

PROPOSED STRIKE-ALL TO HB 73

A bill to be entitled

An act relating to tangible personal property taxation; providing definitions; authorizing collection of a tangible personal property tax recovery fee by certain persons engaging in the business of renting or leasing qualified equipment on a short-term basis; providing requirements for collection and retention; providing an effective date.

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

Section 1. Qualified equipment rental; tangible personal property tax recovery fee.—

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

- (a) “Qualified rental equipment” means any construction, earthmoving, or industrial equipment that is rented by a qualified renter, including attachments for the equipment or other ancillary equipment, including, but not limited to, all of the following:
1. A self-propelled vehicle that is not designed to be driven on the highway.
 2. Industrial electrical generation equipment.
 3. Industrial lift equipment.
 4. Industrial material equipment.
 5. Equipment used in shoring, shielding, and ground trenching.
 6. Equipment or vehicles not subject to the fee imposed pursuant to a Vehicle License Fee Law.
 7. Any party and event rental equipment including but not limited to tents, tables, chairs, linens and table settings, inflatable amusements, and other accessories.

Qualified rental equipment is mobile or temporary and is not intended to be permanently affixed to real property. Qualified rental equipment does not include furniture or fixtures that are intended for use in a permanent home or office or a mobile office.

- (b) “Short-term renter” means a person or entity engaged in the business of renting qualified rental equipment and who is engaged in a line of business described in Code 532412, 532310, or party and event rental companies described in 532299 of the North American Industry Classification System published by the United States Office of Management and Budget, 2012 edition.
- (c) “Short-term rental agreement” means a rental agreement with a term of less than 365 days, or an open ended contract, or an at-will contract that does not specify a term.
- (2) For the purpose of recovering the tangible personal property tax imposed on qualified rental equipment, a short-term renter shall collect a recovery fee in an amount equal to 1 percent of the total rental transaction fee generated in each county of operation. The recovery fee shall be collected from the customer at the time of sale and retained by the short-term renter after payment of the tangible personal property tax assessed for the previous year only if the qualified rental equipment is subject to a short term rental agreement that discloses the amount and purpose for the collection of the recovery fee. It is intended that

this recovery fee will have a revenue neutral impact on prior year's tangible personal property tax collections for qualified rental equipment. This recovery fee is not part of the taxable sales price under s. 212.02, F.S.

Section 2. This act shall take effect July 1, 2015.