or through digital means.  
112 The surcharge is subject to all applicable taxes imposed by this  
113 chapter.

114 (5) ~~(2)~~ A member of a car-sharing service who uses a motor  
115 vehicle as described in subsection (2) ~~(1)~~ for less than 24  
116 hours pursuant to an agreement with the car-sharing service  
117 shall pay a surcharge of \$1 per usage. A member of a car-sharing  
118 service who uses the same motor vehicle for 24 hours or more  
119 shall pay a surcharge of \$2 per day or any part of a day as  
120 provided in subsection (2) ~~(1)~~. The car-sharing service shall  
121 collect the surcharge ~~For purposes of this subsection, the term~~  
122 ~~"car-sharing service" means a membership-based organization or~~  
123 ~~business, or division thereof, which requires the payment of an~~  
124 ~~application or membership fee and provides member access to~~  
125 ~~motor vehicles:~~

126 ~~(a) Only at locations that are not staffed by car-sharing~~



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127 ~~service personnel employed solely for the purpose of interacting~~  
128 ~~with car-sharing service members;~~

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

130 ~~(c) Only through automated means, including, but not~~  
131 ~~limited to, smartphone applications or electronic membership~~  
132 ~~cards;~~

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

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

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

137 ~~(g) Owned or controlled by the car-sharing service or its~~  
138 ~~affiliates.~~

139

140 The surcharge imposed under this subsection does not apply to  
141 the lease, rental, or use of a motor vehicle from a location  
142 owned, operated, or leased by or for the benefit of an airport  
143 or airport authority.

144 ~~(6) (a) (3) (a)~~ Notwithstanding s. 212.20, and less the costs  
145 of administration, 80 percent of the proceeds of this surcharge  
146 shall be deposited in the State Transportation Trust Fund, 15.75  
147 percent of the proceeds of this surcharge shall be deposited in  
148 the Tourism Promotional Trust Fund created in s. 288.122, and  
149 4.25 percent of the proceeds of this surcharge shall be  
150 deposited in the Florida International Trade and Promotion Trust  
151 Fund. For the purposes of this subsection, the term "proceeds of  
152 this surcharge" ~~of the surcharge~~ means all funds collected and  
153 received by the department under this section, including  
154 interest and penalties on delinquent surcharges. The department  
155 shall provide the Department of Transportation rental car



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156 surcharge revenue information for the previous state fiscal year  
157 by September 1 of each year.

158 (b) Notwithstanding any other ~~provision of~~ law, the  
159 proceeds deposited in the State Transportation Trust Fund shall  
160 be allocated on an annual basis in the Department of  
161 Transportation's work program to each department district,  
162 except the Turnpike District. The amount allocated to each  
163 district shall be based on the amount of proceeds attributed to  
164 the counties within each respective district.

165 (7) (a) ~~(4)~~ Except as provided in this section, the  
166 department shall administer, collect, and enforce the surcharges  
167 ~~surcharge~~ as provided in this chapter.

168 (b) ~~(a)~~ The department shall require a dealer or peer-to-  
169 peer car-sharing program dealers to report surcharge collections  
170 according to the county to which the surcharge was attributed.  
171 For purposes of this section, the surcharge shall be attributed  
172 to the county in which ~~where~~ the rental agreement was entered  
173 into, except that, for peer-to-peer car-sharing, the surcharge  
174 shall be attributable to the county corresponding to the  
175 location of the motor vehicle at the car-sharing start time.

176 (c) ~~(b)~~ A dealer or peer-to-peer car-sharing program that  
177 collects a Dealers who collect the rental car surcharge pursuant  
178 to this section shall report to the department all surcharge  
179 revenues attributed to the county where the rental agreement was  
180 entered into on a timely filed return for each required  
181 reporting period; except that, in the case of peer-to-peer car-  
182 sharing, the peer-to-peer car-sharing program shall report the  
183 applicable surcharge revenue attributed to the county  
184 corresponding to the location of the motor vehicle at the car



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185 sharing start time. The provisions of this chapter which apply  
186 to interest and penalties on delinquent taxes apply to the  
187 surcharge. The surcharge shall not be included in the  
188 calculation of estimated taxes pursuant to s. 212.11. The  
189 dealer's credit provided in s. 212.12 does not apply to any  
190 amount collected under this section.

191 ~~(8)-(5)~~ The surcharge imposed by this section does not apply  
192 to a motor vehicle or a shared vehicle provided at no charge to  
193 a person whose motor vehicle is being repaired, adjusted, or  
194 serviced by the entity providing the replacement motor vehicle.

