

2024 Florida Back-to-School Sales Tax Holiday: Frequently Asked Questions for Sales and Use Tax Dealers

TAX COLLECTION RESPONSIBILITIES

1. What are the dates and items included in the 2024 Florida Back-to-School Sales Tax Holiday?

The tax holiday **begins on Monday, July 29, 2024, and ends on Sunday, August 11, 2024.**

A list of items that are exempt from tax during the sales tax holiday is provided in Tax Information Publication (TIP) No. 24A01-03. These include:

- **Personal computers or personal computer-related accessories purchased for noncommercial home or personal use having a sales price of \$1,500 or less:**

- Personal computers* include:

- Calculators
- Desktops
- Electronic book readers
- Handhelds
- Laptops
- Tablets
- Tower computers

** The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.*

- Personal computer-related accessories*+ include:

- Keyboards
- Mice
- Modems
- Monitors
- Nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit
- Other peripheral devices
- Routers
- Personal digital assistants

** The listed accessories are tax-exempt regardless of whether they are used in association with a personal computer base unit.*

+ The term does not include furniture or systems, devices, software, monitors with a television tuner, or peripherals that are designed or intended primarily for recreational use.

- **Items having a sales price of \$100 or less per item:**

- Wallets or bags*, including
 - Backpacks
 - Diaper bags
 - Fanny packs
 - Handbags

** Briefcases, suitcases, and other garment bags are excluded.*

- Clothing
 - All footwear, excluding skis, swim fins, roller blades, and skates
 - Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs

- **School supplies having a sales price of \$50 or less per item:**

- Binders
- Cellophane tape
- Compasses
- Composition books
- Computer disks
- Construction paper
- Crayons
- Erasers
- Folders
- Glue or paste
- Legal pads
- Lunch boxes
- Markers
- Notebooks
- Notebook filler paper
- Pencils
- Pens
- Poster board
- Poster paper
- Protractors
- Rulers
- Scissors
- Staplers and staples used to secure paper products

- **Learning aids and jigsaw puzzles having a sales price of \$30 or less:**

- Flashcards or other learning cards
- Interactive or electronic books and toys intended to teach reading or math skills
- Matching or other memory games
- Puzzle books and search-and-find books
- Stacking or nesting blocks or sets

2. If a customer purchases an item that costs more than the limits stated above, do they only owe sales tax on the portion of the price that exceeds the limit for that item?

If a customer purchases an item that would otherwise qualify for the sales tax exemption but costs more than the limits listed above, the item is not exempt, and they must pay sales tax on the entire price of the item.

3. Is there a limit on the number of items that can be sold exempt during the sales tax holiday?

No. The exemption is based on the sales price of each item, not on the number of items purchased.

4. How exactly are learning aids defined?

“Learning aids” are flashcards or other learning cards, matching or other memory games, puzzle books and search-and-find books, interactive or electronic books and toys intended to teach reading or math skills, and stacking or nesting blocks or sets. Examples of tax-exempt learning aids are the following items with a sales price of \$30 or less per item:

- Electronic books
- Flashcards
- Interactive books
- Jigsaw puzzles
- Learning cards
- Matching games
- Memory games
- Puzzle books
- Search-and-find books
- Stacking or nesting blocks or sets
- Toys that teach reading or math skills

5. Am I responsible for correctly exempting qualifying items during the sales tax holiday?

Yes, you are responsible for correctly exempting qualifying items during the tax holiday. If you have a question about a specific item that is not listed in TIP No. 24A01-03, contact the Florida Department of Revenue at (850) 488-6800.

6. Do I collect the local discretionary tax on the items that are exempt from sales tax during the holiday period?

No. When an item is exempt from sales tax, it is also exempt from discretionary sales surtax. During the holiday period, you will not collect the state sales tax or local option discretionary sales surtax on sales of eligible items.

7. What should I do if I mistakenly collect tax on an item that should be exempt from tax during the sales tax holiday?

Sales tax becomes state funds at the moment of collection. You should refund the tax to your customer(s). If the tax cannot be refunded, you must report and pay the tax to the Department.

8. What if a customer comes back after the sales tax exemption for a refund of the tax they inadvertently paid, but I have already remitted the tax to the Department of Revenue?

You should refund the tax to your customer. You may take a credit on your next sales and use tax return for the tax refunded to the customer.

NON-EXEMPT ITEMS

9. When tax-exempt items are normally sold together with taxable items as a set or single unit, is the entire set still subject to sales tax?

Yes. For example, an executive pen is sold for \$50 in a package that includes a container of correction tape. Although the pen would qualify for the exemption if sold separately during the sales tax holiday, the correction tape does not qualify. The full sales price of \$50 is taxable.

