



Jim Konish, Manager
Poe Springs Properties, LLC
120 S.E. 7th St, LLC
(352)-871-4747
jimkonishrentals@gmail.com
PO Box 6020, Gainesville FL, 32627

Last Updated July 6, 2026

Why I Became a Farmer

I once purchased a 20 parcel 36-acre residential subdivision in order to prevent development in an environmentally sensitive area. This brief essay will touch on local ad valorem taxation & land use regulations as well as state laws regarding farming in general and silviculture in particular. A farm is an excellent vehicle for getting outside exercise, protecting the environment, and building personal wealth.

The residential ad valorem tax bill was staggering for purely undeveloped subdivided land. After careful consideration, I submitted a Forest Management Plan in 1994, obtained an “agricultural classification” from the Property Appraiser, and saw ad valorem taxes drop dramatically to near zero. An ad valorem tax “agricultural classification” (Ag) is not to be confused with zoning. Overlaid Ag classification triggers to be discussed sweeping, absolute immunities and privileges. This outcome is without regard to either County or City zoning or other ordinances. The federal government additionally provided “cost shares” to assist in the reforestation. If you have “undisturbed land” and clear it carefully by hand, many “farm products” will occur through natural regeneration in a symbiotic relationship with the planted pine. I hand-planted containerized longleaf pine seedlings at 300-400 per acre after thinning.

Such bona fide natural and human agricultural production activities are further encouraged by the s.823.14 Florida Statutes, **Right to Farm Act**.

For this discussion, it is important to touch on a few key definitions:

s.823.14 (3) Definitions:

a) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances...”

e) “Farm Product” means any “plant... or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom...”

For Farms, any operation “regulated though implemented best management practices (BMP)” promulgated by the State of Florida is exempt from “any (local) ordinance, regulation, rule or policy to prohibit, restrict, regulate or otherwise limit an activity of a bona fide farm operation”. Ten (10) types of farms are subject to state BMP including silviculture.

There is no state regulation of silviculture whatsoever except for logging that impacts surface or ground water.

In 2022, “ecotourism” was added to the definition of a “farm operation”. The implications of these generous legislative protections and benefits are far reaching and profound.

A timber farm such as the one I manage offers an impressive array of privileges and benefits:

- 1) Ad valorem taxes are low and based entirely on farm income – not the development value of the farmland and/or the typical value of buildings and support structures.
- 2) Federal cost share subsidies are available (as well as disaster assistance)
- 3) Agricultural buildings and support structures can be constructed without permits. The Florida Building Code does not apply. Neither does the Fire Code. Taxation of such improvements on the farmland are based on agricultural, not residential valuation, which is a blend of original cost and market value (as an Ag Building or support structure).
- 4) The farmer has special protections from nuisance suits, broadly defined, and has a right to farm.
- 5) Agritourism activities are allowed as a matter of right, as is a roadside stand and u-pick operations.
- 6) The land does not have to be under common ownership.
- 7) The land can be subdivided.
- 8) Fully off-grid structures without septic (OSTDS) or wells are completely unregulated unless you “intend” to utilize them as a “residential dwelling” (Defined in Art. III, Chapter 410, Alachua County Unified Land Development Code).
- 9) You get a cash crop in the future.
- 10) There no longer is a minimum acreage.**

NOTE: Human waste and wastewater are regulated separately by the State of Florida Department of Health (Dept.) on both farms and all other types of properties. Farms have special protection against claims of a sanitary or other type of nuisance. The usual approved modalities include central sewer system, approved OSTDS (septic tank, there are three (3) types), porta potty, and land application with restrictions. Composting toilets, incinerating toilets, injection wells, gray water segregation, and/or pump out of toilet and kitchen sink are also contemplated with a variance granted by the General Counsel’s office for the Dept. based in Tallahassee. Innovative systems are contemplated in Dept. rules despite contrary assertions by local County and Dept. officials. Manual sanitary conveyance of human waste or wastewater to an appropriate disposal facility is legal as is a “sanitary privy” in the absence of power off the grid and a legal dwelling.