

Agricultural Exemption From Permit Guidelines

In consideration of the Florida Statutes below the following procedure should be used in answering general questions and in *assessing and verifying* an Agricultural Exemption request via the "Exemption from Permit" application. **Only a Flood Review Fee* when the property is within a Flood Zone is required for this application. The exemption does not extend to local, state, or federal floodplain management regulations therefore the Department will be the authority and has the responsibility for confirming whether the property in question is or is not in the Flood Zone. This will be accomplished by requiring anyone wishing to declare an exemption to apply for an "Exemption from Permit" for this purpose. Additionally a Plans Examiner will *assess* a candidate's or applicant's ability to qualify for an exemption as prescribed by Florida Statutes and a Plans Examiner or Zoning representative will *verify* the proposed placement of structure(s) with site conditions, boundaries, setbacks, easements and specially protected areas as indicated on a Survey/Site Plan. Note: the "Exemption from Permit" application can be used for other purposes and in those cases all appropriate fees apply.

The 2011 Florida Statutes

Title XXXV
AGRICULTURE, HORTICULTURE, AND
ANIMAL INDUSTRY

Chapter 604
GENERAL
AGRICULTURAL LAWS

View Entire
Chapter

604.50 Nonresidential farm buildings and farm fences.—

(1) Notwithstanding any other law to the contrary, any nonresidential farm building or farm fence 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) "Nonresidential farm building" means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under ²s.

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.

(b) "Farm" has the same meaning as provided in s. 823.14.

History.—s. 13, ch. 98-396; s. 19, ch. 2002-293; s. 51, ch. 2002-295; ss. 6, 9, ch. 2011-7; HJR 7103, 2011 Regular Session.

553.73(10)(c)

10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(c) Nonresidential farm buildings on farms. Also repeated in the FBC 2012 102.2 (C)

Agricultural Exemption From Permitting

➤ Confirm

That the proposed structure meets the definitions of a Non Residential Farm Building. If the building does not meet these 5 criteria there is no need for further discussion of an Agricultural Exemption.

A Non Residential Farm Building Is

(1) Non-residential and not intended to be used as a Residential Dwelling

(2) Located on a farm

FL 823.14(3) DEFINITIONS.—As used in this section: (a)“Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(3) Used primarily for Agricultural purposes FL 193.461(3)

(4) Located on land that is an integral part of the farm operation

OR

(5) Located on land this classified as Agricultural FL 193.461 (3)(a)(b)

➤ Confirm

That the interested party owns the land.

Note: There are special circumstances where a lessee may qualify for an “Exemption from Permit” and anyone granting such request should become intimately familiar with all applicable statutes. Ref FL 193.461 (3)(a) as a good starting point.

➤ Confirm

Inform the person you are speaking to that a Permit Exemption Application is required and that a Flood Review and payment of a Flood Review Fee *may* be required. Agricultural exemptions do not exempt any owner from Flood Regulations or a Flood Review Fee if applicable *even if* all other criteria for exemption are met.

➤ Confirm

That the individual can demonstrate compliance with exemption criteria through one of the following two methods.

Demonstrating Qualifying Criteria for Agricultural Exemptions

Method One

GREEN BELT

➤ Confirm

That the land is classified "Agricultural" as granted to it by the Property Appraisers office. Ref FL 193.461 (3)(a)(b) This is also known as having a "Green Belt Exemption"

Note: There is no reference to the term "Green Belt Exemption" within Florida Statutes. The term is often misused and is not an actual exemption from taxes but rather a tax classification resulting in a lower tax rate assessment.

Note: Classification of "Agricultural" by the Property Appraisers office is not the same thing as having an "Agricultural Land Use" designation by Planning and Zoning. A customer will often misunderstand this; a Planning and Zoning Land Use designation of Agricultural cannot be used to meet the criteria of method one. It does however have implications when qualifying under method two.

➤ Confirm

That the land use has not changed since the classification of "Agricultural" by the Property Appraisers office was granted. Ref FL 193.461 (4)(a)(b)(c)-(7)(e)(b)

The premise for the Property Appraisers office assigning an "Agricultural" classification can be found in FL 193.461(3)(a) sentence number two. It includes a provision that the Property Appraisers Office *may* require such information as reasonably required to establish such lands were used for "bona fide agricultural purposes". The intent here is clear, that the land be used for "bona fide agricultural purposes" but the necessity to prove it is at the discretion of the Property Appraisers Office. The definition of Agricultural Purposes is found in FL 193.461(3) "good faith commercial agricultural use" this is useful later in that the term "commercial" implies commerce and that commerce would naturally in all most all cases be subject to Federal Tax and therefore have a Business FIN (Federal Tax ID Number). In method two we require that the Business Name and the Owner's FIN are provided in a signed and notarized affidavit at application. For reference Agricultural purposes includes but is not limited to FL 193.461(5) and further in FL 581.011 (1-30)

Agricultural Permit Exemption Owner Affidavit

(To be used only with permit exemption applications referencing agricultural/farm operation)

Title XXXV
AGRICULTURE, HORTICULTURE, AND
ANIMAL INDUSTRY

Chapter 604
GENERAL
AGRICULTURAL
LAWS

¹604.50 Nonresidential farm buildings and farm fences.—

(1) Notwithstanding any other law to the contrary, any nonresidential farm building or farm fence 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) “Nonresidential farm building” means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under ²s. 553.73(9)(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.

(b) “Farm” has the same meaning as provided in s. 823.14.

I have applied for exemption from the current Florida Building Code pursuant to the above referenced Florida Statutes(s). By signing this application and providing the following Federal Tax ID number I acknowledge that the land for the proposed structure as interpreted by this Jurisdiction meets the Florida Statute definitions of “farm” and that the structure is a support structure used in the performance of a “farm operation” as defined in FS 823.14. I further acknowledge that the structure will not be occupied for public use now or at any time in the future without first obtaining the appropriate Manatee County Building Department Permit(s).

Name: _____

Signature: _____

Federal Tax ID # _____

Property Address: _____

Date: _____