



JULIE P. MAGEE
Commissioner

State of Alabama
Department of Revenue

(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

January 31, 2012

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CYNTHIA UNDERWOOD
Assistant Commissioner

MICHAEL E. MASON
Deputy Commissioner

LEWIS A. EASTERLY
Secretary

Mr. Timothy I. White, Site Director
Florida Institute of Technology
6767 Old Madison Pike -- Suite 720
Huntsville, AL 35806-4503

Dear Mr. White:

Subject: Alabama Sales Tax Exemption

In response to your recent request, please be advised that private schools are specifically exempt from the payment of Alabama Sales Tax. This exemption is found in Section 40-23-4 (15), Code of Alabama 1975 as amended, and is further explained in Sales and Use Tax Rule 810-6-3-47.02, a copy of which is enclosed for your convenience.

Since a specific exemption is provided by law, a certificate of exemption is not needed. When making purchases of tangible personal property, you may provide your supplier with a copy of the enclosed rule and a copy of this letter.

Although this letter provides the current opinion of the Sales, Use & Business Tax Division regarding this matter, it is not an official revenue ruling in accordance with Section 40-2A-5, Code of Alabama 1975. Consequently, it is not legally binding on the Department of Revenue and the State.

If you should have any questions, please do not hesitate to contact me at (334) 353-8407.

Sincerely,

Victoria N. Oakes
Revenue Examiner

Enclosure

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ALABAMA DEPARTMENT OF REVENUE

SALES, USE & BUSINESS TAX DIVISION

SALES & USE TAX RULE

810-6-3-.47.02. Private Schools, Sales to:

(1) Sales to private schools are specifically exempted from sales and use taxes.

(2) The term "private school" as used is understood to mean privately owned and operated institutions offering conventional and traditional courses of study such as are offered by public schools of the State of Alabama and the counties and cities of the state.

(3) The term does not mean and shall not include institutions at which the courses of study are limited to specialized subjects as dancing, riding, music, cooking, sewing, and welding.

(4) The term "private school" shall, however, mean and include schools of business instruction where, in addition to such specialized courses as typing, there are also offered general courses in conventional academic subjects such as grammar, spelling, and mathematics. This term shall also include kindergartens at which pre-grammar-school-age children are given initial instructions in the arts of reading, writing and the use of numbers.

(5) The term "private school" does not include nurseries or day care centers. Where nurseries or day care centers and kindergartens are operated together, it is necessary that separate purchase records be kept to substantiate the exemption for the kindergarten. In the absence of separate records, the total purchases will be subject to the tax. (Adopted March 9, 1961, amended November 1, 1963, amended August 10, 1974, readopted through APA effective October 1, 1982)

~~Jackie Moses~~

From: Floyd, Traci [Traci.Floyd@revenue.alabama.gov]
Sent: Monday, January 30, 2012 10:25 AM
To: Jackie Moses
Subject: RE: Private - RE: Tax Exemption Number for Florida Tech?

Because you are exempt by statute, we cannot issue you an exemption certificate. However, I will be issuing your organization a tax exemption letter. We advise recipients of these letters whose vendors require an exemption number to provide the statute number as their exemption number. The statute that will be referenced on your letter is 810-6-3-.47.02.

Traci L. Floyd, Revenue Examiner
Sales and Use Tax Division
(334) 353-9680
traci.floyd@revenue.alabama.gov

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1975. If the reader of this communication is not the intended recipient, the reader is hereby notified that any disclosure of this communication is strictly prohibited under Section 40-2A-10, Code of Alabama 1975. If you have received this communication in error, please notify the sender immediately by e-mail, and destroy all versions of this communication, including any copies of this communication.

From: Jackie Moses [mailto:jmoses@fit.edu]
Sent: Monday, January 30, 2012 9:22 AM
To: Floyd, Traci
Subject: Private - RE: Tax Exemption Number for Florida Tech?

Jan 30, 2012

Traci,

We are a private university.

Jackie

From: Floyd, Traci [mailto:Traci.Floyd@revenue.alabama.gov]
Sent: Monday, January 30, 2012 10:18 AM
Subject: RE: Tax Exemption Number for Florida Tech?

Is this a public or private institution?

Traci L. Floyd, Revenue Examiner
Sales and Use Tax Division
(334) 353-9680
traci.floyd@revenue.alabama.gov