

Department of Revenue to promulgate emergency rules when the effective date of a legislative change occurs sooner than 60 days after the close of a legislative session in which the law was enacted and the change affects a tax rate or a collection procedure which affects a substantial number of dealers or persons subject to the tax change. The back-to-school sales tax holiday from August 1, 2025, through August 31, 2025, for certain clothing, wallets, and bags; certain school supplies; certain learning aids and jigsaw puzzles; and certain personal computers and personal computer-related accessories authorized by section 45, Chapter 2025-208, L.O.F., effective June 30, 2025, requires the promulgation of an emergency rule to ensure the public is notified in the most expedient and appropriate manner regarding the sales tax holiday period.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The

An emergency rule is the most expedient and appropriate means of notifying business and taxpayers of these provisions regarding the back-to-school sales tax holiday during the month of August 2025.

SUMMARY: Emergency Rule 12AER25-1 provides for the back-to-school sales tax holiday which provides certain exemptions for the sales of clothing, wallets, or bags having a selling price of \$100 or less per item, sales of school supplies having a selling price of \$50 or less per item, sales of learning aids and jigsaw puzzles having a sales price of \$30 or less, and personal computers and personal computer-related accessories purchased for noncommercial home or personal use having a sales price of \$1,500 or less. The exemption does not apply to sales within a theme park or entertainment complex, as defined in section 509.013(9), F.S., or within a public lodging establishment, as defined in section 509.013(4), F.S., or within an airport, as defined in section 330.27(2), F.S. The emergency rule describes the items included in the exemption and explains how various transactions are to be handled for purposes of the exemption, including sales of sets of both exempt and taxable items, articles normally sold as a unit, buy one and get one free or for a reduced price, remote sales, shipping and handling charges, layaway sales, rain checks, returns, exchanges, coupons, discounts, and rebates, repairs or alterations, gift cards, rentals of items, and merchant's license fees. The emergency rule also provides a list of items and their taxable status during the sales tax holiday period for clothing, school supplies, learning aids and jigsaw puzzles, and personal computers and personal computer-related accessories.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Martha Gregory, Office of Technical Assistance, telephone (850)717-6041, email RuleComments@floridarevenue.com.

## Section IV Emergency Rules

### DEPARTMENT OF REVENUE

#### Sales and Use Tax

RULE NO.: RULE TITLE:

12AER25-1 Back-to-School Sales Tax Holiday

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 213.06(2), F.S., authorizes the

THE FULL TEXT OF THE EMERGENCY RULE IS:

**12AER25-1 Back-to-School Sales Tax Holiday.**

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) “Airport” means a facility as defined in Section 330.27(2), F.S.

(b)1. “Clothing” means any article of wearing apparel intended to be worn on or about the human body, including all footwear, except skis, swim fins, roller blades, and skates.

2. “Clothing” does not include watches, watchbands, jewelry, umbrellas, and handkerchiefs.

(c) “Holiday period” means the period from August 1, through August 31, 2025.

(d) “Learning aids” means 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.

(e)1. “Personal computers” includes electronic book readers, calculators, laptops, desktops, handheld devices, tablets, or tower computers.

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

(f) “Personal computer-related accessories.”

1. The term includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit.

2. 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.

3. The term “nonrecreational software” includes software such as antivirus, word processing, financial, database, and educational software. It does not include gaming software.

(g) “Public lodging establishment” means a facility as defined in Section 509.013(4), F.S.

(h) “Remote sale” means a retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the order outside of this state and transports the property or causes the property to be transported from any jurisdiction, including this state, to a location in this state. For purposes of this emergency rule, tangible personal property delivered to a location within this state is presumed to be used, consumed, distributed, or stored to be used or consumed in this state.

(i) “School supplies” means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board,

composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, staplers and staples used to secure paper products, protractors, and compasses.

(j) “Theme park or entertainment complex” means a facility as defined in Section 509.013(9), F.S.

**(2) Clothing Sales.**

(a) During the holiday period, tax is not due of the retail sale of any article of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a sales price of \$100 or less per item. This exemption does not apply to sales of clothing, wallets, or bags within a theme park or entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of clothing, wallet, or bag, having a sales price of \$100 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$55 each. Both items are eligible for the exemption, even though the customer’s total purchase price (\$110) exceeds \$100.

(c)1. The exemption does not apply to the first \$100 of price of an eligible item of clothing, wallet, or bag with a sales price of more than \$100.

2. Example: A customer purchases a pair of pants costing \$120. Tax is due on the entire \$120.

**(3) School Supplies.**

(a)1. During the holiday period, tax is not due of the retail sale of any item of school supplies with a sales price of \$50 or less per item. This exemption does not apply to sales of school supplies within a theme park or entertainment complex, public lodging establishment, or airport.

