

## MEMORANDUM

Agenda Item No. 11(A)(38)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

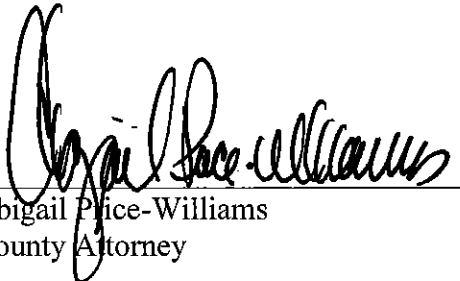
**DATE:** October 3, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to (1) impose  
reasonable regulations on peer-  
to-peer car sharing services to  
ensure public safety and  
consumer protection, and  
(2) require car sharing services  
to pay the same surcharges that  
apply to rental cars so as to  
create a level playing field

Resolution No. R-1106-19

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor  
Commissioner Sally A. Heyman.



Abigail Price-Williams  
County Attorney

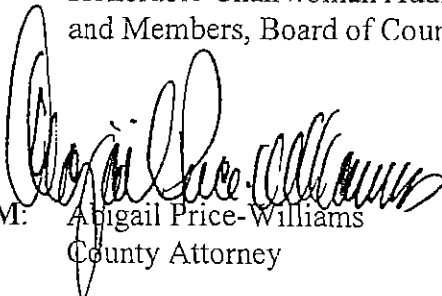
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MEMORANDUM  
(Revised)

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Abigail Price-Williams  
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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(38)

Veto \_\_\_\_\_

10-3-19

Override \_\_\_\_\_

RESOLUTION NO. R-1106-19

RESOLUTION URGING THE FLORIDA LEGISLATURE TO (1) IMPOSE REASONABLE REGULATIONS ON PEER-TO-PEER CAR SHARING SERVICES TO ENSURE PUBLIC SAFETY AND CONSUMER PROTECTION, AND (2) REQUIRE CAR SHARING SERVICES TO PAY THE SAME SURCHARGES THAT APPLY TO RENTAL CARS SO AS TO CREATE A LEVEL PLAYING FIELD

**WHEREAS**, the boundless construct of technology has ushered in the emergence and prominence of new-age car sharing platforms, both redefining and revolutionizing the way people and businesses utilize their cars; and

**WHEREAS**, car sharing is defined as the process by which existing car owners make their vehicles available for others to rent for short periods of time; and

**WHEREAS**, car sharing services have been identified as membership-based organizations or businesses which require the payment of an application or membership-fee and provide members with around the clock access to motor vehicles through automated means such as smartphones or electronic membership cards; and

**WHEREAS**, there are three major categories of car sharing models: peer-to-peer; business-to-consumer; and not-for-profit or co-op; and

**WHEREAS**, the peer-to-peer model is defined as a fleet of cars owned by a community that allows the marketplace to match car owners whose vehicles are made available for other drivers to rent; and

**WHEREAS**, the business-to-consumer model involves companies that own a fleet of cars and facilitate car sharing among its members; and

**WHEREAS**, the not-for-profit or co-op model comprises a local organization or company that facilitates car sharing with the goal of changing or influencing driving habits over making a profit; and

**WHEREAS**, the peer-to-peer model has rapidly emerged as one of the most popular among car sharing models, with peer-to-peer companies such as Turo and Getaround having more than \$600 million in investments from venture capitalists and auto companies; and

**WHEREAS**, Turo, for example, provides digital platforms which allow individuals to rent out personal vehicles to users from hourly to daily with just a click of a computer key or a downloaded phone application; and

**WHEREAS**, when viewing the impact of peer-to-peer car sharing services holistically, more than 2.9 million people in both the United States and Canada who rented more than 131,336 vehicles utilized peer-to-peer car sharing services from a variety of companies in 2017; and

**WHEREAS** these peer-to-peer car sharing companies touted car sharing fleets which grew by 80 percent and membership which more than doubled in a year's time; and

