



# TIP

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## Tax Information Publication

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### 2023 Back-to-School Sales Tax Holiday July 24, 2023 Through August 6, 2023

The 2023 Back-to-School Sales Tax Holiday begins on Monday, July 24, 2023, and ends on Sunday, August 6, 2023. There will be a second Back-to-School Sales Tax Holiday beginning Monday, January 1, 2024, and ending on Sunday, January 14, 2024.

During the sales tax holiday period, tax is not due on the retail sale of:

- Clothing, footwear, and certain accessories with a sales price of **\$100 or less** per item
- Certain school supplies with a sales price of **\$50 or less** per item,
- Learning aids and jigsaw puzzles with a sales price of **\$30 or less**
- Personal computers and certain computer-related accessories with a sales price of **\$1,500 or less, when purchased for noncommercial home or personal use**

The 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
- 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

**References:** Section 43, Chapter 2023-157, Laws of Florida; Emergency Rule 12AER23-2, Florida Administrative Code

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#### 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.

#### 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.

#### 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.

#### 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.

### **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 sales 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 different 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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **Qualified Businesses May Choose Not to Participate in the Back-to-School Sales Tax Holiday**

Qualified businesses may choose not to participate in the sales tax holiday when less than 5% of their gross sales of tangible personal property during calendar year 2022 were sales of items that would be exempt during the sales tax holiday period. Businesses with multiple locations must include the gross sales of all their Florida locations in this calculation. For businesses that were not in operation during the 2022 calendar year, this option is available when less than 5% of the business's inventory of items for sale are items that would be tax exempt during the sales tax holiday period.

Qualifying businesses choosing not to participate in the sales tax holiday **must send a written notice to the Department by July 17, 2023, for the tax holiday beginning July 24, 2023**. The notice must be on business letterhead and state that the business meets the qualifications stated above and has chosen not to participate in the sales tax holiday. The notice must be signed by an individual authorized to sign on behalf of the business. Businesses with multiple locations may send a single notice stating that all their Florida locations will not participate in the sales tax holiday.

Mail the letter to: **Sales Tax Holiday**  
Account Management MS 1-5730  
Florida Department of Revenue  
5050 W Tennessee St  
Tallahassee FL 32399-0160

Email a signed scanned letter to:  
**registration@floridarevenue.com**  
or

Fax to: 850-922-0859

Qualified businesses that do not participate in the sales tax holiday **must post a notice at each business location** stating their choice not to participate in the Back-to-School Sales Tax Holiday. The notice must be posted in a conspicuous location at the place of business. The following is a suggested notice:

In accordance with Chapter 2023-157, Laws of Florida, (Name of Business), has chosen not to participate in the Back-to-School Sales Tax Holiday, July 24, 2023 through August 6, 2023. For questions, please contact (name of contact person at business) at (contact telephone number or email address).

[Signature of Authorized Individual]

[Title]

### **Learning Aids and Jigsaw Puzzles**

The following is a list of learning aids and their taxable status during the Back-to-School Sales Tax Holiday period. No tax is due on the sale or purchase 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, entertainment complex, public lodging establishment, or airport.

**“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.

### **Examples of Exempt Learning Aid Items:**

- 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

## **Clothing and Accessories**

The following is a list of clothing and accessory items and their taxable status during the Back-to-School Sales Tax Holiday period. No tax is due on the sale or purchase of any article of clothing, wallet, or bag, 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**. (The list is not all-inclusive.)

**“Clothing”** means any article of wearing apparel, including all footwear (except skis, swim fins, roller blades, and skates), intended to be worn on or about the human body. Clothing does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

This exemption does **not** apply to sales of clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

