

By the Committee on Community Affairs; and Senator McClain

578-02034-26

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A bill to be entitled

An act relating to agricultural enclaves; amending s. 163.3162, F.S.; authorizing owners of certain parcels to apply to the governing body of the local government for certification of such parcels as agricultural enclaves; requiring the local government to provide to the applicant a certain report within a specified timeframe; requiring the local government to hold a public hearing within a specified timeframe to approve or deny such certification; requiring the certification of a parcel as an agricultural enclave under certain circumstances; requiring the governing body to issue certain decisions in writing; authorizing an applicant to seek judicial review under certain circumstances; authorizing the owner of a parcel certified as an agricultural enclave to submit certain development plans; requiring that certain developments be treated as a conforming use; prohibiting a local government from enacting or enforcing certain laws or regulations; requiring a local government to treat certain agricultural enclaves as if they are within urban service districts; requiring the local government and the owner of a parcel certified as an agricultural enclave to enter a certain written agreement; deleting provisions relating to certain amendments to a local government's comprehensive plan; revising construction; amending s. 163.3164, F.S.; revising the definition of the term "agricultural enclave";

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30 providing for the future expiration and reversion of
31 specified provisions; providing an effective date.
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33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. Subsection (4) of section 163.3162, Florida
36 Statutes, is amended to read:

37 163.3162 Agricultural lands and practices.—

38 (4) PUBLIC HEARING PROCESS.—

39 (a) Notwithstanding any other law or local ordinance,
40 resolution, or regulation, the owner of a parcel of land may
41 apply to the governing body of the local government for
42 certification of the parcel as an agricultural enclave as
43 defined in s. 163.3164 if one or more adjacent parcels or an
44 adjacent development permits the same density as, or higher
45 density than, the proposed development.

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

50 (c) Within 30 days after the local government provides the
51 report required under paragraph (b), the local government shall
52 hold a public hearing to approve or deny certification of the
53 parcel as an agricultural enclave. If the local government does
54 not approve or deny certification of the parcel as an
55 agricultural enclave within 90 days after receipt of the
56 application, the parcel must be certified as an agricultural
57 enclave.

58 (d) If the application is denied, the governing body of the

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59 local government must issue its decision in writing with
60 detailed findings of fact and conclusions of law. The applicant
61 may seek review of the denial by filing a petition for writ of
62 certiorari in the circuit court within 30 days after the date
63 the local government renders its decision.

64 (e) If the application is approved, the owner of the parcel
65 certified as an agricultural enclave may submit development
66 plans for single-family residential housing which are consistent
67 with the land use requirements, or future land use designations,
68 including uses, density, and intensity, of one or more adjacent
69 parcels or an adjacent development. A development for which
70 plans are submitted under this paragraph must be treated as a
71 conforming use, notwithstanding the local government's
72 comprehensive plan, future land use designation, or zoning.

73 (f) A local government may not enact or enforce a law or
74 regulation for an agricultural enclave which is more burdensome
75 than for other types of applications for comparable uses or
76 densities. A local government shall treat an agricultural
77 enclave that is adjacent to an urban service district as if such
78 enclave is within the urban service district.

79 (g) Within 30 business days after the local government's
80 receipt of development plans under paragraph (e), the local
81 government and the owner of the parcel certified as an
82 agricultural enclave must agree in writing to a process and
83 schedule for information submittal, analysis, and final
84 approval, which may be administrative in nature, of the
85 development plans. The local government may not require the
86 owner to agree to a process that is longer than 180 days in
87 duration or that includes further review of the plans in a

