The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL:	CS/SB 686
INTRODUCER:	Community Affairs Committee and Senator McClain
SUBJECT:	Agricultural Enclaves
DATE:	January 22, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 686 provides a substantially new public hearing process for development on agricultural enclaves. An agricultural enclave, generally, is agricultural land mostly surrounded by existing development which statutes provide certain benefits to assist development to match its environs.

Under the bill, the owner of an agricultural enclave may apply for certification of land as an agricultural enclave, subject to public hearing and approval. Upon certification, property owners may submit development plans for single-family residential housing consistent with land use requirements of adjacent parcels. 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. The bill otherwise removes the existing process related to agricultural enclaves.

The bill also expands the definition of "agricultural enclave" to include that an agricultural enclave may include multiple parcels, and amends the requirements related to surrounding parcels that make land eligible for development benefits. Agricultural enclaves are also limited to those lands within a county with a population of 1.75 million or less.

The bill takes effect July 1, 2026.

II. Present Situation:

Comprehensive Plans

The Community Planning Act directs counties and municipalities to plan for future development by adopting comprehensive plans.[1] Each local government must maintain a comprehensive plan to guide future development.[2]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[3] A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

Comprehensive plans lay out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. They are made up of 10 required elements, each laying out regulations for different facets of development.[4]

The 10 required elements consider and address capital improvements; future land uses; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Other plans and programs may be added as optional elements to a comprehensive plan.[5]

Future Land Use Element and Compatibility

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.[6] Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.[7] The proposed distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.[8]

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[1] Section 163.3167(1), F.S.
[2] Section 163.3167(2), F.S.
[3] Section 163.3194(3), F.S
[4] Section 163.3177(3) and (6), F.S.
[5] *Id*.
[6] Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.
[7] Section 163.3177(6)(a)1., F.S.
[8] Section 163.3177(6)(a)2., F.S.

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[9]

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.[10] Compatibility means "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."[11] In other words, the compatibility requirement permits local governments to consider whether a proposed use can peacefully coexist with existing uses.

Local governments, through the future land use plan, are responsible for ensuring compatibility of uses on adjacent lands, and particularly those lands in proximity to military installations and airports.[12] To act on this requirement, land use regulations are required to contain specific and detailed provisions necessary to ensure the compatibility of adjacent land uses.[13] In practice, these regulations take the form of zoning codes with compatibility standards for height, density, setbacks, parking, and other general regulations on what types of developments can coexist.[14]

Comprehensive Plan Amendments

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.[15]

Comprehensive plan amendment adoption must be by an affirmative vote of at least a majority of the governing body's members present at the hearing, and failure to hold a timely adoption hearing causes the amendment to be deemed withdrawn unless the timeframe is extended by agreement with specified notice to the state land planning agency, which is currently the Department of Commerce (Department), and other parties.[16]

Within 10 working days, the local government must transmit the plan amendment to the Department and any affected person who provided timely comments on the amendment.[17] If no deficiencies are found following Department review, the amendment takes effect 31 days after the Department notifies the local government that the amendment package is complete for the expedited state review process, 31 days after the adoption of the amendment for small-scale

[9] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215,* 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder,* 627 So. 2d 469, 475 (Fla. 1993)).
[10] Section 163.3194(3), F.S.
[11] Section 163.3164(9), F.S.
[12] Section 163.3177(6)(a)2., F.S.
[13] Section 163.3202(2)(b), F.S.
[14] *See, e.g.,* s. 5.10 (Residential Compatibility Standards), Land Development Code of Maitland, Florida.
[15] Sections 163.3174(4)(a) and 163.3184, F.S.
[16] Section 163.3184(3), (4), and (11), F.S.
[17] *Id.*

development amendments, or pursuant to the Department's notice of intent determining the amendment is in compliance for the state coordinated review process.[18]

Amendments to comprehensive land use plans are legislative decisions that are subject to "fairly debatable" standard of review, even when amendments to plans are being sought as part of a rezoning application in respect to only one piece of property.[19] "Fairly debatable" means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached.[20]

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[21]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.[22] Local governments are encouraged to use innovative land development regulations[23] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[24] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[25]

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[26] and intensities[27] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[28]

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.[29] Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking

