

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 (qqq) 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 (qqq) 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, 2027.

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 2023.