

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 to approve or deny such certification  
10          within a specified timeframe; 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 certain  
18          developments to 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 within a

26 | specified timeframe; authorizing the development of  
 27 | certain certified agricultural enclaves for  
 28 | commercial, industrial, or single-family residential  
 29 | purposes under certain circumstances; removing  
 30 | provisions relating to certain amendments to a local  
 31 | government's comprehensive plan; revising  
 32 | construction; amending s. 163.3164, F.S.; revising the  
 33 | definition of the term "agricultural enclave";  
 34 | providing for the future expiration and reversion of  
 35 | specified provisions; providing an effective date.  
 36 |

37 | Be It Enacted by the Legislature of the State of Florida:  
 38 |

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

41 | 163.3162 Agricultural lands and practices.—

42 | (4) PUBLIC HEARING PROCESS.—

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

50 (b) Within 30 days after the local government receives an  
51 application, the local government shall provide to the applicant  
52 a written report detailing whether the application complies with  
53 the requirements of paragraph (a).

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

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

68 (e) If an application is approved, the owner of the parcel  
69 certified as an agricultural enclave may submit to the local  
70 government development plans for single-family residential  
71 housing which are consistent with the land use requirements, or  
72 future land use designations, including uses, density, and  
73 intensity, of one or more adjacent parcels or an adjacent  
74 development. A development for which plans are submitted under

75 this paragraph must be treated as a conforming use,  
76 notwithstanding the local government's comprehensive plan,  
77 future land use designation, or zoning.

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

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

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

100 ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN. The owner of a~~  
101 ~~parcel of land defined as an agricultural enclave under s.~~  
102 ~~163.3164 may apply for an amendment to the local government~~  
103 ~~comprehensive plan pursuant to s. 163.3184. Such amendment is~~  
104 ~~presumed not to be urban sprawl as defined in s. 163.3164 if it~~  
105 ~~includes land uses and intensities of use that are consistent~~  
106 ~~with the uses and intensities of use of the industrial,~~  
107 ~~commercial, or residential areas that surround the parcel. This~~  
108 ~~presumption may be rebutted by clear and convincing evidence.~~  
109 ~~Each application for a comprehensive plan amendment under this~~  
110 ~~subsection for a parcel larger than 640 acres must include~~  
111 ~~appropriate new urbanism concepts such as clustering, mixed use~~  
112 ~~development, the creation of rural village and city centers, and~~  
113 ~~the transfer of development rights in order to discourage urban~~  
114 ~~sprawl while protecting landowner rights.~~

115 ~~(a) The local government and the owner of a parcel of land~~  
116 ~~that is the subject of an application for an amendment shall~~  
117 ~~have 180 days following the date that the local government~~  
118 ~~receives a complete application to negotiate in good faith to~~  
119 ~~reach consensus on the land uses and intensities of use that are~~  
120 ~~consistent with the uses and intensities of use of the~~  
121 ~~industrial, commercial, or residential areas that surround the~~  
122 ~~parcel. Within 30 days after the local government's receipt of~~  
123 ~~such an application, the local government and owner must agree~~  
124 ~~in writing to a schedule for information submittal, public~~

125 ~~hearings, negotiations, and final action on the amendment, which~~  
126 ~~schedule may thereafter be altered only with the written consent~~  
127 ~~of the local government and the owner. Compliance with the~~  
128 ~~schedule in the written agreement constitutes good faith~~  
129 ~~negotiations for purposes of paragraph (c).~~

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

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

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

150 currently existing for any property located within the  
 151 boundaries of any of the following areas:

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

153 2. The Everglades Protection Area, as defined in s.  
 154 373.4592(2).

155 3. Any area of critical state concern, as designated in s.  
 156 s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s.  
 157 380.0555.

158 4. Any portion of a property encumbered by a recorded  
 159 conservation easement as defined in s. 704.06(1).

160 5. A military installation or range identified in s.  
 161 163.3175(2).

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

164 163.3164 Community Planning Act; definitions.—As used in  
 165 this act:

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

168 (a) Are ~~is~~ owned or controlled by a single person or  
 169 entity.~~.~~

170 (b) Have ~~Has~~ been in continuous use for bona fide  
 171 agricultural purposes, as defined by s. 193.461, for a period of  
 172 5 years before ~~prior to~~ the date of any comprehensive plan  
 173 amendment or development application.~~.~~

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

175 ~~its~~ perimeter by:

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

178 ~~b.2.~~ A parcel or parcels ~~Property~~ that the local  
 179 government has designated, in the local government's  
 180 ~~comprehensive plan,~~ zoning map, and future land use map, as land  
 181 that is to be developed for industrial, commercial, or  
 182 residential purposes, and at least ~~75~~ 50 percent of such parcel  
 183 or parcels ~~property~~ is existing industrial, commercial, or  
 184 residential development; or

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

190 2. Do not exceed 700 acres and are surrounded on at least  
 191 50 percent of their perimeter by a parcel or parcels that the  
 192 local government has designated on the local government's future  
 193 land use map as land that is to be developed for industrial,  
 194 commercial, or residential purposes; and the parcel or parcels  
 195 are surrounded on at least 50 percent of their perimeter by a  
 196 parcel or parcels within an urban service district, area, or  
 197 line; or

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

201 (d) Have ~~Has~~ public services, including water, wastewater,  
 202 transportation, schools, and recreation facilities, available or  
 203 such public services are scheduled in the capital improvement  
 204 element to be provided by the local government or can be  
 205 provided by an alternative provider of local government  
 206 infrastructure in order to ensure consistency with applicable  
 207 concurrency provisions of s. 163.3180, or the applicant offers  
 208 to enter into a binding agreement to pay for, construct, or  
 209 contribute land for its proportionate share of such  
 210 improvements. ~~;~~ and

211 (e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel  
 212 or parcels are ~~property is~~ surrounded on at least 75 percent of  
 213 the boundary by existing or authorized residential development  
 214 that will result in a density at buildout of at least 1,000  
 215 residents per square mile, ~~then~~ the area must ~~shall~~ be  
 216 determined to be urban and the parcel ~~or parcels~~ may not exceed  
 217 4,480 acres.

218 (f) Are located within a county with a population of 1.75  
 219 million or less. For purposes of this subsection, population is  
 220 determined in accordance with the most recent official estimate  
 221 pursuant to s. 186.901.  
 222

223 Where a right-of-way, body of water, or canal exists along the  
224 perimeter of a parcel, the perimeter calculations of the  
225 agricultural enclave must be based on the adjacent parcel or  
226 parcels across the right-of-way, body of water, or canal.

227 **Section 3.** The amendments made by this act to ss.  
228 163.3162(4) and 163.3164(4), Florida Statutes, shall expire  
229 January 1, 2028, and the text of those subsections shall revert  
230 to that in existence on June 30, 2026, except that any amendment  
231 to such text enacted other than by this act shall be preserved  
232 and continue to operate to the extent that such amendment is not  
233 dependent upon the portions of text which expire pursuant to  
234 this section.

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