

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Ways & Means Committee
2 Representative Caruso offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 1. Paragraph (c) of subsection (1) of
7 section 212.05, Florida Statutes, is amended to read:

8 212.05 Sales, storage, use tax.—It is hereby declared to
9 be the legislative intent that every person is exercising a
10 taxable privilege who engages in the business of selling
11 tangible personal property at retail in this state, including
12 the business of making mail order sales, or who rents or
13 furnishes any of the things or services taxable under this
14 chapter, or who stores for use or consumption in this state any
15 item or article of tangible personal property as defined herein
16 and who leases or rents such property within the state.

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17 (1) For the exercise of such privilege, a tax is levied on
18 each taxable transaction or incident, which tax is due and
19 payable as follows:

20 (c) At the rate of 6 percent of the gross proceeds derived
21 from the lease or rental of tangible personal property, as
22 defined herein; however, the following special provisions apply
23 to the lease or rental of motor vehicles and to peer-to-peer
24 car-sharing programs:

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

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

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

34 c. If the motor vehicle is rented through a peer-to-peer
35 car-sharing program, the peer-to-peer car-sharing program shall
36 collect and remit the applicable tax due in connection with the
37 rental.

38 2. Except as provided in subparagraph 3., for the lease or
39 rental of a motor vehicle for a period of not less than 12
40 months, sales tax is due on the lease or rental payments if the
41 vehicle is registered in this state; provided, however, that no

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42 tax shall be due if the taxpayer documents use of the motor
43 vehicle outside this state and tax is being paid on the lease or
44 rental payments in another state.

45 3. The tax imposed by this chapter does not apply to the
46 lease or rental of a commercial motor vehicle as defined in s.
47 316.003(13)(a) to one lessee or rentee for a period of not less
48 than 12 months when tax was paid on the purchase price of such
49 vehicle by the lessor. To the extent tax was paid with respect
50 to the purchase of such vehicle in another state, territory of
51 the United States, or the District of Columbia, the Florida tax
52 payable shall be reduced in accordance with the provisions of s.
53 212.06(7). This subparagraph shall only be available when the
54 lease or rental of such property is an established business or
55 part of an established business or the same is incidental or
56 germane to such business.

57 Section 2. Section 212.0606, Florida Statutes, is amended
58 to read:

59 212.0606 Rental car surcharge.—

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

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

65 1. Only at locations that are not staffed by car-sharing
66 service personnel employed solely for the purpose of interacting

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67 with car-sharing service members;
68 2. Twenty-four hours per day, 7 days per week;
69 3. Only through automated means, including, but not
70 limited to, a smartphone application or an electronic membership
71 card;
72 4. On an hourly basis or for a shorter increment of time;
73 5. Without a separate fee for refueling the motor vehicle;
74 6. Without a separate fee for minimum financial
75 responsibility liability insurance; and
76 7. Owned or controlled by the car-sharing service or its
77 affiliates.
78 (b) "Motor vehicle rental company" means an entity that is
79 in the business of providing, for financial consideration, motor
80 vehicles to the public under a rental agreement.
81 (c) "Peer-to-peer car-sharing program" has the same
82 meaning as in s. 627.7483(1).
83 (2) Except as provided in subsections (3) and (4)
84 subsection (2), a surcharge of \$2 per day or any part of a day
85 is imposed upon the lease or rental by a motor vehicle rental
86 company of a motor vehicle that is licensed for hire and
87 designed to carry fewer than nine passengers, regardless of
88 whether the motor vehicle is licensed in this state, for
89 financial consideration and without transfer of the title of the
90 motor vehicle. The surcharge is imposed regardless of whether
91 the lease or rental occurs in person or through digital means.

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92 The surcharge applies to only the first 30 days of the term of a
93 lease or rental and must be collected and remitted by the motor
94 vehicle rental company. The surcharge is subject to all
95 applicable taxes imposed by this chapter.

