



531994

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 5/F/2R

.

03/13/2026 01:30 PM

.

.

Senator Martin moved the following:

Senate Amendment (with title amendment)

Between lines 287 and 288

insert:

Section 10. Section 163.32475, Florida Statutes, is created
to read:

163.32475 Rural boundary designations; per se taking;
property owner rights; judicial enforcement.-

(1) LEGISLATIVE FINDINGS AND INTENT.-

(a) The Legislature finds that:

1. A rural boundary designation that restricts the use and



531994

12 development of private property below the density and intensity
13 available to adjacent properties, and that requires a
14 supermajority or heightened voting threshold for modification or
15 removal, constitutes a permanent deprivation of the property
16 owner's reasonable expectations for use and value of the
17 property.

18 2. Property owners affected by such designations are
19 bearing permanently a disproportionate share of a burden imposed
20 for the good of the general public. However, affected property
21 owners have no reasonable prospect of obtaining relief through
22 the existing local government process.

23 (b) It is the intent of the Legislature that this section
24 provide affected property owners with a self-executing remedy
25 enforceable through the existing judicial system, without the
26 need for any county-administered program, and that the full cost
27 of the taking be borne by the county that adopted the
28 designation.

29 (2) DEFINITIONS.—As used in this section, the term:

30 (a) "Adjacent density" means the highest residential
31 density, measured in dwelling units per acre, assigned under the
32 comprehensive plan or land development regulations to any parcel
33 of real property that is contiguous to, shares a common boundary
34 with, or is directly across a public right-of-way from the
35 affected property and that is located outside the rural boundary
36 designation.

37 (b) "Adjacent intensity" means the highest nonresidential
38 intensity, measured in floor area ratio or other applicable
39 metric, assigned under the comprehensive plan or land
40 development regulations to any parcel of real property that is



531994

41 contiguous to, shares a common boundary with, or is directly
42 across a public right-of-way from the affected property and that
43 is located outside the rural boundary designation.

44 (c) "Affected property owner" means any person holding fee
45 simple title to real property as of July 1, 2026, which is:

- 46 1. Located within a rural boundary designation; or
47 2. Contiguous to, shares a common boundary with, or is
48 directly across a public right-of-way from property within a
49 rural boundary designation.

50 (d) "Fair market value" means the price that a willing and
51 informed buyer would pay a willing and informed seller in an
52 arm's-length transaction, neither party being under any
53 compulsion to buy or sell, with both parties having reasonable
54 knowledge of all relevant facts, including the highest and best
55 use of the property. Fair market value may not solely be
56 determined by reference to the county property appraiser's
57 assessed value, taxable value, or any government-established
58 valuation. Fair market value must be established by one or more
59 independent appraisals performed by an appraiser registered,
60 licensed, or certified in this state and holding the Member of
61 Appraisal Institute designation of the Appraisal Institute using
62 recognized market-based methodologies, including comparable
63 sales, income capitalization, and cost approaches, as
64 appropriate.

65 (e) "Fair market value diminution" means the difference
66 between:

- 67 1. The fair market value of the affected property based on
68 its highest and best use at the adjacent density and adjacent
69 intensity, without regard to the rural boundary designation; and



531994

70 2. The fair market value of the affected property under the
71 restrictions imposed by the rural boundary designation.

72 (f) "Rural boundary designation" means any designation of
73 land as rural, rural area, rural lands, rural boundary, or any
74 substantially similar classification established or required by
75 a county charter that:

76 1. Restricts the density, intensity, or type of development
77 permitted on the designated land below that which would
78 otherwise be permitted under the future land use designation and
79 zoning applicable to adjacent properties outside the rural
80 boundary; and

81 2. Requires a supermajority vote of the governing body of
82 the county, or any heightened voting threshold beyond a simple
83 majority, to remove land from the designation, to increase the
84 density or intensity of use within the designated area, or to
85 approve a comprehensive plan amendment affecting property within
86 the designated area.

87 (3) RIGHT TO REMOVAL.—

88 (a) An affected property owner may submit a written request
89 to the county to remove the owner's property from the rural
90 boundary designation.

91 (b) The county shall approve or deny the request within 60
92 days after receipt of the request. If the county fails to act
93 within the 60-day period, the request is deemed approved.

94 (c) If the county denies the request, subsection (4)
95 applies.

