

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; specifying a rate for the fee;
 8 limiting the total fee collected at each business
 9 location; providing for refund or credit of amounts
 10 collected in excess of tangible personal property taxes
 11 levied on such equipment; providing definitions; providing
 12 an effective date.

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

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 16 Section 1. Heavy equipment rental; tangible personal
 17 property tax recovery fee.-

18 (1) A person who engages in the business of renting heavy
 19 equipment under short-term rental agreements may collect a
 20 tangible personal property tax recovery fee on the rental of
 21 heavy equipment. The purpose of the fee is to allow the owner of
 22 the heavy equipment to recover the tangible personal property
 23 taxes imposed upon such equipment. The amount of the fee must be
 24 disclosed in the rental agreement. The rate of the recovery fee
 25 shall be the prior year's tax rate levied on the tangible
 26 personal property at the business location. The total recovery
 27 fee collected at each business location during a calendar year
 28 shall not exceed the total tangible personal property tax levied

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29 upon the location's tangible personal property in that calendar
30 year. If a business location collects any amount in excess of
31 the personal property taxes levied upon the tangible personal
32 property located at the business location, the business location
33 shall credit or refund the overage back to each customer.

34 (2) As used in this section, the term:

35 (a) "Heavy equipment property" means industrial or
36 construction equipment and includes, but is not limited to,
37 equipment described under North American Industry Classification
38 System (NAICS) code 532412, as published in 2007 by the Office
39 of Management and Budget, Executive Office of the President.

40 (b) "Short-term rental agreement" means only a lease or
41 rental agreement entered into for a term of less than 365 days
42 or an at-will contract that does not specify the length of time
43 of the contract. The term does not include any extension or
44 renewal of a lease contract with an original term of 1 year or
45 more.

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