

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 and
7 retention; prohibiting additional recoupment of a recovery
8 fee in the current year under certain circumstances;
9 requiring a reduction in the amount of recoupment of a
10 recovery fee for the following year under certain
11 circumstances; providing an effective date.

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

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

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

18 (a) "Heavy equipment" means industrial or construction
19 equipment, including, but not limited to, equipment described in
20 the North American Industry Classification System (NAICS) Code
21 532412 as published in 2007 by the Office of Management and
22 Budget within the Executive Office of the President of the
23 United States.

24 (b) "Lessee" means the person who rents or leases the
25 heavy equipment.

26 (c) "Short-term rental agreement" means a lease or rental
27 agreement with a term of less than 365 days or an at-will
28 contract that does not specify a term; however, "short-term

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29 rental agreement" does not include any extension or renewal of a
30 lease or rental agreement with an original term of 365 days or
31 more.

32 (2) For the purpose of recovering the tangible personal
33 property tax imposed on heavy equipment, a person engaging in
34 the business of leasing or renting heavy equipment may collect a
35 recovery fee in an amount equal to 2 percent of the total rental
36 transaction fee generated in each county of operation. The
37 recovery fee may be collected and retained after payment of the
38 tangible personal property tax assessed for the previous year
39 only if the heavy equipment is subject to a short-term rental
40 agreement that discloses the amount and purpose for the
41 collection of the recovery fee.

42 (a) A person engaging in the business of renting or
43 leasing heavy equipment may not seek additional recoupment of
44 the recovery fee for the current year if the actual recovery fee
45 collected in the current year exceeds the tangible personal
46 property tax paid in the prior year.

47 (b) If, during the current year, the recovery fee
48 collected by the person engaging in the business of renting or
49 leasing heavy equipment exceeds the tax paid in the prior year,
50 the recovery fee recoupment for the following year must be
51 reduced by an amount equal to such excess amount.

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