96 (4) DENIAL OF REQUEST FOR REMOVAL; RELIEF.—

97 (a) The denial of an affected property owner's request for
98 removal by a county under subsection (3) constitutes a per se



531994

99 regulatory taking.

100 (b) Upon denial by the county, the affected property owner
101 may elect to seek either or both of the following:

102 1. Full compensation for the fair market value diminution,
103 to be paid solely by the county.

104 2. A court order removing the property from the rural
105 boundary designation with the density and intensity matching
106 presumption provided in subsection (5).

107
108 The affected property owner may seek relief for the taking
109 declared by this section by directly filing an action with the
110 circuit court of the county in which the real property is
111 located. The affected property owner is not required to submit a
112 claim in writing and present it to the governmental entity
113 before filing suit under this paragraph.

114 (c) The provisions of this section are cumulative and do
115 not abrogate any other remedy lawfully available, including
116 those available for governmental actions that rise to the level
117 of a taking.

118 (d) A governmental entity is not liable for compensation
119 for an action of a governmental entity applicable to, or for the
120 loss in value to, a subject real property more than once.

121 (5) DENSITY MATCHING PRESUMPTION.—

122 (a) Upon removal of property from a rural boundary
123 designation, to ensure that affected property owners receive the
124 equal treatment, there is a conclusive presumption that the
125 property shall receive a future land use designation and zoning
126 classification permitting at least the adjacent density and
127 adjacent intensity. This presumption is not rebuttable and



531994

128 applies regardless of which governmental entity has jurisdiction
129 over the property after removal.

130 (b) If, after removal from the rural boundary designation,
131 a county, municipality, or other governmental entity assigns or
132 imposes upon the affected property a density, intensity, or land
133 use classification that restricts density or intensity below the
134 adjacent density or adjacent intensity, the property owner may
135 petition the circuit court of the county in which the property
136 is located for an order directing the governmental entity to
137 assign the appropriate density and intensity. The court shall
138 grant the petition unless the governmental entity demonstrates
139 by clear and convincing evidence that the lower density or
140 intensity is necessary to protect the public health or safety.
141 General references to community character, neighborhood feel,
142 rural character, compatibility, or substantially similar terms
143 do not constitute grounds for assigning a lower density or
144 intensity.

145 (c) In determining the adjacent density and adjacent
146 intensity for purposes of this subsection, if the affected
147 property is across a public right-of-way from property that is
148 developed or designated at a particular density or intensity,
149 such density or intensity must be treated as the adjacent
150 density or adjacent intensity with the same force and effect as
151 if the properties shared a common boundary.

152 (6) TERMINATION OF COUNTY-RETAINED ZONING JURISDICTION UPON
153 ANNEXATION.—

154 (a) For property that has been removed from a rural
155 boundary designation, all of the following apply:

156 1. Any provision of a county charter, county ordinance,



531994

157 comprehensive plan, or land development regulation that purports
158 to retain zoning jurisdiction, land use authority, or
159 development approval authority over the removed property after
160 the property is annexed into a municipality is void and
161 unenforceable as to that property.

162 2. The property may be annexed into any adjacent
163 municipality under the procedures provided in chapter 171
164 without county approval of any zoning or land use change.

165 3. Upon annexation, the municipality's comprehensive plan
166 and land development regulations shall control the use and
167 development of the property, subject to the density matching
168 presumptions in paragraph (5) (a).

169 (b) A county charter provision, interlocal agreement, or
170 joint planning agreement may not be construed to limit the
171 application of this subsection.

172 (c) The termination of county-retained jurisdiction under
173 this subsection occurs upon annexation of the property into a
174 municipality, is self-executing, and does not require a court
175 order, except that the property owner may seek a declaratory
176 judgment confirming the termination if the county refuses to
177 recognize the termination.

178 (7) JUDICIAL ENFORCEMENT.—

179 (a) An affected property owner may bring an action in the
180 circuit court of the county in which the property is located to
181 enforce any right under this section.

182 (b) Ripeness, exhaustion of administrative remedies,
183 failure to apply for a variance, and similar procedural defenses
184 are not available to the county or any other governmental entity
185 in any action brought under this section. The denial of a



531994

186 request for removal satisfies all prerequisites for judicial
187 relief.

188 (c) The court shall award to a prevailing affected property
189 owner who sought relief under paragraph (4)(b), in addition to
190 compensation provided under that paragraph, all of the
191 following:

192 1. Prejudgment interest at the statutory rate from the date
193 of the denial of the request for removal or the expiration of
194 the 60-day period, whichever is earlier.

