



Florida Department of Revenue
Office of the Executive Director

Jim Zingale
Executive Director

5050 West Tennessee Street, Tallahassee, FL 32399

floridarevenue.com

January 22, 2024

Mr. Matthew J. Hargreaves, Chief
Florida Department of State
R.A. Gray Building, Mail Station 22
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Re: Certification of Department of Revenue Rules

Dear Mr. Hargreaves:

The following Department of Revenue rules are presented for certification:

Rule Number(s)	Rule Title(s)
12A-1.097	Public Use Forms
12A-1.116	Florida Farm Tax Exempt Agricultural Materials Card

The following persons may be contacted regarding these rule certifications:

Martha Gregory	717-6041	martha.gregory@floridarevenue.com
Brinton Hevey	717-7754	brinton.hevey@floridarevenue.com

Florida Department of Revenue
Building One, Room 2600
2450 Shumard Oak Blvd.
Tallahassee, Florida 32399-0100

Sincerely,

Janet L. Young
Agency Rules Coordinator

Attachments

CERTIFICATION OF DEPARTMENT OF REVENUE
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

- (1) That all statutory rulemaking requirements of chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and
- (2) That there is no administrative determination under section 120.56(2), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by section 120.54(3)(a), F.S.; and
- (a) Are filed not more than 90 days after the notice; or
- (b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or
- (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
- (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or
- (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
- (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
- (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or
- (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or
- (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the ombudsman in the Executive Office of the Governor.

The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

12A-1.097

12A-1.116

Under the provision of section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective Date:

(month) (day) (year)



Signature, Person Authorized to Certify Rules

General Counsel
Title

3
Number of Pages Certified

CERTIFICATION OF DEPARTMENT OF STATE
DESIGNATION OF RULE THE VIOLATION OF WHICH IS A MINOR VIOLATION

Pursuant to Section 120.695(2)(c)3., Florida Statutes, I certify as agency head, as defined by Section 20.05(1)(b), Florida Statutes, that:

All rules covered by this certification are not rules the violation of which would be minor violation pursuant to Section 120.695, F.S.

The following parts of the rules covered by this certification have been designated as rules the violation of which would be a minor violation pursuant to Section 120.695, F.S.:

Rule No(s).

Rules covered by this certification:

12A-1.097

12A-1.116



Signature of Agency Head

Executive Director

Title

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHAPTER 12A-1, FLORIDA ADMINISTRATIVE CODE
SALES AND USE TAX
AMENDING RULE 12A-1.097
CREATING RULE 12A-1.116

SUMMARY OF PROPOSED RULES

The creation of Rule 12A-1.116 (Florida Farm Tax Exempt Agricultural Materials Card) F.A.C., provides the eligibility criteria and application process to obtain a Florida Farm Tax Exempt Agricultural Materials (TEAM) Card, as well the methods a selling dealer may use to document an exempt sale to a purchaser who has been issued a TEAM Card.

Revisions to Rule 12A-1.097 (Public Use Forms), F.A.C., incorporate new Form DR-1 TEAM, the application form by which a farmer whose property meets certain requirements may apply to the Department of Revenue for a TEAM Card beginning January 1, 2024.

FACTS AND CIRCUMSTANCES JUSTIFYING PROPOSED RULES

Section 1, Chapter 2023-154, L.O.F., created the Florida Farm Tax Exempt Agricultural Materials (TEAM) Card in section 212.08(19), F.S. A farmer whose property is classified as agricultural or who has implemented agricultural best management practices adopted by the Department of Agriculture and Consumer Services may apply to the Department of Revenue for a TEAM card beginning January 1, 2024. The farmer may then present the TEAM card to a seller instead of a certificate or affidavit otherwise required to claim the applicable sales tax exemptions. Proposed new Rule 12A-1.116, F.A.C. (Florida Farm Tax Exempt Agricultural Materials Card), is necessary to provide the application process to obtain a TEAM card and the methods a selling dealer may use to document an exempt sale to a farmer who has been issued a TEAM Card.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), are necessary to adopt, by reference, the new application by which a farmer whose property meets the requirements of section 212.08(19), F.S., may apply to the Department of Revenue for a TEAM Card.

FEDERAL COMPARISON STATEMENT

The provisions contained in these rules do not conflict with comparable federal laws, policies, or standards.

SUMMARY OF RULE DEVELOPMENT WORKSHOP

NOVEMBER 2, 2023

A Notice of Proposed Rule Development was published in the *Florida Administrative Register* on October 19, 2023 (Vol. 49, No. 204, p. 3923), to advise the public of the creation of Rule 12A-1.116, F.A.C., and Form DR-1 TEAM (incorporated in the amendment of Rule 12A-1.097, F.A.C.), and to provide that, if requested in writing, a rule development workshop would be held on November 2, 2023. One request was received, and a workshop was held on November 2, 2023. No comments regarding the substance of the rule were received. No written comments were received by the Department.