96 (3) A surcharge of \$1 per day or any part of a day is
97 imposed upon each peer-to-peer car-sharing program agreement
98 involving a shared vehicle that is registered in this state and
99 designed to carry fewer than nine passengers for financial
100 consideration and without transfer of the title of the shared
101 vehicle. If the duration of the car-sharing period for a peer
102 to-peer car-sharing program agreement subject to the surcharge
103 established pursuant to this subsection is less than 24 hours,
104 the applicable surcharge will be \$1 per usage. The surcharge
105 applies to the first 30 days only of a car-sharing period for
106 any peer-to-peer car-sharing program agreement to which the
107 surcharge applies and must be collected by the peer-to-peer car-
108 sharing program. The surcharge is subject to all applicable
109 taxes imposed by this chapter.

110 (4) ~~(2)~~ A member of a car-sharing service who uses a motor
111 vehicle as described in subsection (2) ~~(1)~~ for less than 24
112 hours pursuant to an agreement with the car-sharing service
113 shall pay a surcharge of \$1 per usage. A member of a car-sharing
114 service who uses the same motor vehicle for 24 hours or more
115 shall pay a surcharge of \$2 per day or any part of a day as
116 provided in subsection (2) ~~(1)~~. The car-sharing service shall

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117 collect the surcharge ~~For purposes of this subsection, the term~~
118 ~~"car sharing service" means a membership-based organization or~~
119 ~~business, or division thereof, which requires the payment of an~~
120 ~~application or membership fee and provides member access to~~
121 ~~motor vehicles:~~

122 ~~(a) Only at locations that are not staffed by car-sharing~~
123 ~~service personnel employed solely for the purpose of interacting~~
124 ~~with car-sharing service members;~~

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

126 ~~(c) Only through automated means, including, but not~~
127 ~~limited to, smartphone applications or electronic membership~~
128 ~~cards;~~

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

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

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

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

136
137 The surcharge imposed under this subsection does not apply to
138 the lease, rental, or use of a motor vehicle from a location
139 owned, operated, or leased by or for the benefit of an airport
140 or airport authority.

141 (5) (a) (3) (a) Notwithstanding s. 212.20, and less the costs

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142 of administration, 80 percent of the proceeds of this surcharge
143 shall be deposited in the State Transportation Trust Fund, 15.75
144 percent of the proceeds of this surcharge shall be deposited in
145 the Tourism Promotional Trust Fund created in s. 288.122, and
146 4.25 percent of the proceeds of this surcharge shall be
147 deposited in the Florida International Trade and Promotion Trust
148 Fund. For the purposes of this subsection, the term "proceeds of
149 this surcharge" ~~of the surcharge~~ means all funds collected and
150 received by the department under this section, including
151 interest and penalties on delinquent surcharges. The department
152 shall provide the Department of Transportation rental car
153 surcharge revenue information for the previous state fiscal year
154 by September 1 of each year.

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

162 (6) (a) (4) Except as provided in this section, the
163 department shall administer, collect, and enforce the surcharges
164 ~~surcharge~~ as provided in this chapter.

165 (b) (a) The department shall require a dealer ~~dealers~~ to
166 report surcharge collections according to the county to which

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167 the surcharge was attributed. For purposes of this section, the
168 surcharge shall be attributed to the county in which ~~where~~ the
169 rental agreement was entered into, except that, for peer-to-peer
170 car-sharing, the surcharge shall be attributable to the county
171 corresponding to the location of the motor vehicle at the car-
172 sharing start time.

173 ~~(c)(b)~~ A dealer ~~Dealers~~ who collects a ~~collect the rental~~
174 ~~ear~~ surcharge pursuant to this section shall report to the
175 department all surcharge revenues attributed to the county in
176 which ~~where~~ the rental agreement was entered into on a timely
177 filed return for each required reporting period, except that, in
178 the case of peer-to-peer car sharing, the peer-to-peer car-
179 sharing program shall report the applicable surcharge revenue
180 attributed to the county corresponding to the location of the
181 motor vehicle at the car-sharing start time. The provisions of
182 this chapter which apply to interest and penalties on delinquent
183 taxes apply to the surcharge. The surcharge shall not be
184 included in the calculation of estimated taxes pursuant to s.
185 212.11. The dealer's credit provided in s. 212.12 does not apply
186 to any amount collected under this section.

