

By the Committees on Rules; Judiciary; and Community Affairs;  
and Senator McClain

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1                                   A bill to be entitled  
2       An act relating to agricultural enclaves; amending s.  
3       163.3162, F.S.; authorizing certain persons to apply  
4       to the governing body of the local government for  
5       certification of certain parcels as agricultural  
6       enclaves; prohibiting an applicant from using the  
7       perimeter of certain parcels for a specified purpose;  
8       requiring the local government to provide to the  
9       applicant a certain report within a specified  
10      timeframe; requiring the local government to hold a  
11      public hearing within a specified timeframe to approve  
12      or deny such certification; requiring the  
13      certification of a parcel or parcels as an  
14      agricultural enclave under certain circumstances;  
15      requiring the governing body to issue certain  
16      decisions in writing; authorizing an applicant to seek  
17      judicial review under certain circumstances;  
18      authorizing certain persons to submit certain  
19      development plans; requiring that certain developments  
20      be treated as a conforming use; encouraging a local  
21      government to incorporate certain site design measures  
22      where feasible for certain development; prohibiting a  
23      local government from enacting or enforcing certain  
24      laws or regulations; requiring a local government to  
25      treat certain agricultural enclaves as if they are  
26      within urban service districts; requiring the local  
27      government and the owner of a parcel or parcels  
28      certified as an agricultural enclave to enter a  
29      certain written agreement; authorizing the development

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30 of certain parcels for commercial, industrial, or  
31 single-family residential purposes under certain  
32 circumstances; deleting provisions relating to certain  
33 amendments to a local government's comprehensive plan;  
34 revising construction; amending s. 163.3164, F.S.;  
35 revising the definition of the term "agricultural  
36 enclave"; providing for the future expiration and  
37 reversion of specified provisions; providing an  
38 effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. Subsection (4) of section 163.3162, Florida  
43 Statutes, is amended to read:

44 163.3162 Agricultural lands and practices.—

45 (4) PUBLIC HEARING PROCESS.—

46 (a) Notwithstanding any other law or local ordinance,  
47 resolution, or regulation, the owner of a parcel or parcels of  
48 land, or such owner's authorized agent or controlling entity,  
49 may apply to the governing body of the local government for  
50 certification of the parcel or parcels as an agricultural  
51 enclave as defined in s. 163.3164 if one or more adjacent  
52 parcels or an adjacent development permits the same density as,  
53 or higher density than, the proposed development. An applicant  
54 seeking such certification may not use the perimeter of another  
55 parcel certified by the local government as an agricultural  
56 enclave to meet the definition of the term "agricultural  
57 enclave."

58 (b) Within 30 days after the local government's receipt of

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59 such an application, the local government shall provide to the  
60 applicant a written report detailing whether the application  
61 complies with the requirements of paragraph (a).

62 (c) Within 30 days after the local government provides the  
63 report required under paragraph (b), the local government shall  
64 hold a public hearing to approve or deny certification of the  
65 parcel or parcels as an agricultural enclave. If the local  
66 government does not approve or deny certification of the parcel  
67 or parcels as an agricultural enclave within 90 days after  
68 receipt of the application, the parcel or parcels must be  
69 certified as an agricultural enclave.

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

76 (e) If the application is approved, the owner of the parcel  
77 or parcels certified as an agricultural enclave, or the owner's  
78 authorized agent or controlling entity, may submit development  
79 plans for single-family residential housing which are consistent  
80 with the land use requirements, or future land use designations,  
81 including uses, density, and intensity, of one or more adjacent  
82 parcels or an adjacent development. A development for which  
83 plans are submitted under this paragraph must be treated as a  
84 conforming use, notwithstanding the local government's  
85 comprehensive plan, future land use designation, or zoning. If  
86 development within an agricultural enclave affects an  
87 established wildlife corridor, the local government is

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88 encouraged to incorporate site design measures that maintain  
89 habitat permeability, including clustering, open space  
90 retention, and wildlife crossing accommodations, where feasible.

91 (f) A local government may not enact or enforce a law or  
92 regulation for an agricultural enclave which is more burdensome  
93 than for other types of applications for comparable uses or  
94 densities. A local government shall treat an agricultural  
95 enclave that is adjacent to an urban service district as if such  
96 enclave is within the urban service district.

97 (g) Within 30 business days after the local government's  
98 receipt of development plans under paragraph (e), the local  
99 government and the owner of the parcel or parcels certified as  
100 an agricultural enclave must agree in writing to a process and  
101 schedule for information submittal, analysis, and final  
102 approval, which may be administrative in nature, of the  
103 development plans. The local government may not require the  
104 owner to agree to a process that is longer than 180 days in  
105 duration or that includes further review of the plans in a  
106 quasi-judicial process or public hearing.

107 (h) Notwithstanding paragraph (e), a parcel or parcels  
108 certified as an agricultural enclave as defined in s.  
109 163.3164(4)(c)1.c. which are adjacent to an interstate highway  
110 may be developed for commercial, industrial, or single-family  
111 residential purposes if one or more adjacent parcels or an  
112 adjacent development permits the same density or intensity as  
113 the proposed development ~~AMENDMENT TO LOCAL GOVERNMENT~~  
114 ~~COMPREHENSIVE PLAN.~~ The owner of a parcel of land defined as an  
115 agricultural enclave under s. 163.3164 may apply for an  
116 amendment to the local government comprehensive plan pursuant to

