



118996

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/24/2026	.	
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The Committee on Rules (McClain) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (4) of section 163.3162, Florida  
Statutes, is amended to read:

163.3162 Agricultural lands and practices.—

(4) PUBLIC HEARING PROCESS.—

(a) Notwithstanding any other law or local ordinance,  
resolution, or regulation, the owner of a parcel or parcels of  
land, or such owner's authorized agent or controlling entity,



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12 may apply to the governing body of the local government for  
13 certification of the parcel or parcels as an agricultural  
14 enclave as defined in s. 163.3164 if one or more adjacent  
15 parcels or an adjacent development permits the same density as,  
16 or higher density than, the proposed development. An applicant  
17 seeking such certification may not use the perimeter of another  
18 parcel certified by the local government as an agricultural  
19 enclave to meet the definition of the term "agricultural  
20 enclave."

21 (b) Within 30 days after the local government's receipt of  
22 such an application, the local government shall provide to the  
23 applicant a written report detailing whether the application  
24 complies with the requirements of paragraph (a).

25 (c) Within 30 days after the local government provides the  
26 report required under paragraph (b), the local government shall  
27 hold a public hearing to approve or deny certification of the  
28 parcel or parcels as an agricultural enclave. If the local  
29 government does not approve or deny certification of the parcel  
30 or parcels as an agricultural enclave within 90 days after  
31 receipt of the application, the parcel or parcels must be  
32 certified as an agricultural enclave.

33 (d) If the application is denied, the governing body of the  
34 local government must issue its decision in writing with  
35 detailed findings of fact and conclusions of law. The applicant  
36 may seek review of the denial by filing a petition for writ of  
37 certiorari in the circuit court within 30 days after the date  
38 the local government renders its decision.

39 (e) If the application is approved, the owner of the parcel  
40 or parcels certified as an agricultural enclave, or the owner's



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41 authorized agent or controlling entity, may submit development  
42 plans for single-family residential housing which are consistent  
43 with the land use requirements, or future land use designations,  
44 including uses, density, and intensity, of one or more adjacent  
45 parcels or an adjacent development. A development for which  
46 plans are submitted under this paragraph must be treated as a  
47 conforming use, notwithstanding the local government's  
48 comprehensive plan, future land use designation, or zoning. If  
49 development within an agricultural enclave affects an  
50 established wildlife corridor, the local government is  
51 encouraged to incorporate site design measures that maintain  
52 habitat permeability, including clustering, open space  
53 retention, and wildlife crossing accommodations, where feasible.

54 (f) A local government may not enact or enforce a law or  
55 regulation for an agricultural enclave which is more burdensome  
56 than for other types of applications for comparable uses or  
57 densities. A local government shall treat an agricultural  
58 enclave that is adjacent to an urban service district as if such  
59 enclave is within the urban service district.

60 (g) Within 30 business days after the local government's  
61 receipt of development plans under paragraph (e), the local  
62 government and the owner of the parcel or parcels certified as  
63 an agricultural enclave must agree in writing to a process and  
64 schedule for information submittal, analysis, and final  
65 approval, which may be administrative in nature, of the  
66 development plans. The local government may not require the  
67 owner to agree to a process that is longer than 180 days in  
68 duration or that includes further review of the plans in a  
69 quasi-judicial process or public hearing.



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70           (h) Notwithstanding paragraph (e), a parcel or parcels  
71 certified as an agricultural enclave as defined in s.  
72 163.3164(4)(c)1.c. which are adjacent to an interstate highway  
73 may be developed for commercial, industrial, or single-family  
74 residential purposes if one or more adjacent parcels or an  
75 adjacent development permits the same density or intensity as  
76 the proposed development ~~AMENDMENT TO LOCAL GOVERNMENT~~  
77 ~~COMPREHENSIVE PLAN. The owner of a parcel of land defined as an~~  
78 ~~agricultural enclave under s. 163.3164 may apply for an~~  
79 ~~amendment to the local government comprehensive plan pursuant to~~  
80 ~~s. 163.3184. Such amendment is presumed not to be urban sprawl~~  
81 ~~as defined in s. 163.3164 if it includes land uses and~~  
82 ~~intensities of use that are consistent with the uses and~~  
83 ~~intensities of use of the industrial, commercial, or residential~~  
84 ~~areas that surround the parcel. This presumption may be rebutted~~  
85 ~~by clear and convincing evidence. Each application for a~~  
86 ~~comprehensive plan amendment under this subsection for a parcel~~  
87 ~~larger than 640 acres must include appropriate new urbanism~~  
88 ~~concepts such as clustering, mixed use development, the creation~~  
89 ~~of rural village and city centers, and the transfer of~~  
90 ~~development rights in order to discourage urban sprawl while~~  
91 ~~protecting landowner rights.~~

