

ITEM 10:

Consideration of an Acquisition and Restoration Council process for determining whether lands surplus by local governmental entities on or after January 1, 2024, are suitable for bona fide agricultural purposes pursuant to section 253.0341(19), Florida Statutes (F.S.).

DIVISION OF STATE LANDS STAFF REMARKS:

Background

The 2026 Florida Legislature amended section 253.0341, F.S., establishing the Acquisition and Restoration Council's (ARC) role in evaluating local governmental entities' surplus of agricultural land. Specifically, the amendment requires ARC to determine whether any lands surplus by a local governmental entity on or after January 1, 2024, are suitable for bona fide agricultural purposes. This section also prohibits local governmental entities from transferring future development rights for any surplus lands ARC determines to be suitable for bona fide agricultural purposes.

Section 218.72, F.S., defines "Local Governmental Entity" as "a county or municipal government, school board, school district, authority, special taxing district, other political subdivision, or any office, board, bureau, commission, department, branch, division, or institution thereof." Section 193.461(3)(b), F.S., defines "bona fide agricultural purpose" as the "good faith commercial agricultural use of the land." According to this section, the following factors may be taken into consideration to determine whether land is suitable for bona fide agricultural purposes:

- The length of time the land has been so used.
- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- 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, reforestation, and other accepted agricultural practices.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.

Process

To implement section 253.0341(19), F.S., the Division of State Lands (DSL) staff recommend the following process to assist local governmental entities in complying with the new statute:

- 1) A Bona Fide Agricultural Use Questionnaire (Questionnaire) will be available on the DSL website along with information pertaining to statutory requirements and the process to submit the form and requested attachments to DSL.
- 2) When a local governmental entity submits the Questionnaire, DSL will place the surplus property request into two categories:

Category 1: If information in the Questionnaire clearly indicates that the subject surplus property is not suitable for bona fide agricultural purposes, DSL will place the request on the DSL website as a negative response item for two weeks. If, during that two-week period, more than three ARC members request that the item be placed on a future ARC meeting agenda, DSL will notify the local governmental entity in writing that ARC has determined the property is not suitable for bona fide agricultural purposes.

Category 2: If information provided in the Questionnaire indicates that the subject surplus property may be suitable for bona fide agricultural purposes, DSL will place the request on the next available ARC meeting agenda for the Council's review.

DIVISION OF STATE LANDS STAFF RECOMMENDATION:

Approve ARC process to implement section 253.0341(19), F.S.

ACQUISITION AND RESTORATION COUNCIL RECOMMENDATION:

- ☐ APPROVE POLICY
- ☐ APPROVE WITH MODIFICATIONS: _____
- ☐ DEFER
- ☐ WITHDRAW
- ☐ NOT APPROVE
- ☐ OTHER: _____



Bona Fide Agricultural Use Review Questionnaire

Pursuant to [Chapter 2026-3, Laws of Florida](#), the Acquisition and Restoration Council (Council) is required to determine whether any land a local governmental entity, as defined in [section 218.72, Florida Statutes](#), proposes to surplus is suitable for bona fide agricultural purposes, as defined in [section 193.461\(3\)\(b\), Florida Statutes](#).

REQUIRED INFORMATION

To assist the Council in determining whether the property is suitable for bona fide agricultural purposes, local governmental entities must submit the following information to the Council before surplusing any lands:

1. A completed Bona Fide Agricultural Use Review Questionnaire (include additional pages as necessary).
2. The county property appraiser's property tax card for each parcel proposed for surplus.
3. A vicinity map showing the property boundaries within a regional context.
4. An aerial map showing the property boundaries, including surrounding land uses and infrastructure.
5. A copy of current agricultural use lease for property, if applicable.

INFORMATION SUBMISSION

The required information must be provided in *pdf format and submitted electronically to ARC_MailingList@FloridaDEP.gov.

Information may also be submitted by mail to:

Office of Environmental Services
Division of State Lands
Florida Department of Environmental Protection
3900 Commonwealth Blvd., Mail Station 140
Tallahassee, FL 32399-3000



Bona Fide Agricultural Use Review Questionnaire

LOCAL GOVERNMENTAL INFORMATION

1. Local Governmental Name: _____
2. Point of Contact Name and Title: _____
3. Mailing Address: _____
4. Email Address: _____
5. Telephone Number: _____

LAND PROPOSED TO BE SURPLUSED

1. Land Address: _____
2. Property Appraiser Parcel ID: _____
3. Property Zoning: _____
4. Property Acreage: _____

CURRENT LAND USE

1. Is the property currently used for commercial agricultural purposes? Yes ☐ No ☐
If yes:
 - a. What agricultural activity is taking place on the land (e.g., cattle, timber, row crops, hay, nursery, silviculture, etc.)?
 - b. How long has the property been used continuously for agricultural purposes?
 - c. Is the property size appropriate for the current agricultural activity? Yes ☐ No ☐
 - d. Is the property being maintained in accordance with accepted agricultural best management practices (e.g., mowing, fencing, fertilizing, timber management, grazing, irrigation, planting, etc.)? Yes ☐ No ☐



Bona Fide Agricultural Use Review Questionnaire

2. Are products produced on the land for sale, lease or income generation? Yes ☐ No ☐

If yes:

a. What types of products?

3. Is the land leased for agricultural use? Yes ☐ No ☐

If yes:

a. What are the lease terms and duration?

ADDITIONAL INFORMATION

1. Are there any additional site-specific facts that would assist the Council in determining whether the land is suitable for bona fide agricultural use? Yes ☐ No ☐

If yes, please describe.