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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/24/2026	.	
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The Committee on Rules (Martin) recommended the following:

Senate Amendment (with title amendment)

Between lines 101 and 102

insert:

Section 4. Section 163.32475, Florida Statutes, is created to read:

163.32475 Rural boundary designations; per se taking; property owner rights; judicial enforcement.-

(1) LEGISLATIVE FINDINGS AND INTENT.-

(a) The Legislature finds that:

1. The Attorney General, in a formal opinion dated November



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12 25, 2025, concluded that the designation of certain lands as
13 "rural" through county charter amendments in Seminole County and
14 Orange County, combined with supermajority voting requirements
15 that effectively prohibit removal of the designation, could
16 constitute a regulatory taking under the State Constitution or
17 United States Constitution and likely constitutes an inordinate
18 burden in violation of s. 70.001.

19 2. A rural boundary designation that restricts the use and
20 development of private property below the density and intensity
21 available to adjacent properties, and that requires a
22 supermajority or heightened voting threshold for modification or
23 removal, constitutes a permanent deprivation of the property
24 owner's reasonable, investment-backed expectations.

25 3. Property owners affected by such designations are
26 bearing permanently a disproportionate share of a burden imposed
27 for the good of the general public.

28 4. The mayors, county commissioners, and other relevant
29 elected officials of affected jurisdictions have publicly
30 declared that under no circumstances will they approve the
31 removal of property from rural boundary designations or increase
32 density or intensity within such areas. These public
33 declarations constitute conclusive evidence that the
34 administrative process is futile and that affected property
35 owners have no reasonable prospect of obtaining relief through
36 the existing local government process.

37 (b) It is the intent of the Legislature that this section
38 provide affected property owners with a self-executing remedy
39 enforceable through the existing judicial system, without the
40 need for any county-administered program, and that the full cost



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41 of the taking be borne by the county that adopted the
42 designation.

43 (2) DEFINITIONS.—As used in this section, the term:

44 (a) "Adjacent density" means the highest residential
45 density, measured in dwelling units per acre, assigned under the
46 comprehensive plan or land development regulations to any parcel
47 of real property that is contiguous to, shares a common boundary
48 with, or is directly across a public right-of-way from the
49 affected property and that is located outside the rural boundary
50 designation.

51 (b) "Adjacent intensity" means the highest nonresidential
52 intensity, measured in floor area ratio or other applicable
53 metric, assigned under the comprehensive plan or land
54 development regulations to any parcel of real property that is
55 contiguous to, shares a common boundary with, or is directly
56 across a public right-of-way from the affected property and that
57 is located outside the rural boundary designation.

58 (c) "Affected property owner" means any person holding fee
59 simple title to real property that is:

60 1. Located within a rural boundary designation;

61 2. Contiguous to, shares a common boundary with, or is
62 directly across a public right-of-way from property within a
63 rural boundary designation; or

64 3. Located within 1 mile of the nearest boundary line of a
65 rural boundary designation, as measured from the nearest point
66 of the property to the nearest point of the rural boundary line.

67 (d) "Fair market value" means the price that a willing and
68 informed buyer would pay a willing and informed seller in an
69 arm's-length transaction, neither party being under any



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70 compulsion to buy or sell, with both parties having reasonable
71 knowledge of all relevant facts, including the highest and best
72 use of the property. Fair market value may not be determined by
73 reference to the county property appraiser's assessed value,
74 taxable value, or any government-established valuation. Fair
75 market value must be established by one or more independent
76 appraisals performed by an appraiser holding the MAI designation
77 of the Appraisal Institute using recognized market-based
78 methodologies, including comparable sales, income
79 capitalization, and cost approaches, as appropriate.

80 (e) "Fair market value diminution" means the difference
81 between:

82 1. The fair market value of the affected property based on
83 its highest and best use at the adjacent density and adjacent
84 intensity, without regard to the rural boundary designation; and

85 2. The fair market value of the affected property under the
86 restrictions imposed by the rural boundary designation.

87 (f) "Rural boundary designation" means any designation of
88 land as rural, rural area, rural lands, rural boundary, east
89 rural area, or any substantially similar classification adopted
90 through a county charter amendment, county ordinance, or
91 comprehensive plan amendment that:

92 1. Restricts the density, intensity, or type of development
93 permitted on the designated land below that which would
94 otherwise be permitted under the future land use designation and
95 zoning applicable to adjacent properties outside the rural
96 boundary; and

97 2. Requires a supermajority vote of the governing body of
98 the county, or any heightened voting threshold beyond a simple



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99 majority, to remove land from the designation, to increase the
100 density or intensity of use within the designated area, or to
101 approve a comprehensive plan amendment affecting property within
102 the designated area.

