FLORIDA HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: CS/CS/HB 691	**COMPANION BILL:** CS/CS/CS/SB 686 (McClain)
TITLE: Agricultural Enclaves	**LINKED BILLS:** None
SPONSOR(S): Botana	**RELATED BILLS:** None

FINAL HOUSE FLOOR ACTION: 90 **Y's** 20 **N's** **GOVERNOR'S ACTION:** Pending

SUMMARY

Effect of the Bill:
The bill repeals the existing procedure allowing the owner of an agricultural enclave to apply for an amendment to a local government's comprehensive plan and replaces it with a new public hearing and review process that allows for development of the parcel without a comprehensive plan amendment. The revised process generally applies to development plans for single-family residential housing on the parcel that are consistent with the land use requirements, or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or an adjacent development.

Fiscal or Economic Impact:
None.

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ANALYSIS

EFFECT OF THE BILL:

CS/CS/HB 691 passed as CS/CS/CS/SB 686.

The bill repeals the existing procedure allowing the owner of an agricultural enclave to apply for an amendment to a local government's comprehensive plan to allow for the development of the parcel and replaces it with a new public hearing and review process that allows for development without a comprehensive plan amendment. Under the bill, the owner of an agricultural enclave (applicant) may apply for certification of land as an agricultural enclave, subject to public hearing and approval, if one or more adjacent parcels or an adjacent development permits the same or higher density than the proposed development. An applicant seeking certification of a parcel as an agricultural enclave may not use the perimeter of another parcel certified as an agricultural enclave to meet the definition. The county or municipality must provide a written report to the applicant within 30 days of receipt of the application stating whether or not the application meets this requirement. (Section 1)

Within 30 days of providing the written report, the county or municipality must hold a public hearing to approve or deny certification of the parcel as an agricultural enclave. If the local government fails to approve or deny certification within 90 days of receipt of the application, the bill requires the parcel to be certified as an agricultural enclave. (Section 1)

If the application is denied, the bill requires the governing body of the county or municipality to issue a decision in writing containing detailed findings of fact and conclusions of law. The applicant may seek review of the denial by filing a petition for a writ of certiorari in circuit court within 30 days after the date of the county or municipality renders its decision. (Section 1)

If the application is approved, the applicant may submit development plans for single-family residential housing on the parcel that are consistent with the land use requirements, or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or an adjacent development. The bill requires this development to be treated as a conforming use—regardless of the local government's comprehensive plan, future land use designation, or zoning of the parcel. If the proposed development affects an established wildlife corridor,

the bill provides that local governments are encouraged to incorporate site design measures that maintain habitat permeability, such as clustering, open space retention, and wildlife crossing accommodations, when feasible. Within 30 business days of receiving the development plans, the local government and the applicant 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 bill prohibits a local government from requiring the applicant to agree to a process that exceeds 180 days or that includes further review of the plans in a quasi-judicial process or public hearing. (Section 1)

The bill provides an exception from the requirements of the bill for agricultural enclaves surrounded on at least 75 percent of its perimeter by a combination of interstate highway and parcels within the local government's urban service area that are designated on the local government's future land use map as land to be developed for industrial, commercial, or residential purposes. The bill allows those parcels to be developed for commercial, industrial, or single-family residential purposes if one or more adjacent parcels, or an adjacent development, permits those uses at the same density or intensity as the proposed development. (Section 1)

The bill prohibits a county or municipality from enacting or enforcing 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 requires a local government to treat an agricultural enclave that is adjacent to an urban service district as if it is part of the urban service district. (Section 1)

The bill provides that the agricultural enclave process does not apply to:

- Areas of critical state concern;
- Any portion of a property encumbered by a recorded conservation easement; or
- Military installation or range identified by statute. (Section 1)

The bill revises which parcels qualify as an agricultural enclave by:

- Limiting the designation to parcels that met the criteria as of January 1, 2025.
- Expanding the definition to include parcels that are:
  - Surrounded on at least 75 percent of its perimeter by property designated in the local government's zoning and future land use map for future industrial, commercial, or residential development, and 50 percent of which currently contains such development.
  - Surrounded on at least 75 percent of their perimeter by a combination of an interstate highway and a parcel or parcels that are within an urban service district, area, or line and that the local government has designated in the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes.
  - Surrounded on at least 50 percent of their perimeter by a parcel or parcels that the local government has designated on the local government's future land use map as land that is to be developed for industrial, commercial, or residential purposes and the parcel or parcels are surrounded on at least 50 percent of their perimeter by a parcel or parcels within an urban service district, area, or line. Such a parcel may not exceed 700 acres.
  - Located within the boundary of an established rural study area adopted in the local government's comprehensive plan that was intended to be developed with residential uses.
- Allowing an applicant to offer to enter a binding agreement to pay for, construct, or contribute land for its proportionate share of necessary public improvements to service the development.
- Providing that the increased maximum acreage for agricultural enclaves surrounded by existing or authorized residential development with a density at buildout of at least 1,000 residents per square mile applies when the parcel is surrounded on 75 percent of its boundary by such residential development. This provision does not apply in counties covered by a specified water protection plan.[1]
- Requiring the parcels to be located in a county with 1.75 million or fewer residents as of the most recent official state population estimate. (Section 2)

[1] *See* s. 373.4595(4)(c), F.S. (requiring the South Florida Water Management District, in cooperation with Martin County and other governmental agencies, to establish a watershed protection plan for the St. Lucie River).

