HB 73

2015

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 certain
5	persons engaging in the business of renting or leasing
6	heavy 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.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
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) "Short-term lessor" means a person or entity engaging
25	in the business of leasing or renting heavy equipment that
26	derives at least:
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27	1. Eighty percent of its total revenue from short-term
28	rental agreements for the use of heavy equipment; or
29	2. Sixty percent of its total revenue from lease or rental
30	agreements for the use of heavy equipment that each have a term
31	of less than 270 days.
32	(c) "Short-term rental agreement" means a lease or rental
33	agreement with a term of less than 92 days or an at-will
34	contract that does not specify a term; however, "short-term
35	rental agreement" does not include any extension or renewal of a
36	lease or rental agreement with an original term of 92 days or
37	more.
38	(d) "Short-term lessor" means a person or entity engaging
39	in the business of leasing or renting heavy equipment that
40	derives at least:
41	1. Eighty percent of its total revenue from short-term
42	rental agreements for the use of heavy equipment; or
43	2. Sixty percent of its total revenue from lease or rental
44	agreements for the use of heavy equipment that each have a term
45	of less than 270 days.
46	(2) For the purpose of recovering the tangible personal
47	property tax imposed on heavy equipment, a short-term lessor may
48	collect a recovery fee in an amount equal to 2 percent of the
49	total rental transaction fee generated in each county of
50	operation. The recovery fee may be collected and retained after
51	payment of the tangible personal property tax assessed for the
52	previous year only if the heavy equipment is subject to a rental
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53	agreement with a term of less than 270 days that discloses the
54	amount and purpose for the collection of the recovery fee.
55	(a) A short-term lessor may not seek additional recoupment
56	of the recovery fee for the current year if the actual recovery
57	fee collected in the current year exceeds the tangible personal
58	property tax paid in the previous year.
59	(b) If, during the current year, the recovery fee
60	collected by the short-term lessor exceeds the tax paid in the
61	previous year, the recovery fee recoupment for the following
62	year must be reduced by an amount equal to such excess amount.
63	Section 2. This act shall take effect July 1, 2015.

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