

CS/HB 557

2010

1                   A bill to be entitled  
2           An act relating to tangible personal property tax  
3           transparency; authorizing persons who rent certain heavy  
4           equipment to collect a tangible personal property tax  
5           recovery fee on certain heavy equipment property rentals  
6           for certain purposes; requiring disclosure of the fee in  
7           the rental agreement; providing a limitation; providing  
8           definitions; providing an effective date.

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

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12           Section 1. Heavy equipment rental; tangible personal  
13 property tax recovery fee.—A person who engages in the business  
14 of renting heavy equipment under short-term rental agreements  
15 may collect a tangible personal property tax recovery fee on the  
16 rental of heavy equipment. The purpose of the fee is to allow  
17 the owner of the heavy equipment to recover the tangible  
18 personal property taxes imposed upon such equipment. The amount  
19 of the fee must be disclosed in the rental agreement. The rate  
20 of the recovery fee may not exceed the rate of the tangible  
21 personal property tax imposed on such property by the county in  
22 which the equipment rental business is located. For purposes of  
23 this section, the term "heavy equipment property" means  
24 industrial or construction equipment and includes, but is not  
25 limited to, equipment described under North American Industry  
26 Classification System (NAICS) code 532412, as published in 2007  
27 by the Office of Management and Budget, Executive Office of the  
28 President. For purposes of this section, the term "short-term

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29 rental agreement" means only a lease or rental agreement entered  
30 into for a term of less than 365 days or an at-will contract  
31 that does not specify the length of time of the contract. The  
32 term does not include any extension or renewal of a lease  
33 contract with an original term of 1 year or more.

34 Section 2. This act shall take effect July 1, 2010.