

CHAPTER 2019-104

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 862

An act relating to lessor liability under special mobile equipment leases; creating s. 768.092, F.S.; defining terms; providing that a lessor of special mobile equipment that causes injury, death, or damage is not liable for certain acts of the lessee or lessee's agent if the lease agreement requires documented proof of specified insurance coverage; providing that a lessee's failure to have in effect the required coverage does not impose liability on the lessor; providing an effective date.

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

Section 1. Section 768.092, Florida Statutes, is created to read:

768.092 Special mobile equipment; liability of lessors.—

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

(a) "Lease agreement" means a written agreement for the rental or lease of special mobile equipment, regardless of whether the lease is for a fixed term or with an option to purchase.

(b) "Lessee" means a person who rents or leases special mobile equipment from the lessor pursuant to a lease agreement.

(c) "Lessor" means a person who, pursuant to a lease agreement, offers or arranges for the rental or lease of special mobile equipment by the lessee.

(d) "Special mobile equipment" has the same meaning as in s. 316.003.

(2) The lessor of any special mobile equipment that causes injury, death, or damage while leased under a lease agreement is not liable for acts of the lessee or the lessee's agent or employee in connection with the rental or lease, including any bodily injury, death, or damage resulting from the operation, maintenance, or use of the special mobile equipment, if the lease agreement requires documented proof of insurance coverage containing limits of at least \$250,000 per person and up to \$500,000 per incident for bodily injury liability and up to \$100,000 for property damage liability, or at least \$750,000 for combined property damage liability and bodily injury liability. The failure of the lessee to have in effect the insurance coverage required by the lease agreement does not impose liability on the lessor.

Section 2. This act shall take effect July 1, 2019.

Approved by the Governor June 18, 2019.

Filed in Office Secretary of State June 18, 2019.