187 ~~(7)(5)~~ The surcharge imposed by this section does not
188 apply to a motor vehicle or a shared vehicle provided at no
189 charge to a person whose motor vehicle is being repaired,
190 adjusted, or serviced by the entity providing the replacement
191 motor vehicle.

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192 Section 3. Section 627.7483, Florida Statutes, is created
193 to read:

194 627.7483 Peer-to-peer car sharing; insurance
195 requirements.-

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

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

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

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

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

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

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

223 3. The time the shared vehicle owner takes possession and
224 control of the shared vehicle.

225 (e) "Peer-to-peer car sharing" or "car sharing" means the
226 authorized use of a motor vehicle by an individual other than
227 the vehicle's owner through a peer-to-peer car-sharing program.
228 For the purposes of this section, the term does not include the
229 renting of a motor vehicle through a rental car company, the use
230 of a for-hire vehicle as defined in s. 320.01(15), ridesharing
231 as defined in s. 341.031(9), a carpool as defined in s.
232 450.28(3), or the use of a motor vehicle under an agreement for
233 a car-sharing service as defined in s. 212.0606(1).

234 (f) "Peer-to-peer car-sharing program" means a business
235 platform that enables peer-to-peer car sharing by connecting
236 motor vehicle owners with drivers for financial consideration.
237 For the purposes of this section, the term does not include a
238 rental car company, a car-sharing service as defined in s.
239 212.0606(1), a taxicab association, the owner of a for-hire
240 vehicle as defined in s. 320.01(15), or a service provider that
241 is solely providing hardware or software as a service to a

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242 person or an entity that is not effectuating payment of
243 financial consideration for use of a shared vehicle.

244 (g) "Peer-to-peer car-sharing program agreement" means the
245 terms and conditions established by the peer-to-peer car-sharing
246 program which are applicable to a shared vehicle owner and a
247 shared vehicle driver and which govern the use of a shared
248 vehicle through a peer-to-peer car-sharing program. For the
249 purposes of this section, the term does not include a rental
250 agreement or an agreement for a for-hire vehicle as defined in
251 s. 320.01(15) or for a car-sharing service as defined in s.
252 212.0606(1).

253 (h) "Shared vehicle" means a motor vehicle that is
254 available for sharing through a peer-to-peer car-sharing
255 program. For the purposes of this section, the term does not
256 include a rental car, a for-hire vehicle as defined in s.
257 320.01(15), or a motor vehicle used for ridesharing as defined
258 in s. 341.031(9), for a carpool as defined in s. 450.28(3), or
259 for a car-sharing service as defined in s. 212.0606(1).

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

263 (j) "Shared vehicle owner" means the registered owner, or
264 a natural person or an entity designated by the registered
265 owner, of a motor vehicle made available for sharing to shared
266 vehicle drivers through a peer-to-peer car-sharing program. For

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267 the purposes of this section, the term does not include an owner
268 of a for-hire vehicle as defined in s. 320.01(15).

269 (2) INSURANCE COVERAGE REQUIREMENTS.-

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

274 a. Property damage liability coverage that meets the
275 minimum coverage amounts required under s. 324.022.

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

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

280 d. Uninsured and underinsured vehicle coverage as required
281 under s. 627.727.

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

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

287 b. Does not exclude the use of a shared vehicle by a
288 shared vehicle driver.

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

291 a. A shared vehicle owner;

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292 b. A shared vehicle driver;

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

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

296 2. The insurance policy maintained in subparagraph 1.
297 which satisfies the insurance requirements under paragraph (a)
298 is primary during each car-sharing period. If a claim occurs
299 during the car-sharing period in another state with minimum
300 financial responsibility limits higher than those limits
301 required under chapter 324, the coverage maintained under
302 paragraph (a) satisfies the difference in minimum coverage
303 amounts up to the applicable policy limits.

