

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 "lease
4 or rental of a motor vehicle"; conforming provisions
5 to changes made by the act; requiring a motor vehicle
6 rental company or peer-to-peer car-sharing program to
7 pay a surcharge under certain circumstances; defining
8 the term "dealer"; amending s. 320.01, F.S.; providing
9 definitions; amending s. 320.0605, F.S.; authorizing
10 an electronic copy of certain rental or lease
11 documentation to be in the possession of the vehicle
12 operator or carried in the vehicle and to be exhibited
13 upon demand of any authorized law enforcement officer
14 or any agent of the Department of Highway Safety and
15 Motor Vehicles; providing that the act of presenting a
16 certain electronic device to the officer or agent does
17 not constitute consent for the officer or agent to
18 access any information on the device other than the
19 displayed rental or lease documentation; providing for
20 assumption of liability for any resulting damage to
21 the device; revising requirements for rental or lease
22 documentation; amending s. 322.38, F.S.; prohibiting a
23 person from renting a motor vehicle to another person
24 unless he or she has verified that the renter's driver
25 license is unexpired; requiring that a person renting

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

38 | Be It Enacted by the Legislature of the State of Florida:
39 |

40 | Section 1. Section 212.0606, Florida Statutes, is amended
41 | to read:

42 | 212.0606 Rental car surcharge.—

43 | (1) Except as provided in subsection (2), a surcharge of
44 | \$2 per day or any part of a day is imposed upon the lease or
45 | rental of a motor vehicle licensed for hire and designed to
46 | carry fewer than nine passengers regardless of whether the motor
47 | vehicle is licensed in this state. The surcharge applies to only
48 | the first 30 days of the term of a lease or rental. The
49 | surcharge is subject to all applicable taxes imposed by this
50 | chapter. For purposes of this subsection, the term "lease or

51 rental of a motor vehicle" means the leasing or renting of a
52 motor vehicle when the lease or rental is facilitated, in person
53 or through digital means, by a car-sharing service as defined in
54 s. 320.01(46), a motor vehicle rental company as defined in s.
55 320.01(47), or a peer-to-peer car-sharing program as defined in
56 s. 320.01(48) for financial consideration without transfer of
57 the title of the motor vehicle.

58 (2) A member of a car-sharing service as defined in s.
59 320.01(46) who uses a motor vehicle as described in subsection
60 (1) for less than 24 hours pursuant to an agreement with the
61 car-sharing service shall pay a surcharge of \$1 per usage. A
62 member of a car-sharing service who uses the same motor vehicle
63 for 24 hours or more shall pay a surcharge of \$2 per day or any
64 part of a day as provided in subsection (1). ~~For purposes of~~
65 ~~this subsection, the term "car sharing service" means a~~
66 ~~membership-based organization or business, or division thereof,~~
67 ~~which requires the payment of an application or membership fee~~
68 ~~and provides member access to motor vehicles:~~

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

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

73 ~~(c) Only through automated means, including, but not~~
74 ~~limited to, smartphone applications or electronic membership~~
75 ~~cards;~~

- 76 ~~(d) On an hourly basis or for a shorter increment of time;~~
- 77 ~~(e) Without a separate fee for refueling the motor~~
- 78 ~~vehicle;~~
- 79 ~~(f) Without a separate fee for minimum financial~~
- 80 ~~responsibility liability insurance; and~~
- 81 ~~(g) Owned or controlled by the car-sharing service or its~~
- 82 ~~affiliates.~~

83

84 The surcharge imposed under this subsection does not apply to

85 the lease, rental, or use of a motor vehicle from a location

86 owned, operated, or leased by or for the benefit of an airport

87 or airport authority.

88 (3) A motor vehicle rental company as defined in s.

89 320.01(47) or a peer-to-peer car-sharing program as defined in

90 s. 320.01(48) which rents a motor vehicle as described in

91 subsection (1) for less than 24 hours must pay a surcharge of \$1

92 per usage.