### **Examples of Exempt Clothing and Accessories:**

- Accessories
  - Barrettes and bobby pins
  - Belt buckles
  - Bow ties
  - Hairnets, bows, clips, and hairbands
  - Handbags
  - Neckwear
  - Ponytail holders
  - Scarves
  - Ties
  - Wallets
- Aerobic and fitness clothing
- Aprons and clothing shields
- Athletic supporters
- Baby clothes\*
- Backpacks and book bags
- Bandanas
- Baseball cleats
- Bathing suits, caps, and cover-ups
- Belts
- Bibs\*
- Bicycle helmets (youth)\*\*
- Blouses
- Boots (except ski or fishing boots)
- Bowling shoes (purchased)
- Braces and supports worn to correct or alleviate a physical incapacity or injury\*\*\*
- Bras
- Choir and altar clothing\*\*\*
- Cleated and spiked shoes
- Clerical vestments\*
- Coats
- Coin purses
- Costumes
- Coveralls
- Diaper bags
- Diapers, diaper inserts (adult and baby, cloth or disposable)\*\*\*\*
- Dresses
- Fanny packs
- Fishing vests (non-flotation)
- Formal clothing (purchased)
- Gloves
  - Dress (purchased)
  - Garden
  - Leather
  - Work
- Graduation caps and gowns
- Gym suits and uniforms
- Hats and caps
- Hosiery and pantyhose (including support hosiery)
- Hunting vests
- Jackets
- Jeans
- Lab coats
- Leggings, tights, and leg warmers
- Leotards
- Lingerie
- Martial arts attire
- Overshoes and rubber shoes
- Pants
- Purses
- Raincoats, rain hats and ponchos
- Receiving blankets\*
- Religious clothing\*\*\*
- Robes
- Safety clothing
- Safety shoes
- Scout uniforms
- Shawls and wraps
- Shirts
- Shoe inserts and insoles
- Shoes (including athletic)
- Shoulder pads (e.g., dresses or jackets)
- Shorts
- Ski suits (snow)
- Skirts
- Sleepwear (nightgowns and pajamas)
- Slippers
- Slips
- Socks
- Suits, slacks, and jackets
- Suspenders
- Sweatbands
- Sweaters
- Swimsuits and trunks
- Ties (neckties and bow ties)
- Tuxedos (purchased)
- Underclothes
- Uniforms (work, school and athletic, excluding pads)
- Vests

\* Effective July 1, 2023, certain baby and toddler products, such as baby and toddler clothing, apparel, and shoes that are primarily intended for and marketed for children ages 5 or younger, are permanently exempt. See Chapter 2023-157, Laws of Florida and TIP 23A01-09.

\*\* Bicycle helmets marketed for use by youth are always exempt from sales tax.

\*\*\* These items are always exempt as religious, prescription, prosthetic, or orthopedic items.

\*\*\*\* Effective July 1, 2023, diapers (children and adult) and incontinence products for human use are permanently exempt from sales tax. See Chapter 2023-157, Laws of Florida and TIP 23A01-10.

### Examples of Taxable Clothing and Accessories:

- Accessories
  - Handkerchiefs
  - Jewelry
  - Key cases
  - Watchbands
  - Watches
- Athletic gloves
- Athletic pads
- Bowling shoes (rented)
- Briefcases
- Checkbook covers (separate from wallets)
- Chest protectors
- Cloth, lace, knitting yarns and other fabrics
- Clothing repair items (such as thread, buttons, tapes, iron-on patches, or zippers)
- Corsages and boutonnieres
- Cosmetic bags
- Crib blankets
- Diving suits (wet and dry)
- Duffel bags
- Elbow pads
- Fins
- Fishing boots (waders)
- Football pads
- Formal clothing (rented)
- Garment bags
- Gloves
  - Baseball
  - Batting
  - Bicycle
  - Golf
  - Hockey
  - Rubber
  - Surgical
  - Tennis
- Goggles (except prescription\*)
- Hard hats
- Helmets (bicycle\*\*, baseball, football, hockey, motorcycle, sports)
- Ice skates
- In-line skates
- Key chains
- Knee pads
- Life jackets and vests
- Luggage
- Makeup bags
- Pads (football, hockey, soccer, elbow, knee, shoulder)
- Paint or dust masks
- Patterns
- Protective masks (athletic)
- Rented clothing or footwear (e.g., uniforms, formal wear, costumes, and bowling shoes)
- Repair of wearing apparel
- Roller blades
- Roller skates
- Safety glasses (except prescription\*)
- Shaving kits and bags
- Shin guards and padding
- Shoulder pads (e.g., football, hockey, sports)
- Ski boots (snow)
- Ski vests (water)
- Skin diving suits
- Suitcases
- Sunglasses (except prescription\*)
- Swimming masks
- Umbrellas
- Weight-lifting belts
- Wigs

\* These items are always exempt as religious, prescription, prosthetic, or orthopedic items.

