

1                                   A bill to be entitled  
 2           An act relating to tax exemption for charges for  
 3           private investigations; amending s. 212.08, F.S.;  
 4           defining the term "small private investigative  
 5           agency"; providing an exemption from the state tax on  
 6           sales, use, and other transactions for investigative  
 7           services provided by a small private investigative  
 8           agency; authorizing the Department of Revenue to adopt  
 9           emergency rules to implement the act; providing  
 10          effective dates.

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

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 14           Section 1. Paragraph (ppp) is added to subsection (7) of  
 15           section 212.08, Florida Statutes, to read:

16           212.08 Sales, rental, use, consumption, distribution, and  
 17           storage tax; specified exemptions.—The sale at retail, the  
 18           rental, the use, the consumption, the distribution, and the  
 19           storage to be used or consumed in this state of the following  
 20           are hereby specifically exempt from the tax imposed by this  
 21           chapter.

22           (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
 23           entity by this chapter do not inure to any transaction that is  
 24           otherwise taxable under this chapter when payment is made by a  
 25           representative or employee of the entity by any means,

26 including, but not limited to, cash, check, or credit card, even  
 27 when that representative or employee is subsequently reimbursed  
 28 by the entity. In addition, exemptions provided to any entity by  
 29 this subsection do not inure to any transaction that is  
 30 otherwise taxable under this chapter unless the entity has  
 31 obtained a sales tax exemption certificate from the department  
 32 or the entity obtains or provides other documentation as  
 33 required by the department. Eligible purchases or leases made  
 34 with such a certificate must be in strict compliance with this  
 35 subsection and departmental rules, and any person who makes an  
 36 exempt purchase with a certificate that is not in strict  
 37 compliance with this subsection and the rules is liable for and  
 38 shall pay the tax. The department may adopt rules to administer  
 39 this subsection.

40 (ppp) Small private investigative agencies.-

41 1. As used in this paragraph, the term "small private  
 42 investigative agency" means a private investigator licensed  
 43 under s. 493.6201 which:

44 a. Employs three or fewer full-time or part-time  
 45 employees, including those performing services pursuant to an  
 46 employee leasing arrangement as defined in s. 468.520(4), in  
 47 total; and

48 b. Reported less than \$150,000 in taxable sales during the  
 49 previous calendar year for providing private investigative  
 50 services as defined in s. 493.6101(17) for all its businesses

51 related through common ownership.

52 2. The sale of investigative services by a small private  
53 investigative agency to a client is exempt from the tax imposed  
54 by this chapter.

55 Section 2. (1) The Department of Revenue may, and all  
56 conditions are deemed met to, adopt emergency rules pursuant to  
57 s. 120.54(4), Florida Statutes, for the purpose of implementing  
58 the amendment made by this act to s. 212.08, Florida Statutes.

59 (2) Notwithstanding any other law, emergency rules adopted  
60 pursuant to this subsection are effective for 6 months after  
61 adoption and may be renewed during the pendency of procedures to  
62 adopt permanent rules addressing the subject of the emergency  
63 rules.

64 (3) This section shall take effect upon this act becoming  
65 a law and expires January 1, 2026.

66 Section 3. Except as otherwise expressly provided in this  
67 act and except for this section, which shall take effect upon  
68 this act becoming a law, this act shall take effect July 1,  
69 2022.