2. Example: A customer purchases a set of art markers for \$45. The purchase qualifies for the exemption.

3. Example: A customer purchases a set of art markers with a sales price of \$75. Tax is due on the entire \$75.

(b)1. The sales tax exemption applies to each eligible item of school supplies with a sales price of \$50 or less per item. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases 15 notebooks for \$4.50 each. All 15 items will qualify for the exemption, even though the customer’s total purchase price (\$67.50) exceeds \$50.

(4) Learning Aids and Jigsaw Puzzles. During the holiday period, tax is not due of the retail sale of any learning aid or jigsaw puzzle with a sales price of \$30 or less. This exemption does not apply to sales of learning aids or jigsaw puzzles within a theme park or entertainment complex, public lodging establishment, or airport.

**(5) Personal Computers and Certain Personal Computer-Related Accessories.**

(a) During the holiday period, tax is not due of the retail sale of any personal computer or personal computer-related accessories for noncommercial home or personal use with a sales price of \$1,500 or less. This exemption does not apply to sales of personal computers or personal computer-related accessories within a theme park or entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible personal computer or qualifying personal computer-related accessory with a sales price of \$1,500 or less per item.

2. Example: A customer purchases a \$950 personal computer, a \$100 printer, and a \$400 tablet in a single transaction. Each item will qualify for the exemption on the sales price of the individual item.

3. Example: A customer purchases a personal computer with a sales price of \$1,700. Tax is due on the entire \$1,700.

(6) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the sales price of the set or single unit is subject to sales tax.

(b) Example: A gift set consisting of a wallet (which is defined as an eligible “clothing item”) and key chain (which is not defined as an eligible “clothing item”) is sold for a single price of \$35. Although the wallet would otherwise be exempt during the holiday period, the sales price of the gift set is subject to tax.

(c) Example: A packaged set consisting of a bottle of correction fluid (which is not defined as an eligible “school supply”) and pens (which are defined as an eligible “school supply”) is sold for a single price of \$10. Although the pens would otherwise be exempt during the holiday period, the sales price of the packaged set is subject to tax.

(7) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$120. The pair of shoes cannot be split in order to sell each shoe for \$60 to qualify for the exemption.

(c) Example: A two-piece suit is normally priced at \$150 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$75 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$100 or less.

(d) Example: A pen and pencil set is normally priced at \$60 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$30 or less in order to qualify for the exemption.

(8) Gift Cards.

(a) Eligible items purchased during the holiday period using a gift card will qualify for the exemption, regardless of when the gift card was purchased.

(b) Eligible items purchased after the holiday period using a gift card are taxable, even if the gift card was purchased during the holiday period.

(c) A gift card does not reduce the sales price of an item.

(9) Buy One, Get One Free or for a Reduced Price. The total price of items advertised as “buy one, get one free” or “buy one, get one for a reduced price” cannot be averaged in order for both items to qualify for the exemption.

(10) Exchanges.

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

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

(11) Coupons, Discounts, and Rebates. The sales price of an item includes all consideration received by the retailer for that item. The price of an item is not limited to the amount paid by a customer.

(a) Manufacturer’s coupons, discounts, and rebates do not reduce the sales price of an item, because the retailer is reimbursed for the amount of any discount provided to a customer. Therefore, the amount of the reimbursement is included in the taxable sales price of an item.

(b) Store coupons, discounts, and rebates offered by the retail seller reduce the sales price of an item because they reduce the total amount received by the retail seller for the item.

(12) Returns. When a customer returns an item purchased during the holiday period and requests a refund or credit of tax the customer must produce a receipt or invoice showing tax was charged and paid on the original purchase of the item, or the retailer must have sufficient documentation to show tax was paid on the original purchase of the item.

(13) Rain checks. Eligible items purchased during the holiday period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the holiday period will not qualify an eligible item for the exemption if the item is actually purchased after the holiday period.

(14) Layaway sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to 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. Eligible items sold as layaway sales qualify for the exemption when the customer accepts delivery

of the merchandise during the sales tax holiday period, or puts an eligible item on layaway, even if final payment is made after the sales tax holiday period.

(15) Remote Sales.

(a) Eligible items purchased through a marketplace provider or from a remote seller are exempt when the order is accepted by the marketplace provider or remote seller during the holiday period for immediate shipment, even if delivery is made after the holiday period.

(b) An order is accepted by the company 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.

(c) 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.

