

By the Committee on Infrastructure and Security; and Senator Perry

596-03297-19

20191148c1

1 A bill to be entitled
2 An act relating to vehicles for rent or lease;
3 amending s. 212.0606, F.S.; defining the term "rental
4 of a motor vehicle"; requiring a member of a certain
5 car-sharing service who uses a motor vehicle for less
6 than a specified period of time pursuant to an
7 agreement with the car-sharing service to pay a
8 specified surcharge per usage; deleting a definition;
9 requiring that a certain peer-to-peer car-sharing
10 program or motor vehicle rental company pay a
11 specified surcharge per usage; defining the term
12 "dealer"; amending s. 320.01, F.S.; defining terms;
13 amending s. 320.0605, F.S.; authorizing an electronic
14 copy of certain rental or lease documentation to be in
15 the possession of the vehicle operator or carried in
16 the vehicle and to be exhibited upon demand of any
17 authorized law enforcement officer or any agent of the
18 Department of Highway Safety and Motor Vehicles;
19 providing that the act of presenting a certain
20 electronic device to the officer or agent does not
21 constitute consent for the officer or agent to access
22 any information on the device other than the displayed
23 rental or lease documentation; providing for
24 assumption of liability for any resulting damage to
25 the device; revising requirements for rental or lease
26 documentation; amending s. 322.38, F.S.; prohibiting a
27 person from renting a motor vehicle to another person
28 unless he or she has verified that the renter's driver
29 license is unexpired; requiring that a person renting

596-03297-19

20191148c1

30 a motor vehicle to another person keep a record of the
31 place where the renter's license was issued; providing
32 that, under certain circumstances, specified
33 requirements are deemed met when a renter is required
34 at certain times to verify that he or she is duly
35 licensed and that the license is unexpired; creating
36 s. 331.17, F.S.; requiring a motor vehicle rental
37 company, car-sharing service, or a peer-to-peer car-
38 sharing program to enter an agreement with certain
39 publicly owned airports for certain purposes;
40 providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

43
44 Section 1. Section 212.0606, Florida Statutes, is amended
45 to read:

46 212.0606 Rental car surcharge.—

47 (1) Except as provided in subsection (2), a surcharge of \$2
48 per day or any part of a day is imposed upon the lease or rental
49 of a motor vehicle licensed for hire and designed to carry fewer
50 than nine passengers regardless of whether the motor vehicle is
51 licensed in this state. The surcharge applies to only the first
52 30 days of the term of a lease or rental. The surcharge is
53 subject to all applicable taxes imposed by this chapter. For
54 purposes of this subsection, the term "rental of a motor
55 vehicle" means the renting or leasing of a motor vehicle when
56 the rental or lease is facilitated, in person or through digital
57 means, by a motor vehicle rental company as defined in s.
58 320.01(47), a car-sharing service as defined in s. 320.01(46),

596-03297-19

20191148c1

59 or a peer-to-peer car sharing program as defined in s.
60 320.01(48) for consideration without transfer of the title of
61 the motor vehicle.

62 (2) A member of a car-sharing service as defined in
63 320.01(46) who uses a motor vehicle as described in subsection
64 (1) for less than 24 hours pursuant to an agreement with the
65 car-sharing service shall pay a surcharge of \$1 per usage. A
66 member of a car-sharing service who uses the same motor vehicle
67 for 24 hours or more shall pay a surcharge of \$2 per day or any
68 part of a day as provided in subsection (1). ~~For purposes of~~
69 ~~this subsection, the term "car sharing service" means a~~
70 ~~membership-based organization or business, or division thereof,~~
71 ~~which requires the payment of an application or membership fee~~
72 ~~and provides member access to motor vehicles:~~

73 ~~(a) Only at locations that are not staffed by car sharing~~
74 ~~service personnel employed solely for the purpose of interacting~~
75 ~~with car sharing service members;~~

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

77 ~~(c) Only through automated means, including, but not~~
78 ~~limited to, smartphone applications or electronic membership~~
79 ~~eards;~~

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

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

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

84 ~~(g) Owned or controlled by the car sharing service or its~~
85 ~~affiliates.~~

86
87 The surcharge imposed under this subsection does not apply to

596-03297-19

20191148c1

88 the lease, rental, or use of a motor vehicle from a location
89 owned, operated, or leased by or for the benefit of an airport
90 or airport authority.