103 (3) PER SE TAKING; PER SE INORDINATE BURDEN.—

104 (a) A rural boundary designation constitutes a per se
105 regulatory taking of the affected property for purposes of s.
106 (6) (a), Art. X of the State Constitution and the Fifth and
107 Fourteenth Amendments to the United States Constitution.

108 (b) A rural boundary designation constitutes a per se
109 inordinate burden as defined in s. 70.001(3) (e). A further
110 showing of economic harm, interference with investment-backed
111 expectations, or disproportionate burden is not required.

112 (c) The designation of the taking and inordinate burden
113 under this subsection is a legislative determination based on
114 the findings provided in subsection (1), and a prior judicial
115 finding or administrative determination is not a prerequisite to
116 the exercise of any right under this section.

117 (d) The Penn Central three-factor balancing test and any
118 other case law-derived takings analyses do not apply to a claim
119 arising under this section. The characteristics of the rural
120 boundary designation, including the blanket restriction on
121 development, the supermajority lock-in, and the permanent
122 frustration of investment-backed expectations, categorically
123 constitute a taking.

124 (4) RIGHT TO REMOVAL; DENSITY MATCHING PRESUMPTION.—

125 (a) An affected property owner may submit a written request
126 to the county to remove the owner's property from the rural
127 boundary designation.



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128 (b) The county shall approve or deny the request within 60
129 days after receipt of the request. If the county fails to act
130 within 60 days, the request is deemed approved.

131 (c) If the county denies the request or if the request is
132 deemed approved under paragraph (b):

133 1. The denial constitutes a per se taking and per se
134 inordinate burden as provided in subsection (3), without need
135 for any additional claim, notice, or administrative proceeding;
136 and

137 2. The property owner may elect to seek either or both of
138 the following:

139 a. Full compensation for the fair market value diminution,
140 to be paid solely by the county.

141 b. A court order removing the property from the rural
142 boundary designation with the density and intensity matching
143 presumption provided in paragraph (d).

144 (d) Upon removal of property from a rural boundary
145 designation, the following presumptions apply:

146 1. For property that is contiguous to, shares a common
147 boundary with, or is directly across a public right-of-way from
148 property outside the rural boundary designation, there is a
149 conclusive presumption that the property shall receive a future
150 land use designation and zoning classification permitting at
151 least the adjacent density and adjacent intensity. This
152 presumption is not rebuttable.

153 2. For property that is located within 1 mile of the
154 nearest boundary line of the rural boundary designation but not
155 described in subparagraph 1., there is a presumption that the
156 property shall receive a future land use designation and zoning



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157 classification permitting at least 75 percent of the adjacent
158 density and of the adjacent intensity.

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160 The presumptions in subparagraphs 1. and 2. apply regardless of
161 which governmental entity has jurisdiction over the property
162 after removal.

163 (e) The density matching presumptions in paragraph (d) are
164 a direct response to the futility described in subparagraph
165 (1)(a)4., to ensure that affected property owners receive the
166 equal treatment to which they are constitutionally entitled
167 without being subjected to a predetermined outcome.

168 (f) If, after removal from the rural boundary designation,
169 a county, municipality, or other governmental entity assigns or
170 imposes upon the affected property a density, intensity, or land
171 use classification that restricts density or intensity below
172 that authorized under paragraph (d), the property owner may
173 petition the circuit court for an order directing the
174 governmental entity to assign the appropriate density and
175 intensity.

176 1. For property subject to the conclusive presumption in
177 subparagraph (d)1., the court shall enter the order without
178 further inquiry.

179 2. For property subject to the presumption in subparagraph
180 (d)2., the court shall grant the petition unless the
181 governmental entity demonstrates by clear and convincing
182 evidence that the lower density or intensity is necessary to
183 protect the public health or safety. General references to
184 community character, neighborhood feel, rural character,
185 compatibility, or substantially similar terms do not constitute



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186 grounds for assigning a lower density or intensity.

