FLORIDA HOUSE OF REPRESENTATIV	E S
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1	A bill to be entitled
2	An act relating to the rental car surcharge; amending
3	s. 212.0606, F.S.; providing an alternative surcharge
4	for use of a motor vehicle pursuant to an agreement
5	with a car-sharing service for less than a specified
6	number of consecutive hours; defining the term "car-
7	sharing service"; providing applicability; providing
8	an effective date.
9	
10	Be It Enacted by the Legislature of the State of Florida:
11	
12	Section 1. Section 212.0606, Florida Statutes, is amended
13	to read:
14	212.0606 Rental car surcharge
15	(1) Except as provided in subsection (2), a surcharge of
16	$\frac{2}{2}$ $\frac{2.00}{2.00}$ per day or any part of a day is imposed upon the lease
17	or rental of a motor vehicle licensed for hire and designed to
18	carry less than nine passengers regardless of whether <u>the</u> such
19	motor vehicle is licensed in <u>this state</u> Florida . The surcharge
20	applies to only the first 30 days of the term of \underline{a} any lease or
21	rental. The surcharge is subject to all applicable taxes imposed
22	by this chapter.
23	(2) A member of a car-sharing service who uses a motor
24	vehicle as described in subsection (1) for less than 24 hours
25	pursuant to an agreement with the car-sharing service shall pay
26	a surcharge of \$1 per usage. A member of a car-sharing service
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27 who uses the same motor vehicle for 24 hours or more shall pay a
28 surcharge of \$2 per day or any part of a day as provided in
29 subsection (1). For purposes of this subsection, the term "car-
30 sharing service" means a membership-based organization or
31 business, or division thereof, which requires the payment of an
32 application or membership fee and provides member access to
33 motor vehicles:
(a) Only at locations that are not staffed by car-sharing
35 service personnel employed solely for the purpose of interacting
36 with car-sharing service members;
(b) Twenty-four hours per day, 7 days per week;
(c) Only through automated means, including, but not
39 limited to, smartphone applications or electronic membership
40 <u>cards;</u>
(d) On an hourly basis or for a shorter increment of time;
(e) Without a separate fee for refueling the motor
43 <u>vehicle;</u>
(f) Without a separate fee for minimum financial
45 responsibility liability insurance; and
(g) Owned or controlled by the car-sharing service or its
47 <u>affiliates.</u>
48
49 The surcharge imposed under this subsection does not apply to
50 the lease, rental, or use of a motor vehicle from a location
51 owned, operated, or leased by or for the benefit of an airport
52 <u>or airport authority.</u>
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53 (3) (a) (2) (a) Notwithstanding s. the provisions of section 54 212.20, and less the costs of administration, 80 percent of the 55 proceeds of this surcharge shall be deposited in the State 56 Transportation Trust Fund, 15.75 percent of the proceeds of this 57 surcharge shall be deposited in the Tourism Promotional Trust Fund created in s. 288.122, and 4.25 percent of the proceeds of 58 59 this surcharge shall be deposited in the Florida International Trade and Promotion Trust Fund. For the purposes of this 60 subsection, "proceeds" of the surcharge means all funds 61 62 collected and received by the department under this section, 63 including interest and penalties on delinquent surcharges. The 64 department shall provide the Department of Transportation rental car surcharge revenue information for the previous state fiscal 65 66 year by September 1 of each year.

67 Notwithstanding any other provision of law, in fiscal (b) year 2007-2008 and each year thereafter, the proceeds deposited 68 69 in the State Transportation Trust Fund shall be allocated on an 70 annual basis in the Department of Transportation's work program 71 to each department district, except the Turnpike District. The 72 amount allocated to for each district shall be based on upon the 73 amount of proceeds attributed to the counties within each 74 respective district.

75 <u>(4)(3)(a)</u> Except as provided in this section, the 76 department shall administer, collect, and enforce the surcharge 77 as provided in this chapter.

78 (a) (b) The department shall require dealers to report Page 3 of 4

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79 surcharge collections according to the county to which the 80 surcharge was attributed. For purposes of this section, the 81 surcharge shall be attributed to the county where the rental 82 agreement was entered into.

83 (b) (c) Dealers who collect the rental car surcharge shall 84 report to the department all surcharge revenues attributed to 85 the county where the rental agreement was entered into on a 86 timely filed return for each required reporting period. The 87 provisions of this chapter which apply to interest and penalties 88 on delinquent taxes shall apply to the surcharge. The surcharge 89 shall not be included in the calculation of estimated taxes 90 pursuant to s. 212.11. The dealer's credit provided in s. 212.12 91 does shall not apply to any amount collected under this section.

92 <u>(5)</u>(4) The surcharge imposed by this section does not 93 apply to a motor vehicle provided at no charge to a person whose 94 motor vehicle is being repaired, adjusted, or serviced by the 95 entity providing the replacement motor vehicle.

96

Section 2. This act shall take effect January 1, 2015.

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