10. What other types of items are not exempt?

The 2024 Florida Back-to-School Sales Tax Holiday does not apply to:

- Any item of clothing with a sales price of more than \$100
- Any school supply item with a sales price of more than \$50
- Learning aids and jigsaw puzzles with a sales price of more than \$30
- Books that are not otherwise exempt
- Computers and computer-related accessories with a sales price of more than \$1,500
- Computers and computer-related accessories purchased for commercial purposes
- Rentals of any eligible items
- Repairs or alterations of any eligible items
- Sales of any eligible items within a theme park, entertainment complex, public lodging establishment, or airport

REFUNDS/EXCHANGES

11. A customer returns an item that was purchased before the sales tax holiday and exchanges it for another item during the sales tax holiday. The new item is exempt from tax during the sales tax holiday. Do I give the customer a tax refund?

Yes. You must have documentation (e.g., receipts or invoices) showing that tax was paid on the item at the time of the original purchase.

12. If a customer returns a qualifying exempt item and is given an item of equal price after the sales tax holiday, is sales tax due on the new item?

When a customer purchases an eligible item during the sales tax holiday period, then later exchanges the item for the same item (e.g., different size or color), no tax will be due, even if the exchange is made after the sales tax holiday period.

When a customer purchases an eligible item during the sales tax holiday period, then later returns the item and receives credit toward the purchase of an item that did not qualify for the exemption, the new item purchased is subject to sales tax.

RECORDS AND REPORTING

13. Do I need to account for exempt sales during a sales tax holiday differently than other tax-exempt sales?

No. There are no additional record-keeping requirements.

BUY ONE, GET ONE FREE SPECIALS

14. If my store is offering a “buy one, get one free” or “buy one, get one for a reduced price” special on a qualifying item, do I average the price to determine the amount of tax to collect? For example, I am selling coats “buy one, get one free” for \$200. Will the transaction be tax-free because I am effectively selling each coat for \$100?

No. The total price of items advertised as “buy one, get one free” or “buy one, get one for a reduced price” cannot be averaged for both items to qualify for the exemption. In this case, sales tax is due on the \$200 sales price of the coat.

GIFT CARDS

15. If the customer purchases a gift card during the sales tax holiday, can the customer then purchase a qualifying item tax-exempt using the gift card after the tax holiday ends?

No. The purchase of the qualifying item must be made during the sales tax holiday to be tax-exempt. However, when qualifying items are purchased during the tax holiday using a gift card, the items are tax-exempt; it does not matter when the gift card was purchased.

RAIN CHECKS

16. If a store issues a rain check during the sales tax holiday, can the customer use it after the sales tax holiday to purchase the item tax-exempt?

No. The purchase of the qualifying item must be made during the sales tax holiday to be tax-exempt. When a rain check is issued, a sale has not occurred. The sale occurs when the rain check is redeemed and the item is purchased.

LAYAWAY ITEMS

17. If the customer places an item on layaway, is it eligible for the tax exemption during the sales tax holiday?

Yes. A layaway is when an item is set aside for a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and receives the merchandise at the end of the payment period. Qualifying items placed on layaway during the sales tax holiday are tax-exempt, even if final payment of the layaway is made after the tax holiday. If a customer makes a final payment and takes delivery of the items during the tax holiday, the qualifying items are tax-exempt.

COUPONS, DISCOUNTS, AND REBATES

18. Why does a store discount coupon reduce the sales price of a qualifying item, but a manufacturer's coupon or rebate does not?

The sales price of an item includes all consideration received by the retail seller for that item. The price of an item is not limited to the amount paid by a customer. A coupon, discount, or rebate offered by the retail seller reduces the sales price of an item because it reduces the total amount received by the retail seller for the item.

When a retail seller is reimbursed for the amount of any discount created by a manufacturer's coupon, discount, or rebate, the amount of the reimbursement is included in the taxable sales price of the item.

Manufacturer's coupon example: During the sales tax holiday, an executive pen sells for \$55. The customer uses a \$10 manufacturer's coupon when purchasing the pen. Although the customer pays \$45 for the pen, the retail seller's sales price remains \$55 because the seller will receive a total of \$55 for the item: \$45 from the customer and \$10 from the manufacturer. The pen does not qualify for the exemption during the holidays (the price of the pen is more than \$50).

Manufacturer's rebate example: During the sales tax holiday, a personal computer sells for \$1,600. The manufacturer is offering a \$150 instant rebate that is redeemed when the personal computer is purchased from the retail seller. Although the purchaser pays \$1,450, the retail seller's sales price remains \$1,600 because the seller will receive a total of \$1,600 for the item: \$1,450 from the purchaser and \$150 from the manufacturer. The personal computer does not qualify for the exemption (the price of the item is more than \$1,500).

Store discount coupon example: During the sales tax holiday, a pair of pants sells for \$110. The department store, or retail seller, is offering a 10% discount. After applying the 10% discount, the discounted sales price for the pair of pants is \$99. The pants are exempt (the sales price is \$100 or less).

