



Sales and Use Tax on Trade Show and Convention Exhibitors

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Definitions

Convention Hall - Includes exhibition halls, civic centers, stadiums, theaters, performing arts centers, recreational facilities, and auditoriums, whether publicly or privately owned.

Exhibitor - Any person who enters into a written agreement to display tangible personal property or services during the trade show, exhibition, or convention.

Trade Show and Convention - A meeting of limited duration of individuals with organizational ties or similar interests. One of the purposes of the trade show or convention is the displaying of products or services or sharing information on them, without a major purpose of making retail sales of tangible personal property.

What is Taxable?

The sale of tickets or passes to attend a trade show, exhibition, or convention is subject to sales tax as an admission. The sponsor, organizer, or ticket agent collecting the admission is responsible for collecting and reporting sales tax and applicable discretionary sales surtax on the admission charge.

All sales of taxable items and services made within a trade show, exhibition, or convention are subject to Florida sales tax and surtax, unless the sale is specifically exempt. Promotional materials and items that are provided at no charge by the exhibitor are subject to Florida sales or use tax and surtax.

What is Exempt?

When space is subleased to a trade show, exhibition, or convention in a convention hall, exhibition hall, or auditorium, the sponsor who holds the prime lease is subject to sales tax and surtax on the rental payments for the prime lease and the sublease is tax exempt.

Who Must Register to Collect Tax?

Whether an exhibitor is required to register to collect sales tax and surtax is dependent on the terms of the written agreement between the exhibitor and the sponsor or organizer regarding the sale of items or services at the event or as a result of the event.

Any exhibitor who displays tangible personal property or services at a trade show, exhibition, or convention **must register** as a dealer and collect and report sales tax and surtax on sales of taxable property or services when the written agreement authorizes an exhibitor to make:

- Retail sales in Florida of taxable tangible personal property or services; or
- Mail order sales of taxable tangible personal property or services to Florida customers.

Registered exhibitors and dealers who make taxable retail sales during a trade show, exhibition, or convention must collect sales tax and surtax from the purchaser at the time of sale.

An exhibitor who conducts no other business activity in Florida that requires registration **does not need to register** when the written agreement:

- Prohibits the sale of taxable tangible personal property or services; or

- Limits the exhibitor to only make sales for the purposes of resale. The exhibitor must obtain a copy of the purchaser's *Florida Annual Resale Certificate for Sales Tax* (Form DR-13) or a resale authorization number issued by the Department.

Keeping Records

All exhibitors, sponsors, and organizers must maintain records and copies of agreements for three years. All records and documents must be made available to the Department upon request.

How Do I Register to Collect Sales Tax?

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).

After we approve your registration, you will receive a *Certificate of Registration* (Form DR-11) and a *Florida Annual Resale Certificate for Sales Tax* (Form DR-13). If you are not filing electronically, we will mail paper tax returns to you. The *Florida Annual Resale Certificate for Sales Tax* is used for tax-exempt purchases you intend to resell. If the goods bought for resale are later used (not resold), you must report and pay use tax and surtax on those items. Florida law provides for criminal and civil penalties for fraudulent use of a *Florida Annual Resale Certificate for Sales Tax*.

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-1.005, Florida Administrative Code (F.A.C.) - Admissions
- Rule 12A-1.060, F.A.C. - Registration
- Rule 12A-1.070, F.A.C. - Leases and Licenses of Real Property; Storage of Boats and Aircraft

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

- *Florida’s Discretionary Sales Surtax* (GT-800019)
- *Florida Annual Resale Certificate for Sales Tax* (GT-800060)

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.

To find a **taxpayer service center** near you, go to:

www.floridarevenue.com/Pages/contact.aspx

For written replies to tax questions, write to:

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

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- Tax Information Publications (TIPs).
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