\*\* Bicycle helmets marketed for use by youth are always exempt from sales tax.

### School Supply Items

The following is a list of school supplies and their taxable status during the Back-to-School Sales Tax Holiday period. No tax is due on the sale or purchase of any school supply item with a sales price of **\$50 or less per item**. This exemption does **not** apply to sales of school supplies within a theme park, entertainment complex, public lodging establishment, or airport.

**“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, paste, rulers, computer disks, staplers and staples (used to secure paper products), protractors, compasses, and calculators.

### Examples of Exempt School Supply Items:

- Binders
- Calculators
- Cellophane (transparent) tape
- Colored pencils
- Compasses
- Composition books
- Computer disks (blank CDs only)
- Construction paper
- Crayons
- Erasers
- Folders
- Glue (stick and liquid)
- Highlighters
- Legal pads
- Lunch boxes
- Markers
- Notebook filler paper
- Notebooks
- Paste
- Pencils, including mechanical and refills
- Pens, including felt, ballpoint, fountain, highlighters, and refills
- Poster board
- Poster paper
- Protractors
- Rulers
- Scissors
- Staplers and staples (used to secure paper products)



## Examples of Taxable School Supply Items:

- Books not otherwise exempt
- Computer paper
- Correction tape, fluid or pens
- Masking tape
- Printer paper

### **Computers and Computer-Related Accessories**

Personal computers and certain computer-related accessories may qualify for the exemption. The following is a list of personal computers and computer-related accessories and their taxable status during the Back-to-School Sales Tax Holiday period. The exemption applies to an eligible item with a sales price of **\$1,500 or less, when purchased for noncommercial home or personal use**. This exemption does **not** apply to sales of personal computers or computer-related accessories for use in a trade or business, or to sales within a theme park, entertainment complex, public lodging establishment, or airport.

**“Personal computers”** includes electronic book readers, laptops, desktops, handheld devices, tablets, and 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”** includes keyboards, mice (mouse devices), 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. Computer-related accessories do not include furniture or systems, devices, software, or peripherals that are designed or intended primarily for recreational use. The term “monitor” does not include a device that includes a television tuner.

### **Examples of Exempt Computers and Computer-Related Accessories:**

- Cables (for computers)
- Car adaptors (for laptop computers)
- Central processing units (CPU)
- Compact disk drives
- Computers for noncommercial home or personal use
  - Desktop
  - Laptop
  - Tablet
- Computer batteries
- Computer towers consisting of a central processing unit, random-access memory and a storage drive
- Data storage devices (excludes those devices designed for use in digital cameras or other taxable items)
  - Blank CDs
  - Diskettes
  - Flash drives
  - Jump drives
  - Memory cards
  - Portable hard drives
  - Storage drives
  - Thumb drives
  - Zip drives
- Docking stations (for computers)
- Electronic book readers
- Hard drives
- Headphones (including “earbuds”)
- Ink cartridges (for computer printers)
- Keyboards (for computers)
- Mice (mouse devices)
- Microphones (for computers)
- Modems
- Monitors (except devices that include a television tuner)
- Motherboards
- Personal digital assistant devices (except cellular telephones)
- Port replicators
- Printer cartridges
- Printers (including “all-in-one” models)
- RAM (random access memory)
- Routers
- Scanners
- Software (nonrecreational)
  - Antivirus
  - Database
  - Educational
  - Financial
  - Word processing
- Speakers (for computers)
- Storage drives (for computers)
- Tablets
- Web cameras

## Examples of Taxable Computers and Computer-Related Accessories:

- Batteries (regular)\*
- Cases for electronic devices (including electronic reader covers)
- CDs and DVDs (music, voice, prerecorded items)
- Cellular telephones (including smart telephones)
- Computer bags
- Computer paper
- Computers designed and intended for recreation (games and toys)
- Copy machines and copier ink and toner
- Digital cameras
- Digital media receivers
- Fax machines (stand-alone)
- Furniture
- Game controllers (joysticks, nunchucks)
- Game systems and consoles
- Games and gaming software
- MP3 players or accessories
- Projectors
- Rented computers or computer-related accessories
- Smart telephones
- Surge protectors
- Tablet cases or covers
- Televisions (including digital media receivers)
- Video game consoles

\* Batteries for use in prosthetic or orthopedic appliances are always exempt from sales tax.

### 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](http://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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