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

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

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

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

327 (I) Liabilities assumed by the peer-to-peer car-sharing
328 program under a peer-to-peer car-sharing program agreement;

329 (II) Liability of the shared vehicle owner;

330 (III) Liability of the shared vehicle driver;

331 (IV) Damage or loss to the shared motor vehicle; or

332 (V) Damage, loss, or injury to persons or property to
333 satisfy the personal injury protection and uninsured and
334 underinsured motorist coverage requirements of this section.

335 e. Insurance required under paragraph (a), when maintained
336 by a peer-to-peer car-sharing program, may be provided by an
337 insurer authorized to do business in this state which is a
338 member of the Florida Insurance Guaranty Association or an
339 eligible surplus lines insurer that has a superior, excellent,
340 exceptional, or equivalent financial strength rating by a rating
341 agency acceptable to the office. A peer-to-peer car-sharing

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342 program is not transacting in insurance when it maintains the
343 insurance required under this section.

344 (3) LIABILITIES AND INSURANCE EXCLUSIONS.-

345 (a) Liability.-

346 1. A peer-to-peer car-sharing program shall assume
347 liability, except as provided in subparagraph 2., of a shared
348 vehicle owner for bodily injury or property damage to third
349 parties or uninsured and underinsured motorist or personal
350 injury protection losses during the car-sharing period in an
351 amount stated in the peer-to-peer car-sharing program agreement,
352 which amount may not be less than those set forth in ss.
353 324.021(7)(a) and (b), 324.022, 627.727, and 627.736,
354 respectively.

355 2. The assumption of liability under subparagraph 1. does
356 not apply if a shared vehicle owner:

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

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

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

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

371 or

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

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

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

385 1. Liability coverage for bodily injury and property
386 damage;

387 2. Personal injury protection coverage;

388 3. Uninsured and underinsured motorist coverage;

389 4. Medical payments coverage;

390 5. Comprehensive physical damage coverage; and

391 6. Collision physical damage coverage.

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

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

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

410 2. Excluded under the terms of its policy.

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

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

421 (5) RECORDKEEPING.—A peer-to-peer car-sharing program
422 shall:

423 (a) Collect and verify records pertaining to the use of a
424 shared vehicle, including, but not limited to, the times used,
425 car-sharing period pickup and dropoff locations, and revenues
426 received by the shared vehicle owner.

427 (b) Retain the records in paragraph (a) for a time period
428 not less than the applicable personal injury statute of
429 limitations.

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

435 (6) CONSUMER PROTECTIONS.—

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

439 1. Any right of the peer-to-peer car-sharing program to
440 seek indemnification from the shared vehicle owner or the shared
441 vehicle driver for economic loss resulting from a breach of the

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442 terms and conditions of the peer-to-peer car-sharing program
443 agreement.

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

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

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

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

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

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

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- 467 (b) Driver license verification and data retention.-
468 1. A peer-to-peer car-sharing program may not enter into a
469 peer-to-peer car-sharing program agreement with a driver unless
470 the driver:
471 a. Holds a driver license issued under chapter 322 which
472 authorizes the driver to drive vehicles of the class of the
473 shared vehicle;
474 b. Is a nonresident who:
475 (I) Holds a driver license issued by the state or country
476 of the driver's residence which authorizes the driver in that
477 state or country to drive vehicles of the class of the shared
478 vehicle; and
479 (II) Is at least the same age as that required of a
480 resident to drive; or
481 c. Is otherwise specifically authorized by the Department
482 of Highway Safety and Motor Vehicles to drive vehicles of the
483 class of the shared vehicle.
484 2. A peer-to-peer car-sharing program shall keep a record
485 of:
486 a. The name and address of the shared vehicle driver;
487 b. The driver license number of the shared vehicle driver
488 and each other person, if any, who will operate the shared
489 vehicle; and
490 c. The place of issuance of the driver license.
491 (c) Responsibility for equipment.-A peer-to-peer car-

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492 sharing program has sole responsibility for any equipment that
493 is put in or on the shared vehicle to monitor or facilitate the
494 peer-to-peer car-sharing transaction, including a GPS system.
495 The peer-to-peer car-sharing program shall indemnify and hold
496 harmless the shared vehicle owner for any damage to or theft of
497 such equipment during the car-sharing period which is not caused
498 by the shared vehicle owner. The peer-to-peer car-sharing
499 program may seek indemnity from the shared vehicle driver for
500 any damage to or loss of such equipment which occurs during the
501 car-sharing period.

