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LEGISLATIVE ACTION

Senate

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House

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



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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:



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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-



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.