195 Section 3. Section 627.7483, Florida Statutes, is created  
196 to read:

197 627.7483 Peer-to-peer car sharing; insurance requirements.-

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

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

203 (b) "Car-sharing period" means the period of time that  
204 commences either at the car-sharing delivery period or, if there  
205 is no car-sharing delivery period, at the car-sharing start time  
206 and that ends at the car-sharing termination time.

207 (c) "Car-sharing start time" means the time when the shared  
208 vehicle is under the control of the shared vehicle driver, which  
209 time occurs at or after the time the reservation of the shared  
210 vehicle is scheduled to begin, as documented in the records of a  
211 peer-to-peer car-sharing program.

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





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214 1. The expiration of the agreed-upon period of time  
215 established for the use of a shared vehicle according to the  
216 terms of the peer-to-peer car-sharing program agreement if the  
217 shared vehicle is delivered to the location agreed upon in the  
218 peer-to-peer car-sharing program agreement;

219 2. The time the shared vehicle is returned to a location as  
220 alternatively agreed upon by the shared vehicle owner and shared  
221 vehicle driver, as communicated through a peer-to-peer car-  
222 sharing program, which alternatively agreed-upon location must  
223 be incorporated into the peer-to-peer car-sharing program  
224 agreement; or

225 3. The time the shared vehicle owner takes possession and  
226 control of the shared vehicle.

227 (e) "Peer-to-peer car sharing" or "car sharing" means the  
228 authorized use of a motor vehicle by an individual other than  
229 the vehicle's owner through a peer-to-peer car-sharing program.  
230 For the purposes of this section, the term does not include the  
231 renting of a motor vehicle through a rental car company, the use  
232 of a for-hire vehicle as defined in s. 320.01(15), ridesharing  
233 as defined in s. 341.031(9), a carpool as defined in s.  
234 450.28(3), or the use of a motor vehicle under an agreement for  
235 a car-sharing service as defined in s. 212.0606(2).

236 (f) "Peer-to-peer car-sharing program" means a business  
237 platform that enables peer-to-peer car sharing by connecting  
238 motor vehicle owners with drivers for financial consideration.  
239 For the purposes of this section, the term does not include a  
240 rental car company, a car-sharing service as defined in s.  
241 212.0606(2), a taxicab association, the owner of a for-hire  
242 vehicle as defined in s. 320.01(15), or a service provider that



243 is solely providing hardware or software as a service to a  
244 person or an entity that is not effectuating payment of  
245 financial consideration for use of a shared vehicle.

246 (g) "Peer-to-peer car-sharing program agreement" means the  
247 terms and conditions established by the peer-to-peer car-sharing  
248 program which are applicable to a shared vehicle owner and a  
249 shared vehicle driver and which govern the use of a shared  
250 vehicle through a peer-to-peer car-sharing program. For the  
251 purposes of this section, the term does not include a rental  
252 agreement or an agreement for a for-hire vehicle as defined in  
253 s. 320.01(15) or for a car-sharing service as defined in s.  
254 212.0606(2).

255 (h) "Shared vehicle" means a motor vehicle that is  
256 available for sharing through a peer-to-peer car-sharing  
257 program. For the purposes of this section, the term does not  
258 include a rental car, a for-hire vehicle as defined in s.  
259 320.01(15), or a motor vehicle used for ridesharing as defined  
260 in s. 341.031(9), for a carpool as defined in s. 450.28(3), or  
261 for a car-sharing service as defined in s. 212.0606(2).

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

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

271 (2) INSURANCE COVERAGE REQUIREMENTS.-



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

276 a. Property damage liability coverage that meets the  
277 minimum coverage amounts required under s. 324.022.

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

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

282 d. Uninsured and underinsured vehicle coverage as required  
283 under s. 627.727.

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

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

289 b. Does not exclude the use of a shared vehicle by a shared  
290 vehicle driver.

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

293 a. A shared vehicle owner;

294 b. A shared vehicle driver;

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

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

298 2. The insurance policy maintained in subparagraph 1. which  
299 satisfies the insurance requirements under paragraph (a) is  
300 primary during each car-sharing period. If a claim occurs during



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301 the car-sharing period in another state with minimum financial  
302 responsibility limits higher than those limits required under  
303 chapter 324, the coverage maintained under paragraph (a)  
304 satisfies the difference in minimum coverage amounts up to the  
305 applicable policy limits.

306 3.a. If the insurance maintained by a shared vehicle owner  
307 or shared vehicle driver in accordance with subparagraph 1. has  
308 lapsed or does not provide the coverage required under paragraph  
309 (a), the insurance maintained by the peer-to-peer car-sharing  
310 program must provide the coverage required under paragraph (a),  
311 beginning with the first dollar of a claim, and must defend such  
312 claim, except under circumstances as set forth in subparagraph  
313 (3) (a)2.