[18] Sections 163.3184(3)(c)4., 163.3184(4)(e)4.-5., and 163.3187(5)(c), F.S.
[19] Martin Cty. v. Yusem, 690 So.2d 1288, 1293-94 (Fla. 1997).
[20] Gary K. Hunter Jr. and Douglas M Smith, ABCs of Local Land Use and Zoning Decisions, 84 Fla. B.J. 20 (January 2010).
[21] Section 163.3164(26), F.S.
[22] Section 163.3202(1), F.S.
[23] Section 163.3202(3), F.S.
[24] Sections 125.01055 and 166.04151, F.S.
[25] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[26] "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre. S. 163.3164(12), F.S.
[27] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. S. 163.3164(22), F.S.
[28] Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cnty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).
[29] See, e.g., Indian River County, Planning and Development Services FAQ (last visited Jan. 11, 2026).

requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.[30] Rezoning applications are initially reviewed by local government staff, followed by a review by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[31] If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.[32] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Agricultural Enclaves

An agricultural enclave is an unincorporated, undeveloped parcel that:

- Is owned by a single person or entity;
- Has been in continuous use for bona fide agricultural purposes for 5 years prior to the date of any comprehensive plan amendment application;
- Is surrounded on at least 75 percent of its perimeter by existing industrial, commercial, or residential development; or property designated in the local government's comprehensive plan and land development regulations for future industrial, commercial, or residential development, and 75 percent of which currently contains such development;
- 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 provided by an alternative provider of local government infrastructure; and
- Does not exceed 1,280 acres, or 4,480 acres if the property is surrounded by existing or authorized residential development with a density buildout of at least 1,000 residents per square mile.[33]

The owner of an agricultural enclave may apply for an amendment to the local government comprehensive plan. Such amendment is presumed not to be urban sprawl[34] 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. [35]

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

[30] See e.g., City of Tallahassee, Application for Rezoning Review (last visited Jan. 11, 2026).
[31] See id. and City of Redington Shores, Planning and Zoning Board (last visited Jan. 11, 2026).
[32] See e.g., City of Tallahassee, Variance and Appeals and Seminole County, Variance Processes (last visited Jan. 11, 2026).
[33] Section 163.3164(4), F.S.
[34] "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses. S. 163.3164, F.S.
[35] Section 163.3162(5), F.S.

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. 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.[36]

The agricultural enclave provisions do not preempt or replace any protection currently existing for property located within the boundaries of the Wekiva Study Area, as described in s. 369.316, F.S., or to the Everglades Protection Area, as defined in s. 373.4592.[37]

III. Effect of Proposed Changes:

Section 1 amends s. 163.3162, F.S., to provide a substantially new public hearing process for agricultural enclaves. Under the bill, the owner of an agricultural enclave may apply for certification of land as an agricultural enclave, subject to public hearing and approval. This process requires a written report on the application's compliance as an enclave, a public hearing within 30 days for approval, and a total timeline of 90 days before an application must be certified. The bill also provides the applicant an opportunity to petition for review of a denial.

Upon certification, property owners may submit development plans for single-family residential housing consistent with land use requirements, or future land use designations, including uses, density, and intensity, of adjacent parcels of adjacent parcels. Within 30 business days after the local government's receipt of such development plans, 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.

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, and must treat an agricultural enclave that is adjacent to an urban service district as if it is within the urban service district.

Agricultural enclave development concepts do not replace or override protections related to military installations. The bill otherwise removes the existing process related to agricultural enclaves.

[36] *Id.*
[37] Section 163.3162(4)(d), F.S.

Section 2 amends s. 163.3164(4), F.S., the definition of "agricultural enclave." The bill expands the definition to include that an agricultural enclave may include multiple parcels, and specifically qualifies as an agriculture enclave, a parcel or set of parcels 75 percent surrounded by a combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line which are designated in the local government's future land use map as land to be developed for industrial, commercial, or residential purposes

The bill also provides that, as an alternative to the requirement that an enclave be 75 percent surrounded by existing development or planned development, an enclave may be comprised of:

- A parcel or set of parcels of less than 700 acres 50 percent surrounded by planned development and sharing 50 percent of its perimeter with an urban service district, area, or line; or
- A parcel or set of parcels 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.

The section also provides that an enclave, as an alternative to possessing public services, may have an offer for a binding agreement by the applicant to pay for, construct, or contribute proportionate share for such required services.

The section also limits agricultural enclaves to those lands within a county with a population of 1.75 million or less.

Section 3 provides that the bill's provisions relating to agricultural enclaves shall expire January 1, 2028, and the text of those subsections shall revert to that in existence on June 30, 2026, 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.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 163.3162 and 163.3164 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Committee Substitute by Community Affairs on January 20, 2026:
The committee substitute revises the reversion date from September to June to accurately reflect the statutory language in effect immediately prior to the bill's amendments.

B. Amendments:

None.