(16) Shipping and Handling Charges. When separately stated shipping charges are part of the sales price, as provided in Rule 12A-1.045, F.A.C., and both taxable and exempt items are listed on a sales invoice or receipt, the shipping charges must be proportionately allocated to the charge for each item to determine the total sales price of the item. The charge for each item is divided by the total charge of all the items ordered to obtain the percentage of charge that each item bears to the total order. The amount of the shipping charge applicable to each item is calculated by multiplying the total shipping charge by the percentage of cost for each item. If an item is exempt, the associated shipping charge is also exempt.

(17) Service Warranties. The taxation of any charges for a service warranty contract depends on the taxability of the product being sold. If the retail sale of an item is exempt from tax, the charge for a service warranty sold with the item is exempt.

(18) License Fees or Other Fees imposed by Panama City and Panama City Beach. Panama City and Panama City Beach impose a 1% merchant's license fee on retailers. The merchant's license fee is included in the sales price of each item. When the fee is separately stated, and both taxable and exempt items are listed on a sales invoice or receipt, the merchant's fee must be allocated to the charge for each item on the invoice. If the item is exempt, the associated merchant's license fee is exempt.

(19) Repairs or Alterations to Eligible Items.

(a) Repairs to eligible items do not qualify for the exemption.

(b) Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced,

and paid for at the same time as the item to be altered is purchased.

(20) Rentals. Rentals of eligible items do not qualify for the exemption.

(21) List of Items of Clothing and Their Taxable Status During the Holiday Period. The following is a list of items of clothing and their taxable status during the holiday period, if they are sold for \$100 or less per item. This is not an exhaustive list. T = Taxable, E = Exempt.

A

T Accessories

E Barrettes and bobby pins

E Belt buckles

E Bow ties

E Hairnets, bows, clips, and hairbands

E Handbags

T Handkerchiefs

T Jewelry

T Key cases

E Neckwear

E Ponytail holders

E Scarves

E Ties

E Wallets

T Watchbands

T Watches

E Aerobic and fitness clothing

E Aprons and clothing shields

T Athletic gloves

T Athletic pads

E Athletic supporters

B

E Backpacks and book bags

E Bandanas

E Baseball cleats

E Bathing suits, caps, and cover-ups

E Belts

E Bibs

E Blouses

E Boots (except ski or fishing boots)

E Bowling shoes (purchased)

T Bowling shoes (rented)

E Bras

T Briefcases

C

T Checkbook covers (separate from wallets)

T Chest protectors

E Cleated and spiked shoes

T Cloth, lace, knitting yarns, and other fabrics

T Clothing repair items, such as thread, buttons, tapes, iron-on patches, or zippers

- E Coats
- E Coin purses
- T Corsages and boutonnieres
- T Cosmetic bags
- E Costumes
- E Coveralls
- T Crib blankets
- D-E
  - E Diaper bags
  - T Diving suits (wet and dry)
  - E Dresses
  - T Duffel bags
  - T Elbow pads
- F
  - E Fanny packs
  - T Fins
  - T Fishing boots (waders)
  - E Fishing vests (non-flotation)
  - T Football pads
  - E Formal clothing (purchased)
  - T Formal clothing (rented)
- G
  - T Garment bags
  - T Gloves
    - T Baseball
    - T Batting
    - T Bicycle
    - E Dress (purchased)
    - E Garden
    - T Golf
    - T Hockey
    - E Leather
    - T Rubber
    - T Surgical
    - T Tennis
    - E Work
  - T Goggles
  - E Graduation caps and gowns
  - E Gym suits and uniforms
- H
  - T Hard hats
  - E Hats and caps
  - T Helmets (baseball, football, hockey, motorcycle, sports)
  - E Hosiery and pantyhose, including support hosiery
  - E Hunting vests
- I-J
  - T Ice skates
  - T In-line skates
  - E Jackets
  - E Jeans
- K
  - T Key chains
  - T Knee pads
- L
  - E Lab coats
  - E Leggings, tights, and leg warmers
  - E Leotards
  - E Lingerie
  - T Luggage
- M-N
  - T Makeup bags
  - E Martial arts attire
- O-P
  - E Overshoes and rubber shoes
  - T Pads (football, hockey, soccer, elbow, knee, shoulder)
  - T Paint or dust masks
  - E Pants
  - T Patterns
  - T Protective masks (athletic)
  - E Purses
- R
  - E Raincoats, rain hats, and ponchos
  - T Rented clothing or footwear (e.g., uniforms, formal wear, and bowling shoes)
  - T Repair of wearing apparel
  - E Robes
  - T Roller blades
  - T Roller skates
- S
  - E Safety clothing
  - T Safety glasses
  - E Safety shoes
  - E Scout uniforms
  - T Shaving kits and bags
  - E Shawls and wraps
  - T Shin guards and padding
  - E Shirts
  - E Shoe inserts and insoles
  - E Shoes (including athletic)
  - E Shoulder pads (e.g., dresses, jackets)
  - T Shoulder pads (e.g., football, hockey, sports)
  - E Shorts
  - T Ski boots (snow)
  - E Ski suits (snow)
  - T Skin diving suits
  - E Skirts
  - E Sleepwear (nightgowns and pajamas)
  - E Slippers
  - E Slips
  - E Socks
  - T Suitcases

