



Sales and Use Tax on Rental of Living or Sleeping Accommodations

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What is Taxable?

Florida imposes sales tax on rental charges or room rates paid for the right to use or occupy living or sleeping accommodations. Rental charges include any charge for the use of items or services required to be paid as a condition of the use or possession of the accommodation. Florida law refers to these living or sleeping accommodations as “transient accommodations.” Most counties have a discretionary sales surtax that is imposed on rentals of transient accommodations. Form DR-15DSS provides a list of Florida counties and their surtax rates and is available in the “Forms and Publications” section of the Department’s website at www.floridarevenue.com.

In addition, many counties impose a local option tax on transient accommodations, such as a tourist development tax, convention development tax, tourist impact tax, or municipal resort tax. Many of these counties self-administer the taxes. When a county self-administers a transient rental tax, the tax collected is reported and paid directly to the county. Form DR-15TDT provides a list of Florida counties and their local option transient rental tax rates and is available on our website.

Contact your local county taxing agency to determine if your county imposes a local option tax on transient accommodations and if you are required to report and pay this tax directly to your local county taxing agency or if you should report and pay this tax to the Department.

Examples of transient accommodations include:

- Hotel or motel.
- Apartment house or any other multiple unit structure (for example: duplex, triplex, quadraplex, or condominium).
- Rooming house.
- Tourist or mobile home court (for example: trailer court, motor court, recreational vehicle camp, or fish camp).
- Single-family dwelling.
- Garage apartment.
- Beach house or cottage.
- Cooperatively owned apartment.
- Condominium parcel.
- Timeshare resort.
- Mobile home.
- Vehicle or other structure, place, or location held out to the public to be a place where living quarters or sleeping or housekeeping accommodations are provided to transient guests in exchange for payment.
- Boats with a permanent fixed location at a dock and not operated on the water away from the dock by the tenant.

What is Exempt?

Certain leases and rentals are exempt from sales tax. The owner or owner’s representative must keep documentation to support the exempt transaction. These transactions are exempt:

- Rental charges or room rates paid by a person who has a signed, bona fide written lease for a continuous residence longer than six months. If there is no written lease, and a person has continuously resided at any one location for a period longer than six months and has paid the tax on the rental charges or room rates due at that location for the first six months, additional charges for continuous residence at that location are tax-exempt.

- Rental charges or room rates paid by a full-time student enrolled in an institution offering postsecondary education. A written statement from an official of the student's institution, documenting that the student attends the institution full time, is proof of the student's full-time enrollment.
- Rental charges or room rates paid by military personnel who are on active duty and are present in the community under official orders. Military personnel must provide a copy of the official orders or an overflow certificate issued to active duty military personnel making it necessary to occupy the accommodation.
- Rental of accommodations in a migrant labor camp.

Trailer Camps, Recreational Vehicle Parks, and Mobile Home Parks

Rental charges at trailer camps, recreational vehicle parks, and mobile home parks (except mobile home lots regulated by Chapter 723, Florida Statutes) are taxable unless more than 50 percent of the total rental units are occupied by tenants who have continuously resided there for more than three months. When more than 50 percent of the total rental units available are occupied by tenants who have continuously resided there for more than three months, the owner or owner's representative of the camp or park must file a *Declaration of Taxable Status - Trailer Camps, Mobile Home Parks, and Recreational Vehicle Parks* (Form DR-72-2) with the Department to exempt the rental units from the transient rental taxes. All rental charges for accommodations at a camp or park are taxable until the owner or owner's representative informs the Department the charges qualify for exemption.

This exemption only applies to the rental units. Any retail sales or rentals of tangible personal property (for example, non-grocery items and recreational equipment) or rentals of commercial rental property are taxable.

Who Must Register to Collect Tax?

The owner of living or sleeping accommodations must register each taxable accommodation separately. You can register to collect and report tax through our website. The site will guide you through an application interview that will help you determine your tax obligations. If you do not have Internet access, you can complete a paper *Florida Business Tax Application* (Form DR-1).

If the property owner uses a real estate brokerage firm, other entity, or other person (not an employee) to collect or receive rent or license fees on behalf of the owners (lessors), then such firm, entity, or person must register. Agents who are registering multiple properties for management and rental may complete an *Application for Collective Registration for Short-term Rental of Living or Sleeping Accommodations* (Form DR-1C). You must complete a separate application for each county where property is located.

Subleases

Any person who leases a taxable accommodation and then subleases it to a third party must register as a dealer and collect the applicable tax due on the subrents, subleases, sublets, or licenses. The dealer may issue a copy of their current *Florida Annual Resale Certificate* to the property owner or property owner's representative to rent accommodations tax-exempt or take a credit for the tax paid to the owner or owner's representative on the original lease.

Any person, who cannot prove sales tax has been paid to the landlord, is liable to Florida for any applicable tax, interest, or penalty due on the subleased property.

When is Tax Due?

Returns and payments are due the first day of the month and late after the 20th of the month following each reporting period, whether you are filing monthly, quarterly, twice a year, or yearly. If the 20th falls on a Saturday, Sunday, or state or federal holiday, returns and payments will be timely if they are postmarked on the first business day after the 20th. **Florida law requires you to file a tax return even if you do not owe sales and use tax.**

Electronic Filing and Payment

We offer the use of our free and secure website to file and pay sales tax. You also have the option of buying software from a software vendor. For more information on electronic filing and payment options, visit our website.

You may voluntarily file and pay taxes electronically; however, if you pay \$20,000 or more in sales and use tax between July 1 and June 30 (the state fiscal year), you must use electronic funds transfer (EFT) for the next calendar year to pay your taxes.

If you make tax payments using electronic funds transfer (EFT), you must initiate electronic payments no later than 5:00 p.m., ET, on the business day before the 20th.

Penalty and Interest

Penalty - If you file your return or pay tax late, a late penalty of 10 percent of the amount of tax owed, but not less than \$50, may be charged. The \$50 minimum penalty applies even if no tax is due. Penalty will also be charged if your return is incomplete.

Interest - A floating rate of interest applies to underpayments and late payments of tax. Current and prior period interest rates are posted on our website.

Reference Material

Tax Laws – Our online Revenue Law Library contains statutes, rules, legislative changes, opinions, court cases, and publications. Search the library for Rule 12A-1.061, Florida Administrative Code, Rentals, Leases, and Licenses to Use Transient Accommodations.

Brochures – Download these brochures from our “Forms and Publications” page:

- *Sales and Use Tax on Commercial Real Property Rentals* (GT-800016)
- *Sales and Use Tax on Tangible Personal Property Rentals* (GT-800038)
- *Taxation of Mobile Homes in Florida* (GT-800047)

Information, forms, and tutorials are available on our website: www.floridarevenue.com

To speak with a Department representative, call Taxpayer Services at 800-352-3671, Monday through Friday, excluding holidays.

For written replies to tax questions, write:

Taxpayer Services MS 3-2000
Florida Department of Revenue
5050 W Tennessee St
Tallahassee FL 32399-0112

To find a **taxpayer service center** near you, go to: www.floridarevenue.com/Pages/contact.aspx

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