

1                                    A bill to be entitled  
2        An act relating to agricultural enclaves; amending s.  
3        163.3162, F.S.; authorizing owners of certain parcels  
4        to apply to the governing body of the local government  
5        for certification of such parcels as agricultural  
6        enclaves; requiring the local government to provide to  
7        the applicant a certain report within a specified  
8        timeframe; requiring the local government to hold a  
9        public hearing within a specified timeframe to approve  
10       or deny such certification; requiring the  
11       certification of a parcel as an agricultural enclave  
12       under certain circumstances; requiring the governing  
13       body to issue certain decisions in writing;  
14       authorizing an applicant to seek judicial review under  
15       certain circumstances; authorizing the owner of a  
16       parcel certified as an agricultural enclave to submit  
17       certain development plans; requiring that certain  
18       developments be treated as a conforming use;  
19       prohibiting a local government from enacting or  
20       enforcing certain laws or regulations; requiring a  
21       local government to treat certain agricultural  
22       enclaves as if they are within urban service  
23       districts; requiring the local government and the  
24       owner of a parcel certified as an agricultural enclave  
25       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"; providing for the future expiration and reversion of specified provisions; providing an effective date.

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

**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 of land may apply to the governing body of the local government for certification of the parcel as an agricultural enclave as defined in s. 163.3164 if one or more adjacent parcels or an adjacent development permits the same density as, or higher density than, the proposed development.

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

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

74 (f) A local government may not enact or enforce a law or  
75 regulation for an agricultural enclave which is more burdensome

76 than for other types of applications for comparable uses or  
77 densities. A local government shall treat an agricultural  
78 enclave that is adjacent to an urban service district as if such  
79 enclave is within the urban service district.

80 (g) Within 30 business days after the local government's  
81 receipt of development plans under paragraph (e), the local  
82 government and the owner of the parcel certified as an  
83 agricultural enclave must agree in writing to a process and  
84 schedule for information submittal, analysis, and final  
85 approval, which may be administrative in nature, of the  
86 development plans. The local government may not require the  
87 owner to agree to a process that is longer than 180 days in  
88 duration or that includes further review of the plans in a  
89 quasi-judicial process or public hearing ~~AMENDMENT TO LOCAL~~  
90 ~~GOVERNMENT COMPREHENSIVE PLAN. The owner of a parcel of land~~  
91 ~~defined as an agricultural enclave under s. 163.3164 may apply~~  
92 ~~for an amendment to the local government comprehensive plan~~  
93 ~~pursuant to s. 163.3184. Such amendment is presumed not to be~~  
94 ~~urban sprawl as defined in s. 163.3164 if it includes land uses~~  
95 ~~and intensities of use that are consistent with the uses and~~  
96 ~~intensities of use of the industrial, commercial, or residential~~  
97 ~~areas that surround the parcel. This presumption may be rebutted~~  
98 ~~by clear and convincing evidence. Each application for a~~  
99 ~~comprehensive plan amendment under this subsection for a parcel~~  
100 ~~larger than 640 acres must include appropriate new urbanism~~

101 ~~concepts such as clustering, mixed-use development, the creation~~  
102 ~~of rural village and city centers, and the transfer of~~  
103 ~~development rights in order to discourage urban sprawl while~~  
104 ~~protecting landowner rights.~~

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

120 ~~(b) Upon conclusion of good faith negotiations under~~  
121 ~~paragraph (a), regardless of whether the local government and~~  
122 ~~owner reach consensus on the land uses and intensities of use~~  
123 ~~that are consistent with the uses and intensities of use of the~~  
124 ~~industrial, commercial, or residential areas that surround the~~  
125 ~~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~~.~~.~~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).

**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:

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

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

155 (b) Have ~~Has~~ been in continuous use for bona fide  
156 agricultural purposes, as defined by s. 193.461, for a period of  
157 5 years before ~~prior to~~ the date of any comprehensive plan  
158 amendment or development application;

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

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

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

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

175 2. Do not exceed 700 acres and are surrounded on at least

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

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

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

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



201 parcels may not exceed 4,480 acres; and

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

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

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

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