E Suits, slacks, and jacketsT SunglassesE SuspendersE SweatbandsE SweatersT Swimming masksE Swimsuits and trunksTE Ties (neckties, bow ties)E Tuxedos (purchased)UT UmbrellasE UnderclothesE Uniforms (work, school, and athletic - excluding pads)V-WE VestsT Weight-lifting beltsT Wigs

(22) List of School Supplies and Their Taxable Status During the Holiday Period. The following is a list of school supplies and their taxable status during the holiday period if they are sold for \$50 or less per item. T = Taxable, E = Exempt.

E BindersT Books not otherwise exemptE Cellophane (transparent) tapeE Colored pencilsE CompassesE Composition booksE Computer disks (blank CDs only)T Computer paperE Construction paperT Correction tape, fluid, or pensE CrayonsE ErasersE FoldersE Glue (stick and liquid)E HighlightersE Legal padsE Lunch boxesE MarkersT Masking tapeE Notebook filler paperE NotebooksE PasteE Pencils, including mechanical and refills

E Pens, including felt, ballpoint, fountain, highlighters, and refills

E Poster boardE Poster paperT Printer paperE ProtractorsE RulersE ScissorsE Staplers and staples (used to secure paper products)

(23) List of Learning Aids and Jigsaw Puzzles and Their Taxable Status During the Holiday Period. The following is a list of learning aids and jigsaw puzzles and their taxable status during the holiday period if they are sold for \$30 or less per item. T = Taxable, E = Exempt.

E Electronic booksE Flash cardsE Interactive booksE Jigsaw puzzlesE Learning cardsE Matching gamesE Memory gamesE Puzzle booksE Search-and-find booksE Stacking or nesting blocks or setsE Toys that teach reading or math skills

(24) List of Personal Computers and Related Accessories and Their Taxable Status During the Holiday Period. The following is a list of personal computers and related accessories, and their taxable status during the holiday period if they are sold for \$1,500 or less per item. This is not an inclusive list. T = Taxable, E = Exempt.

E Cables for computersE CalculatorsE Car adaptors for laptop computers

T Cases for electronic devices (including electronic reader covers)

T CDs and DVDs (music, voice, prerecorded items)T Cellular telephones (including smart telephones)E Central processing units (CPU)E Compact disk drivesE Computer for noncommercial home or personal useE DesktopE LaptopE TabletT Computer bagsE Computer batteriesT Computer paper

E Computer towers consisting of a central processing unit, random-access memory, and a storage drive

T Computers designed and intended for recreation (games and toys)

T Copy machines and copier ink and toner

E Data storage devices (excludes those devices designed for use in digital cameras or other taxable items)

E Blank CDsE DiskettesE Flash drives

E Jump drives  
E Memory cards  
E Portable hard drives  
E Storage drives  
E Thumb drives  
E Zip drives

T Digital cameras

T Digital media receivers

E Docking stations (for computers)

E Electronic book readers

T Fax machines (stand-alone)

T Furniture

T Game controllers (joy sticks, nunchucks)

T Game systems and consoles

T Games and gaming software

E Hard drives

E Headphones (including earbuds)

E Ink cartridges (for computer printers)

E Keyboards (for computers)

E Mice (mouse devices)

E Microphones (for computers)

E Modems

E Monitors (except devices that include a television tuner)

E Motherboards

T MP3 players or accessories

E Personal digital assistant devices (except cellular telephones)

E Port replicators

E Printer cartridges

E Printers (including "all-in-one" models)

T Projectors

E RAM - random access memory

T Rented computers or computer-related accessories

E Routers

E Scanners

T Smart telephones

E Software (nonrecreational)

E Antivirus

E Database

E Educational

E Financial

E Word processing

E Speakers (for computers)

E Storage drives (for computers)

T Surge protectors

E Tablets

T Tablet cases or covers

T Televisions (including digital media receivers)

T Video game consoles

E Web cameras

*Rulemaking Authority 213.06(2) FS. Law Implemented s. 45, Ch. 2025-208, LOF. History-New 7-16-25.*

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 07/16/2025

NOTE: The full text of Emergency Rules that are currently in effect can be viewed by going to <https://flrules.org/Notice/emergencyRules.asp>.