AMENDING FLORIDA'S GREENBELT LAW THROUGH A SUSTAINABLE APPROACH OF HARVESTING THE SUN*

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I. INTRODUCTION

In 2022, Florida dropped to twenty-third place for gross receipts of farms, its lowest rank since 1953.[1] The Sunshine State boasts a long history of supporting its farmers with legislation to slash costs and promote incentives. Included in this legislation is Florida's Greenbelt Law, codified in section 193.461, Florida Statutes, which helps farmers by lowering the tax burden on their land.

Farmers are turning apprehensively towards their John Deere 9RX 640's after the price of diesel spiked to $4.214 per gallon in 2023—up

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1. *Farm Income and Wealth Statistics–Farm Sector Financial Indicators, State Rankings,* ECON. RSCH. SERV., U.S. DEP'T OF AGRIC. (Sept. 3, 2025), https://data.ers.usda.gov/reports.aspx?ID=4048 [https://perma.cc/KAT3-7USZ] (when research for this paper started in 2021, Florida was ranked 21st).

from $3.178 just five years before.[2] In November 2023, the Florida Electric Utility Retail Price sat at 0.1347 USD/kWh, an increase of approximately 7% from November 2022.[3] As the agricultural industry is caught in the throes of these price hikes, its essential lifelines are limited in effect and availability. This article examines whether housing solar facilities on marginal crop production lands comports with the requirements of agricultural classification under Greenbelt. When carefully regulated, property used to generate solar electricity can align with Greenbelt's legislative purpose. Solar installations are consistent with this purpose where they are housed on the less productive lands of an agricultural operation, when possible, scaled to that operation's needs, provide power exclusively for that operation, and kept entirely separate from any outside electrical grid. Less productive lands are ideal for solar siting as they will minimally disrupt productive agricultural activities. However, co-location of agricultural and solar production can serve as an alternative where all land on the property is sufficiently productive, or where siting on less productive land is not feasible. Restricting the size of solar facilities to match the demonstrated energy needs of the farm would ensure that agriculture remains the primary focus of the property. Preventing landowners from selling or otherwise distributing any electricity generated by these facilities would have the same effect. Ultimately, any electricity generated by solar facilities sited on agricultural land must be used exclusively for the farming operations conducted on that land. Empowering farmers to harvest the sun will give Florida's agricultural industry the edge it needs to survive and ultimately prosper well into the future.

A. Background

In 1959, the Florida Legislature passed House Bill No. 831, an act that would later become known as Florida's Greenbelt Law.[4] Drafters prefaced the bill's substantive text with context for the legislation, highlighting especially that increased tax assessments on agricultural lands had forced "many persons to give up their livelihood" as farmers.[5] In response, legislators crafted a law that enabled farmers to lower the taxable value of their land. The original purpose of this law was to protect Florida's citizens and economy by serving "to perpetuate, and

2. *9RX 640 Tractor*, JOHN DEERE, https://www.deere.com/en/tractors/4wd-track-tractors/9rx-640/ [https://perma.cc/6QC2-S5XR] (last visited Jan. 24, 2024). *Petroleum & Other Liquids, Weekly Retail Gasoline and Diesel Prices*, U.S. ENERGY INFO. ADMIN., https://www.eia.gov/dnav/pet/pet_pri_gnd_dcus_nus_a.htm [https://perma.cc/CY8R-PZ26] (last visited Jan. 24, 2024).

3. *Florida Electric Utility Retail Price*, YCHARTS, https://ycharts.com/indicators/florida_electric_utility_retail_price [https://perma.cc/VN2T-LMXJ] (last visited Jan. 24, 2024).

4. Fla. HB 831 (1959).

5. *Id.*

continue, and encourage agricultural pursuits."[6] Over sixty years later, Greenbelt is doing just that.

Greenbelt's tax benefit is only awarded to lands that are classified by a county property appraiser as "agricultural."[7] To receive this classification, the land must be used primarily for a bona fide agricultural purpose—meaning a "good faith commercial agricultural use of the land."[8] Property appraisers may use various criteria in evaluating the use of land, including "[t]he length of time the land has been so used," "[w]hether the use has been continuous," and "[t]he income produced by the property."[9] The latter is known as the "income methodology approach."[10] Additionally, appraisers may also look to "other factors as may become applicable."[11] These factors are available for appraisers to turn to in their evaluation, but they are not requisite. The Florida Supreme Court has maintained that *actual* agricultural use is "the guidepost in classifying land."[12] As Florida's Fourth District Court of Appeal summarized in *Gianolio v. Markham*, agricultural classification requires "that the actual physical use of the land is agricultural . . . [and] that such use is both 'primary' and 'bona fide.'"[13]

B. The Proposed Amendment

Section 193.461, Florida Statutes, should be amended to provide that the placement of solar facilities on property used for agricultural purposes will not, in itself, preclude an agricultural classification.

The initial reaction to this proposal will likely beg the question, "where's the limit?" After all, stamping solar panels with the same seal of approval awarded to traditional farming applications seems facially incongruous with the purpose of the law. Moreover, the perceived economic policy implications of this modification may stoke greater skepticism. Landowners are incentivized to pursue agricultural classification by the promise of a lower tax burden. At the same time, government reliance on tax revenue encourages legislators to scrutinize proposals to broaden the statute. Exploring the text of statutes, federal administrative terminology, and related judicial opinions highlights realities that justify amending Greenbelt with solar-inclusive language, and provides guidance for developing the limitations that would govern this modification.

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6. *Id.*
7. FLA. STAT. § 193.461(1) (2025).
8. § 193.461(3)(b) (2025).
9. FLA. STAT. § 193.461(3)(b)(1), (6)(a)(4) (2025).
10. FLA. STAT. § 193.461(6)(b) (2025).
11. FLA. STAT. § 193.461(3)(b)(1)(g) (2025).
12. Straughn v. Tuck, 354 So. 2d 368, 370 (Fla. 1977).
13. Gianolio v. Markham, 564 So. 2d 1131, 1133 (Fla. 4th DCA 1990).

II. GUIDING THE AMENDMENT

A. Legislative Guidance

While Greenbelt was created to foster agricultural ventures such as cattle farms and citrus groves, the statute recognizes that every inch of land cannot feasibly be covered with cows or crops. From barns and greenhouses to sprinklers and livestock fans, nearly all farms rely on man-made structures for their operation.

Subsection (6)(c)(1) provides that "irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value,", under the income methodology approach.[14] The codification of subparagraph (1) in 1999 by House Bill No. 1639 was the first instance of this distinction in the statute.[15] Other structures—specifically those used for litter containment, frost protection, and pest control—have since received the same protection through the addition of subparagraphs (2)-(4).[16] The use of "shall" in these subparagraphs delineates that appraisers cannot attribute a separate contributory value to these structures when assessing a property under the income methodology approach.[17]

In contrast, residences sited on agricultural land do not fall under Greenbelt, and are instead assessed separately under subsection (3)(d).[18] This exclusion applies only to "the portion of the property consisting of the residence and curtilage."[19] While residences are precluded from agricultural classification, this has no effect on classification of the property's remainder.[20] In the alternative, permanent residences assessed as homesteads can qualify for an exemption of up to $25,000, which can increase to a total of $50,000 if the assessed valuation is over $50,000.[21]

Unlike residences, solar facilities used to power agricultural operations are deeply similar to the structures listed in (6)(c)(1)-(4), in that they provide a strictly utility-based benefit. Solar power and diesel motors alike can power irrigation systems, for example, yet solar facilities are oddly considered tangible personal property beyond the scope of Greenbelt's protection. Instead, section 196.182(1) offers an 80% exemption from ad valorem taxation for solar devices "installed

14. FLA. STAT. § 193.461(6)(c)(1) (2025).
15. Fla. H.B. 1639 (1999).
16. FLA. STAT. § 193.461(6)(c)(2)-(4) (2025).
17. FLA. STAT. § 193.461(6)(c)(1) (2025).
18. FLA. STAT. § 193.461(3)(d) (2025).
19. *Id.*
20. FLA. STAT. § 193.461(3)(c) (2025).
21. FLA. STAT. §§ 196.031, 193.155 (2025).

on real property on or after January 1, 2018,"[22] while section 193.624(2)(b) provides the same exemption when "determining the assessed value of real property used . . . [f]or nonresidential purposes."[23]

The inconsistency in valuation is only part of the problem—the greater issue is the lack of explicit support in Greenbelt for solar facilities. In fact, section 193.461 supports an inference *against* the use of solar facilities on farms. Unlike subsection (3)(b)(1), which grants property appraisers the discretion to determine whether the land in question is being used for bona fide agricultural purposes based on apparent factors, subsection (4) *requires* appraisers to reclassify lands as nonagricultural where the land has been "diverted from an agricultural to a nonagricultural use," or where the land is "no longer being utilized for agricultural purposes."[24] Without the specific, inclusive language enjoyed by irrigation systems and litter containment structures, appraisers are likely to view solar facilities as an abandonment of a property's agricultural use.

This interpretation, under the right circumstances, would present a striking contradiction. A solar facility scaled to accommodate the energy needs of an agricultural operation would be no more disruptive to the land's use than would the "pumps and motors" powering the irrigation systems accepted under (6)(c)(1).[25] In fact, some companies sell solar-powered pump irrigation systems, which could be used to help farmers break away from the expensive, inefficient diesel engines many Florida farms use to power their irrigation systems.[26] If appraisers find that these systems preclude the accommodating land from agricultural use, that finding would clearly contradict with the provisions of subsection (6)(c)(1), which implicitly accepts the utilization of these systems without contemplating any disruption of the land's agricultural use. On the other hand, if appraisers accept the use of solar-powered pumps, there is little argument against extending this permissibility to other agricultural applications.