91 (3) A peer-to-peer car-sharing program as defined in
92 320.01(48) or a motor vehicle rental company as defined in
93 320.01(47) which rents a motor vehicle as described in
94 subsection (1) for less than 24 hours must pay a surcharge of \$1
95 per usage.

96 (4)~~(3)~~(a) Notwithstanding s. 212.20, and less the costs of
97 administration, 80 percent of the proceeds of this surcharge
98 shall be deposited in the State Transportation Trust Fund, 15.75
99 percent of the proceeds of this surcharge shall be deposited in
100 the Tourism Promotional Trust Fund created in s. 288.122, and
101 4.25 percent of the proceeds of this surcharge shall be
102 deposited in the Florida International Trade and Promotion Trust
103 Fund. For the purposes of this subsection, the term "proceeds of
104 this surcharge" ~~of the surcharge~~ means all funds collected and
105 received by the department under this section, including
106 interest and penalties on delinquent surcharges. The department
107 shall provide the Department of Transportation rental car
108 surcharge revenue information for the previous state fiscal year
109 by September 1 of each year.

110 (b) Notwithstanding any other provision of law, the
111 proceeds deposited in the State Transportation Trust Fund shall
112 be allocated on an annual basis in the Department of
113 Transportation's work program to each department district,
114 except the Turnpike District. The amount allocated to each
115 district shall be based on the amount of proceeds attributed to
116 the counties within each respective district.

596-03297-19

20191148c1

117 (5)~~(4)~~ Except as provided in this section, the department
118 shall administer, collect, and enforce the surcharge as provided
119 in this chapter.

120 (a) For purposes of this subsection, the term "dealer"
121 means a motor vehicle rental company as defined in s.
122 320.01(47), a car-sharing service as defined in s. 320.01(46),
123 or a peer-to-peer car sharing program as defined in s.
124 320.01(48).

125 (b)~~(a)~~ The department shall require dealers to report
126 surcharge collections according to the county to which the
127 surcharge was attributed. For purposes of this section, the
128 surcharge shall be attributed to the county where the rental
129 agreement was entered into.

130 (c)~~(b)~~ Dealers who collect the rental car surcharge shall
131 report to the department all surcharge revenues attributed to
132 the county where the rental agreement was entered into on a
133 timely filed return for each required reporting period. The
134 provisions of this chapter which apply to interest and penalties
135 on delinquent taxes apply to the surcharge. The surcharge shall
136 not be included in the calculation of estimated taxes pursuant
137 to s. 212.11. The dealer's credit provided in s. 212.12 does not
138 apply to any amount collected under this section.

139 (6)~~(5)~~ The surcharge imposed by this section does not apply
140 to a motor vehicle provided at no charge to a person whose motor
141 vehicle is being repaired, adjusted, or serviced by the entity
142 providing the replacement motor vehicle.

143 Section 2. Subsections (46), (47), and (48) are added to
144 section 320.01, Florida Statutes, to read:

145 320.01 Definitions, general.—As used in the Florida

596-03297-19

20191148c1

146 Statutes, except as otherwise provided, the term:

147 (46) "Car-sharing service" means a membership-based
148 organization or business, or division thereof, which requires
149 the payment of an application fee or a membership fee and
150 provides member access to motor vehicles:

151 (a) Only at locations that are not staffed by car-sharing
152 service personnel employed solely for the purpose of interacting
153 with car-sharing service members;

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

155 (c) Only through automated means, including, but not
156 limited to, smartphone applications or electronic membership
157 cards;

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

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

160 (f) Without a separate fee for minimum financial
161 responsibility liability insurance; and

162 (g) Owned or controlled by the car-sharing service or its
163 affiliates.

164 (47) "Motor vehicle rental company" means any person who is
165 in the business of providing motor vehicles to the public under
166 a rental agreement for a period of 30 days or less for
167 consideration.

168 (48) "Peer-to-peer car-sharing program" means a business
169 platform that connects vehicle owners with drivers to enable the
170 renting of vehicles for financial consideration.