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

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

511 2. Notify the shared vehicle owner that if the shared
512 vehicle owner:

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

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

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

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

531 (a) The liability of a peer-to-peer car-sharing program
532 for any act or omission of the peer-to-peer car-sharing program
533 which results in bodily injury to a person as a result of the
534 use of a shared vehicle through peer-to-peer car sharing; or

535 (b) The ability of a peer-to-peer car-sharing program to
536 seek, by contract, indemnification from the shared vehicle owner
537 or the shared vehicle driver for economic loss resulting from a
538 breach of the terms and conditions of the peer-to-peer car-
539 sharing program agreement.

540 Section 4. This act shall take effect January 1, 2022.
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to motor vehicle rentals; amending s. 212.05, F.S.; specifying the applicable sales tax rate on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; requiring peer-to-peer car-sharing programs to collect and remit the applicable sales tax; amending s. 212.0606, F.S.; providing definitions; specifying the applicable rental car surcharge on motor vehicle leases and rentals by motor vehicle rental companies; specifying applicability of the surcharge; requiring motor vehicle rental companies to collect and remit the surcharge; specifying the applicable rental car surcharge on motor vehicle leases and rentals by peer-to-peer car-sharing programs; specifying applicability of the surcharge; requiring car-sharing services to collect a certain surcharge; requiring peer-to-peer car-sharing programs to collect the surcharge; providing that the surcharge for peer-to-peer car-sharing is attributable to the county corresponding to the location of the motor

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567 vehicle at the car-sharing start time; requiring a
568 dealer to report collected surcharge revenue
569 accordingly; providing application of a surcharge
570 imposed on a shared vehicle; creating s. 627.7483,
571 F.S.; providing definitions; specifying insurance
572 requirements for shared vehicle owners and shared
573 vehicle drivers under peer-to-peer car-sharing
574 programs; providing that a peer-to-peer car-sharing
575 program has an insurable interest in a shared vehicle
576 during certain periods; providing construction;
577 authorizing peer-to-peer car-sharing programs to own
578 and maintain certain motor vehicle insurance policies;
579 requiring peer-to-peer car-sharing programs to assume
580 certain liability; providing exceptions; requiring a
581 shared vehicle owner's insurer to indemnify the peer-
582 to-peer car-sharing program under certain
583 circumstances; providing an exemption from vicarious
584 liability for peer-to-peer car-sharing programs and
585 shared vehicle owners; authorizing motor vehicle
586 insurers to exclude coverages and a duty to defend or
587 indemnify claims under a shared vehicle owner's
588 policy; providing construction relating to exclusions;
589 providing a right of recovery to a shared vehicle
590 owner's insurer for certain claims; requiring peer-to-
591 peer car-sharing programs to provide certain

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592 information to shared vehicle owners regarding liens;
593 specifying recordkeeping, record retention, and
594 record-sharing requirements for peer-to-peer car-
595 sharing programs; specifying disclosure requirements
596 for peer-to-peer car-sharing program agreements;
597 specifying driver license verification and data
598 retention requirements for peer-to-peer car-sharing
599 programs; providing that peer-to-peer car-sharing
600 programs have sole responsibility for certain
601 equipment in or on a shared vehicle; providing for
602 indemnification regarding such equipment; specifying
603 requirements for peer-to-peer car-sharing programs
604 relating to safety recalls on a shared vehicle;
605 providing construction; providing an effective date.