314 b. Coverage under a motor vehicle insurance policy  
315 maintained by the peer-to-peer car-sharing program must not be  
316 dependent on another motor vehicle insurer first denying a  
317 claim, and another motor vehicle insurance policy is not  
318 required to first deny a claim.

319 c. Notwithstanding any other law, statute, rule, or  
320 regulation to the contrary, a peer-to-peer car-sharing program  
321 has an insurable interest in a shared vehicle during the car-  
322 sharing period. This sub-subparagraph does not create liability  
323 for a peer-to-peer car-sharing program for maintaining the  
324 coverage required under paragraph (a) and under this paragraph,  
325 if applicable.

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

329 (I) Liabilities assumed by the peer-to-peer car-sharing



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330 program under a peer-to-peer car-sharing program agreement;  
331 (II) Liability of the shared vehicle owner;  
332 (III) Liability of the shared vehicle driver;  
333 (IV) Damage or loss to the shared motor vehicle; or  
334 (V) Damage, loss, or injury to persons or property to  
335 satisfy the personal injury protection and uninsured and  
336 underinsured motorist coverage requirements of this section.  
337 e. Insurance required under paragraph (a), when maintained  
338 by a peer-to-peer car-sharing program, may be provided by an  
339 insurer authorized to do business in this state which is a  
340 member of the Florida Insurance Guaranty Association or an  
341 eligible surplus lines insurer that has a superior, excellent,  
342 exceptional, or equivalent financial strength rating by a rating  
343 agency acceptable to the office. A peer-to-peer car-sharing  
344 program is not transacting in insurance when it maintains the  
345 insurance required under this section.  
346 (3) LIABILITIES AND INSURANCE EXCLUSIONS.-  
347 (a) Liability.-  
348 1. A peer-to-peer car-sharing program shall assume  
349 liability, except as provided in subparagraph 2., of a shared  
350 vehicle owner for bodily injury or property damage to third  
351 parties or uninsured and underinsured motorist or personal  
352 injury protection losses during the car-sharing period in an  
353 amount stated in the peer-to-peer car-sharing program agreement,  
354 which amount may not be less than those set forth in ss.  
355 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,  
356 respectively.  
357 2. The assumption of liability under subparagraph 1. does  
358 not apply if a shared vehicle owner:



359 a. Makes an intentional or fraudulent material  
360 misrepresentation or omission to the peer-to-peer car-sharing  
361 program before the car-sharing period in which the loss occurs;  
362 or

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

366 3. The insurer, insurers, or peer-to-peer car-sharing  
367 program providing coverage under paragraph (2) (a) shall assume  
368 primary liability for a claim when:

369 a. A dispute exists over who was in control of the shared  
370 motor vehicle at the time of the loss, and the peer-to-peer car-  
371 sharing program does not have available, did not retain, or  
372 fails to provide the information required under subsection (5);  
373 or

374 b. A dispute exists over whether the shared vehicle was  
375 returned to the alternatively agreed-upon location as required  
376 under subparagraph (1) (d)2.

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

382 (c) Exclusions in motor vehicle insurance policies.—An  
383 authorized insurer that writes motor vehicle liability insurance  
384 in this state may exclude any coverage and the duty to defend or  
385 indemnify for any claim under a shared vehicle owner's motor  
386 vehicle insurance policy, including, but not limited to:

387 1. Liability coverage for bodily injury and property



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388 damage;

389 2. Personal injury protection coverage;

390 3. Uninsured and underinsured motorist coverage;

391 4. Medical payments coverage;

392 5. Comprehensive physical damage coverage; and

393 6. Collision physical damage coverage.

394

395 This paragraph does not invalidate or limit any exclusion  
396 contained in a motor vehicle insurance policy, including any  
397 insurance policy in use or approved for use which excludes  
398 coverage for motor vehicles made available for rent, sharing, or  
399 hire or for any business use. This paragraph does not  
400 invalidate, limit, or restrict an insurer's ability under  
401 existing law to underwrite, cancel, or nonrenew any insurance  
402 policy.

403 (d) Contribution against indemnification.—A shared vehicle  
404 owner's motor vehicle insurer that defends or indemnifies a  
405 claim against a shared vehicle which is excluded under the terms  
406 of its policy has the right to seek recovery against the motor  
407 vehicle insurer of the peer-to-peer car-sharing program if the  
408 claim is:

409 1. Made against the shared vehicle owner or the shared  
410 vehicle driver for loss or injury that occurs during the car-  
411 sharing period; and

412 2. Excluded under the terms of its policy.