Arguing that energy generation is not as essential to farming as irrigation systems would overlook how the latter is only necessary to the extent that it enables agricultural operations to overcome the limitations of human labor. The same goes for the other structures

22. FLA. STAT. § 196.182(1) (2025).

23. FLA. STAT. § 193.624(2)(b) (2025).

24. FLA. STAT. § 193.461(4) (2025).

25. FLA. STAT. § 193.461(6)(c)(1) (2025).

26. *Solar Irrigation for Your Farm* ADVANCED POWER INC., https://solarpumps.com/articles/2017/solar-irrigation-for-your-farm (last visited Jan 24, 2024); *Solar Power Water Pumping Off-Grid Systems*, AMERESCO SOLAR, https://www.amerescosolar.com/solar-power-water-pumping [https://perma.cc/Q82A-ANW5] (last visited Jan. 24, 2024); Adam H. Putnam, WATER QUALITY/QUANTITY BEST MANAGEMENT PRACTICES FOR FLORIDA VEGETABLE AND AGRONOMIC CROPS 41 (2015 ed. 2015).

listed under subsection (6)(c). The Florida Legislature recognizes that these structures allow the agricultural industry to remain prosperous. Solar energy systems function in kind by reducing expenses and directly supporting agricultural operations, and should therefore be accepted within this class of structures.

However, limitations on these facilities will be necessary to prevent resourceful parties from passing off a commercial solar farm as a bona fide agricultural use. The Greenbelt statute provides guidance as to what restrictions could be used in the amendment. Turning firstly to section 193.461(6)(c)(3), frost and freeze protection structures are required to be "consistent with the interim measures or best management practices adopted by the [Florida] Department of Agriculture and Consumer Services" (FDACS).[27] This qualifier is unique to subparagraph (3), and could be used to ensure that solar facilities powering farm operations comport with Greenbelt. The Legislature could turn to the Solar Farm BMP Manual for Wildlife, published by the Florida Fish and Wildlife Conservation Commission (FWCC) in 2022. While directed towards solar farm developers, many of the manual's advocated practices could be used to guide the placement of solar facilities on agricultural land to exclusively power agricultural operations on that land. Oddly, the FWCC has removed the manual from their webpage as of 2024. The Solar Farm BMP has not been re-published or updated since 2022. Thankfully, the manual is still accessible through the Internet Archive's Wayback Machine.[28]

For example, the BMP notes that solar arrays "can be designed to increase pollinators and other beneficial insects," and when sited near crop fields, can actually "increase the productivity of . . . [those] fields by increasing pollination and producing more predatory insects that prey on crop pests."[29] Farmers could either raise the panels "high enough to allow tractors beneath them" or "plant specialty crops between the panels that can handle periods of shading" to maximize land use.[30] Co-location can also help "create a microclimate for the crops grown below them," by retaining moisture and blocking excess sunlight through shading.[31] Florida cannot afford to overlook this

27. FLA. STAT. § 193.461(6)(c)(3) (2025).

28. *Solar Farm Best Management Practices for Wildlife*, OFF. OF CONSERVATION PLAN. SERVS., FLA. FISH AND WILDLIFE COMM'N (Nov. 21, 2022), WAYBACK MACHINE, INTERNET ARCHIVE, https://web.archive.org/web/20221101000000*/https://www.fishwildlife.org/download_file/view/3391/3094 [https://perma.cc/Q2CN-286F] (last visited Jan. 24, 2024) (hover over the green circle on November 21, 2022, and left click either of the two captures 17:31:10 or 17:31:39–both are identical).

29. *Id.* at 4.

30. *Id.* at 6.

31. Kirk Maltais, *New Technology Lets Farmers Use Land for Both Solar Panels and Crops*, THE WALL STREET J. (Nov. 10, 2022, 11:00 AM), https://www.wsj.com/articles/solar-panels-farmers-crops-11668018216 [https://perma.cc/MGV3-QAVM].

benefit, especially with frequently-broken summer heat records[32] and rising global temperatures.[33]

It is problematic that FWCC no longer sponsors best management practices for solar farms, as agency guidelines provide meaningful insight for the Legislature, which could have referred to the BMPs while crafting the structure of the proposed Greenbelt amendment. Before the Legislature moves forward with an amendment, a Florida agency should be tasked to research, create, and publish updated best management practices for solar farms on agricultural land. While the 2022 manual was published by FWCC, it would be more appropriate to task FDACS with this project as the amendment is directed towards agricultural interests. Once the new manual is published, the Greenbelt amendment could mimic subparagraph (6)(c)(3) by requiring compliance "consistent with the interim measures or best management practices adopted by" FDACS.[34]

Solar facilities can agree with the restrictions and intent of Greenbelt when co-located with agricultural land without disrupting the operations on that land. The two-fold effect of minimizing any detriment to productive land, while maximizing financial assistance to farmers in the form of renewable energy, advances the legislative goals of the statute. Requiring facilities to remain separate from the electrical grid, while ensuring the generated power is only used for bona fide agricultural operations on the property, would safeguard this amendment from violating Greenbelt in practice.

B. Federal Guidance

Co-location is not always feasible, so landowners must have an alternative option available under the Greenbelt amendment. The amendment should allow solar facilities on lands which are part of the operation, but minimally productive for its needs. While these lands may be thought of as "marginal," the use of this term in the amendment invites challenge. Defining what constitutes "marginal" land is difficult, as definitions "differ across regions, countries, and organizations."[35] In past applications, assertions "that marginal areas

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32. Michaela Mulligan, *July Was the Hottest Month in Tampa's History. Again.*, TAMPA BAY TIMES (Aug. 1, 2023), https://www.tampabay.com/weather/2023/08/01/july-was-hottest-month-tampas-history-again/ [https://perma.cc/CLF6-QN93]; *See also* Cathy Carter, *July 2022 Was the Hottest Month Ever Recorded in Tampa*, WUSF PUB. MEDIA (Aug. 1, 2022, 12:48 PM), https://wusfnews.wusf.usf.edu/weather/2022-08-01/july-2022-hottest-month-tampa [https://perma.cc/86KA-NDG8].

33. Rebecca Lindsey & Luann Dahlman, *Climate Change: Global Temperature*, WWW.CLIMATE.GOV (Jan. 18, 2024), https://www.climate.gov/news-features/understanding-climate/climate-change-global-temperature [https://perma.cc/A2P5-A63V].

34. FLA. STAT. § 193.461(6)(c)(3) (2025).

35. Nándor Csikós & Gergely Tóth, *Concepts of Agricultural Marginal Lands and Their Utilization: A Review*, 204 AGRIC. SYS. at 2 (Jan. 2023),

are characterized by limited agricultural potential" were accepted, however others have countered "that marginality is not a static and permanent condition," and is instead "subject to change[s] in land use, agricultural technologies, and the socio-economic environment.[36] While Florida's administrative agencies have used the term "marginal" in some applications relating to agriculture,[37] Florida's statutes lack a clear reference to marginal lands or any definition of the term.

Still, the amendment needs a line of demarcation to allow solar facilities while preserving the state's best agricultural lands for future use. The boundary could be drawn by using terminology established by the federal government. The Farmland Protection Policy Act (FPPA) was passed by Congress "to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses."[38] The FPPA aims to protect "prime farmland, unique farmland, and land of statewide or local importance."[39] 7 C.F.R. § 657.5(a)(1) defines prime farmlands, in part, as "land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses."[40] Further definition and criteria specification is provided by the statute. Section 657.5(b)(1) provides that "[u]nique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops," with further definition and examples following thereafter.[41] Subsection (c) defines "farmland of statewide importance" as land that is important to a state "for the production of food, feed, fiber, forage, and oil seed crops," with the determination of evaluating criteria delegated to the states.[42] "Farmland of local importance" is defined under subsection (d) as lands identified by local agencies as areas of concern for the same production protected under subsection (c).[43]

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https://www.sciencedirect.com/science/article/pii/S0308521X22001962/pdfft?md5=596c64959cbc356aa3abf720b2333bc9&pid=1-s2.0-S0308521X22001962-main.pdf [https://doi.org/10.1016/j.agsy.2022.103560].

36. Hayatullah Ahmadzai, Seta Tutundijan, & Ismahane Elouafi, *Policies for Sustainable Agriculture and Livelihood in Marginal Lands: A Review*, 13 SUSTAINABILITY, no. 16 at 2 (Aug. 4, 2021).su13168692.

37. FLA. DEP'T. OF AGRIC. AND CONSUMER SERVS., FLORIDA STATEWIDE AGRICULTURAL IRRIGATION DEMAND (2015-2035).

38. U.S. DEP'T OF AGRIC., *Prime and Unique Farmlands* (2012), https://efotg.sc.egov.usda.gov/references/public/va/PrimeandUniqueFarmlands.pdf [https://perma.cc/E33Q-E3FH].

39. *Id.*

40. 7 C.F.R. § 657.5(a)(1) (2025).

41. 7 C.F.R. § 657.5(b)(1) (2025).

42. 7 C.F.R. § 657.5(c) (2025).

43. 7 C.F.R. § 657.5(d) (2025).

The Greenbelt amendment should limit the placement of solar facilities from overtaking prime and unique farmlands, as well as farmlands of statewide or local importance. Florida could follow examples set by other states in drawing the boundary. In Connecticut, for solar facilities with a capacity of two megawatts or greater that are "located on prime farmland," the Department of Agriculture must represent that the facility "will not materially affect the status of such land as prime farmland."[44] In Vermont, "[m]unicipal and regional entities provide input on preferred siting locations" for solar facilities.[45] The Florida Legislature could restrict facilities above a generating capacity or area threshold from being placed on prime farmlands entirely, or facilities could be placed with conditions enforced by FDACS. Florida should limit solar facility siting in some way to protect prime farmlands from being used, a compromise that will allow farmers to take advantage of renewable energy while balancing agricultural interests.

C. Judicial Guidance

Though Florida's courts have yet to weigh in on whether agricultural solar facilities would disrupt a property's classification, litigation related to Greenbelt has developed our modern interpretation of the statute's requirements and restrictions. Greenbelt comes equipped with safeguards to prevent the abuse of its benefits, namely the factors listed under subsection (3)(b). The assessors who determine a property's classification are constitutional officers, and their evaluations are "clothed with the presumption of correctness."[46] These assessors serve as the gatekeepers for classification, but when an evaluation is disputed by the property owner, the courts step in to resolve the issue.

