

By the Committees on Judiciary; and Community Affairs; and Senator McClain

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30 a local government's comprehensive plan; revising
31 construction; amending s. 163.3164, F.S.; revising the
32 definition of the term "agricultural enclave";
33 providing for the future expiration and reversion of
34 specified provisions; providing an effective date.

35
36 Be It Enacted by the Legislature of the State of Florida:

37
38 Section 1. Subsection (4) of section 163.3162, Florida
39 Statutes, is amended to read:

40 163.3162 Agricultural lands and practices.—

41 (4) PUBLIC HEARING PROCESS.—

42 (a) Notwithstanding any other law or local ordinance,
43 resolution, or regulation, the owner of a parcel of land may
44 apply to the governing body of the local government for
45 certification of the parcel as an agricultural enclave as
46 defined in s. 163.3164 if one or more adjacent parcels or an
47 adjacent development permits the same density as, or higher
48 density than, the proposed development.

49 (b) Within 30 days after the local government's receipt of
50 such an application, the local government shall provide to the
51 applicant a written report detailing whether the application
52 complies with the requirements of paragraph (a).

53 (c) Within 30 days after the local government provides the
54 report required under paragraph (b), the local government shall
55 hold a public hearing to approve or deny certification of the
56 parcel as an agricultural enclave. If the local government does
57 not approve or deny certification of the parcel as an
58 agricultural enclave within 90 days after receipt of the

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59 application, the parcel must be certified as an agricultural
60 enclave.

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

67 (e) If the application is approved, the owner of the parcel
68 certified as an agricultural enclave may submit development
69 plans for single-family residential housing which are consistent
70 with the land use requirements, or future land use designations,
71 including uses, density, and intensity, of one or more adjacent
72 parcels or an adjacent development. A development for which
73 plans are submitted under this paragraph must be treated as a
74 conforming use, notwithstanding the local government's
75 comprehensive plan, future land use designation, or zoning.

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

82 (g) Within 30 business days after the local government's
83 receipt of development plans under paragraph (e), the local
84 government and the owner of the parcel certified as an
85 agricultural enclave must agree in writing to a process and
86 schedule for information submittal, analysis, and final
87 approval, which may be administrative in nature, of the

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88 development plans. The local government may not require the
89 owner to agree to a process that is longer than 180 days in
90 duration or that includes further review of the plans in a
91 quasi-judicial process or public hearing.

92 (h) Notwithstanding paragraph (e), a certified agricultural
93 enclave as defined in s. 163.3164(4)(c)1.c. which is adjacent to
94 an interstate highway may be developed for commercial,
95 industrial, or single-family residential purposes if one or more
96 adjacent parcels or an adjacent development permits the same
97 density or intensity as the proposed development ~~AMENDMENT TO~~
98 ~~LOCAL GOVERNMENT COMPREHENSIVE PLAN. The owner of a parcel of~~
99 ~~land defined as an agricultural enclave under s. 163.3164 may~~
100 ~~apply for an amendment to the local government comprehensive~~
101 ~~plan pursuant to s. 163.3184. Such amendment is presumed not to~~
102 ~~be urban sprawl as defined in s. 163.3164 if it includes land~~
103 ~~uses and intensities of use that are consistent with the uses~~
104 ~~and intensities of use of the industrial, commercial, or~~
105 ~~residential areas that surround the parcel. This presumption may~~
106 ~~be rebutted by clear and convincing evidence. Each application~~
107 ~~for a comprehensive plan amendment under this subsection for a~~
108 ~~parcel larger than 640 acres must include appropriate new~~
109 ~~urbanism concepts such as clustering, mixed-use development, the~~
110 ~~creation of rural village and city centers, and the transfer of~~
111 ~~development rights in order to discourage urban sprawl while~~
112 ~~protecting landowner rights.~~

113 (a) The local government and the owner of a parcel of land
114 that is the subject of an application for an amendment shall
115 have 180 days following the date that the local government
116 receives a complete application to negotiate in good faith to

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117 reach consensus on the land uses and intensities of use that are
118 consistent with the uses and intensities of use of the
119 industrial, commercial, or residential areas that surround the
120 parcel. Within 30 days after the local government's receipt of
121 such an application, the local government and owner must agree
122 in writing to a schedule for information submittal, public
123 hearings, negotiations, and final action on the amendment, which
124 schedule may thereafter be altered only with the written consent
125 of the local government and the owner. Compliance with the
126 schedule in the written agreement constitutes good faith
127 negotiations for purposes of paragraph (c).

