

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

590-02692-26

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A bill to be entitled

An act relating to agricultural enclaves; 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 certification of a parcel as an agricultural enclave under certain circumstances; 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; authorizing the development of certain certified agricultural enclaves for commercial, industrial, or single-family residential purposes under certain circumstances; deleting provisions relating to certain amendments to

590-02692-26

2026686c2

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; providing an effective date.

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

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

163.3162 Agricultural lands and practices.—

(4) PUBLIC HEARING PROCESS.—

(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 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 shall provide to the applicant a written report detailing whether the application complies with the requirements of paragraph (a).

(c) Within 30 days after the local government provides the report required under paragraph (b), the local government shall 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

590-02692-26

2026686c2

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

590-02692-26

2026686c2

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~~

590-02692-26

2026686c2

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.~~

590-02692-26

2026686c2

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

590-02692-26

2026686c2

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

590-02692-26

2026686c2

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.

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.