In the past, landowners have placed a few cows on their land and claimed that these animals qualify their property as an agricultural operation.[47] Florida's courts have pointed to this as an example of a non-bona fide use.[48] In another instance, a landowner tried to receive classification for a property that kept about fifty chickens—some of which roamed loosely around the land—and presented no evidence of

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44. CONN. GEN. STAT. § 16-50k(a) (2024).

45. *Farmland Solar Policy Design Toolkit*, FARM AND ENERGY INITIATIVE (May 2020), https://farmandenergyinitiative.org/wp-content/uploads/2020/08/Final-FSPP-Toolkit-Report.pdf [https://perma.cc/3765-FJFF]; *See* 30 V.S.A. § 248 (2024).

46. Straughn v. Tuck, 354 So. 2d 368, 371 (Fla. 1977).

47. Kim Gilmore, *Greenbelt Revisions Target Tax Evaders*, TAMPA BAY TIMES (Dec. 15, 1997), https://www.tampabay.com/archive/1997/12/15/greenbelt-revisions-target-tax-evaders/ [https://perma.cc/KYX6-YX97].

48. Stiles v. Brown, 177 So. 2d 672, 676 (Fla. 1st DCA 1965); Walden v. Fletcher Ave. Dev. Corp., 313 So. 2d 65, 67 n.1 (Fla. 2d DCA 1975).

any commercial sales.[49] The assessor denied classification because the landowner's alleged agricultural endeavors appeared facially illegitimate.[50] Although the landowner won at the trial level, the appellate court reversed, finding there was "ample evidence" the assessor could have relied on to deny agricultural classification.[51]

In another case, the First District Court of Appeal reviewed a property assessment challenge where the owner failed to disclose the property's use and was subsequently denied agricultural classification.[52] The court pointed to the necessity of ascertaining "the intent of the property owner . . . as to the utilization of his land," but acknowledged that the burden of this obligation would be too impractical to place on assessors.[53] The court provided an example:

For instance, one of two abutting property owners, each having three thousand acres of timberland, may conduct a bona fide timber program while the other primarily utilizes his land as a game preserve with timber producing being incidental. A visual examination of the property by the tax assessor would disclose a similar utilization of the lands, but the bona fides of the utilization of each tract for agricultural purposes would depend to some extent upon the subjective thinking of the landowner.[54]

Rather than relying on a property's appearance, the court concluded, "it is the bona fides of the utilization by the landowner that makes the land eligible for the benefits of the statute.[55]

Lastly, section 193.461(3)(e) provides "land that has received an agricultural classification . . . is entitled to receive such classification . . . until such agricultural use of the land" is discontinued.[56] The Fifth District Court of Appeal has construed this section to "limit the inquiry" of appraisers "to what may have . . . . materially changed" when determining a property's classification.[57] In *Tilton v. Gardner*, the court found a material change where a property owner "had done nothing but harvest timber" for two years, while allowing the "conditions on the property relating to natural regeneration" of the timber to fall apart.[58]

These examples provide a framework for the proposed amendment. Each case illustrates how the bona fide requirement protects against

49. Daniel v. Stone, 481 So. 2d 1251, 1252 (Fla. 2d DCA 1986).

50. *Id.*

51. *Id.* (quoting *Straughn*, 354 So. 2d at 371).

52. *Stiles*, 177 So. 2d at 673.

53. *Id.* at 676.

54. *Id.*

55. *Id.* Note: These cases reference section 193.11, *Florida Statutes*, which was the Greenbelt statute at the time.

56. FLA. STAT. § 193.461(3)(e) (2025).

57. Tilton v. Gardner, 52 So. 3d 771, 778 (Fla. 5th DCA 2010).

58. *Id.*

clear abuse. It is the responsibility of the land owner to "demonstrate to the taxing authorities that his agricultural operation is bona fide, in good faith."[59] Property owners running legitimate agricultural operations that utilize solar facilities could easily make a showing of the necessary bona fides.

For example, owners could be required to demonstrate that the solar facility is built to scale with the needs of their operation. On average, grain elevators use four kWh per 1000 bushels of grain, while an incubator uses one kWh per twenty-five eggs.[60] In Florida, "the average 400W solar panel can produce more than sixty-one kWh" per month.[61] Of course, these figures are just estimates; actual energy generation and use vary based on the energy demands, available sunlight, and other factors. Still, farmers are capable of calculating the energy needs of their operation and approximating what size solar facility the property would need. These figures would be demonstrated to the appraiser during assessment. Therefore, the proposed amendment should require property owners to demonstrate that the energy output of the solar facility does not significantly exceed the needs of their operation. This would prevent solar facilities from superseding the actual agricultural use of the property by limiting their size in proportion to the operation's needs. Checking compliance with this requirement would be relatively simple, as appraisers would need only to compare a property's energy use to its energy production. In this scenario, property owners who fail this showing could be found in violation of the bona fide requirement and denied classification for the portion of land that houses the solar facility.

The amendment should also limit solar facilities by requiring that the electricity be used exclusively for agricultural operations. The purpose for this limitation echoes the reason for restricting the size of facilities: to prevent electricity generation from overtaking the bona fides of an agricultural property. While solar energy can be a bona fide use where it directly powers farming operations, selling electricity is a markedly commercial-industrial use, and would certainly run afoul of the intent of Greenbelt. Should any property owner attempt to sell excess electricity back to the grid, they would likely be found in violation of section 193.461(4)(a). Subsection (4)(a) provides that "property appraiser[s] shall reclassify . . . [l]and diverted from an agricultural to a nonagricultural use."[62] For existing farms, new profit

59. *Stiles*, 177 So. 2d at 677 (citing Matheson v. Elcook, 173 So. 2d 164, 166 (Fla. 3d DCA 1965).

60. *Farm Energy Estimator*, FREEBORN MOWER ELECTRIC COOPERATIVE, https://fmec.coop/farm-energy-estimator [https://perma.cc/Y3WH-GJMV] (last visited Jan. 24, 2024).

61. Isaac Ost, *How Much Energy Does a Solar Panel Produce?*, SOLAR.COM (Aug. 17, 2023), https://www.solar.com/learn/how-much-energy-does-a-solar-panel-produce/ [https://perma.cc/49GV-VSDG].

62. FLA. STAT. § 193.461(4)(a) (2025).

from energy sales would certainly be found to constitute a "[material] change," which appraisers could then use as justification to deny agricultural classification for that portion of land.[63] The same goes for providing power to dwellings on the land. Residences are assessed separately under Greenbelt, so facilities should not be permitted to provide any power to dwellings of any kind.

In the event of a Greenbelt violation, whether by selling electricity or powering dwellings, only the portion of land housing the solar facility should be denied classification. Just as "[t]he maintenance of a dwelling on part of the lands used for agricultural purposes does not in itself preclude an agricultural classification," neither should a solar facility that violates Greenbelt preclude non-violating agricultural land from retaining its classification.[64] Appraisers should only deny classification to the portion of land that loses its bona fides as this is consistent with the statute.

Keeping solar energy on the farm is imperative to remaining within the guidelines of Greenbelt. The Legislature must clarify that solar facilities cannot be connected to the electrical grid, nor their generated power sold in any way. To maintain the targeted focus of the amendment, solar power must be used exclusively for the agricultural operations on that land.

III. JUSTIFYING THE AMENDMENT

A. Consistency with Legislative Tradition

The Florida State Legislature has a long and reliable tradition of protecting its farmers. A recent example of this protection is seen in the Legislature's efforts to save the agricultural industry from the devastating effects of citrus greening.[65] House Bill 749 was passed in 2016, amending section 193.461(7)(a). The amendment adds that land taken out of production by the "Citrus Health Response Program" qualifies for continued agricultural classification to the same extent as land retracted for other "state or federal eradication or quarantine program[s]."[66] Included within this program is the Abandoned Grove Initiative, which provides "an incentive to owners who remove their abandoned groves by offering a reduced assessment on cleared property and allow[s] owners to maintain their agricultural

63. *Tilton*, 52 So. 3d at 778.

64. FLA. STAT. § 193.461(3)(C) (2025).

65. *Citrus Greening and Asian Citrus Psyllid,* ANIMAL AND PLANT HEALTH INSPECTION SERV., U.S. DEP'T OF AGRIC. (Sept. 15, 2025), https://www.aphis.usda.gov/plant-pests-diseases/citrus-diseases/citrus-greening-and-asian-citrus-psyllid [https://perma.cc/T85A-D7PX]; T.M. Spann et al,. *Dooryard Citrus Production: Greening Disease*, UNIV. OF FLA. INST. OF FOOD & AGRIC. SCI., EDIS HS1131 (rev. Mar. 2010), https://swfrec.ifas.ufl.edu/hlb/database/pdf/00002447.pdf [https://perma.cc/K7CE-BHJX].

66. Fla. H.B. 749 (2016).

classification on the cleared property for up to 10 years."[67] This incentive is reflected in section 193.461(7)(a), which sets the assessment value of these fallow lands at a maximum of "$50 per acre on a single-year assessment methodology."[68] Lands laid fallow due to citrus greening do not need to remain useless. Instead, they could serve as sites for solar facilities, allowing farmers to derive meaningful use from the land while they combat greening disease. The proposed Greenbelt amendment would continue Florida's tradition of helping farmers by enabling them to save on energy costs and by promoting self-sufficiency.

Amending Greenbelt would be consistent with the statute's legislative tradition, too, as Greenbelt has been amended several times since its inception, with the amendments generally trending towards inclusivity. For example, the statute originally restricted agricultural zoning[69] to land used "exclusively for agricultural purposes."[70] Greenbelt was amended in 1967 to only require land to be used "primarily for agricultural purposes."[71] This modification lowered the burden property owners must meet to achieve classification. An additional example is found in subparagraphs (6)(c)(1)-(4), which set aside protections for certain structures placed on agricultural land, such as litter containment and frost protection structures.[72] The litter containment provision was added in 2001,[73] while the frost provision wasn't added until 2010.[74] Amending Greenbelt to allow solar facilities would simply serve as another instance of legislative broadening meant to better accommodate the ever-changing needs of the agricultural industry.