93 (4)~~(3)~~(a) Notwithstanding s. 212.20, and less the costs of

94 administration, 80 percent of the proceeds of this surcharge

95 shall be deposited in the State Transportation Trust Fund, 15.75

96 percent of the proceeds of this surcharge shall be deposited in

97 the Tourism Promotional Trust Fund created in s. 288.122, and

98 4.25 percent of the proceeds of this surcharge shall be

99 deposited in the Florida International Trade and Promotion Trust

100 Fund. For the purposes of this subsection, the term "proceeds of

101 this surcharge" ~~of the surcharge~~ means all funds collected and
102 received by the department under this section, including
103 interest and penalties on delinquent surcharges. The department
104 shall provide the Department of Transportation rental car
105 surcharge revenue information for the previous state fiscal year
106 by September 1 of each year.

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

114 (5)-(4) Except as provided in this section, the department
115 shall administer, collect, and enforce the surcharge as provided
116 in this chapter.

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

121 (b)-(a) The department shall require dealers to report
122 surcharge collections according to the county to which the
123 surcharge was attributed. For purposes of this section, the
124 surcharge shall be attributed to the county where the rental
125 agreement was entered into.

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

135 ~~(6)(5)~~ The surcharge imposed by this section does not
136 apply to a motor vehicle provided at no charge to a person whose
137 motor vehicle is being repaired, adjusted, or serviced by the
138 entity providing the replacement motor vehicle.

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

141 320.01 Definitions, general.—As used in the Florida
142 Statutes, except as otherwise provided, the term:

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

147 (a) Only at locations that are not staffed by car-sharing
148 service personnel employed solely for the purpose of interacting
149 with car-sharing service members.

150 (b) Twenty-four hours per day, 7 days per week.

151 (c) Only through automated means, including, but not
 152 limited to, a smartphone application or electronic membership
 153 card.

154 (d) On an hourly basis or for a shorter increment of time.

155 (e) Without a separate fee for refueling the motor
 156 vehicle.

157 (f) Without a separate fee for minimum financial
 158 responsibility liability insurance.

159 (g) Owned or controlled by the car-sharing service or its
 160 affiliates.

161 (47) "Motor vehicle rental company" means an entity that
 162 is in the business of providing motor vehicles to the public
 163 under a rental agreement for 30 days or less for financial
 164 consideration.

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

168 Section 3. Section 320.0605, Florida Statutes, is amended
 169 to read:

170 320.0605 Certificate of registration; possession required;
 171 exception.—

172 (1) (a) The registration certificate or an official copy
 173 thereof, a true copy or an electronic copy of rental or lease
 174 documentation issued for a motor vehicle or issued for a
 175 replacement vehicle in the same registration period, a temporary

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

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

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

197 (2) Rental or lease documentation that is sufficient to
 198 satisfy the requirement in subsection (1) includes the
 199 following:

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

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

209 Section 4. Section 322.38, Florida Statutes, is amended to
 210 read:

211 322.38 Renting motor vehicle to another.—

212 (1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any
 213 other person unless the other ~~latter~~ person is ~~then~~ duly
 214 licensed~~7~~ or, if a nonresident, ~~he or she shall be licensed~~
 215 under the laws of the state or country of his or her residence,
 216 except a nonresident whose home state or country does not
 217 require that an operator be licensed.

218 (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to
 219 another until he or she has inspected the driver license of the
 220 person to whom the vehicle is to be rented~~7~~ and has ~~compared and~~
 221 verified that the driver license is unexpired ~~signature thereon~~
 222 ~~with the signature of such person written in his or her~~
 223 ~~presence.~~

224 (3) Every person renting a motor vehicle to another shall
 225 keep a record of the registration number of the motor vehicle so

226 | rented, the name and address of the person to whom the vehicle
227 | is rented, the number of the license of said latter person, and
228 | the ~~date and place when and where the said~~ license was issued.
229 | Such record shall be open to inspection by any police officer,
230 | or officer or employee of the department.

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

245 | Section 5. Section 331.17, Florida Statutes, is created to
246 | read:

247 | 331.17 Transportation services at airports.—In order to
248 | facilitate the provision of transportation services on the
249 | property of a publicly owned airport that is open for public
250 | use, a car-sharing service as defined in s. 320.01(46), a motor

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251 | vehicle rental company as defined in s. 320.01(47), or a peer-
252 | to-peer car-sharing program as defined in s. 320.01(48) must
253 | enter into an agreement with the airport to provide such
254 | services.

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