413 (4) NOTIFICATION OF IMPLICATIONS OF LIEN.—At the time a  
414 motor vehicle owner registers as a shared vehicle owner on a  
415 peer-to-peer car-sharing program and before the shared vehicle  
416 owner may make a shared vehicle available for car sharing on the



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417 peer-to-peer car-sharing program, the peer-to-peer car-sharing  
418 program must notify the shared vehicle owner that, if the shared  
419 vehicle has a lien against it, the use of the shared vehicle  
420 through a peer-to-peer car-sharing program, including the use  
421 without physical damage coverage, may violate the terms of the  
422 contract with the lienholder.

423 (5) RECORDKEEPING.—A peer-to-peer car-sharing program  
424 shall:

425 (a) Collect and verify records pertaining to the use of a  
426 shared vehicle, including, but not limited to, the times used,  
427 car-sharing period pick up and drop off locations, and revenues  
428 received by the shared vehicle owner;

429 (b) Retain the records in paragraph (a) for a time period  
430 not less than the applicable personal injury statute of  
431 limitations; and

432 (c) Provide the information contained in the records in  
433 paragraph (a) upon request to the shared vehicle owner, the  
434 shared vehicle owner's insurer, or the shared vehicle driver's  
435 insurer to facilitate a claim coverage investigation,  
436 settlement, negotiation, or litigation.

437 (6) CONSUMER PROTECTIONS.—

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

441 1. Any right of the peer-to-peer car-sharing program to  
442 seek indemnification from the shared vehicle owner or the shared  
443 vehicle driver for economic loss resulting from a breach of the  
444 terms and conditions of the peer-to-peer car-sharing program  
445 agreement.





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446           2. That a motor vehicle insurance policy issued to the  
447 shared vehicle owner for the shared vehicle or to the shared  
448 vehicle driver does not provide a defense or indemnification for  
449 any claim asserted by the peer-to-peer car-sharing program.

450           3. That the peer-to-peer car-sharing program's insurance  
451 coverage on the shared vehicle owner and the shared vehicle  
452 driver is in effect only during each car-sharing period and  
453 that, for any use of the shared vehicle by the shared vehicle  
454 driver after the car-sharing termination time, the shared  
455 vehicle driver and the shared vehicle owner may not have  
456 insurance coverage.

457           4. The daily rate and, if applicable, any insurance or  
458 protection package costs that are charged to the shared vehicle  
459 owner or the shared vehicle driver.

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

462           6. An emergency telephone number of the personnel capable  
463 of fielding calls for roadside assistance and other customer  
464 service inquiries.

465           7. Any conditions under which a shared vehicle driver must  
466 maintain a personal motor vehicle insurance policy with certain  
467 applicable coverage limits on a primary basis in order to book a  
468 shared vehicle.

469           (b) *Driver license verification and data retention.*—

470           1. A peer-to-peer car-sharing program may not enter into a  
471 peer-to-peer car-sharing program agreement with a driver unless  
472 the driver:

473           a. Holds a driver license issued under chapter 322 which  
474 authorizes the driver to drive vehicles of the class of the



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475 shared vehicle;  
476 b. Is a nonresident who:  
477 (I) Holds a driver license issued by the state or country  
478 of the driver's residence which authorizes the driver in that  
479 state or country to drive vehicles of the class of the shared  
480 vehicle; and  
481 (II) Is at least the same age as that required of a  
482 resident to drive; or  
483 c. Is otherwise specifically authorized by the Department  
484 of Highway Safety and Motor Vehicles to drive vehicles of the  
485 class of the shared vehicle.  
486 2. A peer-to-peer car-sharing program shall keep a record  
487 of:  
488 a. The name and address of the shared vehicle driver;  
489 b. The driver license number of the shared vehicle driver  
490 and each other person, if any, who will operate the shared  
491 vehicle; and  
492 c. The place of issuance of the driver license.  
493 (c) Responsibility for equipment.—A peer-to-peer car-  
494 sharing program has sole responsibility for any equipment that  
495 is put in or on the shared vehicle to monitor or facilitate the  
496 peer-to-peer car-sharing transaction, including a GPS system.  
497 The peer-to-peer car-sharing program shall indemnify and hold  
498 harmless the shared vehicle owner for any damage to or theft of  
499 such equipment during the car-sharing period which is not caused  
500 by the shared vehicle owner. The peer-to-peer car-sharing  
501 program may seek indemnity from the shared vehicle driver for  
502 any damage to or loss of such equipment which occurs during the  
503 car-sharing period.



