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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2025	.	
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The Committee on Rules (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.—

(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

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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 must provide to the applicant a written report detailing the application's compliance with the requirements of this subsection.

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

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

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

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notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

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

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

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

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

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

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

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

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

(a) Are ~~Is~~ owned or controlled by a single person or entity;

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


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

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

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

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

3. Are located within the boundary of an established rural study area adopted in the local government's comprehensive plan which was intended to be developed with residential uses and is surrounded on at least 50 percent of its perimeter by a parcel or parcels that the local government has designated on the local government's future land use plan as land that can be developed for industrial, commercial, or residential purposes.

(d) Have ~~Has~~ public services, including water, wastewater, transportation, schools, and recreation facilities, available or such public services are scheduled in the capital improvement element to be provided by the local government or can be

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provided by an alternative provider of local government infrastructure in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements; ~~and~~

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

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

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

Section 4. The amendments made by this act to ss. 163.3162(4) and 163.3164(4), Florida Statutes, shall expire January 1, 2027, and the text of those subsections shall revert to that in existence on September 30, 2025, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

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Section 5. Present paragraph (j) of subsection (6) of section 163.3180, Florida Statutes, is redesignated as paragraph (k), and a new paragraph (j) is added to that subsection, to read:

163.3180 Concurrency.—

(6)

(j) A school district may not collect, charge, or impose any alternative fee in lieu of an impact fee to mitigate the impact of development on educational facilities unless such fee meets the requirements of s. 163.31801(4)(f) and (g). In any action challenging a fee under this paragraph, the school district has the burden of proving by a preponderance of the evidence that the imposition and amount of the fee meet the requirements of state legal precedent.

Section 6. Paragraphs (g) and (h) of subsection (6) of section 163.31801, Florida Statutes, are amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.

(g)1. A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

a.~~1.~~ A demonstrated-need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c),


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paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

b.~~2.~~ The local government jurisdiction has held at least ~~not less than~~ two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

c.~~3.~~ The impact fee increase ordinance is approved by ~~at least~~ a unanimous ~~two-thirds~~ vote of the governing body.

2. An impact fee increase approved under this paragraph must be implemented in at least two but not more than four equal annual increments beginning with the date on which the impact fee increase ordinance is adopted.

3. A local government may not increase an impact fee rate beyond the phase-in limitations under this paragraph if the local government has not increased the impact fee within the past 7 years. Any year in which the local government is prohibited from increasing an impact fee because the jurisdiction is in a hurricane disaster area is not included in the 7-year period.

~~(h) This subsection operates retroactively to January 1, 2021.~~

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 13

and insert:

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providing exceptions; amending s. 163.3162, F.S.; authorizing owners of certain parcels to apply to the governing body of the local government for certification of such parcels as agricultural enclaves; requiring the local government to provide to the applicant a certain report within a specified timeframe; requiring the local government to hold a public hearing within a specified timeframe to approve or deny such certification; requiring the governing body to issue certain decisions in writing; authorizing an applicant to seek judicial review under certain circumstances; authorizing the owner of a parcel certified as an agricultural enclave to submit certain development plans; requiring that certain developments be treated as a conforming use; prohibiting a local government from enacting or enforcing certain laws or regulations; requiring a local government to treat certain agricultural enclaves as if they are within urban service districts; requiring the local government and the owner of a parcel certified as an agricultural enclave 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; amending s. 163.3180, F.S.; prohibiting a school district from collecting,

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charging, or imposing certain fees unless they meet certain requirements; providing a standard of review for actions challenging such fees; amending s. 163.31801, F.S.; revising the voting threshold required for approval of certain impact fee increase ordinances by local governments, school districts, and special districts; requiring that certain impact fee increases be implemented in specified increments; prohibiting a local government from increasing an impact fee rate beyond certain phase-in limitations under certain circumstances; deleting retroactive applicability; amending s. 163.3184, F.S.;