128 (b) Upon conclusion of good faith negotiations under
129 paragraph (a), regardless of whether the local government and
130 owner reach consensus on the land uses and intensities of use
131 that are consistent with the uses and intensities of use of the
132 industrial, commercial, or residential areas that surround the
133 parcel, the amendment must be transmitted to the state land
134 planning agency for review pursuant to s. 163.3184. If the local
135 government fails to transmit the amendment within 180 days after
136 receipt of a complete application, the amendment must be
137 immediately transferred to the state land planning agency for
138 such review. A plan amendment transmitted to the state land
139 planning agency submitted under this subsection is presumed not
140 to be urban sprawl as defined in s. 163.3164. This presumption
141 may be rebutted by clear and convincing evidence.

142 (c) If the owner fails to negotiate in good faith, a plan
143 amendment submitted under this subsection is not entitled to the
144 rebuttable presumption under this subsection in the negotiation
145 and amendment process.

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146 (i)-(d) Nothing within this subsection relating to
147 agricultural enclaves shall preempt or replace any protection
148 currently existing for any property located within the
149 boundaries of any of the following areas:

- 150 1. The Wekiva Study Area, as described in s. 369.316.~~;~~ or
- 151 2. The Everglades Protection Area, as defined in s.
152 373.4592(2).

153 3. Any area of critical state concern, as designated in s.
154 s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s.
155 380.0555.

156 4. The Florida wildlife corridor, as defined in s.
157 259.1055(4).

158 5. A military installation or range identified in s.
159 163.3175(2).

160 Section 2. Subsection (4) of section 163.3164, Florida
161 Statutes, is amended to read:

162 163.3164 Community Planning Act; definitions.—As used in
163 this act:

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

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

168 (b) Have ~~Has~~ been in continuous use for bona fide
169 agricultural purposes, as defined by s. 193.461, for a period of
170 5 years before ~~prior to~~ the date of any comprehensive plan
171 amendment or development application;

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

- 174 a.1. A parcel or parcels ~~Property~~ that have ~~has~~ existing

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175 industrial, commercial, or residential development; or

176 b.2. A parcel or parcels ~~Property~~ that the local government

177 has designated, in the local government's ~~comprehensive plan~~,

178 zoning map, and future land use map, as land that is to be

179 developed for industrial, commercial, or residential purposes,

180 and at least 75 percent of such parcel or parcels ~~property~~ is

181 existing industrial, commercial, or residential development; or

182 c. A combination of an interstate highway and a parcel or

183 parcels that are within an urban service district, area, or line

184 and that the local government has designated in the local

185 government's future land use map as land that is to be developed

186 for industrial, commercial, or residential purposes;

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

188 50 percent of their perimeter by a parcel or parcels that the

189 local government has designated on the local government's future

190 land use map as land that is to be developed for industrial,

191 commercial, or residential purposes; and the parcel or parcels

192 are surrounded on at least 50 percent of their perimeter by a

193 parcel or parcels within an urban service district, area, or

194 line; or

195 3. Are located within the boundary of an established rural

196 study area adopted in the local government's comprehensive plan

197 which was intended to be developed with residential uses;

198 (d) Have ~~Has~~ public services, including water, wastewater,

199 transportation, schools, and recreation facilities, available or

200 such public services are scheduled in the capital improvement

201 element to be provided by the local government or can be

202 provided by an alternative provider of local government

203 infrastructure in order to ensure consistency with applicable

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204 concurrency provisions of s. 163.3180, or the applicant offers
205 to enter into a binding agreement to pay for, construct, or
206 contribute land for its proportionate share of such
207 improvements; and

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

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

218
219 Where a right-of-way, body of water, or canal exists along the
220 perimeter of a parcel, the perimeter calculations of the
221 agricultural enclave must be based on the adjacent parcel or
222 parcels across the right-of-way, body of water, or canal.

223 Section 3. The amendments made by this act to ss.
224 163.3162(4) and 163.3164(4), Florida Statutes, shall expire
225 January 1, 2028, and the text of those subsections shall revert
226 to that in existence on June 30, 2026, except that any amendment
227 to such text enacted other than by this act shall be preserved
228 and continue to operate to the extent that such amendment is not
229 dependent upon the portions of text which expire pursuant to
230 this section.

231 Section 4. This act shall take effect July 1, 2026.