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 Judiciary

BILL:	CS/SB 686
INTRODUCER:	Community Affairs Committee and Senator McClain
SUBJECT:	Agricultural Enclaves
DATE:	February 9, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Fav/CS**
2.	Collazo	Cibula	JU	**Pre-meeting**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 686 amends s. 163.3162, F.S., which regulates agricultural lands and practices, to replace the existing public hearing process for development within agricultural enclaves with a new process outlined in the bill. Agricultural enclaves are pockets of agricultural land that are mostly surrounded by development.

Under the bill, the owner of an agricultural enclave may apply for a certification confirming that the land is an agricultural enclave, subject to a public hearing and approval process. Upon certification, property owners may submit development plans for single-family residential housing consistent with the land use requirements of adjacent parcels. Local governments may not enact or enforce a law or regulation for an agricultural enclave that is more burdensome than for other types of applications for comparable uses or densities.

The bill revises the definition of "agricultural enclave" to clarify that they may include one or more parcels. It also includes additional criteria for determining whether a property may qualify as an agricultural enclave under state law and limits agricultural enclaves to lands within counties having a population of 1.75 million or less.

The bill's provisions relating to agricultural enclaves expire January 1, 2028, at which time the text of those provisions will revert to the text as it existed on June 30, 2026.

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]

The Future Land Use Element

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]

Compatibility

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 the 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 the types of developments that can coexist.[14]

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.[15]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement its adopted comprehensive plan.[16] Local governments are encouraged to use innovative land development regulations[17] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[18] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[19]

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[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] Section 163.3164(26), F.S.
[16] Section 163.3202(1), F.S.
[17] Section 163.3202(3), F.S.
[18] Sections 125.01055 and 166.04151, F.S.
[19] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[20] and intensities[21] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[22]

Zoning maps and zoning districts are adopted by local governments 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.[23] Common regulations within the zoning map districts include density, building height and bulk, setback, and parking requirements. For example, regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb.

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.[24] Rezoning applications are initially reviewed by local government staff, then reviewed again by an appointed body that makes recommendations to the governing body of the local government. The governing body makes the final determination.[25] 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.[26] 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

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[20] "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. Section 163.3164(12), F.S.
[21] "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. Section 163.3164(22), F.S.
[22] 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)).
[23] *See* Indian River County, *Planning and Development Services FAQ,* https://indianriver.gov/services/community_development/faq.php#collapse1250b0 (last visited Jan. 29, 2026).
[24] *See, e.g., City of Tallahassee, Application for Rezoning Review* (Aug. 21, 2023), available at https://www.talgov.com/Uploads/Public/Documents/place/zoning/cityrezinfsh.pdf.
[25] *See id.*; *see also* Town of Redington Shores, *Planning and Zoning Board,* https://townofredingtonshores.com/boards-committees/ (last visited Jan. 29, 2026).
[26] *See, e.g.,* City of Tallahassee, *Variance,* https://www.talgov.com/growth/gm_permits_lues/Variance_33 (last visited Jan. 29, 2026); Seminole County, *Variance Process & Requirements,* https://www.seminolecountyfl.gov/departments-services/development-services/planning-development/boards/board-of-adjustment/variance-process-requirements (last visited Jan. 29, 2026).

    - Property designated in the local government's comprehensive plan and land development regulations for future industrial, commercial, or residential development, and at least 75 percent of property is existing industrial, commercial, or residential 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.
- 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.[27]

The owner of an agricultural enclave may apply for an amendment to the local government comprehensive plan. The amendment is presumed to not be urban sprawl[28] 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.[29]

The local government and the applicant have 180 days following submittal to negotiate and agree upon the land uses and intensities of use that are consistent with those of the industrial, commercial, or residential areas surrounding the parcel. Within 30 days after the local government receives the application, the local government and the owner must agree in writing to a schedule for submitting information, holding public hearings, engaging in negotiations, and taking final action on the amendment. After the local government and the owner agree to the schedule, it may only be altered if they both agree in writing. Regardless of whether the local government and the owner reach consensus on the land uses and intensities of use that are consistent with those of the industrial, commercial, or residential areas surrounding the parcel, the amendment must be transmitted to the state land planning agency for review.[30]

These agricultural enclave provisions do not preempt or replace any protection currently existing for property located within the boundaries of the Wekiva Study Area or the Everglades Protection Area.[31]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 163.3162(4), F.S., regulating agricultural lands and practices, to provide a new public hearing process for development within agricultural enclaves.

Under the bill, the owner of an agricultural enclave may apply for certification of the land as an agricultural enclave, subject to a public hearing and approval process. To apply for certification, one or more adjacent parcels or an adjacent development must permit the same density as, or higher density than, the proposed development.

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[27] Section 163.3164(4), F.S.
[28] "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. Section 163.3164(54), F.S.
[29] Section 163.3162(4), F.S.
[30] *Id.*
[31] Section 163.3162(4)(d), F.S.

The certification process requires the local government to:

- Issue a written report on whether the parcel in the application qualifies as an agricultural enclave within 30 days after receipt of the application.
- Hold a public hearing to approve or deny certification of the parcel as an agricultural enclave within 30 days after the report is issued.

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 by default. 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 then seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the decision is rendered.

Under the bill, if the parcel is certified as an agricultural enclave, property owners may submit development plans for single-family residential housing which are consistent with the land use requirements, or future land use designations, of one or more adjacent parcels or adjacent development. A development for which plans are submitted under the bill must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

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 local government must also treat an agricultural enclave that is adjacent to an urban service district as if it were within the urban service district.

The bill provides that within 30 business days after the local government's receipt of 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 submitting, analyzing, and approving the development plans. The approval may be administrative in nature. The local government may not require the owner to agree to a process that is longer than 180 days or includes further review of the plans in a quasi-judicial process or public hearing.

None of the bill's provisions relating to agricultural enclaves preempt or replace any protection currently existing for any property located within the boundaries of a military installation or range as identified in state law.[32]

Section 2 of the bill revises the definition of "agricultural enclave" in s. 163.3164(4), F.S., to clarify that agricultural enclaves may include one or more parcels. The bill also expands the definition of "agricultural enclave" to include the following additional options.

First, an agricultural enclave may include one or more undeveloped parcels that, as of January 1, 2025, are:

- Surrounded on at least 75 percent of their perimeter by a combination of an interstate highway and one or more parcels that are within an urban service district, area, or line; and

[32] *See* s. 163.3175(2), F.S.

- Designated in the future land use map by the local government as land to be developed for industrial, commercial, or residential purposes.

Second, an agricultural enclave may be comprised of one or more parcels not exceeding 700 acres in size that, as of January 1, 2025, are:

- Surrounded on at least 50 percent of their perimeter by land that the local government has designated on its future land use map for industrial, commercial, or residential purposes; and
- Surrounded on at least 50 percent of their perimeter by one or more parcels within an urban service district, area, or line.

Third, an agricultural enclave may be comprised of one or more parcels that, as of January 1, 2025, 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.

With respect to required public services within agricultural enclaves, the bill provides that an applicant seeking to develop within an agricultural enclave may, as an alternative to already possessing public services, enter into a binding agreement to pay for, construct, or contribute proportionate share to the required services for the enclave.

The bill limits agricultural enclaves to lands located within counties having a population of 1.75 million or less. It also provides that 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 3 provides that the bill's provisions relating to agricultural enclaves expire January 1, 2028, at which time the text of those provisions will revert to the text as it existed on June 30, 2026. However, any amendments to the text enacted by other bills are preserved and continue to operate so long as they do not depend upon any portions of the text that have expired under the bill.

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.)

CS 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.