**WHEREAS**, the rapid increase in peer-to-peer car service membership and revenue have continued to grow at staggering rates; and

**WHEREAS**, while the prominence of peer-to-peer car sharing companies are steadily becoming rooted in the foundation of new age modes of transportation, they are generally unregulated; and

**WHEREAS**, under the current statutory construct, Florida law only regulates rental car companies and certain car sharing services not of a peer-to-peer nature; and

**WHEREAS**, these statutorily-defined rental car entities are required to adhere to important insurance guidelines, safety standards, and regulatory taxes and fees which have been established to maintain a standard of integrity as well as protect the general welfare of Florida's drivers through vehicle accountability, driver protection, and road maintenance, while also contributing to the upkeep of Florida's transportation system; and

**WHEREAS**, in its present unregulated posture, peer-to-peer car sharing entities continue to operate on an uneven playing field; and

**WHEREAS** more specifically, these companies not only utilize and contribute to the wear and tear of general roadways within Miami-Dade County and throughout the State of Florida, but have also contributed to concentrated and increased traffic flow and congestion within airports and seaports, including Miami International Airport and the Port of Miami, respectively, which have emerged as their unofficial "free" hubs throughout state; and

**WHEREAS**, the current unregulated operating structure of peer-to-peer car sharing platforms such as Turo continue to present an imminent threat to both public safety and consumer protection with each individual transaction that remains unregulated; and

**WHEREAS**, these "under the radar" peer-to-peer vehicle transactions often occur privately between unknown individuals who meet at unrestricted and unsupervised locations, increasing the likelihood of the occurrence of thefts and other crimes; and

**WHEREAS**, peer-to-peer car sharing services are not presently required to adhere to the stringent uniform vehicle safety standards regarding vehicle recalls, safety features, and the absence of specified vehicle defects that Florida law currently mandates for the statutorily-defined rental car industry; and

**WHEREAS**, consumers are essentially blindly entering into peer-to-peer car sharing agreements with no uniform legal guarantee of the vehicles fitness for use; and

**WHEREAS**, peer-to-peer car sharing companies are currently at liberty to impose or not impose vehicle safety standards at-will; and

**WHEREAS**, if left unregulated, peer-to-peer car sharing may prove to be one transaction away from a major accident waiting to happen; and

**WHEREAS**, during the 2019 session of the Florida Legislature, Senator Keith Perry (R — Gainesville) and Representative Chris Latvala (R — Clearwater) filed Senate Bill (SB) 1148 and House Bill (HB) 1111, respectively, however, both bills died in committee; and

**WHEREAS**, SB 1148 and HB 1111 would have, among other things, required peer-to-peer car sharing companies to pay a specified surcharge user fee, a requirement currently imposed on existing statutorily-defined rental and car sharing companies; and

**WHEREAS**, in recognition of the urgency and imperative nature of requiring peer-to-peer car sharing companies to adhere to vital insurance and safety standards, and take ownership of their responsibility to lawfully exist on a level and regulated platform for the benefit of the residents of and visitors to Miami-Dade County and the State of Florida, this Board would like to urge the Florida Legislature to impose reasonable regulations on peer-to-peer car sharing services,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to impose reasonable regulations on peer-to-peer car sharing services to ensure public safety and consumer protection and require car sharing services to pay the same surcharges that apply to rental cars so as to create a level playing field.

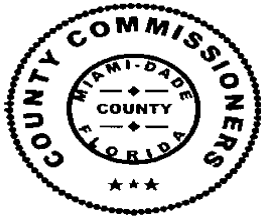
**Section 2.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senator Keith Perry, Representative Chris Latvala, and the Chair and Members of the Miami-Dade State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to support the action described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Audrey M. Edmonson, Chairwoman	aye	
	Rebeca Sosa, Vice Chairwoman	aye	
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of October, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Linda L. Cave  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "NLC", is written over the text of the County Attorney's approval.

Nykeah L. Cohen