92           ~~(a) The local government and the owner of a parcel of land~~  
93 ~~that is the subject of an application for an amendment shall~~  
94 ~~have 180 days following the date that the local government~~  
95 ~~receives a complete application to negotiate in good faith to~~  
96 ~~reach consensus on the land uses and intensities of use that are~~  
97 ~~consistent with the uses and intensities of use of the~~  
98 ~~industrial, commercial, or residential areas that surround the~~



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99 ~~parcel. Within 30 days after the local government's receipt of~~  
100 ~~such an application, the local government and owner must agree~~  
101 ~~in writing to a schedule for information submittal, public~~  
102 ~~hearings, negotiations, and final action on the amendment, which~~  
103 ~~schedule may thereafter be altered only with the written consent~~  
104 ~~of the local government and the owner. Compliance with the~~  
105 ~~schedule in the written agreement constitutes good faith~~  
106 ~~negotiations for purposes of paragraph (c).~~

107 ~~(b) Upon conclusion of good faith negotiations under~~  
108 ~~paragraph (a), regardless of whether the local government and~~  
109 ~~owner reach consensus on the land uses and intensities of use~~  
110 ~~that are consistent with the uses and intensities of use of the~~  
111 ~~industrial, commercial, or residential areas that surround the~~  
112 ~~parcel, the amendment must be transmitted to the state land~~  
113 ~~planning agency for review pursuant to s. 163.3184. If the local~~  
114 ~~government fails to transmit the amendment within 180 days after~~  
115 ~~receipt of a complete application, the amendment must be~~  
116 ~~immediately transferred to the state land planning agency for~~  
117 ~~such review. A plan amendment transmitted to the state land~~  
118 ~~planning agency submitted under this subsection is presumed not~~  
119 ~~to be urban sprawl as defined in s. 163.3164. This presumption~~  
120 ~~may be rebutted by clear and convincing evidence.~~

121 ~~(c) If the owner fails to negotiate in good faith, a plan~~  
122 ~~amendment submitted under this subsection is not entitled to the~~  
123 ~~rebuttable presumption under this subsection in the negotiation~~  
124 ~~and amendment process.~~

125 ~~(i)-(d)~~ Nothing within this subsection relating to  
126 agricultural enclaves shall preempt or replace any protection  
127 currently existing for any property located within the



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128 boundaries of any of the following areas:

129 1. The Wekiva Study Area, as described in s. 369.316.~~7~~~~or~~

130 2. The Everglades Protection Area, as defined in s.

131 373.4592(2).

132 3. Any area of critical state concern, as designated in s.

133 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s. 380.0555.

134 4. Any portion of a property encumbered by a recorded

135 conservation easement as defined in s. 704.06.

136 5. A military installation or range identified in s.

137 163.3175(2).

138 Section 2. Subsection (4) of section 163.3164, Florida  
139 Statutes, is amended to read:

140 163.3164 Community Planning Act; definitions.—As used in  
141 this act:

142 (4) "Agricultural enclave" means an unincorporated,  
143 undeveloped parcel or parcels that, as of January 1, 2025:

144 (a) Are ~~is~~ owned or controlled by a single person or  
145 entity;

146 (b) Have ~~Has~~ been in continuous use for bona fide  
147 agricultural purposes, as defined by s. 193.461, for a period of  
148 5 years before ~~prior to~~ the date of any comprehensive plan  
149 amendment or development application;

150 (c) 1. Are ~~is~~ surrounded on at least 75 percent of their ~~its~~  
151 perimeter by:

152 a.1. A parcel or parcels ~~Property~~ that have ~~has~~ existing  
153 industrial, commercial, or residential development; ~~or~~

154 b.2. A parcel or parcels ~~Property~~ that the local government  
155 has designated, in the local government's ~~comprehensive plan,~~  
156 zoning map, and future land use map, as land that is to be