187 (g) In determining the adjacent density and adjacent
188 intensity for purposes of this subsection, if the affected
189 property is across a public right-of-way from property that is
190 developed or designated at a particular density or intensity,
191 such density or intensity must be treated as the adjacent
192 density or adjacent intensity with the same force and effect as
193 if the properties shared a common boundary.

194 (5) TERMINATION OF COUNTY-RETAINED ZONING JURISDICTION.—

195 (a) Upon removal of property from a rural boundary
196 designation, all of the following apply:

197 1. Any provision of a county charter, county ordinance,
198 comprehensive plan, or land development regulation that purports
199 to retain zoning jurisdiction, land use authority, or
200 development approval authority over the removed property,
201 including, but not limited to, provisions that condition
202 annexation into a municipality on county approval of zoning or
203 land use changes, is void and unenforceable as to that property.

204 2. The property may be annexed into any adjacent
205 municipality under the procedures provided in chapter 171
206 without county approval of any zoning or land use change.

207 3. Upon annexation, the municipality's comprehensive plan
208 and land development regulations shall control the use and
209 development of the property, subject to the density matching
210 presumptions in paragraph (4) (d).

211 (b) A county charter provision, interlocal agreement, or
212 joint planning agreement may not be construed to limit the
213 application of this subsection.

214 (c) The termination of retained jurisdiction under this



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215 subsection is self-executing and does not require a court order,
216 except that the property owner may seek a declaratory judgment
217 confirming the termination if the county refuses to recognize
218 the termination.

219 (6) JUDICIAL ENFORCEMENT.—

220 (a) An affected property owner may bring an action in the
221 circuit court of the county in which the property is located to
222 enforce any right under this section, including one or more of
223 the following:

224 1. An action for compensation for the fair market value
225 diminution.

226 2. An action for inverse condemnation under s. 6(a), Art. X
227 of the State Constitution.

228 3. An action under s. 70.001.

229 4. An action for a court order removing the property from
230 the rural boundary designation and assigning the adjacent
231 density and adjacent intensity pursuant to the presumptions in
232 paragraph (4) (d).

233 5. An action for declaratory judgment confirming the
234 termination of county-retained zoning jurisdiction under
235 subsection (5).

236 (b) Ripeness, exhaustion of administrative remedies,
237 failure to apply for a variance, and similar procedural defenses
238 are not available to the county or any other governmental entity
239 in any action brought under this section. The denial of a
240 request for removal, or the failure to act within 60 days,
241 satisfies all prerequisites for judicial relief.

242 (c) Notwithstanding s. 70.001, the affected property owner
243 is not required to submit a claim in writing and present it to



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244 the governmental entity before filing suit under this section.
245 The written request for removal under paragraph (4) (a) satisfies
246 any notice or presentment requirement under s. 70.001.

247 (d) The county shall tender full compensation to the
248 affected property owner within 120 days after the denial of the
249 request for removal or the expiration of the 60-day period under
250 paragraph (4) (b), whichever is earlier. Failure to tender full
251 compensation within 120 days constitutes an additional taking
252 for which the county is liable.

253 (e) The court shall award to a prevailing affected property
254 owner all of the following:

255 1. The full fair market value diminution, or such other
256 compensation as is required under this section.

257 2. Prejudgment interest at the statutory rate from the date
258 of the denial of the request for removal or the expiration of
259 the 60-day period, whichever is earlier.

260 3. Reasonable attorney fees and costs, including expert
261 witness fees and appraisal costs.

262 4. Such other relief as the court deems just and equitable.

263 (f) The county is solely liable for all compensation, fees,
264 costs, and interest awarded under this section. The state, its
265 agencies, and all other units of local government are not
266 liable.

267 (7) COMPREHENSIVE PLAN COMPLIANCE.—

268 (a) A county that maintains a rural boundary designation
269 must demonstrate, as a condition of enforceability, that the
270 county is in full compliance with all of the following:

271 1. The capital improvements element required by s.
272 163.3177(3), including a financially feasible 5-year schedule of



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273 capital improvements.

274 2. Concurrency requirements under s. 163.3180, including
275 adopted level-of-service standards for transportation, sanitary
276 sewer, solid waste, drainage, potable water, parks and
277 recreation, and schools.

278 3. The housing element required by s. 163.3177(6) (f),
279 including specific programs to address housing needs and
280 affordable housing within the jurisdiction.

281 4. Population projections that are current and reflective
282 of the county's proportional share of total county population
283 growth as required by s. 163.3177(1) (f)3.

