Lowndes

Insights

Florida Appeals Court Reinforces Employer Liability Under Dangerous Instrumentality Doctrine Despite Use Restrictions

The Employer Lawyers Blog
Lowndes
08.13.2025

A recent decision from Florida's Fourth District Court of Appeal clarifies the scope of Florida's "dangerous instrumentality" doctrine, reminding employers that having company vehicle policies alone may not be enough to avoid liability when accidents occur.

On June 25, 2025, the Fourth DCA reversed a trial court's ruling that granted summary judgment in favor of an employer whose worker caused a collision while driving under the influence in a company car.

The Facts

In 2022, a construction company hired an assistant project manager and provided him with a company car. The employee signed a written agreement restricting use of the company car to business hours and expressly prohibiting driving "while under the influence of alcohol." However, the employee also had an informal, verbal arrangement with a supervisor allowing him to use the car "to get to and from work and *whatever needed*."

One evening after work, the employee ran out of gas, stopped at a nearby gas station, consumed several beers, and resumed driving. Roughly 30 to 40 minutes later, he rear-ended the plaintiff's vehicle at a traffic light. The plaintiff sued both the employee and the company.

The company filed a motion for summary judgment, arguing that it could not be held liable. The trial court agreed, for the following reasons:

1. The company had a specific policy prohibiting driving while under the influence.
2. The employee testified he had no consent to drive it while under the influence.

Related Attorneys

Jyllian R. Bradshaw

Brandon D. José

Related Expertise

Labor & Employment Law

3. The employee's actions amounted to "theft or conversion" of the vehicle.

The Appellate Decision

The Fourth DCA disagreed. Judge Artaú explained that once a company has given an employee possession of a vehicle—whether through express or implied consent—it has "a nondelegable obligation to ensure the vehicle is operated safely." That duty applies even when the driver acts "willfully, wantonly, and in disobedience" to instructions.

The court contrasted this case with *Duarte v. Wetzel*, where the vehicle owner expressly prohibited the driver from taking the car without permission, and the driver was fully aware of that restriction. Because there was no original consent to possess the vehicle, that court found that vicarious liability did not apply. In the present case at issue, the company had already given the employee broad permission to use the company car, making the no-alcohol prohibition a limitation on use, not a withdrawal of possession.

The Takeaway

This decision has important implications for any employer who allows employees to operate company vehicles:

- Employers have a nondelegable obligation to ensure company vehicles are operated safely, regardless of employee misconduct or internal policies.
- Written policies may not be enough. Supervisors who grant broader permissions, even informally, can expand the company's liability.
- Supervisor training is essential. Supervisors, by virtue of their role, can unintentionally alter an employer's liability exposure, even with sound company policies in place.

The Lowndes team regularly conducts supervisor training across industries to help employers mitigate risk and reinforce policy compliance. Contact us to schedule a customized training program tailored to your company's needs.