SUMMARY OF PUBLIC MEETING

DECEMBER 19, 2023

The Governor and Cabinet, sitting as head of the Department of Revenue, met on December 19, 2023, and approved the publication of the Notice of Proposed Rule for changes to Rules 12A-1.097 and 12A-1.116, F.A.C., and the filing and certification of the rules with the Secretary of State pursuant to s. 120.54(3)(e)1., F.S., if the substance of the proposed rules remain unchanged upon reaching the date applicable to filing for final adoption pursuant to s. 120.54(3)(e)2., F.S. A notice for the public meeting was published in the *Florida Administrative Register* on December 8, 2023 (Vol. 49, No. 237, pp. 4519-4520).

SUMMARY OF RULE HEARING

JANUARY 11, 2024

A Notice of Proposed Rule was published in the *Florida Administrative Register* on December 20, 2023 (Vol. 245, No. 245, pp. 4675-4677), to advise the public of the proposed change to Rule 12A-1.097, F.A.C., and the proposed creation of Rule 12A-1.116, F.A.C., and to provide that, if requested in writing, a rule hearing would be held on January 11, 2024. No request was received, and no hearing was held. No written comments were received by the Department.

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CHAPTER 12A-1, FLORIDA ADMINISTRATIVE CODE
SALES AND USE TAX
AMENDING RULE 12A-1.097
CREATING RULE 12A-1.116

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
(2)(a) through (g)	No change.	
<u>(h) DR-1 TEAM</u>	<u>Application for a Florida Farm Tax Exempt Agricultural Materials (TEAM) Card</u> (http://www.flrules.org/Gateway/reference.asp?No=Ref-16349)	<u>01/24</u>
(3) through (24)	No change.	

Rulemaking Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.0596(3), 212.06(5)(b)13., 212.0596(3), 212.06(5)(b)13., 212.07(1)(b), 212.08(7), 212.099(10), 212.11(5)(b), 212.12(1)(a)2., 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 1002.40(16) FS. Law Implemented 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 202.11(2), (3), (6), (16), (24), 202.22(3)-(6), 202.28(1), 203.01, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.0596, 212.05965, 212.06, 212.0606, 212.07(1), (8), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.099, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.14(2), (4), (5), 212.18(2), (3), 212.183, 212.1832, 213.235(1), (2), 213.29, 213.37, 213.755, 215.26(6), 219.07, 288.1258, 290.00677, 365.172(9), 376.70(2), 376.75(2), 403.718, 403.7185(3), 443.131, 443.1315, 443.1316, 443.171(2), 1002.40(13) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-

10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, 9-1-09, 11-3-09, 1-11-10, 4-26-10, 6-28-10, 7-12-10, 1-12-11, 1-25-12, 1-17-13, 5-9-13, 1-20-14, 1-19-15, 1-11-16, 4-5-16, 1-10-17, 2-9-17, 1-17-18, 4-16-18, 1-8-19, 10-28-19, 12-12-19, 3-25-20, 12-31-20, 6-14-22, 1-1-23, 1-1-24, 2-11-24.

12A-1.116 Florida Farm Tax Exempt Agricultural Materials Card.

(1) For purposes of this rule, a “qualified farmer” means a farmer, as defined in section 212.02(28), F.S., whose property has been classified as agricultural pursuant to section 193.461, F.S., or who has implemented agricultural best management practices adopted by the Department of Agriculture and Consumer Services pursuant to section 403.067(7)(c)2., F.S., on property the farmer owns or leases.

(2)(a) Any qualified farmer in Florida desiring to obtain a Florida Farm Tax Exempt Agricultural Materials (TEAM) Card, hereafter referred to as “TEAM Card,” must complete the Application for Florida Farm Tax Exempt Agricultural Materials (TEAM) Card (Form DR-1 TEAM, incorporated by reference in Rule 12A-1.097, F.A.C.). The applicant farmer must indicate whether they qualify as a farmer who owns real property classified as agricultural pursuant to section 193.461, F.S., or they qualify as a farmer who has enrolled in and implemented best management practices adopted by the Department of Agriculture and Consumer Services pursuant to section 403.067(7)(c)2., F.S., on land owned or leased by the farmer.

(b) The Department of Agriculture and Consumer Services will issue a TEAM Card to applicants approved by the Department of Revenue.

(c) The TEAM Card will be valid for five years from the date of issuance.

(3)(a) A farmer that holds a valid TEAM card may present the card to a selling dealer to purchase items exempt from sales tax pursuant to applicable sales tax exemptions provided in section 212.08, F.S. A farmer may present the TEAM Card to a selling dealer instead of a certificate or affidavit otherwise required by Chapter 212, F.S.