284 (b) If a county is deficient in any requirement provided in
285 paragraph (a), including by falling behind projected growth
286 capacity, failing to maintain concurrency for public facilities,
287 or failing to plan for adequate housing, the rural boundary
288 designation is suspended and unenforceable until the county
289 cures the deficiency.

290 (c) During any period of suspension under paragraph (b),
291 each affected property must be treated as though it is subject
292 to the future land use designation and zoning applicable to the
293 nearest adjacent property outside the rural boundary.

294 (d) Compliance with this subsection is subject to review by
295 the state land planning agency under s. 163.3184, and any
296 affected property owner may petition the state land planning
297 agency to review the county's compliance.

298 (8) COUNTY SOLE FINANCIAL RESPONSIBILITY.—

299 (a) Costs arising under this section, including, but not
300 limited to, compensation, appraisal costs, attorney fees, court
301 costs, and prejudgment interest, must be borne solely by the



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302 county that adopted or maintained the rural boundary
303 designation.

304 (b) The state, its agencies, and other units of local
305 government have no financial liability, contribution obligation,
306 or indemnification duty under this section.

307 (c) A county may not seek reimbursement, contribution, or
308 funding from the state, a state agency, a state conservation or
309 land acquisition program, or any other unit of local government
310 for obligations arising under this section.

311 (d) The cost of any appraisal required or obtained under
312 this section must be borne by the county.

313 (9) CONSTRUCTION AND APPLICABILITY.—

314 (a) This section does not prohibit a county from
315 maintaining a rural boundary designation, provided that the
316 county satisfies the obligations of this section.

317 (b) The remedies provided in this section are cumulative
318 and in addition to any other remedies available under s. 70.001,
319 the State Constitution, and the United States Constitution.

320 (c) This section applies to rural boundary designations in
321 effect on January 1, 2027, regardless of when such designations
322 are adopted.

323 (d) This section applies to all pending applications,
324 requests, claims, and proceedings relating to the removal of
325 property from a rural boundary designation, regardless of the
326 date filed.

327 (e) To the extent that a prior judicial decision has held
328 that a county charter amendment establishing a rural boundary
329 designation is constitutional or has otherwise ruled against a
330 property owner seeking removal from such a designation, such



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331 holding does not preclude a claim under this section. This
332 section establishes a new statutory right that is independent of
333 prior adjudication.

334
335 ===== T I T L E A M E N D M E N T =====

336 And the title is amended as follows:

337 Delete line 26

338 and insert:

339 applicability; providing construction; creating s.
340 163.32475, F.S.; providing legislative findings and
341 intent; defining terms; providing that a rural
342 boundary designation constitutes a per se regulatory
343 taking and per se inordinate burden; providing
344 construction; providing that certain takings analyses
345 do not apply to certain claims; authorizing an
346 affected property owner to submit a written request to
347 remove the owner's property from a rural boundary
348 designation; providing procedural requirements for
349 such removal; providing specified presumptions to
350 property removed from a rural boundary designation;
351 authorizing a property owner to petition the circuit
352 court for an order to assign certain density and
353 intensity; requiring the court to grant such petitions
354 except under certain circumstances; providing
355 requirements for determining adjacent density and
356 adjacent intensity; providing that certain local
357 government provisions are void and unenforceable as to
358 property removed from a rural boundary designation;
359 authorizing the annexation of such property without



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360 certain county approval; providing construction;
361 authorizing an affected property owner to bring an
362 action to enforce certain rights; providing that
363 certain defenses are not available to a governmental
364 entity in such an action; providing that an affected
365 property owner is not required to take certain action
366 before filing suit; requiring a county to tender full
367 compensation to the affected property owner within a
368 specified timeframe; providing that the county is
369 liable for an additional taking under certain
370 circumstances; requiring the court to award certain
371 relief to a prevailing affected property owner;
372 requiring a county to demonstrate compliance with
373 certain provisions to enforce a rural boundary
374 designation; providing that a rural boundary
375 designation is suspended and unenforceable under
376 certain circumstances; providing that compliance with
377 certain provisions is subject to review by the state
378 land planning agency; authorizing affected property
379 owners to petition for such review; providing that a
380 county bears sole responsibility for certain costs;
381 prohibiting a county from seeking certain
382 reimbursement, contributions, or funding; providing
383 construction; providing applicability; providing an