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88 quasi-judicial process or public hearing ~~AMENDMENT TO LOCAL~~
89 ~~GOVERNMENT COMPREHENSIVE PLAN. The owner of a parcel of land~~
90 ~~defined as an agricultural enclave under s. 163.3164 may apply~~
91 ~~for an amendment to the local government comprehensive plan~~
92 ~~pursuant to s. 163.3184. Such amendment is presumed not to be~~
93 ~~urban sprawl as defined in s. 163.3164 if it includes land uses~~
94 ~~and intensities of use that are consistent with the uses and~~
95 ~~intensities of use of the industrial, commercial, or residential~~
96 ~~areas that surround the parcel. This presumption may be rebutted~~
97 ~~by clear and convincing evidence. Each application for a~~
98 ~~comprehensive plan amendment under this subsection for a parcel~~
99 ~~larger than 640 acres must include appropriate new urbanism~~
100 ~~concepts such as clustering, mixed-use development, the creation~~
101 ~~of rural village and city centers, and the transfer of~~
102 ~~development rights in order to discourage urban sprawl while~~
103 ~~protecting landowner rights.~~

104 ~~(a) The local government and the owner of a parcel of land~~
105 ~~that is the subject of an application for an amendment shall~~
106 ~~have 180 days following the date that the local government~~
107 ~~receives a complete application to negotiate in good faith to~~
108 ~~reach consensus on the land uses and intensities of use that are~~
109 ~~consistent with the uses and intensities of use of the~~
110 ~~industrial, commercial, or residential areas that surround the~~
111 ~~parcel. Within 30 days after the local government's receipt of~~
112 ~~such an application, the local government and owner must agree~~
113 ~~in writing to a schedule for information submittal, public~~
114 ~~hearings, negotiations, and final action on the amendment, which~~
115 ~~schedule may thereafter be altered only with the written consent~~
116 ~~of the local government and the owner. Compliance with the~~

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~~schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

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

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

~~(h)~~ (d) Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316.~~7~~ ~~or~~
2. The Everglades Protection Area, as defined in s. 373.4592(2).
3. A military installation or range identified in s. 163.3175(2).

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

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

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

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

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

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

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

b.2. A parcel or parcels ~~Property~~ that the local government has designated, in the local government's ~~comprehensive plan,~~ zoning map, and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 75 percent of such parcel or parcels ~~property~~ is existing industrial, commercial, or residential development; or

c. A combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line and that the local government has designated in the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes;

2. Do not exceed 700 acres and are surrounded on at least 50 percent of their perimeter by a parcel or parcels that the

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175 local government has designated on the local government's future
176 land use map as land that is to be developed for industrial,
177 commercial, or residential purposes; and the parcel or parcels
178 are surrounded on at least 50 percent of their perimeter by a
179 parcel or parcels within an urban service district, area, or
180 line; or

181 3. Are located within the boundary of an established rural
182 study area adopted in the local government's comprehensive plan
183 which was intended to be developed with residential uses;

184 (d) Have ~~Has~~ public services, including water, wastewater,
185 transportation, schools, and recreation facilities, available or
186 such public services are scheduled in the capital improvement
187 element to be provided by the local government or can be
188 provided by an alternative provider of local government
189 infrastructure in order to ensure consistency with applicable
190 concurrency provisions of s. 163.3180, or the applicant offers
191 to enter into a binding agreement to pay for, construct, or
192 contribute land for its proportionate share of such
193 improvements; and

194 (e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel
195 or parcels are ~~property is~~ surrounded by existing or authorized
196 residential development that will result in a density at
197 buildout of at least 1,000 residents per square mile, ~~then~~ the
198 area must ~~shall~~ be determined to be urban and the parcel or
199 parcels may not exceed 4,480 acres; and

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

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205 Where a right-of-way, body of water, or canal exists along the
206 perimeter of a parcel, the perimeter calculations of the
207 agricultural enclave must be based on the adjacent parcel or
208 parcels across the right-of-way, body of water, or canal.

209 Section 3. The amendments made by this act to ss.
210 163.3162(4) and 163.3164(4), Florida Statutes, shall expire
211 January 1, 2028, and the text of those subsections shall revert
212 to that in existence on June 30, 2026, except that any amendment
213 to such text enacted other than by this act shall be preserved
214 and continue to operate to the extent that such amendment is not
215 dependent upon the portions of text which expire pursuant to
216 this section.

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