



Agenda Item Summary

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Agenda Item Name:

Alachua County Forever Agricultural Land Protection Strategy Funding Partnerships

Presenter:

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Description:

Update on funding partnerships for acquisition of agricultural easements under ACF Agricultural Land Protection Strategy, and Board policy discussion regarding partnership terms and property interests.

Recommended Action:

1. Receive updates on strategy implementation and funding partnerships.
2. Provide Board policy direction with regards to FDACS – Rural and Family Lands Protection Program Partnerships.

Prior Board Motions:

On September 10, 2024, the Board established the agricultural land protection strategy with the following motions:

1. Adopt BOCC Resolution 24-081 codifying mission & ranking matrix & citizen board structure and operational process.
2. Allocate \$10M of Wild Spaces and Public Places funding to acquisition of agricultural land conservation easements through the Agricultural Land Protection Strategy (and authorize staff to fund three existing projects with this funding).
3. For Partner-Funded Easements, establish and require Minimum Easement Deed Requirements that retain county rights (enforcement, inspection, etc.).
4. Direct staff to prioritize projects with cost-sharing from partners or landowner donation.
5. Consider identified Staffing/Operational needs in upcoming budget cycles.
6. Direct staff to return in FY26 with recommendations for amendment after initial implementation, including re-evaluation of small farm (40 acre or less) inclusion and climate action plan concurrency.
7. Add sink holes and karst features to the ranking criteria.

On December 9, 2025, the Board adopted Resolution 25-099, repealing and replacing Resolution 24-081, and providing the process for selecting and acquiring agriculturally significant lands. And approving and authorizing addition of six properties to the agricultural easement category of the Active Acquisition List.

On April 14, 2026, the Board moved staff to provide an update about the County Agricultural Land Protection Strategy and partnership with FDACS Rural and Family Lands Protection Program at the first regular BOCC meeting in May.

Fiscal Note:

Board direction will determine funding partnership strategies on agricultural land easements. Individual easements will return to the Board for approval of expenditures from the Infrastructure Surtax Fund.

Strategic Guide:

Environment and Conservation

Background:

At adoption of the Alachua County Forever agricultural land protection strategy in September 2024, the BOCC directed staff to prioritize agricultural easement projects with cost-sharing (from partners or landowner donation). The primary expected potential partners were the federal government through the United States Department of Agriculture (USDA)- Natural Resources Conservation Service Agricultural Lands Easement Program (NRCS-ALE) and the state government through the Florida Department of Agriculture and Consumer Service (FDACS) – Rural and Family Lands Protection Program (RFLPP). Other partnerships including landowner donation and other local state or federal grants may also be obtained.

In accordance with Section 704.06(2), Florida Statutes, Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by other exercise of the power of eminent domain, and shall not be unassignable to other governmental bodies or agencies, charitable organizations, or trusts authorized to acquire such easements, for lack of benefit to a dominant estate. Landowners retain many of their rights, including the right to own and use the land, sell it and pass it on to their heirs.

Easement deeds are the documents which explicitly define the terms (property protections, rights, and authority) of the easement, and name the easement holder (grantee/s), and the landowner/s who retains the underlying fee ownership interest in the easement property. Easement deeds are recorded in the official record on easement properties and generally protect land through acquisition of development rights, and other negotiated land interests. These easements can protect environmental values, agricultural values, open space values, and others, depending on the structure of the easement deed. Easements are monitored through site visits and inspection to ensure compliance with the deed terms. If easement deed terms are violated, the right of enforcement in the easement deed allows the easement holder to require a return to compliance with the deed terms. Rights of entry, monitoring, and enforcement of easement deed terms are key easement requirements to ensure the protection of the easement values in perpetuity, including the value of the any public dollars used to fund the easement. As easements are also contracts, they are subject to statute of limitations, and may be weakened or invalidated through a lack of monitoring and enforcement.

Partnership with USDA-NRCS: Alachua County has previously partnered with NRCS on five conservation easements. In this partnership, the county was/is responsible for all due diligence and negotiations, and holds title using a county-drafted conservation easement deed. NRCS-ALE provides 50% of the funding for easement acquisition, and attaches the required federal Minimum Easement

Deed terms to the county easement deed as an exhibit. In these five easements, the county provided 25% of the funding, and the landowners provided a 25% donation of the easement value at closing.

Partnership with state entities: Alachua County has previously partnered with state entities on fee - simple county land acquisitions where the state has provided grant funding to the County for reimbursement of acquisition costs post-closing. Alachua County has also partnered with the Water Management Districts through joint contracts and closing in which each entity holds a percentage of undivided interest in the property acquisition based on the amount of funding contributed to the purchase.

Alachua County has not previously partnered on acquisitions with the State Board of Trustees of the Internal Improvement Trust Fund (BOTIITF), which holds title to state-owned lands and conservation easements. Florida Administrative Code 5I-7.013 Multi-Party Acquisitions provides that The State may enter into an acquisition agreement with a cooperating entity, which may consist of another local government for any property that has been authorized for acquisition. The State and the local government must execute an acquisition agreement prior to the cooperating entity obtaining title to, or any other legal interest in, the property to be acquired. Additionally, Florida Administrative 5I-7.014 - Compliance, Monitoring and Enforcement states that the State will determine whether it will conduct the monitoring or another public entity or an independent contractor hired by the State.

Since establishment of the county Agricultural Land Protection Strategy, staff have pursued potential partnership with the State via the RFLPP, but have not yet finalized the structure of a partnership due to policy issues and legal constraints for both the County and the State.

Partnership with RFLPP would involve the following easement structure – The County would be a funding partner but the state would be the lead agency. The base easement deed template is the state RFLPP template. This template is highly flexible for landowner agricultural uses, and emphasizes those values as a priority. The State has presented two options of terms for partnership.

OPTION 1 - The Standard RFLPP Easement Deed – The first option is for the State to solely hold title but to provide third party right of enforcement rights to the County. This is authorized under Section 704.06(8), Florida Statutes. In this easement deed, Alachua County is not named as a co-grantee in the easement deed. The deed states that the State is named as sole grantee and the County is allowed third party right of enforcement established through a Memorandum of Agreement between the state and County. The third-party rights of enforcement would also be stated in the deed. The County Attorney's Office and *outside counsel to the Infrastructure Surtax Oversight Board* have opined that third party enforcement rights are not "acquiring any interest in land" for purposes of utilizing surtax funds in accordance with the ordinance and statute. The *Infrastructure Surtax Oversight Board* determined in January 2026 that Option 1 was not eligible for the use of surtax funds.

OPTION 2 - An Alternate RFLPP Easement Deed – In response to the County surtax-funding necessitating the acquisition of a property interest, alternate deed language was offered by the RFLPP. In this, the State allows the County to share title (be named as co-grantee) in the easement deed. However, the Deed language specifically removes County rights of entry & monitoring and all rights of enforcement. The deed does provide a 7-day notice for County staff to accompany FDACS on monitoring events. *NOTE: County staff proposed deed language which would allow the County to retain rights of entry, inspection, and enforcement which would be secondary to state rights and protect county's ability to enforce easement should state be unable to fulfill its responsibility in this regard. This language was not accepted by the RFLPP.*

Comp Plan Reference:

Policy 6.0 Land Conservation Program within the Conservation and Open Space Element, states “Establish and maintain a land conservation program for the purchase, preservation, and management of natural areas and open space to complement the regulatory approaches identified in other section of this element.”