Informal Interpretation Report
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Section 102

Question:

Is it the intent of the Florida Building Code to exempt from its requirements an agriculture packing plant, where a farmer can package and ship their produce on site, under the nonresidential farm buildings on farms exemption.

Answer

This question has been a legal football for as long as we can remember. It is not believed preparing for market and packaging is agricultural in itself, but the product has to be prepared for shipment and such acts may considered as supporting the use of that land as much as a tractor storage shed. The building official in question should seek the advice of the jurisdiction's attorney.

Commentary:

A manufacturing plant may or may not be part of the "bona fide agricultural purpose", agricultural use of the Land or a farm building directly supporting the working of that Land, for example such as a tractor shed.

References that may help:
604.50 Nonresidential farm buildings; farm fences; farm signs.&#2013266071;
(1) Notwithstanding any provision of law to the contrary, any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations.

(2) As used in this section, the term: (a) &#2013266067;Bona fide agricultural purposes&#2013266068; has the same meaning as provided in s. 193.461(3)(b).

193.461(3)(b).
b) Subject to the restrictions specified in this section, only lands* that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term &#2013266067;bona fide agricultural purposes&#2013266068; means good faith commercial agricultural use of the land*.
1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:
a. The length of time the land has been so used.
b. Whether the use has been continuous.
c. The purchase price paid.
d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.
f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
g. Such other factors as may become applicable.

(d) &#2013266067;Nonresidential farm building&#2013266068; means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under s. 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Notice:
The Building Officials Association of Florida, in cooperation with the Florida Building Commission, the Florida Department of Business & Professional Regulation, ICC, and industry and professional experts offer this interpretation of the Florida Building Code in the interest of consistency in their application statewide. This interpretation is informal, non-binding and subject to acceptance and approval by the local building official.