(b) The selling dealer or lessor is only required to obtain one copy of the farmer’s TEAM Card to make tax exempt sales to the farmer during the effective period indicated on the TEAM Card. A selling dealer or lessor who accepts the TEAM Card in good faith will not be held liable for any tax due on sales made to the farmer during the effective period indicated on the TEAM Card. The selling dealer or lessor must maintain a copy of the TEAM Card in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under

Section 95.091(3), F.S.

(c) Instead of maintaining a copy of the TEAM Card as provided in paragraph (b), a selling dealer or lessor may document the exempt sale by requesting a transaction authorization number issued by the Department. A transaction authorization number is valid for a single transaction only.

1. A “transaction authorization number” must be obtained by the selling dealer prior to or at the point-of-sale:

a. By using the Department’s online Certificate Verification System at floridarevenue.com/taxes/certificates; or

b. By calling the Department’s automated nationwide toll-free telephone verification system at 1(877)357-3725.

2. When using the Department’s online Certificate Verification System, the dealer may key up to five (5) purchaser’s TEAM Card numbers into the system. When using the Department’s automated nationwide toll-free verification system, the selling dealer is prompted to key in a single purchaser’s TEAM Card number. Each system will either issue a transaction authorization number or alert the selling dealer that the purchaser does not have a valid TEAM Card. Persons with hearing or speech impairments may call the Florida Relay Service by dialing 711, 1(800)955-8770 (Voice), or 1(800)955-8771 (TTY).

3. A transaction authorization number is not valid to exempt subsequent purchases or rentals made by the same purchaser. A selling dealer must obtain a new transaction authorization number for each and every transaction.

4. The selling dealer must document the transaction authorization number on the sales invoice, purchase order, or a separate form that is prepared by either the purchaser or the selling dealer.

(d)1. Vendor authorization number for regular customers – valid for the effective period indicated on the TEAM card. Instead of obtaining a copy of the TEAM Card or a Transaction Authorization Number from the Department for each sale to the farmer, the selling dealer may obtain a Vendor Authorization Number for that farmer. This option is available to selling dealers throughout the calendar year without limitation.

2. The “vendor authorization number” is a customer-specific authorization number that will be valid for all sales made to a qualifying farmer during the effective period indicated on the TEAM Card.

3. The Department’s online Certificate Verification System allows the user to verify up to five TEAM Card numbers and to obtain a transaction authorization number for single sales made to each exempt farmer at once. The system also allows the user to upload a batch file of up to 50,000 accounts or 10 MB for verification of TEAM card numbers and, 24 hours later, retrieve the file containing the vendor authorization numbers for all sales made to a qualifying farmer during the effective period indicated on the TEAM Card.

Rulemaking Authority 212.08(19), 213.06(1) FS. Law Implemented 95.091(3), 212.02(28), 212.08(19), 212.13(2)

FS. History—New 2-11-24.

CERTIFICATION OF MATERIALS INCORPORATED
BY REFERENCE IN RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify pursuant to Rule 1-1.013, Florida Administrative Code, that materials incorporated by reference in Rule 12A-1.097, F.A.C., has been:

(1) Filed through the Department of State's e-rulemaking website at www.flrules.org.

(2) That because there would be a violation of federal copyright laws if the submitting agency filed the incorporated materials as described in option (1) above, a true and complete copy of the incorporated materials has been provided to the Department of State as outlined in paragraph 1-1.013(5)(c), F.A.C. Copies of the incorporated materials below may be obtained at the agency by [include address(es)/location(s)].

List form number(s) and form title(s), or title of document(s) below:

<u>Form Number</u>	<u>Form Title or Title of Document</u>
DR-1 TEAM	Application for a Florida Farm Tax Exempt Agricultural Materials (TEAM) Card

Under the provisions of section 120.54(3)(e)6., F.S., the attached material(s) take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.



Signature, Person Authorized to Certify Rules

General Counsel

Title

From: FL-Rules@dos.state.fl.us
To: [Tonya Fulford](#)
Cc: flrules@dos.state.fl.us
Subject: 12A-1.097 Reference Material for Rule Adoption Approved
Date: Wednesday, January 17, 2024 1:30:56 PM

Dear fulfordt:

The reference material for rule adoption you submitted has been approved by the Administrative Code and Register Staff.

The approved material is available in the [Review/Modify Agency Reference Material](#) list (Agency Main Menu page).

Rule Number: 12A-1.097

Reference Number: Ref-16349; Reference Name: DR-1 TEAM - Application for a Florida Farm Tax Exempt Agricultural Materials (TEAM) Card - N. 01/24

Click [here](#) to log in.

Administrative Code and Register Staff
Florida Department of State