



2016 Florida Back-To-School Sales Tax Holiday Frequently Asked Questions

1. Where can I get complete information about this year's holiday? Tax Information Publication (TIP) 16A01-06 specifies the tax holiday dates, includes definitions of "clothing" and "school supplies" and lists examples of tax-exempt and taxable items during the holiday period. You can find Chapter 2016-220, Laws of Florida, authorizing the holiday at: <http://laws.flrules.org/2016/220>

2. Are any business locations excluded from this holiday?

Theme parks, entertainment complexes, public lodging establishments, and airports are excluded from participating in the sales tax holiday. Sales at any of these establishments are taxable as usual.

Businesses that sell a small number of the items covered by the sales tax holiday are permitted to "**opt out**" of participation in the holiday if they feel it is appropriate for their business. Businesses that are eligible to "opt out" must:

- have less than 5% of their gross sales attributed to items included in the sales tax holiday,
- notify the Department of Revenue, and
- post a notice that they are "opting out" of the sales tax holiday in a conspicuous place at the business location.

3. Why are some items excluded from this holiday?

Only specific items were identified as tax exempt in the law. No other items are authorized. The labeling or packaging of the items usually determines whether the item may be purchased tax exempt during the three-day holiday period. For example:

- Dress, garden, and work gloves sold for \$60 or less are exempt but athletic gloves are taxable because sporting equipment is excluded from the definition of clothing.
- Handbags and purses sold for \$60 or less are exempt but briefcases, suitcases, garment bags, and computer bags are taxable because those items are not "intended to be worn on or about the human body," which is a requirement of the exemption.

4. Are dealers responsible for correctly charging sales tax during this holiday? How will business owners know what items are exempt from sales tax?

Yes. TIP 16A01-06 was mailed to all registered sales and use tax dealers, including lists of tax-exempt and taxable items that may be copied and provided to employees. The TIP is also posted on the Department's website: www.myflorida.com/dor

The list of clothing and school supplies is not all-inclusive. Whether a school supply item qualifies as tax exempt is based on the labeling or packaging of the item.

If you have a question about a specific item not listed, contact the Department at **800-352-3671**, 8 a.m. to 7 p.m., ET, Monday through Friday, excluding holidays.

- 5. If I buy eligible items by mail order or through the Internet, do I get the exemption?**
Yes. All purchases of eligible items during the sales tax holiday are tax exempt, including purchases made by mail order or through the Internet.
- 6. I bought some tax-exempt items and the store owner charged me tax. What should I do?**
Take your receipt to the store owner and ask for a refund of the tax.
- 7. If the selling price of an item of clothing is more than \$60, is the first \$60 exempt from sales tax?**
No. The tax exemption applies to items selling for \$60 or less. If an item sells for more than \$60, tax is due on the entire selling price.
- 8. If the selling price of a school supply item is more than \$15, is the first \$15 exempt from sales tax?**
No. The tax exemption applies to school supply items selling for \$15 or less. If an item sells for more than \$15, tax is due on the entire selling price.
- 9. Can I buy 3 dresses each costing \$59 at the same time and have each dress be exempt from tax?**
Yes. You can buy more than one tax-exempt item at a time. The exemption is based on the sales price of each item, not the total sales amount. Therefore, you do not need to buy each dress separately. Every eligible item of clothing with a sales price of \$60 or less sold during the holiday period will be exempt from sales tax. Similarly, every qualified school supply item with a sales price of \$15 or less sold during the holiday period will be exempt from sales tax.
- 10. Is there a limit on the number of items I can purchase tax exempt during this holiday?**
No. The exemption is based on the sales price of each item, not the total amount of the sale. Each eligible item of clothing with a selling price of \$60 or less, and each eligible school supply item with a selling price of \$15 or less, bought during the three-day holiday period, is exempt from sales tax.
- 11. If a set contains both tax-exempt items and taxable items, is the set tax exempt during this holiday?**
No. Tax-exempt items sold in sets with taxable items are subject to tax. Tax-exempt items must be sold as separate items in order to qualify for the exemption. Sets that include both tax-exempt items and taxable items are subject to tax.
- For example, a gift set consisting of a wallet and key chain is sold for \$35. The sale of the gift set is taxable during the holiday period.
- 12. Why aren't briefcases, suitcases, and other garment bags exempt from tax during this holiday?**
The law (Chapter 2016-220, Laws of Florida) specifically states that briefcases, suitcases, and other garment bags are NOT tax exempt during the holiday period.