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504 (d) Motor vehicle safety recalls.—At the time a motor  
505 vehicle owner registers as a shared vehicle owner on a peer-to-  
506 peer car-sharing program and before the shared vehicle owner may  
507 make a shared vehicle available for car sharing on the peer-to-  
508 peer car-sharing program, the peer-to-peer car-sharing program  
509 must:

510 1. Verify that the shared vehicle does not have any safety  
511 recalls on the vehicle for which the repairs have not been made;  
512 and

513 2. Notify the shared vehicle owner that if the shared  
514 vehicle owner:

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

519 b. Receives an actual notice of a safety recall on a shared  
520 vehicle while the shared vehicle is made available on the peer-  
521 to-peer car-sharing program, he or she shall remove the shared  
522 vehicle as available on the peer-to-peer car-sharing program as  
523 soon as practicably possible after receiving the notice of the  
524 safety recall and until the safety recall repair has been made.

525 c. Receives an actual notice of a safety recall while the  
526 shared vehicle is in the possession of a shared vehicle driver,  
527 he or she shall notify the peer-to-peer car-sharing program  
528 about the safety recall as soon as practicably possible after  
529 receiving the notice of the safety recall, so that he or she may  
530 address the safety recall repair.

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

532 (a) The liability of a peer-to-peer car-sharing program for



533 any act or omission of the peer-to-peer car-sharing program  
534 which results in the bodily injury of a person as a result of  
535 the use of a shared vehicle through peer-to-peer car sharing; or  
536 (b) The ability of a peer-to-peer car-sharing program to  
537 seek, by contract, indemnification from the shared vehicle owner  
538 or the shared vehicle driver for economic loss resulting from a  
539 breach of the terms and conditions of the peer-to-peer car-  
540 sharing program agreement.

541 Section 4. This act shall take effect January 1, 2022.

542  
543 ===== T I T L E A M E N D M E N T =====

544 And the title is amended as follows:

545 Delete everything before the enacting clause  
546 and insert:

547 A bill to be entitled  
548 An act relating to motor vehicle rentals; amending s.  
549 212.05, F.S.; specifying the applicable sales tax rate  
550 on motor vehicle leases and rentals by motor vehicle  
551 rental companies and peer-to-peer car-sharing  
552 programs; amending s. 212.0606, F.S.; defining terms;  
553 specifying the applicable surcharge on motor vehicle  
554 leases and rentals by motor vehicle rental companies  
555 and peer-to-peer car-sharing programs; specifying  
556 applicability of the surcharge; requiring motor  
557 vehicle rental companies and peer-to-peer car-sharing  
558 programs to collect specified surcharges; creating s.  
559 627.7483, F.S.; defining terms; specifying motor  
560 vehicle insurance requirements for peer-to-peer car-  
561 sharing programs; providing that peer-to-peer car-



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562 sharing programs have an insurable interest in shared  
563 vehicles during specified periods; providing  
564 construction; authorizing peer-to-peer car-sharing  
565 programs to own and maintain certain motor vehicle  
566 insurance policies; requiring peer-to-peer car-sharing  
567 programs to assume certain liability; providing  
568 exceptions; providing for the assumption of primary  
569 liability for claims when certain disputes exist;  
570 requiring shared vehicle owners' insurers to indemnify  
571 peer-to-peer car-sharing programs under certain  
572 circumstances; providing exemptions from vicarious  
573 liabilities for peer-to-peer car-sharing programs and  
574 shared vehicle owners; authorizing motor vehicle  
575 insurers to exclude specified coverages under certain  
576 circumstances; providing construction related to  
577 exclusions; authorizing specified insurers to seek  
578 recovery against motor vehicle insurers of peer-to-  
579 peer car-sharing programs under certain circumstances;  
580 requiring peer-to-peer car-sharing programs to provide  
581 certain information to shared vehicle owners regarding  
582 liens; specifying recordkeeping, record retention, and  
583 record-sharing requirements for peer-to-peer car-  
584 sharing programs; specifying disclosure requirements  
585 for peer-to-peer car-sharing program agreements;  
586 specifying driver license verification and data  
587 retention requirements for peer-to-peer car-sharing  
588 programs; providing that peer-to-peer car-sharing  
589 programs have sole responsibility for certain  
590 equipment in or on a shared vehicle; providing for



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591 indemnification regarding such equipment; specifying  
592 requirements for peer-to-peer car-sharing programs  
593 relating to safety recalls on a shared vehicle;  
594 providing construction; providing an effective date.