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157 developed for industrial, commercial, or residential purposes,  
158 and at least 50 ~~75~~ percent of such parcel or parcels ~~property~~ is  
159 existing industrial, commercial, or residential development; or  
160 c. A combination of an interstate highway and a parcel or  
161 parcels that are within an urban service district, area, or line  
162 and that the local government has designated in the local  
163 government's future land use map as land that is to be developed  
164 for industrial, commercial, or residential purposes;  
165 2. Do not exceed 700 acres and are surrounded on at least  
166 50 percent of their perimeter by a parcel or parcels that the  
167 local government has designated on the local government's future  
168 land use map as land that is to be developed for industrial,  
169 commercial, or residential purposes; and the parcel or parcels  
170 are surrounded on at least 50 percent of their perimeter by a  
171 parcel or parcels within an urban service district, area, or  
172 line; or  
173 3. Are located within the boundary of an established rural  
174 study area adopted in the local government's comprehensive plan  
175 which was intended to be developed with residential uses;  
176 (d) Have ~~Has~~ public services, including water, wastewater,  
177 transportation, schools, and recreation facilities, available or  
178 such public services are scheduled in the capital improvement  
179 element to be provided by the local government or can be  
180 provided by an alternative provider of local government  
181 infrastructure in order to ensure consistency with applicable  
182 concurrency provisions of s. 163.3180, or the applicant offers  
183 to enter into a binding agreement to pay for, construct, or  
184 contribute land for its proportionate share of such  
185 improvements; and



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186 (e) ~~Do~~ ~~Does~~ not exceed 1,280 acres; however, if the parcel  
187 or parcels are property is surrounded on at least 75 percent of  
188 their perimeter by existing or authorized residential  
189 development that will result in a density at buildout of at  
190 least 1,000 residents per square mile, ~~then~~ the area must shall  
191 be determined to be urban and the parcel or parcels may not  
192 exceed 4,480 acres; and

193 (f) Are located within a county with a population of 1.75  
194 million or less. For purposes of this subsection, population is  
195 determined in accordance with the most recent official estimate  
196 pursuant to s. 186.901.

197  
198 Where a right-of-way, body of water, or canal exists along the  
199 perimeter of a parcel, the perimeter calculations of the  
200 agricultural enclave must be based on the adjacent parcel or  
201 parcels across the right-of-way, body of water, or canal.

202 Section 3. The amendments made by this act to ss.  
203 163.3162(4) and 163.3164(4), Florida Statutes, shall expire  
204 January 1, 2028, and the text of those subsections shall revert  
205 to that in existence on June 30, 2026, except that any amendment  
206 to such text enacted other than by this act shall be preserved  
207 and continue to operate to the extent that such amendment is not  
208 dependent upon the portions of text which expire pursuant to  
209 this section.

210 Section 4. This act shall take effect July 1, 2026.

211  
212 ===== T I T L E A M E N D M E N T =====

213 And the title is amended as follows:

214 Delete everything before the enacting clause



215 and insert:

216                   A bill to be entitled  
217           An act relating to agricultural enclaves; amending s.  
218           163.3162, F.S.; authorizing certain persons to apply  
219           to the governing body of the local government for  
220           certification of certain parcels as agricultural  
221           enclaves; prohibiting an applicant from using the  
222           perimeter of certain parcels for a specified purpose;  
223           requiring the local government to provide to the  
224           applicant a certain report within a specified  
225           timeframe; requiring the local government to hold a  
226           public hearing within a specified timeframe to approve  
227           or deny such certification; requiring the  
228           certification of a parcel or parcels as an  
229           agricultural enclave under certain circumstances;  
230           requiring the governing body to issue certain  
231           decisions in writing; authorizing an applicant to seek  
232           judicial review under certain circumstances;  
233           authorizing certain persons to submit certain  
234           development plans; requiring that certain developments  
235           be treated as a conforming use; encouraging a local  
236           government to incorporate certain site design measures  
237           where feasible for certain development; prohibiting a  
238           local government from enacting or enforcing certain  
239           laws or regulations; requiring a local government to  
240           treat certain agricultural enclaves as if they are  
241           within urban service districts; requiring the local  
242           government and the owner of a parcel or parcels  
243           certified as an agricultural enclave to enter a



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244 certain written agreement; authorizing the development  
245 of certain parcels for commercial, industrial, or  
246 single-family residential purposes under certain  
247 circumstances; deleting provisions relating to certain  
248 amendments to a local government's comprehensive plan;  
249 revising construction; amending s. 163.3164, F.S.;  
250 revising the definition of the term "agricultural  
251 enclave"; providing for the future expiration and  
252 reversion of specified provisions; providing an  
253 effective date.