



TIP

Tax Information Publication

TIP #23A01-03
Date Issued: 05/25/23

Freedom Summer Sales Tax Holiday on Specific Admissions and Outdoor Activity Supplies – May 29, 2023 Through September 4, 2023

Freedom Summer Sales Tax Holiday begins on Monday, May 29, 2023, and ends on Monday, September 4, 2023. During this sales tax holiday period, tax is not due on the retail sale of admissions to music events, sporting events, cultural events, specified performances, movies, museums, state parks, and fitness facilities. Also exempt from sales tax during this holiday period are eligible boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, residential pool supplies, children's athletic equipment, and children's toys.

This sales tax holiday does **not** apply to:

- Rentals of any eligible items
- Sales within a theme park, entertainment complex, public lodging establishment, or airport

Reference: Section 45, Chapter 2023-157, Laws of Florida

Eligible Items

Admissions to the following events or performances scheduled to be held between May 29, 2023 and December 31, 2023:

- Live music events
- Live sporting events
- Movies to be shown in a movie theater
- Ballets
- Plays
- Musical theatre performances
- Fairs
- Festivals

- Cultural events
- Private and membership clubs providing physical fitness facilities

Admissions purchased for any of the following:

- Museums, including annual passes
- State parks, including annual passes
- Season tickets for ballets, plays, music events, and musical theatre performances

Note: If an admission is purchased tax exempt and subsequently resold, the original purchaser must collect tax on the full sales price of the resold admission.

Boating and water activity supplies:

Sales price of \$25 or less:

- Goggles
- Snorkels
- Swimming masks

Sales price of \$35 or less:

- Inflatable chairs
- Pool floats
- Pool toys
- Recreational pool tubes

Sales price of \$50 or less:

- Safety flares

Sales price of \$75 or less:

- Coolers
- Life jackets
- Oars
- Paddles

Sales price of \$150 or less:

- Inflatable recreational water tubes and floats capable of being towed
- Kneeboards
- Wakeboards
- Water skis

Sales price of \$300 or less:

- Paddleboards
- Surfboards

Sales price of \$500 or less:

- Canoes
- Kayaks

Camping supplies:

Sales price of \$30 or less:

- Camping lanterns
- Flashlights

Sales price of \$50 or less:

- Camping stoves
- Collapsible camping chairs
- Portable hammocks
- Sleeping bags

Sales price of \$200 or less:

- Tents

Fishing supplies:

Sales price of \$5 or less if sold individually or \$10 or less if multiple items are sold together:

- Bait
- Fishing tackle

Sales price of \$30 or less:

- Tackle Bags
- Tackle boxes

Sales price of \$75 or less if sold individually or \$150 or less if sold as a set:

- Reels
- Rods

Note: Excludes supplies used for commercial fishing purposes.

General outdoor supplies:

Sales price of \$15 or less:

- Insect repellent
- Sunscreen
- Sunblock

Sales price of \$30 or less:

- Water bottles

Sales price of \$50 or less:

- Bicycle helmets*
 - Hydration packs
- * Bicycle helmets marketed for use by youth are always exempt from sales tax.

Sales price of \$100 or less:

- Sunglasses (except prescription**)
- ** Prescription eyeglasses are always exempt from sales tax.

Sales price of \$200 or less:

- Binoculars

Sales price of \$250 or less:

- Outdoor gas or charcoal grills

Sales price of \$500 or less:

- Bicycles

Residential pool supplies

Sales price of \$100 or less:

- Covers
- Filters
- Lights
- Nets
- Individual residential pool and spa replacement parts

Sales price of \$150 or less:

- Residential pool and spa chemicals when purchased by an individual

(New for 2023)

Children's athletic equipment with a sales price of \$100 or less:

- Athletic equipment designed or intended by the manufacturer and marketed for use by a child 12 years of age or younger when the child engages in an athletic activity.

The following should be considered when determining if a product qualifies for the exemption:

- Product packaging, display, promotion, or advertising as appropriate for use by children 12 years of age or younger.
- A reasonable statement by the manufacturer about the intended use of the product, including the product label.

(New for 2023)

Children's toys with a sales price of \$75 or less:

- Consumer products designed or intended by the manufacturer and marketed for use by a child 12 years of age or younger when the child plays.

The following should be considered when determining if a product qualifies for the exemption:

- Product packaging, display, promotion, or advertising as appropriate for use by children 12 years of age or younger.
- A reasonable statement by the manufacturer about the intended use of the product, including the product label.

Reporting Sales

Florida dealers should report the sales of eligible items sold during the sales tax holiday period as exempt sales on their sales tax returns.

Items Normally Sold as a Unit

Items normally sold as a unit must continue to be sold in that manner; these items cannot be separately priced and sold as individual items in order to qualify for the sales tax exemption.

Example: A pair of water skis normally sells for \$300. The pair of skis cannot be split in order to sell each ski for \$150 to qualify for the exemption.

Sets Having Exempt and Taxable Items

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

Example: A packaged set consisting of swim fins (which are not exempt during the holiday period) and a swim mask (which is exempt) is sold for a single price of \$30. Although the swim mask would otherwise be exempt during the holiday period, the sales price of the packaged set is subject to tax.

Gift Cards

The sale of a gift card is not taxable. A gift card does not reduce the sales price of an item. Eligible items purchased during the sales tax holiday period using a gift card qualify for the exemption, regardless of when the gift card was purchased. Eligible items purchased after the sales tax holiday period using a gift card are taxable, even if the gift card was purchased during the sales tax holiday period.

Remote Sales

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 sales tax holiday period for immediate shipment, even if delivery is made after the sales tax holiday period.

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.

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.

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 for both items to qualify for the exemption.

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.

Coupons, Discounts, and Rebates

The sales price of an item includes all consideration received by the retailer for that item. It is not limited to the amount paid by a customer.

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.

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

Returns

When a customer returns an eligible item purchased during the sales tax 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.

Exchanging a Purchase After the Sales Tax Holiday Period

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 is 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.

Rain Checks

Eligible items purchased during the sales tax holiday period using a rain check qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the sales tax holiday period will not allow for an eligible item to be exempt if the item is purchased after the sales tax holiday period.

Shipping and Handling

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 the item sold is exempt, the associated shipping charge is also exempt.

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.

Panama City and Panama City Beach Dealers Only

Panama City and Panama City Beach impose a 1% merchant's license fee or tax 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 license 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.

For More Information

This document is intended to alert you to the requirements contained in Florida laws and administrative rules. It does not by its own effect create rights or require compliance.

For forms and other information, visit the Department's website at floridarevenue.com or call Taxpayer Services at 850-488-6800, Monday through Friday (excluding holidays).

For a detailed written response to your questions, write the Florida Department of Revenue, Taxpayer Services MS 3-2000, 5050 West Tennessee Street, Tallahassee, FL 32399-0112.

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