B. Success in Other States

Other states have embraced the intersection of solar energy and agriculture with demonstrable success. Massachusetts and New Jersey have legislative provisions allowing for the use of solar facilities on agricultural land.[75] In Massachusetts, the SMART Program rewards farms for going solar by offering tariff incentives.[76] In New

67. *Abandoned Grove Initiative*, FLA. DEP'T OF AGRIC. AND CONSUMER SERVS., https://www.fdacs.gov/ Agriculture-Industry/Pests-and-Diseases/Plant-Pests-and-Diseases/Citrus-Health-Response-Program/Abandoned-Grove-Initiative [https://perma.cc/EU4V-3SHY] (last visited Jan. 25, 2024).

68. FLA. STAT. § 193.461(7)(a) (2025).

69. The condition was changed from zoning to classification in 1972.

70. FLA. STAT. § 193.201 (1959).

71. FLA. STAT. § 193.201(3) (1967).

72. FLA. STAT. § 193.461(6)(c)(1)-(4) (2025).

73. Fla. CS for SB 1922, § 4 (2001) (Second Engrossed).

74. Fla. H.B. 981, § 1 (2010).

75. *See* discussion *infra* Sections on Massachusetts and New Jersey.

76. *See* discussion *infra* Section on Massachusetts.

Jersey, the state's Right to Farm Act and administrative code empowers farmers to make use of solar facilities without allowing them to overtake the land's agricultural use, a feat managed by strict guidelines outlined in the same.[77] In Hawaii, solar facilities are a permitted agricultural use, but cannot be placed on highly productive soil.[78] The Florida Legislature can look to these states as models for guidance on expanding Greenbelt to accept solar facilities without trampling the sprawling agricultural industry for which the Sunshine State is known.

1. Massachusetts

In Massachusetts, the state's Department of Energy Resources (DOER) oversees the Solar Massachusetts Renewable Target (SMART) Program.[79] Established in 2018 and codified in section 20.00, title 225 of the Code of Massachusetts Regulations (CMR), the program's stated purpose is to "encourage the continued use and development of . . . solar photovoltaic technology . . . throughout the Commonwealth."[80] Massachusetts has effectuated this purpose by offering "incentive payments" to "Solar Tariff Generation Units" (STGUs) qualified under the program.[81] A "Generation Unit" is defined under 225 CMR 14.02 as "[a] facility that converts a fuel or an energy resource into electrical energy."[82] Significantly, the program's statutory language provides explicit support for the placement of solar facilities on agricultural land, as seen in the program's classification system for STGUs.[83] 225 CMR 20.05(5)(e) provides that STGUs "will be placed into one of three categories with respect to the land or property on which it is sited."[84] Land that is in agricultural or horticultural use under chapter 61A of the Massachusetts General Laws is recognized as agricultural land under the SMART program.[85] The chapter sets special tax rates and valuation for land "deemed to be in agricultural use," and is Massachusetts' equivalent of Florida's

77. *See* discussion *infra* Section on New Jersey.

78. *See* discussion *infra* Section on Hawaii.

79. MASS. DEP'T. OF ENERGY RES., *SMART 1.0 & 2.0 Program Details*, MASS.GOV, https://www.mass.gov/info-details/smart-10-20-program-details [https://perma.cc/8ZE3-UH8B] (last visited Sept. 23, 2025).

80. *Introduction to Solar PV on Farms under the SMART Program*, UNIV. OF MASS. AMHERST, https://www.umass.edu/agriculture-food-environment/clean-energy/research-initiatives/solar-agriculture/introduction-to-solar-pv-on-farms-under-smart-program [https://perma.cc/25PV-833D] (last visited Sept. 23, 2025); 225 MASS. CODE REGS. 20.01 (2020).

81. 225 MASS. CODE REGS. 20.05(2) (2025).

82. 225 MASS. CODE REGS. 14.02 (2025).

83. 225 MASS. CODE REGS. 20.05(5)(e) (2025).

84. *Id.*

85. 225 MASS. CODE REGS. 20.02 (2025); *Solar PV Options for Your Farm: An Overview*, UNIV. OF MASS. AMHERST (Jan. 2024), https://ag.umass.edu/clean-energy/fact-sheets/solar-pv-options-for-your-farm-overview [https://perma.cc/UB3A-YHJA].

Greenbelt statute.[86] Units placed on agricultural land are designated as Category 1 Agricultural units if they meet at least one of five listed criteria listed under subsection 20.05(5)(e)(2)(a).[87] Category 1 Agricultural units include Agricultural Solar Tariff Generation Units (ASTGUs), in addition to STGUs that are mounted on buildings, float in water, create a canopy, or are "sized to meet no greater than 200% of annual operation load of an agricultural facility."[88]

Units placed on agricultural land are strictly regulated under the statute. Floating units can be sited on bodies of water actively used for agricultural activities, provided that the units "allow[] for the continued use of the water body for its intended purpose."[89] Likewise, canopy units must "maintain the function of the area beneath the canopy."[90] By definition, ASTGUs must "allow[] the continued use of the land for agriculture," and are subject to additional, exclusive provisions.[91] For example, subsection 20.05(5)(f)(6) presents standards for the construction of ground-mounted STGUs "when installed on Land in Agricultural Use, Important Agricultural Farmland, or other pervious open space."[92] These units require an engineer's certification that the facility has satisfied nine criteria, such as confirming there was "no removal of all field soils," and that potholes and leveling were done "with minimal overall impact" to the soil.[93] Additionally, ASTGUs must be "designed to optimize a balance between the generation of electricity and the agricultural productive capacity of the soils beneath."[94] ASTGUs must also be raised to allow "for continuous growth of crops" below the panels, as well as "labor and/or machinery as it relates to tilling, cultivating, soil amendments, harvesting, . . . and grazing animals."[95] Program participants are further obligated to provide documentation listing the "total gross acres of open farmland to be integrated with the project," specifications of the design and structure of ASTGUs, and details as to the size and nature of agricultural activities on the land, such as the types of crops and grazing animals.[96]

In a separate guideline defining ASTGUs, DOER provides further specifications. Referring back to 20.06(1)(d)(3), the guideline notes

86. MASS. GEN. LAWS ch. 61A, § 1 (2023).

87. 225 MASS. CODE REGS. 20.05(5)(e)(2)(a) (2025).

88. *Id.*

89. 225 MASS. CODE REGS. 20.02 (2025).

90. 225 MASS. CODE REGS. 20.06(1)(j)(3) (2025).

91. 225 MASS. CODE REGS. 20.02 (2025).

92. 225 MASS. CODE REGS. 20.05(5)(f)(6) (2025) (definitions of the terms "Land in Agricultural Use" and "Important Agricultural Farmland" are provided under section 20.02).

93. *Id.*

94. 225 MASS. CODE REGS. 20.06(1)(d)(2) (2020).

95. 225 MASS. CODE REGS. 20.06(1)(d)(3) (2020).

96. 225 MASS. CODE REGS. 20.06(1)(d)(1)-(6) (2020).

that the lowest point of fixed tilt units must be at least eight feet above ground, while tracking units must be at least ten.[97] ASTGUs are additionally required to evaluate the impact of shading on the land under and surrounding the panels, limit the reduction of sunlight, and adhere to AC/DC capacity restrictions.[98] The guidelines permit applicants to request exception from these additional provisions.[99] However, achieving an exception is no cakewalk for landowners. The request must include an alternative plan that details the applicant's plans to "integrate the ASTGU into their farming operation," shows that the land's agricultural production capacity will not be diminished, and "demonstrates that the *primary use of the land* is for agricultural or horticultural production, as defined under M.G.L. [c.] 61A."[100]

The SMART program does not prohibit ASTGUs from connecting to the electrical grid—rather, it requires it.[101] Interestingly, farms are allowed to sell generated electricity back to the grid through net-metering or alternative on-bill credits (AOBCs); unlike net-metering, "[t]here is no limit to the number of credits" for AOBCs.[102] 225 CMR 20.07-08 provides DOER's formulae for calculating the value of energy sold back to the grid.[103] Section 20.07(4) establishes an added value of $0.06/kWh for ASTGUs.[104] Adders are simply increases to the base compensation rate of STGUs.[105] To aid program participants in determining the value of their energy, DOER maintains a Value of Energy Workbook which features a compensation calculator.[106] For example, a single capacity block for a net-metered Group 1 program participant whose ASTGU is connected to National Grid (an electric distributor) in the Nantucket Electric service area,

97. MASS. DEP'TS. OF ENERGY RES. AND AGRIC. RES., EXEC. OFF. OF ENERGY AND ENV'T. AFFAIRS, GUIDELINE REGARDING THE DEFINITION OF AGRICULTURAL SOLAR TARIFF GENERATION UNITS (Apr. 26, 2018), https://www.mass.gov/doc/agricultural-solar-tariff-generation-units-guideline-final/download [https://perma.cc/9NDP-KDEH].

98. *Id.*

99. *Id.*

100. *Id.* (emphasis added).

101. 225 MASS. CODE REGS. 20.05(5)(a) (2020) (stating that STGUs "must . . . be interconnected with the electric grid in the Commonwealth of Massachusetts").

102. 225 MASS. CODE REGS. 20.05(8) (2020); MASS. DEP'T. OF ENERGY RES., ALTERNATIVE ON-BILL CREDIT FAQ (Apr. 2019), https://www.mass.gov/doc/alternative-on-bill-credit-faq/download [https://perma.cc/5XAT-RERE].

103. 225 MASS. CODE REGS. 20.07-08 (2020).

104. 225 MASS. CODE REGS. 20.07(4) (2020).

105. 225 MASS. CODE REGS. 20.02 (2020).

