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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/02/2025	.	
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The Committee on Judiciary (McClain) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 174 and 175

insert:

Section 2. Subsection (4) of section 163.3162, Florida Statutes, is amended to read:

163.3162 Agricultural lands and practices.—

(4) AGRICULTURAL ENCLAVES ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.~~—

(a) Notwithstanding any other law or local ordinance or regulation, a local government may approve the development of



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12 housing on a parcel of land that is an agricultural enclave as  
13 defined in s. 163.3164 if the development meets the land use  
14 requirements, including uses, density, and intensity, consistent  
15 with those applicable to an adjacent property with existing  
16 residential development. A development authorized under this  
17 subsection must be treated as a conforming use, notwithstanding  
18 the local government's comprehensive plan, future land use  
19 designation, or zoning.

20 (b) The owner of a parcel of land that is defined as an  
21 agricultural enclave as defined in under s. 163.3164 may apply  
22 for an amendment to the local government comprehensive plan  
23 pursuant to s. 163.3184. Such amendment is presumed not to be  
24 urban sprawl as defined in s. 163.3164 if it includes land uses  
25 and intensities of use that are consistent with the uses and  
26 intensities of use of the industrial, commercial, or residential  
27 areas that surround the parcel. This presumption may be rebutted  
28 by clear and convincing evidence. Each application for a  
29 comprehensive plan amendment under this subsection for a parcel  
30 larger than 640 acres must include appropriate new urbanism  
31 concepts such as clustering, mixed-use development, the creation  
32 of rural village and city centers, and the transfer of  
33 development rights in order to discourage urban sprawl while  
34 protecting landowner rights.

35 (a) The local government and the owner of a parcel of land  
36 that is the subject of an application for an amendment shall  
37 have 180 days following the date that the local government  
38 receives a complete application to negotiate in good faith to  
39 reach consensus on the land uses and intensities of use that are  
40 consistent with the uses and intensities of use of the



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41 ~~industrial, commercial, or residential areas that surround the~~  
42 ~~parcel.~~ Within 30 days after the local government's receipt of  
43 such an application, the local government and owner must agree  
44 in writing to a schedule for information submittal, public  
45 hearings, negotiations, and final action on the amendment, which  
46 schedule may thereafter be altered only with the written consent  
47 of the local government and the owner. ~~Compliance with the~~  
48 ~~schedule in the written agreement constitutes good faith~~  
49 ~~negotiations for purposes of paragraph (c).~~

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

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

68 ~~(d) Nothing within this subsection relating to agricultural~~  
69 ~~enclaves preempts or replaces shall ~~preempt or replace~~ any~~



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70 protection currently existing for any property located within  
71 the boundaries of the following areas:

- 72 1. The Wekiva Study Area, as described in s. 369.316; or  
73 2. The Everglades Protection Area, as defined in s.  
74 373.4592(2).

75 Section 3. Subsection (4) of section 163.3164, Florida  
76 Statutes, is amended to read:

77 163.3164 Community Planning Act; definitions.—As used in  
78 this act:

79 (4) "Agricultural enclave" means an unincorporated,  
80 undeveloped parcel or parcels that:

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

83 (b) Have ~~Has~~ been in continuous use for bona fide  
84 agricultural purposes, as defined in s. 193.461(3)(b) by s.  
85 ~~193.461,~~ for a period of 5 years before ~~prior to~~ the date of any  
86 comprehensive plan amendment or development application;

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

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

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

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



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99 50 percent of their perimeter by a parcel or parcels that the  
100 local government has designated in the local government's  
101 comprehensive plan and future land use map as land that is to be  
102 developed for industrial, commercial, or residential purposes;  
103 and the parcel or parcels are surrounded on at least 50 percent  
104 of their perimeter by a parcel or parcels within an urban  
105 service district, area, or line;

106 (d) Have ~~Has~~ public services, including water, wastewater,  
107 transportation, schools, and recreation facilities, available or  
108 such public services are scheduled in the capital improvement  
109 element to be provided by the local government or can be  
110 provided by an alternative provider of local government  
111 infrastructure in order to ensure consistency with applicable  
112 concurrency provisions of s. 163.3180, or the applicant offers  
113 to enter into a binding agreement to pay for, construct, or  
114 contribute land for its proportionate share of such  
115 improvements; and

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

122  
123 Where a right-of-way, body of water, or canal exists along the  
124 perimeter of a parcel, the perimeter calculations of the  
125 agricultural enclave must be based on the parcel or parcels  
126 across the right-of-way, body of water, or canal.  
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128 ===== T I T L E A M E N D M E N T =====

129 And the title is amended as follows:

130       Delete line 13

131 and insert:

132       providing exceptions; amending s. 163.3162, F.S.;

133       authorizing a local government to approve the

134       development of housing on certain parcels under

135       certain circumstances; requiring that such a

136       development be treated as a conforming use; deleting a

137       provision requiring that a specified presumption be

138       rebutted by clear and convincing evidence; deleting

139       provisions relating to comprehensive plan amendment

140       applications; deleting provisions relating to certain

141       good faith negotiations; amending s. 163.3164, F.S.;

142       revising the definition of the term "agricultural

143       enclave"; amending s. 163.3184, F.S.;