

ITEM 10:

Reconsideration of an Acquisition and Restoration Council (ARC) 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(20), Florida Statutes (F.S.).

DIVISION OF STATE LANDS STAFF REMARKS:*Background*

The 2026 Florida Legislature amended section 253.0341, F.S., establishing ARC's role in evaluating local governmental entities' surplus of any 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(20), F.S., the Division of State Lands 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 Division's website along with information pertaining to statutory requirements and the process to submit the form and requested attachments to the Division.
- 2) When a local governmental entity submits the Questionnaire, the Division 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, the Division will place the request on the Division's website as a negative response item for two weeks. If, during that two-week period, three or more ARC members request that the item be placed on a future ARC meeting agenda, the Division will place the surplus request on the next available ARC agenda. If three or more ARC members do not make an agenda request, the Division 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, the Division 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(20), 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 [section 253.0341\(20\), Florida Statutes](#), 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. County / Property Appraiser Parcel ID: _____
3. Current Zoning: _____
4. Property Acreage: _____
5. Reason for Surplus: _____

CURRENT LAND USE

1. Is the property currently used for agricultural purposes? Yes ☐ No ☐

If yes:

- a. Describe current agricultural activity(s) onsite (e.g., cattle, timber, row crops, hay, nursery, silviculture, etc.).
- b. List the acre amount per agricultural activity.
- c. How long has the property been used continuously for agricultural purposes?
- d. Is the property being maintained in accordance with accepted commercial agricultural practices (e.g., mowing, fencing, fertilizing, timber management, grazing, irrigation, planting, etc.)? Yes ☐ No ☐

If yes, please describe:

If no:

- a. What was the site historically used for and for how long?
- b. What was the county property appraiser's classification of the site historically?

Bona Fide Agricultural Use Review Questionnaire

2. Are products currently produced on the land and if so, are they for sale, lease or income generation?

Yes ☐ No ☐

If yes:

a. What types of products are produced?

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

If yes:

a. What are the lease terms and duration? Include start/end dates, rental amount or share arrangement, permitted and/or restricted uses, any renewal options and any other applicable information that would be useful for the Council to make the determination.

ADDITIONAL INFORMATION

Please describe any site-specific facts to assist the Council in determining whether the land is suitable for bona fide agricultural use.

1. Describe the current footprint of the site, including impervious ground, improvements, etc.

2. If natural areas exist on the property, provide soil descriptions with associated map.

3. Is there electric service available on the site? Yes ☐ No ☐

4. Are there any water sources on the site? Yes ☐ No ☐

If yes, please describe.

5. Describe access to the site.

6. Is the site within a flood zone? Yes ☐ No ☐

7. Are there known natural water sources or sensitive areas on the site or that this site may drain towards? Yes ☐ No ☐

If yes, please describe.

8. Are there any known local ordinances in place that may prohibit agricultural use? Yes ☐ No ☐

9. Has the site ever been used for industrial purposes? Yes ☐ No ☐

If yes, please describe.

10. Are there any known soil, surface water or groundwater contamination issues currently on the site or previously on the site? Yes ☐ No ☐

If yes, please describe.