



571214

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
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The Committee on Transportation (Clemens) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 55 and 56  
insert:

Section 1. Effective January 1, 2015, section 212.0606,  
Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(1) Except as provided under subsection (2), a surcharge of  
\$2 ~~\$2.00~~ per day or any part of a day is imposed upon the lease  
or rental of a motor vehicle licensed for hire and designed to



571214

11 carry less than nine passengers regardless of whether the such  
12 motor vehicle is licensed in this state Florida. The surcharge  
13 applies to only the first 30 days of the term of a any lease or  
14 rental. The surcharge is subject to all applicable taxes imposed  
15 under by this chapter.

16 (2) A member of a car-sharing service who uses a motor  
17 vehicle as described in subsection (1) pursuant to an agreement  
18 with the car-sharing service for less than 24 hours shall pay a  
19 surcharge of \$1 per usage. A member of a car-sharing service who  
20 uses the same motor vehicle for at least 24 consecutive hours  
21 shall pay a surcharge of \$2 per day or any part of a day as  
22 provided under subsection (1).

23 (a) For purposes of this subsection, "car-sharing service"  
24 means a membership-based organization or business, or a division  
25 thereof, which requires the payment of an application or  
26 membership fee and provides member access to motor vehicles:

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

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

31 3. Only through automated means, including, but not limited  
32 to, smartphone applications and electronic membership cards;

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

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

35 6. Without a separate fee for minimum financial  
36 responsibility liability insurance; and

37 7. Owned or controlled by the car-sharing service or its  
38 affiliates.

39 (b) The surcharge described in this subsection does not



571214

40 apply to the lease, rental, or use of a motor vehicle from a  
41 location owned, operated, or leased by or for the benefit of an  
42 airport or airport authority.

43 ~~(3)(2)(a)~~ Notwithstanding s. ~~the provisions of section~~  
44 212.20, and less the costs of administration, 80 percent of the  
45 proceeds of this surcharge shall be deposited in the State  
46 Transportation Trust Fund, 15.75 percent of the proceeds of this  
47 surcharge shall be deposited in the Tourism Promotional Trust  
48 Fund created in s. 288.122, and 4.25 percent of the proceeds of  
49 this surcharge shall be deposited in the Florida International  
50 Trade and Promotion Trust Fund.

51 (a) For the purposes of this subsection, "proceeds" of the  
52 surcharge means all funds collected and received by the  
53 department under this section, including interest and penalties  
54 on delinquent surcharges. The department shall provide the  
55 Department of Transportation rental car surcharge revenue  
56 information for the previous state fiscal year by September 1 of  
57 each year.

58 (b) Notwithstanding any other provision of law, ~~in fiscal~~  
59 ~~year 2007-2008 and each year thereafter,~~ the proceeds deposited  
60 in the State Transportation Trust Fund shall be allocated on an  
61 annual basis in the Department of Transportation's work program  
62 to each department district, except the Turnpike District. The  
63 amount allocated to ~~for~~ each district shall be based on ~~upon~~ the  
64 amount of proceeds attributed to the counties within each  
65 respective district.

66 ~~(4)(3)(a)~~ Except as provided in this section, the  
67 department shall administer, collect, and enforce the surcharge  
68 as provided in this chapter.



571214

69            (a)~~(b)~~ The department shall require dealers to report  
70 surcharge collections according to the county to which the  
71 surcharge was attributed. For purposes of this section, the  
72 surcharge shall be attributed to the county where the rental  
73 agreement was entered into.

74            (b)~~(c)~~ Dealers who collect the rental car surcharge shall  
75 report to the department all surcharge revenues attributed to  
76 the county where the rental agreement was entered into on a  
77 timely filed return for each required reporting period. The  
78 provisions of this chapter which apply to interest and penalties  
79 on delinquent taxes ~~shall~~ apply to the surcharge. The surcharge  
80 is ~~shall~~ not be included in the calculation of estimated taxes  
81 pursuant to s. 212.11. The dealer's credit provided in s. 212.12  
82 does ~~shall~~ not apply to any amount collected under this section.

83            (5)~~(4)~~ The surcharge imposed by this section does not apply  
84 to a motor vehicle provided at no charge to a person whose motor  
85 vehicle is being repaired, adjusted, or serviced by the entity  
86 providing the replacement motor vehicle.

87  
88 ===== T I T L E   A M E N D M E N T =====

89 And the title is amended as follows:

90            Between lines 2 and 3

91 insert:

92            212.0606, F.S.; specifying circumstances under which a  
93 member of a car-sharing service is required to pay a  
94 surcharge based on a usage basis rather than a daily  
95 basis; defining the term "car-sharing service";  
96 amending s.