106. MASS. DEP'T. OF ENERGY RES., *2024 BTM Value of Energy Workbook*, MASS.GOV, https://www.mass.gov/doc/2024-btm-value-of-energy-workbook/download [https://perma.cc/BV9E-NNMD] (last visited Jan. 25, 2024).

and which is sized at or below twenty five kW AC, can expect a total compensation rate of approximately $0.40/kWh.[107]

The ability of farms to sell excess energy contrasts one of the primary concerns about extending Greenbelt to accept solar facilities: that farmers' profit from selling energy back to the grid might persuade them to prioritize an enterprise in solar energy over agriculture. One aspect of this concern is that large energy corporations might gobble up small-scale local or family-run operations to convert the farmland to solar fields. However, Massachusetts has seen no such problem. To the contrary, small farms dominate the state's agricultural industry. The USDA defines a small farm as an operation "with gross cash farm income of $250,000, or less."[108] In 2017, small farms accounted for 94.2% of Massachusetts farms.[109] The USDA's Farms and Land in Farms 2022 Summary reflects consistency in this statistic.[110] Totaling the number of farms in the summary's three economic sales classes under $250,000—4,500 farms in the $1,000-$9,999 class; 1,950 farms in the $10,000-$99,999 class; and 340 farms in the $100,000-$249,999 class—reveals that 6,790 of Massachusetts' 7,200 farms are small, comprising 94.3% of the state's total—0.1% higher than in 2017.[111] Using the same calculation for Florida's statistics, the summary shows that 44,200 of the Sunshine State's 47,300 farms are small, equaling 93.4% of the state's total—0.9% under present-day Massachusetts.[112] Since the SMART program's debut in 2018, the percentage of small farms in Massachusetts has increased. The stable proportion of Massachusetts' farms shows no negative change in small operations as a result of the program.

However, the income generated by Massachusetts' agricultural industry is nowhere near Florida's. While Florida ranks twentieth in the nation for gross receipts of farms with $11,086,726,000 in total receipts, Massachusetts is forty seventh with a total of just

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107. *Id.* (select "National Grid" for Electric Distribution Company, "NantucketElectric" for Service Area, "G-1" for Rate Class, "Net Metered" for Compensation Type, "1" for Capacity Block, "≤ 25" for Project Size (kW AC), and "Agricultural" for Location Based Adder).

108. *Small and Family Farms*, NAT'L INST. OF FOOD AND AGRIC., U.S. DEP'T OF AGRIC., https://www.nifa.usda.gov/topics/small-family-farms [https://perma.cc/BU6F-WFLK] (last visited Jan. 26, 2024).

109. MASS. DEP'T AGRIC. RES., *Agricultural Resources Facts and Statistics*, MASS.GOV, https://www.mass.gov/info-details/agricultural-resources-facts-and-statistics [https://perma.cc/6PQ7-YVCB] (last visited Jan. 26, 2024) (click on "Complete USDA Ag Census Report: All Tables (1-77) for Mass." and view Table 3).)

110. NAT'L AGRIC. STAT. SERV., U.S. DEP'T OF AGRIC., FARMS AND LAND IN FARMS 2022 SUMMARY (Feb. 17, 2023), https://downloads.usda.library.cornell.edu/usda-esmis/files/5712m6524/bk129p580/2z10z2698/fnlo0223.pdf [https://perma.cc/HZ3Z-SLYQ].

111. *Id.*

112. *Id.*

$720,848,000.[113] While agriculture is important to the Commonwealth, it is clear that Florida raises a far-greater amount of revenue from its agricultural industry. Florida's potential hesitancy in allowing farms to sell excess energy back to the grid—despite Massachusetts' success in doing so—may be better understood in light of this disparity.

2. New Jersey

In New Jersey, farmland that is "actively devoted to an agricultural or horticultural use" is assessed at the value of the land's productivity.[114] This exception was created by the state's Farmland Assessment Act of 1964, and its provisions are codified in section 54:4-23.1 et seq. of the New Jersey Statutes Annotated (N.J.S.A.).[115] Subsection (3) provides that "[l]and shall be deemed to be in agricultural use when devoted to the production for sale of plants and animals useful to man," listing examples such as grains and cattle.[116] While largely similar to section 193.461(3), Florida Statutes, the New Jersey statute accepts the use of renewable energy generation—including solar—on agricultural land.[117] Section 54:4-23.3(3)(c)(1) affirms that "agricultural use shall also include biomass, solar, or wind energy generation" so long as the generation comports with section 4:1C-32.4 et al.[118] Section 4:1C-32.4(1)(a) allows landowners to "construct, install, and operate . . . solar . . . energy generation facilities, structures, and equipment on the farm."[119] Agricultural use of solar facilities is additionally protected under New Jersey's Right to Farm Act, codified under N.J.S.A. section 4:1C-1 et seq.[120] Specifically, section 4:1C-9(6)(i) states that owners and operators of commercial farms may "[e]ngage in the generation of power or heat from . . . solar . . . energy."[121] Though New Jersey allows farmers to make use of solar energy on their land, the state tightly restricts this practice.

First, landowners must first receive approval from the State Agricultural Development Committee (SADC) before "constructing, installing, and operating" solar facilities on the farm.[122] Approval is

113. *Income and Wealth Statistics–Farm Sector Financial Indicators, State Rankings, supra* note 1 (for 2024).

114. N.J. DEP'T OF AGRIC., FARMLAND ASSESSMENT OVERVIEW at 1 (July 2015), https://www.state.nj.us/agriculture/divisions/anr/pdf/farmlandassessmentoverview.pdf [https://perma.cc/445Q-HTTS].

115. N.J. STAT. ANN. § 54:4-23 et seq. (2025).

116. N.J. STAT. ANN. § 54:4-23.3(3) (2025).

117. N.J. STAT. ANN. § 54:4-23.3(3)(c)(1) (2025).

118. *Id.*

119. N.J. STAT. ANN. § 4:1C-32.4(1)(a) (2025).

120. N.J. STAT. ANN. § 4:1C-9(i) (2025).

121. *Id.*

122. N.J. STAT. ANN. § 4:1C-32.4(1)(c) (2025).

achieved by applying through the SADC, which then evaluates whether applicants meet the eligibility requirements of N.J.A.C. section 2:76-24.4.[123] Subsection (a)(1) of the Code predicates eligibility on the condition that the solar "facilities will not interfere significantly . . . with the use of land for agricultural or horticultural production."[124] In determining whether facilities interfere significantly with use, the SADC looks to factors listed in section 2:76-24.6.[125] For example, the facilities cannot cause a "detrimental impact to drainage, flood control, water conservation, erosion control, or soil conservation on the premises."[126] If eligible, applicants must follow seven criteria in submitting their application as outlined in section 2:76-24.5.[127] These criteria include submitting "[a] site plan" and "[d]igital photographs showing the proposed installation site" with the application.[128]

Landowners then have to comply with placement regulations. Facilities cannot exceed "one acre of impervious cover on the premises."[129] An impervious cover is a surface that does "not allow runoff to seep into the ground."[130] Landowners must avoid placing solar facilities on "prime farmlands to the maximum extent physically and financially practicable."[131] Complimenting the preservation of prime farmlands, landowners are also encouraged to mount panels "[o]n buildings or facilities" so as to better protect the soil.[132] Placement on these structures is not always feasible, so when placed on the ground, panels should be installed using a "system that does not require a concrete footing or other permanent mounting."[133] However, if the facility occupies one acre or less, ground installation "using gravel within contained structures, concrete block or similar materials" are acceptable mounts.[134] If a landowner insists that none of these recommendations are practicable, they must then produce written justification from an engineer as to why.[135] Aside from mounting, facilities must adhere to standards for height, setback, and

123. N.J. STAT. ANN. § 4:1C-32.4(1)(c) (2025).

124. N.J. ADMIN. CODE § 2:76-24.4(a)(1) (2025).

125. N.J. ADMIN. CODE § 2:76-24.6 (2025).

126. N.J. ADMIN. CODE § 2:76-24.6(a)(1)(i)(1) (2025).

127. N.J. ADMIN. CODE § 2:76-24.5(a)(1)-(7) (2025).

128. *Id.*; S*ee also* N.J. ADMIN. CODE § 2:76-2A.12(a)(2) (2025) (defining "site plans").

129. N.J. ADMIN. CODE § 2:76-24.4(a)(8) (2025).

130. N.J. DEP'T OF ENV'T PROT., *Clean Water NJ Frequently Asked Questions*, CLEAN WATER N.J. (Dec. 27, 2021) https://nj.gov/dep/cleanwaternj/faqs.html [https://perma.cc/G7N6-8SAX].

131. N.J. ADMIN. CODE § 2:76-2A.12(e) (2025).

132. N.J. ADMIN. CODE § 2:76-2A.12(f)(1)(i) (2025).

133. N.J. ADMIN. CODE § 2:76-2A.12(f)(1)(ii) (2025).

134. N.J. ADMIN. CODE § 2:76-2A.12(f)(1)(iii) (2025).

135. N.J. ADMIN. CODE § 2:76-2A.12(f)(2) (2025).

screening.[136] Facilities cannot be higher than twenty feet, and must be hidden from view "to the maximum extent possible" from public roads and off-farm residences.[137]

To ensure solar energy remains incidental to agricultural production, New Jersey enforces an annual generation cap. N.J.A.C. section 2:76-24.4(a)(4) limits the total annual energy generation of facilities to "[t]he farm's previous calendar year's energy demand plus 10 percent."[138] However, landowners can instead opt to limit their facilities to occupy "no more than one percent of the area of the farm."[139] In contrast to Massachusetts' SMART program, New Jersey does not require agricultural solar facilities to be connected to the grid. Rather, landowners are given the option to directly connect their facilities to the grid, as long as "the facilities do not occupy more than one percent of the farm" and remain consistent with all provisions in N.J.S.A. section 4:1C-32.4 and N.J.A.C. section 2:76-24.[140] Energy generated by solar facilities may only be used for two purposes. The first, "to provide power or heat to the farm, either directly or indirectly," and the second, to reduce the farm's energy costs "through net metering or similar programs and systems."[141] The "similar programs" include agreements which comport with N.J.A.C. section 2:76-24.4(a)(2), as well as selling energy directly to the grid.[142] The latter option is only available to landowners when the facility's area does not exceed 1% of the farm's total area.[143] Beyond these limited avenues, landowners are prohibited from supplying energy to any off-farm source.[144] Not only are landowners restricted in their use of solar energy generated on-farm, they are restricted further from leasing out any portion of their farmland to outside parties for the purpose of solar energy generation.[145] New Jersey's multitudinous safeguards protect farmland from being overrun by the solar facilities they house,

136. N.J. ADMIN. CODE § 2:76-2A.12(g) (2025).

137. N.J. ADMIN. CODE §§ 2:76-2A.12(g)(2)-(3) (2025).

138. N.J. ADMIN. CODE § 2:76-24.4(a)(4)(i) (2025); Note: This is in addition to "energy generated from facilities, structures, or equipment existing on roofs of buildings or other structures on the farm on January 16, 2010." *Id.* The date is significant as was when the New Jersey Governor signed P.L. 2009, c.213, which first approved the placement of solar structures on preserved farmland, and solar energy generation as a permitted use. *See* State Agric. Dev. Comm., N.J. Dep't. of Agric., *Solar Wind Biomass Pamphlet Law*, SADC, https://www.nj.gov/agriculture/sadc/documents/news/populartopics/solar%20wind%20biomass%20pamphet%20law.pdf [https://perma.cc/WY8N-DRWM] (last visited Jan. 26, 2024).

