

PUTNAM COUNTY
PLANNING & DEVELOPMENT SERVICES

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DCA10-DEC-059

March 26, 2010

Paula Ford, Clerk of the Commission
Department of Community Affairs
Building Codes and Standards Office
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-0300

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.

Miriam Snipes
Miriam Snipes
Deputy Agency Clerk

3/29/10
Date

Re: Petition of Declaratory Statement in regards to Florida Statute 553.73 and Florida Building Code 2007 Sections 102.2 – Farm Building Exemption

Dear Clerk:

Please find attached a petition for a declaratory statement from the Office of the Building Official of Putnam County. We respectfully request a declaratory statement from the Florida Building Commission seeking clarification regarding exemption from the Florida Building Code for certain buildings and structures, and their uses, when located on a bona fide farm.

Please contact me directly if you have any questions,

Respectfully,

Paul T. Myers

Paul T. Myers, CBO
Building Official
Putnam County

PTM/ptm

Encl/3

Agency Clerk
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida

IN THE MATTER OF:

BUILDINGS OFFICIAL'S OFFICE

PUTNAM COUNTY, FLORIDA

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.

 3/29/10

Minam Snipes Date
Deputy Agency Clerk

PETITION FOR DECLARATORY STATEMENT

BEFORE THE FLORIDA BUILDING COMMISSION

Petitioner, Building Official's Office, Putnam County, Florida, pursuant to Section 553.73(9)(c), Florida Statutes, and the Florida Building Code Section 102.2(c), hereby requests a declaratory statement from the Florida Building Commission and as grounds therefore states the following:

Petitioner's Name and Address

Name: Paul T. Myers, Building Official

Address: 2509 Crill Ave. Suite 300
PO Box 1486
Palatka, Florida 32178-1486

Telephone: (386) 329-0312

Facsimile: (386) 329-1213

**Name and Address of Petitioner's Attorney
Or Qualified Representative, if any**

Not Applicable

Statutory Provision(s), Agency Rule(s) or Agency Order(s) on Which the Declaratory Statement is Sought

Florida Statute 553.73 and the 2007 Florida Building Code Section 102.2 specifically exempt nonresidential farm buildings on farms from the provisions of the Florida Building Code.

102.2 Building. The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in Chapter 34 of this code. 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:

- (a) Building and structures specifically regulated and preempted by the federal government.*
- (b) Railroads and ancillary facilities associated with the railroad.*
- (c) Nonresidential farm buildings on farms.*
- (d) – (h) omitted intentionally*

Description of How the Statute(s), Agency Rule(s) or Agency order(s) may Substantially affect the Petitioner in the Petitioner's Particular Set of Circumstances

A bona fide farm, that would normally be exempt from the Florida Building Code pursuant to Florida Statute 553.73 and the 2007 Florida Building Code Section 102.2, expands their business through the processing of a farm product, business diversification, the construction of an office building, or the change of use of a nonresidential farm building for one or more of these activities. Examples of the expansions are:

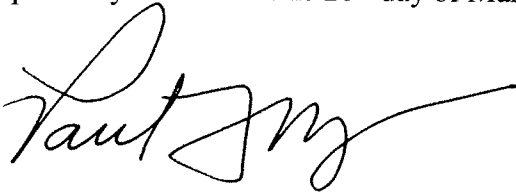
1. Making and bottling of wine (alcohol content 14% or less) from farm grown grapes.
2. The processing of fish meat or caviar from farm raised fish.
3. Expansion of a nursery or farm to include an office to receive the public for purchase of off-site services (i.e., landscaping, fencing, or yard care).
4. The construction of an equestrian arena, stables or barns for non-farm related activities (i.e., private hunt clubs, show events, public use or boarding).
5. Construction of an office for farm use (bookkeeping, hiring, etc.).

Question:

Is it the intent of Florida Statute 553.73 and the 2007 Florida Building Code Section 102.2, which specifically exempts nonresidential farm buildings on farms from the provisions of the Florida Building Code, to also exempt the construction of a new building or addition, or the alteration or change use of an existing building, on a farm, under the following conditions:

1. Making and bottling of wine (alcohol content 14% or less) from farm grown grapes.
2. The processing of fish meat or caviar from farm raised fish.
3. Expansion of a nursery or farm to include an office to receive the public for purchase of off-site services (i.e., landscaping, fencing, or yard care).
4. The construction of an equestrian arena, stables or barns for non-farm related activities (i.e., private hunt clubs, show events, public use or boarding).
5. Construction of an office for farm use (bookkeeping, hiring, etc.).

Respectfully submitted this 26th day of March, 2010

A handwritten signature in black ink, appearing to read "Pau T. Myers", with a long horizontal flourish extending to the right.

Pau T. Myers, CBO
Putnam County Building Official
Petitioner