171 Section 3. Section 320.0605, Florida Statutes, is amended
172 to read:

173 320.0605 Certificate of registration; possession required;
174 exception.—

596-03297-19

20191148c1

175 (1) (a) The registration certificate or an official copy
176 thereof, a true copy or an electronic copy of rental or lease
177 documentation issued for a motor vehicle or issued for a
178 replacement vehicle in the same registration period, a temporary
179 receipt printed upon self-initiated electronic renewal of a
180 registration via the Internet, or a cab card issued for a
181 vehicle registered under the International Registration Plan
182 shall, at all times while the vehicle is being used or operated
183 on the roads of this state, be in the possession of the operator
184 thereof or be carried in the vehicle for which issued and shall
185 be exhibited upon demand of any authorized law enforcement
186 officer or any agent of the department, except for a vehicle
187 registered under s. 320.0657. The provisions of this section do
188 not apply during the first 30 days after purchase of a
189 replacement vehicle. A violation of this section is a
190 noncriminal traffic infraction, punishable as a nonmoving
191 violation as provided in chapter 318.

192 (b)1. The act of presenting to a law enforcement officer or
193 agent of the department an electronic device displaying an
194 electronic copy of rental or lease documentation does not
195 constitute consent for the officer or agent to access any
196 information on the device other than the displayed rental or
197 lease documentation.

198 2. The person who presents the device to the officer or
199 agent assumes liability for any resulting damage to the device.

200 (2) Rental or lease documentation that is sufficient to
201 satisfy the requirement in subsection (1) includes the
202 following:

203 (a) Date ~~of rental~~ and time of ~~exit from~~ rental facility;

596-03297-19

20191148c1

204 (b) ~~Rental station identification;~~
 205 ~~(e)~~ Rental agreement number;
 206 (c)~~(d)~~ Rental vehicle identification number;
 207 (d)~~(e)~~ Rental vehicle license plate number and state of
 208 registration;
 209 (e)~~(f)~~ Vehicle's make, model, and color;
 210 (f)~~(g)~~ Vehicle's mileage; and
 211 (g)~~(h)~~ Authorized renter's name.

212 Section 4. Section 322.38, Florida Statutes, is amended to
 213 read:

214 322.38 Renting motor vehicle to another.—

215 (1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any
 216 other person unless the other ~~latter~~ person is ~~then~~ duly
 217 licensed~~,~~ or, if a nonresident, ~~he or she shall be licensed~~
 218 under the laws of the state or country of his or her residence,
 219 except a nonresident whose home state or country does not
 220 require that an operator be licensed.

221 (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to
 222 another until he or she has inspected the driver license of the
 223 person to whom the vehicle is to be rented~~,~~ and has compared and
 224 verified that the driver license is unexpired ~~signature thereon~~
 225 ~~with the signature of such person written in his or her~~
 226 presence.

227 (3) Every person renting a motor vehicle to another shall
 228 keep a record of the registration number of the motor vehicle so
 229 rented, the name and address of the person to whom the vehicle
 230 is rented, the number of the license of said latter person, and
 231 the ~~date and place when and where the said~~ license was issued.
 232 Such record shall be open to inspection by any police officer,

596-03297-19

20191148c1

233 or officer or employee of the department.

234 (4) If a motor vehicle is rented to a person through
235 digital, electronic, or other means that allow the renter to
236 obtain possession of the motor vehicle without direct contact
237 with an owner or agent or an employee of an entity owning the
238 vehicle, or if the renter does not execute a rental contract at
239 the time that he or she takes possession of the vehicle, it must
240 be deemed that the requirements of subsections (1) and (2) are
241 met when, at the time the renter enrolls in a membership
242 program, master agreement, or other means of establishing use of
243 the motor vehicle through a motor vehicle rental company as
244 defined in s. 320.01(47) or peer-to-peer car-sharing program as
245 defined in s. 320.01(48), or any time thereafter, the renter is
246 required to verify that he or she is duly licensed and that the
247 license is unexpired.

248 Section 5. Section 331.17, Florida Statutes, is created to
249 read:

250 331.17 Transportation services at airports.—In order to
251 facilitate the provision of service on the property of a
252 publicly owned airport that is open for public use, a motor
253 vehicle rental company as defined in 320.01(47), a car-sharing
254 service as defined in s. 320.01(46), or a peer-to-peer car-
255 sharing program defined in s 320.01(48) must enter an agreement
256 with the airport to provide such services.

257 Section 6. This act shall take effect July 1, 2019.