139. N.J. ADMIN. CODE § 2:76-24.4(a)(4)(ii) (2025).

140. N.J. ADMIN. CODE § 2:76-24.6(a)(1)(i)(7)(C) (2025).

141. N.J. STAT. ANN. § 4:1C-32.4(a)(3) (2025).

142. N.J. ADMIN. CODE § 2:76-24.4(a)(6) (2025).

143. *Id.*

144. N.J. ADMIN. CODE § 2:76-24.6(a)(1)(i)(7) (2025).

145. N.J. ADMIN. CODE § 2:76-24.6(a)(2)(ii) (2025).

ensuring that energy generation remains a tool that assists agriculture—not an invader that replaces it.

Lastly, the obligations imposed on agricultural solar facilities are ongoing. Landowners must maintain eligibility to have the facilities on their farmland, as SADC reserves the right to "suspend or revoke an approval . . . for a violation of . . . any term or condition of the approval."[146] New Jersey's willingness to allow solar facilities on agricultural land will doubtlessly support the state's goal to reach 100% clean energy by 2050.[147]

3. Hawaii

In Hawaii, all land is classified under one of four use districts: urban, rural, agricultural, and conservation.[148] The Hawaii Revised Statutes provides that solar energy facilities are a permissible use in agricultural districts under two conditions. First, the land's classified productivity rating must be B, C, D, or E—solar facilities are not a permissible use on productivity "A" land.[149] Second, when placed on "B" or "C" rated land, facilities cannot occupy more than 10% of the land, or 20 acres, whichever is lesser.[150] Productivity classification is governed by Hawaii's Land Study Bureau. The Bureau evaluates properties using factors such as soil texture, structure, root-depth, drainage, and more.[151] "A" rating signifies very good agricultural productivity potential, while "E" denotes the land is not suitable.[152] Additionally, section 205-2(d)(7) notes that photovoltaic systems "producing energy solely for use in the agricultural activities . . . of the property" are considered to be bona fide agricultural services.[153] By relegating facilities to less-productive soils, Hawaii has struck a balance between solar and agriculture.

Hawaii's acceptance of solar facilities on agricultural land compliments the state's goal to promote clean energy. Collaboration between Hawaii and the U.S. DOE saw the creation of the Hawaii Clean Energy Initiative (HCEI), which works to achieve the ultimate

146. N.J. ADMIN. CODE § 2:76-24.10 (2025).

147. *See* NEW JERSEY AGRIC. EXPERIMENTAL STATION, *Rutgers Agrivoltaics Program*, RUTGERS, https://agrivoltaics.rutgers.edu/about/ [https://perma.cc/85MP-4AYZ] (last visited Jan. 26, 2024).

148. HAW. REV. STAT. § 205-2(a) (2025).

149. HAW. REV. STAT. § 205-2(d)(6)(A) (2025).

150. HAW. REV. STAT. § 205-2(d)(6)(B) (2025).

151. STATEWIDE GIS PROGRAM, OFF. OF PLAN., *Land Study Bureau (LSB) Detailed Land Classification*, HAWAII.GOV, https://files.hawaii.gov/dbedt/op/gis/data/lsb.pdf (last visited Mar. 1, 2023).

152. *Id.*

153. HAW. REV. STAT. § 205-2(d)(7) (2025).

goal of "100 percent clean energy by 2045."[154] Hawaii has increasingly leaned on solar energy to reduce electricity costs,[155] with the state's household electricity price hitting 0.423/kWh in August 2024—$0.257 higher than the national average.[156] Hawaiian farms have taken advantage of the state's acceptance of agrivoltaics to help combat rising electricity prices. For example, the Waialua Egg Farm struggled to support its operation with power from Oahu's grid, so the farm went off the grid by roof-mounting "solar arrays which double as cage-free shelter" for the chickens.[157] Instances like this demonstrate how solar integration can benefit farms without injuring the property's agricultural bona fides.

Still, the interplay between Hawaii's solar and agricultural industries has not gone un-tested. In January 2019, the Hawaiian House of Representatives introduced House Bill 593, which sought to amend H.R.S. section 205-2(d)(6) to allow solar energy facilities as a permitted use on "A" rated land.[158] Facilities on "A" lands would be subject to the same 10%/20 acre restriction that governs "B" and "C" lands.[159] As this bill would have removed use protections for the most productive farmland, it was met with resistance from Hawaii's agricultural community, including the "Department of Agriculture [and] the Hawaii Farm Bureau."[160] Lands rated "A" compose 3% of Hawaii's agricultural land, which spans over 1.8 million acres in total.[161] However, about 31% of "A" rated land was not in production as of 2019,[162] spurring resistance to the reservation from solar developers who cited the fallow lands as an opportunity to "boost the

154. HAWAI'I STATE ENERGY OFF., *Hawai'i Clean Energy Initiative*, HAWAII.GOV, https://energy.hawaii.gov/hawaii-clean-energy-initiative/ [https://perma.cc/2MHR-NSUY] (last visited Jan. 27, 2024).

155. Ivan Penn, *Hit Hard by High Energy Costs, Hawaii Looks to the Sun*, N.Y. TIMES (May 31, 2022), https://www.nytimes.com/2022/05/30/business/hawaii-solar-energy.html [https://perma.cc/PB49-P39P].

156. U.S. ENERGY INFO. ADMIN., *Average Energy Price of Electricity to Ultimate Customers by End-Use Sector*, EIA.GOV, https://www.eia.gov/electricity/monthly/epm_table_grapher.php?t=epmt56a (last visited Jan. 27, 2024).

157. Kaile Hunt, *Sustainable Egg Farm on Oahu to Provide Local Cage-Free Eggs*, KOHN2 (Nov. 11, 2021, at 6:20 HST), https://www.khon2.com/local-news/sustainable-egg-farm-on-oahu-to-provide-local-cage-free-eggs/ [https://perma.cc/5E5P-ULAL]; WAIALUA FRESH, https://www.waialuafresheggs.com/ [https://perma.cc/7AZN-P9FS] (last visited Jan. 27, 2024).

158. H.B. 593, 13th Leg., Reg. Sess. (Haw. 2019).

159. HAW. REV. STAT. § 205-2(d)(6)(B) (2025).

160. Lisa Kubota, *Plan to Allow Solar Farms on Top-Rated Agricultural Lands Dealt Setback*, HAWAII NEWS NOW (Apr. 3, 2019, at 11:25EDT), https://www.hawaiinewsnow.com/2019/04/04/plan-allow-solar-farms-top-rated-agricultural-lands-dealt-setback/ [https://perma.cc/L5JW-U3R6].

161. *Id.*

162. *Id.*

financial sustainability of agriculture."[163] In response, the Hawaii Farm Bureau's executive director acknowledged the "need for agricultural technology," but noted it was "opposed to it being done on the 'A' rated lands."[164] Though the bill passed several readings, it was ultimately deferred in April 2019.

Hawaii has also seen trouble with confusion over the restrictions of its "Important Agricultural Lands" (IAL) designation. H.R.S. section 205-42 defines IAL as lands meeting one of three criteria. In short, IAL are defined as lands which can produce "sustained high agricultural yields," which support Hawaii's "economic base and produce agriculture commodities," *or* which are necessary for promoting "the expansion of agricultural activities and income for the future."[165] To protect IAL, state and county rules are directed to adhere to a number of policies under section 205-43, such as "[d]irect[ing] nonagricultural uses and activities from important agricultural lands to other areas," and "[l]imit[ing] physical improvements . . . to maintain affordability of these lands for agricultural purposes."[166] IAL designation is not based on the actual use of the land, nor is does it change Hawaii's productivity rating system. Rather, the land's use and rating are criteria in determining the IAL designation.[167] Owners whose lands are designated IAL receive benefits such as loan guaranties and tax credits.[168] The cost of this designation is the owner's restriction from changing the land's use without petition.[169]

Trouble emerged when landowners and energy companies expressed confusion over whether IAL designation precludes agricultural land from housing solar facilities. Specifically, the confusion was seen in response to a proposal from the City and County of Honolulu designating "12% of Oahu's land" as IAL, following a recommendation from the O'ahu Important Agricultural Land Mapping Project in the same.[170] Hawaii Clean Power Alliance, a

163. Sophie Cocke, *Star-Advertiser: Bill to Put Solar Farms on Prime Ag Land Elicits Stiff Opposition*, CAPITOLWATCH, SIERRA CLUB OF HAWAI'I (Mar. 25, 2019), https://www.hawaiicapitolwatch.org/blog-19/2019/3/25/star-advertiser-bill-to-put-solar-farms-on-prime-ag-land-elicits-stiff-opposition [https://perma.cc/M8W2-J3X6].

164. Kubota, *supra* note 171.

165. HAW. REV. STAT. §§ 205-42(a)(1)-(3) (2025).

166. HAW. REV. STAT. §§ 205-43(3)-(4) (2025).

167. HAW. REV. STAT. §§ 205-44(c)(1), (3) (2025).

168. HAW. REV. STAT. § 205-46 (2025);); *See* COLL. OF TROPICAL AGRIC. & HUM. RES., UNIV. OF HAW., *Key Points to Understand Important Agricultural Lands (IAL)*, HAWAII.EDU, https://www.ctahr.hawaii.edu/AgLand/ial.html [https://perma.cc/LBA5-WC2F] (last visited Jan. 27, 2024).

169. HAW. REV. STAT. §§ 205-3.1, 205-4 (2025); *See* COLL. OF TROPICAL AGRIC. & HUM. RES., UNIV. OF HAW., *supra* note 169.