195 2. Reasonable attorney fees and costs, including expert
196 witness fees and appraisal costs.

197 3. Such other relief as the court deems just and equitable.

198 (d) The county shall tender full compensation awarded under
199 paragraph (c) to the affected property owner within 120 days
200 after the court's final order. The county is liable for interest
201 on the full compensation awarded upon failure to tender full
202 compensation within 120 days.

203 (e) The county is solely liable for all compensation, fees,
204 costs, and interest awarded under this section. The state, its
205 agencies, and all other units of local government are not
206 liable.

207 (8) COUNTY SOLE FINANCIAL RESPONSIBILITY.—

208 (a) Costs arising under this section, including, but not
209 limited to, compensation, appraisal costs, attorney fees, court
210 costs, and prejudgment interest, must be borne solely by the
211 county that adopted or maintained the rural boundary
212 designation.

213 (b) The state, its agencies, and other units of local
214 government have no financial liability, contribution obligation,



531994

215 or indemnification duty under this section.

216 (c) A county may not seek reimbursement, contribution, or
217 funding from the state, a state agency, a state conservation or
218 land acquisition program, or any other unit of local government
219 for costs for implementation, compliance, or judicial awards
220 arising under this section.

221 (d) In accordance with s. 13, Art. X of the State
222 Constitution, the state, for itself and for its agencies or
223 political subdivisions, waives sovereign immunity for causes of
224 action based upon the application of any law, regulation, or
225 ordinance subject to this section, but only to the extent
226 specified in this section.

227 (9) CONSTRUCTION AND APPLICABILITY.—

228 (a) This section does not prohibit a county from
229 maintaining a rural boundary designation.

230 (b) This section applies to rural boundary designations in
231 effect on or after January 1, 2027.

232 (c) This section does not apply to any boundary within a
233 county as defined in s. 125.011(1).

234 (d) An affected property owner with an application, a
235 request, a claim, or a proceeding relating to the removal of
236 property from a rural boundary designation that is pending on
237 the effective date of this act may seek the remedies provided in
238 this section, regardless of the date on which the matter was
239 initiated.

240 (e) To the extent that a prior judicial decision has held
241 that a county charter amendment establishing a rural boundary
242 designation is constitutional or has otherwise ruled against a
243 property owner seeking removal from such a designation, such



531994

244 holding does not preclude a claim under this section. This
245 section establishes a new statutory right that is independent of
246 prior adjudication.

247 Section 11. The Division of Law Revision is directed to
248 replace the phrase "the effective date of this act" wherever it
249 occurs in this act with the date this act becomes a law.

250
251 ===== T I T L E A M E N D M E N T =====

252 And the title is amended as follows:

253 Delete line 65

254 and insert:

255 date; creating s. 163.32475, F.S.; providing
256 legislative findings and intent; defining terms;
257 authorizing an affected property owner to submit a
258 written request to remove the owner's property from a
259 rural boundary designation; requiring certain county
260 action within a specified period; providing that
261 denial of such a request constitutes a per se
262 regulatory taking; authorizing an affected property
263 owner to seek certain relief in a specified manner;
264 providing construction; providing that a governmental
265 entity is not liable for certain compensation more
266 than once; providing specified presumptions to
267 property removed from a rural boundary designation;
268 authorizing a property owner to petition the circuit
269 court for an order to assign certain density and
270 intensity; requiring the court to grant such petitions
271 except under certain circumstances; providing
272 requirements for determining adjacent density and



531994

273 adjacent intensity; providing that certain local
274 government provisions are void and unenforceable as to
275 property removed from a rural boundary designation
276 after such property is annexed into a municipality;
277 authorizing the annexation of such property without
278 certain county approval; providing construction;
279 authorizing an affected property owner to bring an
280 action to enforce certain rights; providing that
281 certain defenses are not available to a governmental
282 entity in such an action; requiring the court to award
283 certain relief to a prevailing affected property
284 owner; requiring a county to tender full compensation
285 to the affected property owner within a specified
286 timeframe; providing that the county is solely liable
287 for certain compensation, fees, costs, and interest;
288 prohibiting a county from seeking certain
289 reimbursement, contributions, or funding; providing a
290 limited waiver of sovereign immunity; providing
291 construction; providing applicability; providing a
292 directive to the Division of Law Revision; providing
293 effective dates.