

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Botana offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

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

8 163.3162 Agricultural lands and practices.—

9 (4) PUBLIC HEARING PROCESS.—

10 (a) Notwithstanding any other law or local ordinance,
11 resolution, or regulation, the owner of a parcel of land may
12 apply to the governing body of the local government for
13 certification of the parcel as an agricultural enclave as
14 defined in s. 163.3164 if one or more adjacent parcels or an
15 adjacent development permits the same density as, or higher
16 density than, the proposed development.

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

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

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

35 (e) If the application is approved, the owner of the
36 parcel certified as an agricultural enclave may submit
37 development plans for single-family residential housing which
38 are consistent with the land use requirements, or future land
39 use designations, including uses, density, and intensity, of one
40 or more adjacent parcels or an adjacent development. A
41 development for which plans are submitted under this paragraph

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42 must be treated as a conforming use, notwithstanding the local
43 government's comprehensive plan, future land use designation, or
44 zoning.

45 (f) A local government may not enact or enforce a law or
46 regulation for an agricultural enclave which is more burdensome
47 than for other types of applications for comparable uses or
48 densities. A local government shall treat an agricultural
49 enclave that is adjacent to an urban service district as if such
50 enclave is within the urban service district.

51 (g) Within 30 business days after the local government's
52 receipt of development plans under paragraph (e), the local
53 government and the owner of the parcel certified as an
54 agricultural enclave must agree in writing to a process and
55 schedule for information submittal, analysis, and final
56 approval, which may be administrative in nature, of the
57 development plans. The local government may not require the
58 owner to agree to a process that is longer than 180 days in
59 duration or that includes further review of the plans in a
60 quasi-judicial process or public hearing.

61 (h) Notwithstanding paragraph (e), a certified
62 agricultural enclave as defined in s. 163.3164(4)(c)1.c. which
63 is adjacent to an interstate highway may be developed for
64 commercial, industrial, or single-family residential purposes if
65 one or more adjacent parcels or an adjacent development permits
66 the same density or intensity as the proposed development

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67 ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN. The owner of a~~
68 ~~parcel of land defined as an agricultural enclave under s.~~
69 ~~163.3164 may apply for an amendment to the local government~~
70 ~~comprehensive plan pursuant to s. 163.3184. Such amendment is~~
71 ~~presumed not to be urban sprawl as defined in s. 163.3164 if it~~
72 ~~includes land uses and intensities of use that are consistent~~
73 ~~with the uses and intensities of use of the industrial,~~
74 ~~commercial, or residential areas that surround the parcel. This~~
75 ~~presumption may be rebutted by clear and convincing evidence.~~
76 ~~Each application for a comprehensive plan amendment under this~~
77 ~~subsection for a parcel larger than 640 acres must include~~
78 ~~appropriate new urbanism concepts such as clustering, mixed use~~
79 ~~development, the creation of rural village and city centers, and~~
80 ~~the transfer of development rights in order to discourage urban~~
81 ~~sprawl while protecting landowner rights.~~

82 ~~(a) The local government and the owner of a parcel of land~~
83 ~~that is the subject of an application for an amendment shall~~
84 ~~have 180 days following the date that the local government~~
85 ~~receives a complete application to negotiate in good faith to~~
86 ~~reach consensus on the land uses and intensities of use that are~~
87 ~~consistent with the uses and intensities of use of the~~
88 ~~industrial, commercial, or residential areas that surround the~~
89 ~~parcel. Within 30 days after the local government's receipt of~~
90 ~~such an application, the local government and owner must agree~~
91 ~~in writing to a schedule for information submittal, public~~

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92 ~~hearings, negotiations, and final action on the amendment, which~~
93 ~~schedule may thereafter be altered only with the written consent~~
94 ~~of the local government and the owner. Compliance with the~~
95 ~~schedule in the written agreement constitutes good faith~~
96 ~~negotiations for purposes of paragraph (c).~~

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

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

115 ~~(i)-(d)~~ Nothing within this subsection relating to
116 agricultural enclaves shall preempt or replace any protection

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117 currently existing for any property located within the
118 boundaries of any of the following areas:

119 1. The Wekiva Study Area, as described in s. 369.316~~.; or~~

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

121 373.4592(2).

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

123 s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s.

124 380.0555.

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

126 conservation easement as defined in s. 704.06.