170. Stewart Yerton, *Attorney General OKs Honolulu's Process to Designate Important Ag Lands*, HONOLULU CIVIL BEAT (Oct. 21, 2021), https://www.civilbeat.org/2021/10/attorney-general-oks-honolulus-process-to-designate-

nonprofit energy organization, claimed the proposal would "jeopardize[] Hawaii's ability to meet its renewable energy target."[171] Concerns were centered on an apparent conflict in the language of the IAL law with H.R.S. Chapter 205 provisions. At present, solar is recognized as a permitted agricultural use on most agricultural land,[172] and land used for "energy production" is given "initial consideration" for IAL designation under section 205-44(c)(4).[173] However, the IAL law's direction to "[l]imit physical improvements"[174] seemed to "discourage" renewable energy installments on the land.[175] This concern was enhanced by the law's stated aim to "ensure that uses on [IAL] are actually agricultural uses."[176] Members of Hawaii's renewable energy industry said it was "unclear what the IAL designation means for . . . renewable energy developers," and that the "uncertain impacts" of the law called the future of agrivoltaics into question.[177] Though Hawaii's Attorney General cleared the proposal,[178] the Hawaii Land Use Commission issued an order on June 30, 2022 rejecting the proposal and returning it to the Honolulu's Department of Planning and Permitting for further action.[179] In its order, the Commission cited that "many landowners had not been informed of the IAL process and the potential impacts of IAL designation."[180] Whether Honolulu will revisit the proposal is unclear, but confusion as to the effects of IAL designation will need to be remedied if so.

The conflict over Honolulu's proposal provides a learning opportunity for Florida. The Legislature must use language that clearly sets out the effects of the Greenbelt amendment. Farmers rely on the tax benefits of Greenbelt and would be cautious to proceed with any action that could implicate their exemption. If the amendment

important-ag-lands/ [https://perma.cc/B4GC-5FDG]; DEP'T OF PLAN. AND PERMITTING, CITY AND CNTY. OF HONOLULU, O'AHU IMPORTANT AGRICULTURAL LAND MAPPING PROJECT (Aug. 2018).

171. HAW. CLEAN POWER ALL., RE: MEETING OF MAY 26, 2021, AGENDA ITEM V, CITY AND COUNTY. OF HONOLULU IMPORTANT AGRICULTURAL LANDS RECOMMENDATION (May 21, 2021).

172. Note: Except land with an "A" productivity rating; *See* HAW. REV. STAT. § 205-2(d)(6)(B) (2025).

173. HAW. REV. STAT. § 205-44(a), (c)(4) (2025).

174. HAW. REV. STAT. § 205-43(4) (2025).

175. HAW. CLEAN POWER ALL., *supra* note 184.

176. HAW. REV. STAT. § 205-43(3) (2025); HAW. CLEAN POWER ALL., *supra* note 184.

177. Stewart Yerton, *Do We Want More Local Food or Cheaper Power? Two Hawaii Priorities Conflict*, HONOLULU CIVIL BEAT (June 16, 2021), https://www.civilbeat.org/2021/06/do-we-want-more-local-food-or-cheaper-power-two-hawaii-priorities-conflict/ [https://perma.cc/7YRY-33CS].

178. Yerton, *supra* note 190.

179. City and Cnty. Of Honolulu Important Agricultural Lands (IAL) Maps and Recommendations (O'ahu), (Haw. Land Use Comm'n. June 30, 2022), https://luc.hawaii.gov/wp-content/uploads/2022/06/DR_CC_HNL_IAL-copy.pdf [https://perma.cc/Y49A-7FW3].

180. *Id.* at 18.

does not unequivocally delineate when agricultural land can accommodate solar facilities, and to what extent those facilities can be placed and utilized, landowners will be reluctant to take advantage of the new allowance.

4. North Carolina

In 2022, North Carolina was ranked thirteenth out of the states for its total value of agricultural exports, six spots above Florida.[181] As of December 2024, North Carolina had 58,305 solar installations, and ranked fifth in the nation for total installed solar capacity—up from sixteenth place in 2022.[182] Florida has ranked third for years, and currently houses 2,368,717 installations.[183] In their rising success, North Carolina proves that solar facilities can be co-located with agricultural sites without disrupting the latter. In 2022, the North Carolina Sustainable Energy Association published an update on the state's solar and agricultural land use. The update noted that "solar PV systems occupy 31,125 acres of a total 10,999,656 acres of agricultural land in North Carolina, or 0.28%."[184] Furthermore, despite the Tar Heel State's great leap in solar facilities, their use on farmland would represent only "4.25% of the total agricultural land lost" between 2001 and 2016, were all of the solar facilities included in that analysis installed during that time range.[185] Though solar facilities general occupy a small amount of land, co-location can further minimize the land lost to these facilities. Citing examples provided by the Colorado Agrivoltaic Learning Center, the NC Sustainable Energy Association recommends planting crops and pollinator habitats around raised solar facilities, as well as "allowing for animals to graze in and around" the panels.[186] North Carolina's demonstrable success in solar/agriculture co-location can be applied in Florida, a move that would help the Sunshine State maintain its namesake as a solar-friendly state and status as an agricultural giant.

The success of Massachusetts, New Jersey, Hawaii, and North Carolina with solar/agriculture co-location demonstrates that the

181. *Annual State Agricultural Exports Interactive Chart*, U.S. DEP'T OF AGRIC. ECON. RSCH. SERV. (Nov. 16, 2023), https://www.ers.usda.gov/data-products/state-agricultural-trade-data/annual-state-agricultural-exports/ [https://perma.cc/X3AG-JYQE] (click North Carolina and Florida and choose year 2022 to see their respective statistics).

182. *State Overview: North Carolina,* SOLAR ENERGY INDUS. ASS'N, https://seia.org/state-solar-policy/north-carolina-solar/ [https://perma.cc/U5AD-L9ZT] (last visited Jan. 27, 2024).

183. *State Overview: Florida*, SOLAR ENERGY INDUS. ASS'N, https://seia.org/state-solar-policy/florida-solar/ [https://perma.cc/7XC5-RXMT].

184. Daniel Brookshire, Jerry Carey & Daniel Parker, *North Carolina Solar Land Use and Agriculture 2022 Update*, 12 (2022).

185. *Id*.

186. *Id*. at 4; *Agrivoltaics 101*, COLO. AGRIVOLTAIC LEARNING CENTER, https://www.coagrivoltaic.org/agrivoltaics-101 [https://perma.cc/RE9T-NAWX] (last visited Jan. 27, 2024).

same principles can be applied in Florida. Each of the example states has set about reconciling the differences between the industries without allowing solar interests to trample agricultural tradition. Florida has a buffet of options from which to pick and choose the best-fitting aspects for guiding the Greenbelt amendment. It is abundantly clear from the examples set by other states that the agricultural industry can not only accommodate solar generation facilities—it can benefit from it. Amending Greenbelt to follow the proven path of Massachusetts and others would help the Sunshine State maintain its namesake as a solar-friendly state and status as an agricultural giant.

C. Federal Encouragement

The federal government is encouraging transitions to renewable energy in rural areas. The 2018 Farm Bill supports a number of well-funded programs meant to achieve congressional policy goals, such as "energy security, [limiting] greenhouse gas emission [], and [satisfying] increased demand for U.S. farm products."[187] One example is the Rural Energy for America Program (REAP), codified in 7 U.S.C. § 8107.[188] REAP "provides guaranteed loan financing and grant funding to agricultural producers . . . for renewable energy systems."[189] The program is meant to benefit farmers, as eligibility is limited to those with "at least 50 percent of their gross income coming from agricultural operations."[190] For the cost of renewable energy projects, including solar facilities, producers can secure loans of up to 75%, or grants up to 50%.[191]

The federal government has offered guidance for states looking to compromise their solar and agricultural interests. One example is the Department of Energy's (DOE) InSpire project, which is devoted to "explor[ing] the compatibility and mutual benefits of solar development with agriculture and native landscapes."[192] This project led to the publication of the Low-Impact Solar Development Strategies Primer, which provides "insights and best practices" meant to guide parties—*including state agencies*—in "siting, designing, installing,

187. CONG. RSCH. SERV., OVERVIEW OF THE 2018 FARM BILL ENERGY TITLE PROGRAMS (2022).

188. 7 U.S.C. § 8107 (2025).

189. *Rural Energy for America Program Renewable Energy Systems & Energy Efficiency Improvement Guaranteed Loans & Grants*, RURAL DEVELOPMENT, U.S. DEP'T OF AGRIC., https://www.rd.usda.gov/programs-services/energy-programs/rural-energy-america-program-renewable-energy-systems-energy-efficiency-improvement-guaranteed-loans [https://perma.cc/X66M-EYJM] (last visited Jan. 27, 2024).

190. *Id.*

191. *Id.*

192. U.S. DEP'T OF ENERGY, *Low-Impact Solar Development*, OPENEI (Oct. 17, 2025), https://openei.org/wiki/InSPIRE [https://perma.cc/DH5N-KTR4].

and operating low-impact solar development projects."[193] For example, the primer recommends "[m]inimizing vegetation removal and [] grading" to prevent erosion resulting from de-stabilized soils.[194] Using fixed PV systems instead of tracking systems can help this goal, as fixed systems "can accommodate significantly more variation in the topography," thus requiring less grading than tracking systems during installation.[195] DOE's investment into the benefits of agrivoltaics is ongoing. In December 2022, DOE "announced $8 million for six solar energy research projects" dedicated to learning how farms can better maximize the benefits of solar co-location.[196] With the White House on an ambitious path to reach "80% renewable energy generation by 2030," and then carbon-free electricity by 2035, DOE's push to develop solar applications is no surprise.[197]

Florida can benefit from assisting the federal push for renewables by amending Greenbelt to allow solar. As the second-largest producer of electricity in the country and third-largest consumer, Florida relies on solar for only 9% of its in-state generation.[198] Approximately 75% of Florida's in-state generation comes from natural gas-fired power plants.[199] Agricultural land composes about 30% of Florida's total land area.[200] If Florida does not take advantage of its sprawling geography and natural sunlight in the present, it will be left playing renewable energy catch-up in the future. The U.S. government has recognized the importance of renewable energy, agriculture, and supported pursuit of the mutual benefits that flow from their collaboration. It's time for Florida to do the same.

