

1 A bill to be entitled
 2 An act relating to tangible personal property taxation;
 3 providing definitions; authorizing collection of a
 4 tangible personal property tax recovery fee by a person
 5 engaging in the business of renting or leasing heavy
 6 equipment; providing requirements for collection,
 7 retention, and reimbursement of the recovery fee;
 8 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.-

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

15 (a) "Heavy equipment" means industrial or construction
 16 equipment, including, but not limited to, equipment described in
 17 the North American Industry Classification System (NAICS) Code
 18 532412 as published in 2007 by the Office of Management and
 19 Budget within the Executive Office of the President of the
 20 United States.

21 (b) "Lessee" means the person who rents or leases the
 22 heavy equipment.

23 (c) "Short-term rental agreement" means a lease or rental
 24 agreement with a term of less than 365 days or an at-will
 25 contract that does not specify a term; however, "short-term
 26 rental agreement" does not include any extension or renewal of a
 27 lease or rental agreement with an original term of 365 days or
 28 more.

29 (2) For the purpose of recovering the tangible personal
 30 property tax imposed on heavy equipment, a person engaging in
 31 the business of leasing or renting heavy equipment may collect a
 32 recovery fee in an amount equal to the estimated pro rata annual
 33 tangible personal property tax that will be imposed. The
 34 recovery fee may be collected and retained after payment of the
 35 tax only if:

36 (a) The heavy equipment is subject to a short-term rental
 37 agreement that discloses the amount and purpose for the
 38 collection of the recovery fee; and

39 (b) Within 45 days after initial payment of the tax or
 40 receipt of any refund of the initial payment, the person
 41 engaging in the business of renting or leasing the heavy
 42 equipment reimburses the lessee for any amount collected in
 43 excess of the tax at a location described in the short-term
 44 rental agreement or another location specified by the lessee.
 45 The person engaging in the business of renting or leasing heavy
 46 equipment:

47 1. Shall prorate reimbursements of the tax if more than
 48 one person rented or leased the equipment during the applicable
 49 period; and

50 2. May not seek any additional recoupment of the tax if
 51 the actual tax paid is more than the amount collected.

52 Section 2. This act shall take effect July 1, 2011.