

By Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to tangible personal property taxes;
3 authorizing a person who rents heavy equipment to
4 collect a tangible personal property tax recovery fee;
5 defining the term "heavy equipment"; limiting the
6 application of the act to short-term rental
7 agreements; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Heavy equipment rental; tangible personal
12 property tax recovery fee.—A person who engages in the business
13 of renting heavy equipment may collect a tangible personal
14 property tax recovery fee on the rental of heavy equipment. The
15 purpose of the fee is to allow the owner of the heavy equipment
16 to recover the tangible personal property taxes imposed upon the
17 equipment. The amount of the fee must be disclosed in the rental
18 agreement and be based on the rental business's estimate of the
19 pro rata annual tangible personal property taxes that will be
20 imposed on the equipment. The personal property tax recovery fee
21 may not exceed the tangible personal property taxes imposed on
22 the heavy equipment. For purposes of this section, the term
23 "heavy equipment" means industrial or construction equipment and
24 includes, but is not limited to, equipment described in North
25 American Industry Classification System (NAICS) Code 532412, as
26 published in 2007 by the Office of Management and Budget,
27 Executive Office of the President. This section applies only to
28 short-term rental agreements that are a lease or rental for a
29 term of 365 days or less or at-will contracts that do not

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30 specify a term. A short-term rental agreement does not include
31 any extension or renewal of a lease contract having an original
32 term of 1 year or longer.

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