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117 ~~s. 163.3184. Such amendment is presumed not to be urban sprawl~~  
118 ~~as defined in s. 163.3164 if it includes land uses and~~  
119 ~~intensities of use that are consistent with the uses and~~  
120 ~~intensities of use of the industrial, commercial, or residential~~  
121 ~~areas that surround the parcel. This presumption may be rebutted~~  
122 ~~by clear and convincing evidence. Each application for a~~  
123 ~~comprehensive plan amendment under this subsection for a parcel~~  
124 ~~larger than 640 acres must include appropriate new urbanism~~  
125 ~~concepts such as clustering, mixed use development, the creation~~  
126 ~~of rural village and city centers, and the transfer of~~  
127 ~~development rights in order to discourage urban sprawl while~~  
128 ~~protecting landowner rights.~~

129 ~~(a) The local government and the owner of a parcel of land~~  
130 ~~that is the subject of an application for an amendment shall~~  
131 ~~have 180 days following the date that the local government~~  
132 ~~receives a complete application to negotiate in good faith to~~  
133 ~~reach consensus on the land uses and intensities of use that are~~  
134 ~~consistent with the uses and intensities of use of the~~  
135 ~~industrial, commercial, or residential areas that surround the~~  
136 ~~parcel. Within 30 days after the local government's receipt of~~  
137 ~~such an application, the local government and owner must agree~~  
138 ~~in writing to a schedule for information submittal, public~~  
139 ~~hearings, negotiations, and final action on the amendment, which~~  
140 ~~schedule may thereafter be altered only with the written consent~~  
141 ~~of the local government and the owner. Compliance with the~~  
142 ~~schedule in the written agreement constitutes good faith~~  
143 ~~negotiations for purposes of paragraph (c).~~

144 ~~(b) Upon conclusion of good faith negotiations under~~  
145 ~~paragraph (a), regardless of whether the local government and~~

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146 ~~owner reach consensus on the land uses and intensities of use~~  
147 ~~that are consistent with the uses and intensities of use of the~~  
148 ~~industrial, commercial, or residential areas that surround the~~  
149 ~~parcel, the amendment must be transmitted to the state land~~  
150 ~~planning agency for review pursuant to s. 163.3184. If the local~~  
151 ~~government fails to transmit the amendment within 180 days after~~  
152 ~~receipt of a complete application, the amendment must be~~  
153 ~~immediately transferred to the state land planning agency for~~  
154 ~~such review. A plan amendment transmitted to the state land~~  
155 ~~planning agency submitted under this subsection is presumed not~~  
156 ~~to be urban sprawl as defined in s. 163.3164. This presumption~~  
157 ~~may be rebutted by clear and convincing evidence.~~

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

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

166 1. The Wekiva Study Area, as described in s. 369.316.~~7~~  
167 2. The Everglades Protection Area, as defined in s.  
168 373.4592(2).

169 3. Any area of critical state concern, as designated in s.  
170 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s. 380.0555.

171 4. Any portion of a property encumbered by a recorded  
172 conservation easement as defined in s. 704.06.

173 5. A military installation or range identified in s.  
174 163.3175(2).

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

177 163.3164 Community Planning Act; definitions.—As used in  
178 this act:

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

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

183 (b) Have ~~Has~~ been in continuous use for bona fide  
184 agricultural purposes, as defined by s. 193.461, for a period of  
185 5 years before ~~prior to~~ the date of any comprehensive plan  
186 amendment or development application;

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

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

191 b.2. A parcel or parcels ~~Property~~ that the local government  
192 has designated, in the local government's ~~comprehensive plan,~~  
193 zoning map, and future land use map, as land that is to be  
194 developed for industrial, commercial, or residential purposes,  
195 and at least 50 ~~75~~ percent of such parcel or parcels ~~property~~ is  
196 existing industrial, commercial, or residential development; or

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

202 2. Do not exceed 700 acres and are surrounded on at least  
203 50 percent of their perimeter by a parcel or parcels that the

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204 local government has designated on the local government's future  
205 land use map as land that is to be developed for industrial,  
206 commercial, or residential purposes; and the parcel or parcels  
207 are surrounded on at least 50 percent of their perimeter by a  
208 parcel or parcels within an urban service district, area, or  
209 line; or

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

213 (d) Have ~~Has~~ public services, including water, wastewater,  
214 transportation, schools, and recreation facilities, available or  
215 such public services are scheduled in the capital improvement  
216 element to be provided by the local government or can be  
217 provided by an alternative provider of local government  
218 infrastructure in order to ensure consistency with applicable  
219 concurrency provisions of s. 163.3180, or the applicant offers  
220 to enter into a binding agreement to pay for, construct, or  
221 contribute land for its proportionate share of such  
222 improvements; and

223 (e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel  
224 or parcels are ~~property is~~ surrounded on at least 75 percent of  
225 their perimeter by existing or authorized residential  
226 development that will result in a density at buildout of at  
227 least 1,000 residents per square mile, ~~then~~ the area must ~~shall~~  
228 be determined to be urban and the parcel or parcels may not  
229 exceed 4,480 acres, unless such parcel or parcels exceeding  
230 1,280 acres are within the affected counties covered by the  
231 water protection plan specified in s. 373.4595(4) (c); and

232 (f) Are located within a county with a population of 1.75

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233 million or less. For purposes of this subsection, population is  
234 determined in accordance with the most recent official estimate  
235 pursuant to s. 186.901.

236  
237 Where a right-of-way, body of water, or canal exists along the  
238 perimeter of a parcel, the perimeter calculations of the  
239 agricultural enclave must be based on the adjacent parcel or  
240 parcels across the right-of-way, body of water, or canal.

241 Section 3. The amendments made by this act to ss.  
242 163.3162(4) and 163.3164(4), Florida Statutes, shall expire  
243 January 1, 2028, and the text of those subsections shall revert  
244 to that in existence on June 30, 2026, except that any amendment  
245 to such text enacted other than by this act shall be preserved  
246 and continue to operate to the extent that such amendment is not  
247 dependent upon the portions of text which expire pursuant to  
248 this section.

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