REMOTE SALES (MAIL ORDER, CATALOG, AND INTERNET)

19. Do the exemptions during the sales tax exemption apply to remote sales?

Yes. All remote sales (mail order, catalog, or internet) of qualifying items during the sales tax holiday are tax-exempt when the order is accepted during the sales tax holiday for immediate shipment, even if delivery is made after the tax holiday.

An order is accepted by the remote seller when action has been taken to fill the order for immediate shipment. Actions to fill an order include assigning an order number to a telephone order, confirming an internet order by an email to the customer, or placing a date received on an order received by mail.

An order is considered to be for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment even if the shipment may be delayed because of a backlog of orders or stock is currently unavailable or on back order.

SHIPPING CHARGES

20. How does sales tax apply toward shipping charges for items purchased by remote sale (by mail order or through a catalog or the internet)?

Shipping charges separately stated on a customer's invoice are part of the sales price of each item listed on the sales invoice. The business must proportionately allocate the shipping charges between the items ordered. The amount of each item is divided by the total amount of all the items ordered to obtain the percentage of each item to the total order. Then multiply the total shipping charge by the percentage for each item to determine the amount of the shipping charge applicable to each item. For example:

EXAMPLE 1

A customer orders a \$95 jacket and a \$96 dress, for a total of \$191, during the sales tax holiday. The shipping charge is \$10.

Jacket:

Cost of jacket ÷ total cost: $\$95 \div \$191 = 49.7\%$

Shipping charge for jacket: $49.7\% \times \$10 = \4.97

Total sales price for the jacket: $\$95 + \$4.97 = \$99.97$

Dress:

Cost of dress ÷ total cost: $\$96 \div \$191 = 50.3\%$

Shipping charge for dress: $50.3\% \times \$10 = \5.03

Total sales price for the dress: $\$96 + \$5.03 = \$101.03 + \text{tax}$

The jacket qualifies for the exemption since the total sales price is under \$100. The dress is now more than \$100 with the shipping charge included and no longer qualifies for the exemption.

EXAMPLE 2

A customer orders a \$1,400 personal computer and an \$1,100 flat-screen TV, for a total of \$2,500, during the sales tax holiday. The shipping charge is \$100.

Personal computer:

Cost of personal computer ÷ total cost: $\$1,400 \div \$2,500 = 56\%$

Shipping charge for personal computer: $56\% \times \$100 = \56

Total sales price for the personal computer: $\$1,400 + \$56 = \$1,456$

Flat-screen TV:

Cost of TV ÷ total cost: $\$1,100 \div \$2,500 = 44\%$;

Shipping charge for TV: $44\% \times \$100 = \44

Total sales price for the flat-screen TV: $\$1,100 + \$44 = \$1,144 + \text{tax}$

The personal computer qualifies for the exemption since the total sales price is under \$1,500. The flat screen TV never qualified for an exemption during the Back-to-School Sales Tax Holiday; sales tax is due on the total sales price of \$1,144.

MERCHANT'S LICENSE OR OTHER FEES (TWO CITIES IN BAY COUNTY ONLY)

21. How do I handle the 1% merchant's license fee (sometimes referred to as a gross receipts fee) in Panama City or Panama City Beach during the sales tax holiday?

When stores located in these two cities charge customers the 1% fee, it is part of the sales price subject to sales tax, even when the fee is separately stated on a receipt or invoice. When the sales price of the item, plus the 1% merchant's license fee, makes the total sales price above the per-item price limitation to qualify for exemption during the sales tax holiday, the item does not qualify for the exemption.

EXAMPLE OF ITEM SOLD IN PANAMA CITY

| | |
|---|----------|
| Price of backpack | \$99.00 |
| 1% merchant's license fee | + \$0.99 |
| Taxable value of backpack | \$99.99 |
| The backpack remains under the \$100 limit and therefore qualifies for the sales tax exemption. | |

ADDITIONAL INFORMATION

22. Who is responsible for determining which items are exempt and which aren't?

The 2024 Florida Back-to-School Sales Tax Holiday is established through the lawmaking authority of the Florida Legislature. Sales tax holidays and the items exempted by the holidays must be passed into law by the Legislature.

23. How can I request that a certain type of product be added to the list?

Sales tax holidays and the items exempted by the holidays are passed into law by the Florida Legislature. You may wish to contact your local representative regarding your suggestion. You can find your representative at www.myfloridahouse.gov.

24. I heard there were several sales tax holidays this year. Where can I find more information about the other holidays?

House Bill 7073 from the 2024 regular legislative session was signed into law on May 7, 2024. The law contains four tax relief holidays and specifies the time frame for each holiday. For a printable calendar of the tax relief holidays, you can visit our website: floridarevenue.com/SalesTaxHolidays.