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

128 163.3175(2).

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

131 163.3164 Community Planning Act; definitions.—As used in
132 this act:

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

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

137 (b) Have ~~Has~~ been in continuous use for bona fide
138 agricultural purposes, as defined by s. 193.461, for a period of
139 5 years before ~~prior to~~ the date of any comprehensive plan
140 amendment or development application;

141 (c) 1. Are ~~is~~ surrounded on at least 75 percent of their

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142 ~~its~~ perimeter by:

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

145 ~~b.2.~~ A parcel or parcels Property that the local
146 government has designated, in the local government's
147 ~~comprehensive plan,~~ zoning map, and future land use map, as land
148 that is to be developed for industrial, commercial, or
149 residential purposes, and at least ~~75~~ 50 percent of such parcel
150 or parcels property is existing industrial, commercial, or
151 residential development; or

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

157 2. Do not exceed 700 acres and are surrounded on at least
158 50 percent of their perimeter by a parcel or parcels that the
159 local government has designated on the local government's future
160 land use map as land that is to be developed for industrial,
161 commercial, or residential purposes; and the parcel or parcels
162 are surrounded on at least 50 percent of their perimeter by a
163 parcel or parcels within an urban service district, area, or
164 line; or

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

168 (d) Have ~~Has~~ public services, including water, wastewater,
169 transportation, schools, and recreation facilities, available or
170 such public services are scheduled in the capital improvement
171 element to be provided by the local government or can be
172 provided by an alternative provider of local government
173 infrastructure in order to ensure consistency with applicable
174 concurrency provisions of s. 163.3180, or the applicant offers
175 to enter into a binding agreement to pay for, construct, or
176 contribute land for its proportionate share of such
177 improvements; and

178 (e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel
179 or parcels are ~~property is~~ surrounded on at least 75 percent of
180 the boundary by existing or authorized residential development
181 that will result in a density at buildout of at least 1,000
182 residents per square mile, ~~then~~ the area must ~~shall~~ be
183 determined to be urban and the parcel or parcels may not exceed
184 4,480 acres; and

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

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190 Where a right-of-way, body of water, or canal exists along the
191 perimeter of a parcel, the perimeter calculations of the
192 agricultural enclave must be based on the adjacent parcel or
193 parcels across the right-of-way, body of water, or canal.

194 **Section 3.** The amendments made by this act to ss.
195 163.3162(4) and 163.3164(4), Florida Statutes, shall expire
196 January 1, 2028, and the text of those subsections shall revert
197 to that in existence on June 30, 2026, except that any amendment
198 to such text enacted other than by this act shall be preserved
199 and continue to operate to the extent that such amendment is not
200 dependent upon the portions of text which expire pursuant to
201 this section.

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

203
204 -----

205 **T I T L E A M E N D M E N T**

206 Remove everything before the enacting clause and insert:
207 An act relating to agricultural enclaves; amending s.
208 163.3162, F.S.; authorizing owners of certain parcels
209 to apply to the governing body of the local government
210 for certification of such parcels as agricultural
211 enclaves; requiring the local government to provide to
212 the applicant a certain report within a specified
213 timeframe; requiring the local government to hold a
214 public hearing within a specified timeframe to approve

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215 or deny such certification; requiring the
216 certification of a parcel as an agricultural enclave
217 under certain circumstances; requiring the governing
218 body to issue certain decisions in writing;
219 authorizing an applicant to seek judicial review under
220 certain circumstances; authorizing the owner of a
221 parcel certified as an agricultural enclave to submit
222 certain development plans; requiring that certain
223 developments be treated as a conforming use;
224 prohibiting a local government from enacting or
225 enforcing certain laws or regulations; requiring a
226 local government to treat certain agricultural
227 enclaves as if they are within urban service
228 districts; requiring the local government and the
229 owner of a parcel certified as an agricultural enclave
230 to enter a certain written agreement; authorizing the
231 development of certain certified agricultural enclaves
232 for commercial, industrial, or single-family
233 residential purposes under certain circumstances;
234 deleting provisions relating to certain amendments to
235 a local government's comprehensive plan; revising
236 construction; amending s. 163.3164, F.S.; revising the
237 definition of the term "agricultural enclave";
238 providing for the future expiration and reversion of
239 specified provisions; providing an effective date.

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