

By Senator Smith

31-00801-16

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1                   A bill to be entitled  
2           An act relating to an annual sales tax holiday for  
3           veterans of the United States Armed Forces; creating  
4           an annual sales tax holiday for veterans; specifying  
5           items that are eligible for the sales tax holiday;  
6           defining the term "veteran" for purposes of the sales  
7           tax holiday; specifying tax treatment of layaways,  
8           exchanges, and Internet sales; specifying reporting  
9           requirements of retailers; authorizing the Department  
10          of Revenue to adopt emergency rules; providing an  
11          effective date.

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

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15           Section 1. Sales tax holiday for veterans of the United  
16 States Armed Forces.—

17           (1) The tax levied under chapter 212, Florida Statutes, may  
18 not be collected from a veteran during the period from 12:01  
19 a.m. on November 1 through 11:59 p.m. on December 31, annually,  
20 on the retail sale, as defined in s. 212.02(14), Florida  
21 Statutes, of:

22           (a) Clothing with a sales price of \$100 or less per item.  
23 As used in this paragraph, the term "clothing" means:

24           1. Any article of wearing apparel intended to be worn on or  
25 about the human body, excluding watches, watchbands, jewelry,  
26 umbrellas, and handkerchiefs; and

27           2. All footwear, excluding skis, swim fins, roller blades,  
28 and skates.

29           (b) Personal computers with a sales price of \$1,500 or less

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30 per item. As used in this paragraph, the term "personal  
31 computers" includes electronic book readers, laptops, desktops,  
32 handhelds, tablets, and tower computers. The term does not  
33 include cellular telephones, video game consoles, digital media  
34 receivers, or devices that are not primarily designed to process  
35 data.

36 (c) Books with a sales price of \$50 or less per item. As  
37 used in this paragraph, the term "books" includes textbooks or  
38 other instructional materials, in printed or digital format,  
39 used for educational purposes.

40 (d) Sports, fitness, and recreational equipment with a  
41 sales price of \$100 or less per item.

42 (e) Televisions with a sales price of \$1,000 or less per  
43 item.

44 (f) Game tables and billiard tables, and accessories  
45 thereof, with a sales price of \$500 or less per item.

46 (2) Notwithstanding any action by the United States  
47 Department of Veterans Affairs relating to dishonorable  
48 discharges or releases, the term "veteran" means a person who  
49 served in the active military, naval, or air service who was  
50 honorably discharged or released or who later received an  
51 upgraded honorable discharge or release. To be eligible for the  
52 sales tax holiday, a veteran must show proof of military status  
53 at the time he or she purchases the eligible items.

54 (3) Eligible items placed on layaway during the sales tax  
55 holiday are tax exempt even if final payment of the layaway is  
56 made after the holiday period. All mail-order, catalog, or  
57 Internet sales of eligible items during the sales tax holiday  
58 are tax exempt if the order is accepted during the holiday

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59 period for immediate shipment, even if the item is delivered  
60 after the holiday period. If a veteran purchases a tax-exempt  
61 item during the holiday period and exchanges it for the same  
62 type of item, such as exchanging the item for a different size  
63 or different color, after the holiday period expires, no tax is  
64 due.

65 (4) A retailer making tax-exempt sales under this section  
66 shall report to the Department of Revenue the amount of its  
67 gross sales on the retailer's sales and use tax return.

68 (5) The Department of Revenue may, and all conditions are  
69 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
70 and 120.54, Florida Statutes, to administer this section. This  
71 subsection is repealed on June 30, 2017.

72 Section 2. This act shall take effect July 1, 2016.