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193. U.S. DEP'T OF ENERGY, *Low-Impact Solar Development Strategies Primer*, OPENEI, https://openei.org/wiki/InSPIRE/Primer [https://perma.cc/E8BH-3T5S] (last visited Jan. 27, 2024).

194. *Id.*

195. *Id.*

196. U.S. DEP'T OF ENERGY, *DOE Announces $8 Million to Integrate Solar Energy Production with Farming*, ENERGY.GOV (Dec. 8, 2022), https://www.energy.gov/articles/doe-announces-8-million-integrate-solar-energy-production-farming [https://perma.cc/82XQ-9FRA].

197. H.J. Mai, *Energy Experts Share How the U.S. Can Reach Biden's Renewable Energy Goals*, NPR (Feb. 2, 2023, at 6:00 PM ET), https://www.npr.org/2023/02/02/1148370220/biden-renewable-energy-goals [https://perma.cc/9ERS-N2Q8].

198. *Profile Analysis*, U.S. ENERGY INFO. ADMIN. (Mar. 20, 2025), https://www.eia.gov/state/analysis.php?sid=FL [https://perma.cc/6D7N-UH4E].

199. *Id.*

/1. *Florida Agriculture Overview and Statistics*, FLA. DEP'T AGRIC. AND CONSUMER SERV., https://www.fdacs.gov/Agriculture-Industry/Florida-Agriculture-Overview-and-Statistics [https://perma.cc/U5C8-RUZ5] (last visited Jan. 28, 2024); FLA. DEP'T OF STATE, *Quick Facts*, MYFLORIDA.COM, https://dos.myflorida.com/florida-facts/quick-facts/ [https://perma.cc/Q3A6-L98Z] (last visited Jan. 28, 2024).

D. Legislative Door-Opening

Finally, and perhaps most importantly, the Florida Legislature itself already recognizes the benefits of integrating solar electricity generation with agriculture, having recently passed a statute effectuating that understanding. Effective as of July 2021, section 163.3205 acknowledges the Legislature's intent "to encourage renewable solar electrical generation," and emphasizes the importance of building and maintaining solar infrastructure throughout the state.[201] The most significant part of the statute comes from subsection (3): "[a] solar facility shall be a permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area and must comply with the setback and landscaped buffer area criteria for other similar uses in the agricultural district."[202] Local government comprehensive plans are defined in section 163.3177 as providing "the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area."[203] Comprehensive plans are utilized by counties and municipalities, which tailor these plans to the specific needs of their locality. As noted, Greenbelt requires the classification of "all lands within the county as either agricultural or nonagricultural," a task completed by the county property appraiser.[204] Because appraisers are county representatives, section 163.3205(3)'s obligation of local governments to permit solar facilities as an agricultural use opens the door to extend Greenbelt status to compliant solar installations.

While section 163.3205 opens the door, it does not appear to *require* this extension. At present, the statute affirms that solar facilities are a permitted use in two specific instances: (1) in all agricultural land use categories in a local government comprehensive plan; and (2) in all agricultural zoning districts within an unincorporated area.[205] The statute's use of "zoning" in its language creates some confusion over whether the use-permission granted to solar facilities could be extended to agriculturally *classified* lands. For example, section 404.09 of the Alachua County Code of Ordinances provides that "[a]gricultural uses are permitted by right in the A and A-RB districts."[206] Section 403.02 establishes zoning districts, and in Table 403.02.1 defines A districts as "Agriculture" and A-RB districts as

201. FLA. STAT. § 163.3205(1) (2025).

202. *Id.* at (3).

203. FLA. STAT. § 163.3177(1) (2025).

204. FLA. STAT. § 193.461(1) (2025).

205. FLA. STAT. § 163.3205(3) (2025).

206. ALACHUA COUNTY, FLA., ORDINANCES § 404.09 (2025).

"Agricultural Rural Business."[207] Section 404.50.5 allows solar facilities "as a limited use in the A district," as well as in A-RB districts with special exception.[208] The distinction between land zoned as agricultural and land classified as agricultural is that Greenbelt status is only conferred on the latter. If solar facilities are installed on an Alachua County property that is both within the A-RB district *and* classified as agricultural, one may draw an inference that the use-permission would not disrupt the property's classification, provided that the solar facility does not materially alter the bona fides of the property.

Though this inference cannot be verified, there is legislation that supports it. Section 163.3194(5) provides that "[t]he tax-exempt status of lands classified as agricultural under s. 193.461 shall not be affected by any comprehensive plan adopted under this act as long as the land meets the criteria set forth in s. 193.461."[209] As local governments are required to permit solar facilities as an accepted use in all agricultural land use categories under section 163.3205, section 163.3194(5) would allow agriculturally-classified properties to accommodate these installations without losing their classification, provided that the land's agricultural bona fides are not materially altered by the facility so as to implicate section 193.461(4).

However, the absence of clear language in section 193.461, coupled with the seemingly industrial nature of solar electricity generation, leaves unanswered the question of whether solar facilities would materially alter a property's bona fides by default. Even if a solar facility was placed on a farm without disrupting its production, and the electricity was used exclusively for the agricultural operations on that property, *and* those operations remained the dominant use of that property, the landowner would still remain at the mercy of the appraiser's interpretation. Without clear language in section 193.461, the appraiser could decide—despite the aforementioned justifications—that the solar facility "diverted [the land] from an agricultural to a nonagricultural use," therefore requiring reclassification of the land as nonagricultural.[210] Such a decision would contravene the purpose of Greenbelt.

IV. CONCLUSION

Allowing agricultural land to house solar facilities without foregoing its Greenbelt tax status would perpetuate and encourage agricultural pursuits by allowing farmers to lower the energy cost of their operation without being penalized by property taxes.

207. *Id.* § 403.02.

208. *Id.* § 404.50.5.

209. FLA. STAT. § 163.3194(5) (2025).

210. FLA. STAT. § 193.461(4)(a) (2025).

Empowering farmers to zero out their electricity bill would help them continue their work by reducing costs. Similarly, prospective farmers would find financial reassurance in learning their initial investment obligation can be mitigated using renewable energy. Section 193.461 should be amended to provide that the placement of solar installations on property that otherwise meets the requirements for agricultural classification will not, in itself, preclude an agricultural classification.

To prevent abuse, the amendment should set forth conditions that property owners must follow in siting solar facilities. Siting should be preferred on the least productive portions of the land when possible. Siting should also be limited from occupying the most productive land, either entirely or in part. While Florida does not have a productivity rating system like Hawaii, it could create one using the federal definitions of prime farmlands, unique farmlands, and farmlands of statewide importance for guidance. In the absence of creating its own productivity rating system, Florida could still use these terms to guide placement in a way that preserves the most productive lands for traditional agricultural uses, namely crop growth. Like New Jersey, Florida could require Greenbelt participants to submit a site plan prior to installation for proof that the solar facility will not disrupt the most productive lands.

Owners should be required to demonstrate that the size of the facility is not significantly greater than is necessary to power the agricultural operations on that land. One way to limit size is by area, and facilities could be restricted to a given acreage of cover. Alternatively, size could be limited by generation capacity. This could be calculated on an individual basis by evaluating the property's electricity consumption in the prior year, to the exclusion of any usage by residences or dwellings. Usage measurements would help appraisers understand the power needs of the operation, which could then be reviewed against the facility's output. Florida could adopt a policy like New Jersey's, which enforces a generation restriction calculated by adding the farm's electricity demand in the previous calendar year plus 10%. This would ensure that solar facilities remain scaled to the operation's needs.

Owners should be restricted from using the generated electricity to power any dwelling on the land as residences are "assessed separately, pursuant to [section] 193.011."[211] Owners should additionally be restricted from selling the generated electricity to the grid or any other parties. Owners should only be permitted to use the generated electricity to directly power agricultural operations on the property.

Lastly, solar facilities must allow for the continued use of the remaining land for bona fide agricultural purposes. Solar facilities must not interfere with the bona fides of the land, and must serve an

211. *Id.* at (3)(d).

exclusively complementary role. Solar energy is to be a tool used for the betterment of the agricultural operation, not a substitute in lieu of meaningful farming.

Originally, the best avenue for promoting this amendment and its attendant conditions would have been through the Energy Equity Task Force that was to be created by SB 1678 (2022).[212] The bill intended for this task force to serve as an adjunct to FDACS, with the express purpose of providing "recommendations for fostering a fair and equitable transition of [Florida's] energy infrastructure to renewable energy technologies within . . . rural . . . communities."[213] The task force would have "recommend[ed] appropriate policies, including any necessary statutory changes, for the equitable siting of energy infrastructure."[214] The bill died in appropriations in March of 2022, its stated purpose proves that the Legislature is considering ways to ramp up Florida's transition towards renewables. Furthermore, with the Sunshine State eyeballing 2050 as a possible goal for reaching 100% renewable energy, the nation's second-largest producer of electricity is almost certain to reconsider the Energy Equity Task Force, or something similar, in the near future.[215]

The struggles of Florida's agricultural industry and the growing demand for renewable energy can be assuaged with an intersecting solution. The moment is prime to amend Greenbelt with protections for solar facilities on agricultural land. With this amendment, Florida's farmers can truly begin harvesting the sun.

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212. S.B. 1678 (Fla. 2022).

213. *Id.*

214. *Id.*

215. U.S. ENERGY INFO. ADMIN, *Rankings: Total Net Electricity Generation*, EIA.GOV (July 2025), https://www.eia.gov/state/rankings/#/series/51 [https://perma.cc/G3LM-7EF9]; Alex Harris, *Florida to Set Goals for 100% Renewable Energy by 2050. But Will it Actually Happen?*, WUSF PUBLIC MEDIA, (Feb. 12, 2022, 8:00 AM EST), https://wusfnews.wusf.usf.edu/environment/2022-02-12/florida-to-set-goals-for-100-renewable-energy-by-2050-but-will-it-actually-happen [https://perma.cc/E9YL-22WR].