If a right-of-way, body of water, or canal exists along the perimeter of a parcel, the bill provides that perimeter calculations for the agricultural enclave must be based on the adjacent parcel or parcels across the right-of-way, body of water, or canal. (Section 2)

The bill's changes to current law expire on January 1, 2028, at which point the text of such laws reverts to those in existence on June 30, 2026. (Section 3)

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2026. (Section 4)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Comprehensive Planning

The Community Planning Act[2] provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[3] Each county and municipality must maintain a comprehensive plan to guide future development and growth.[4]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[5] A comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.[6]

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.[7] A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[8] Local governments may also include optional elements in their comprehensive plan.[9] The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.
- Intergovernmental coordination.
- Property rights.[10]

Comprehensive plans must include at least two planning periods, one covering the first 10-year period occurring after the plan's adoption and one covering a period of at least 20 years.[11] Additional planning periods are permissible and accepted as part of the planning process.

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[2] Ch. 163, Part II, F.S.
[3] S. 163.3167(1), F.S.
[4] S. 163.3167(2), F.S.
[5] S. 163.3194(1)(a), F.S.
[6] *See, e.g.*, *Sarasota County, Fla. Comprehensive Plan, Future Land Use Element, FLU Policy 1.1.1* (last visited Feb. 11, 2026).
[7] S. 163.3177(1), F.S.
[8] S. 163.3177(6), F.S.
[9] S. 163.3177(1)(a), F.S.
[10] S. 163.3177(3), (6)(a)-(i), F.S.
[11] S. 163.3177(5)(a), F.S.

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.[12] 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.[13] 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.[14]

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.[15]

The future land use element of each comprehensive plan is required to consider both the amount of land required to accommodate anticipated growth and methods of discouraging urban sprawl.[16] Local governments balance these priorities by the adoption of an urban services area, which is intended to contain a certain proportion of new development over the planning period.[17] As a part of the local government's comprehensive plan, these areas can normally be adjusted by the local governing body by a majority vote.[18] Some counties, however, have adopted charter amendments that require extraordinary thresholds for the adoption of comprehensive plan amendments that adjust the boundary between urban and rural portions of the county.[19]

Compatibility

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.[20] 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."[21] 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.[22] To act on this requirement, land use regulations are required to contain specific and detailed provisions necessary to ensure the compatibility

[12] S. 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.
[13] S. 163.3177(6)(a)1., F.S.
[14] S. 163.3177(6)(a)2., F.S.
[15] 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)).
[16] S. 163.3177(6)(a)2.a. and h., F.S.
[17] *See, e.g.,* Tallahassee-Leon County 2030 Comprehensive Plan, Land Use, Goal 1 ("The location and size of the [Urban Services Area] shall be depicted on the Future Land Use Map and is based upon the area necessary to accommodate 90% of new residential dwelling units within the County by the Plan Horizon[.]").
[18] *See* s. 163.3184(11)(a), F.S. (providing that the transmittal or adopting of a comprehensive plan amendment "shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing").
[19] *See, e.g.* Miami-Dade County Charter, s. 1.01(A)(5) ("[A]ny decision to include any additional land within the Urban Development Boundary of the County's Comprehensive Development Master Plan shall require a two-thirds vote of the Board of County Commissioners then in office) and Seminole County Charter, s. 5.2(B) ("Any vote to remove property from the Rural Area, however, shall only be by Supermajority vote of the Board of County Commissioners").
[20] S. 163.3194(3), F.S.
[21] S. 163.3164(9), F.S.
[22] S. 163.3177(6)(a)2.-3., F.S.

of adjacent land uses.[23] 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.[24]

Comprehensive Plan Amendments

Comprehensive plan amendments are generally governed by the state expedited review process, which typically begins with an initial public hearing during which the local government's governing body decides whether to transmit the proposed amendment to the reviewing agencies.[25] The local government's decision must be by an affirmative vote of at least a majority of the governing body's members present at the hearing.[26] Within 10 working days of such hearing, the local government must transmit the plan amendment and appropriate supporting data and analyses to the reviewing agencies for expedited comment[27] and to any other local government or governmental agency that filed a written request for such transmittal with the local government.[28] Interested persons may also provide the local government with written or oral comments, recommendations, or objections to the plan amendment.[29]

Within 180 days after receipt of any agency comments, the local government must generally hold a second public hearing to determine whether to adopt the plan amendment.[30] Where the proposed amendment is a small-scale development amendment,[31] however, the local government must hold only the public adoption hearing; the initial public hearing is not required.[32] In either case, 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 withdrawn unless the timeframe is extended by agreement with specified notice to the Department of Commerce (Department), and other parties.[33]

Within 10 working days of the adoption hearing, the local government must transmit the plan amendment to the Department and any affected person who provided timely comments on the amendment.[34] The Department must review the amendment package for any deficiencies and send notice of such deficiencies to the local government within five working days of receipt of the amendment package.[35] If no deficiencies are found, 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 development

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[23] S. 163.3202(2)(b), F.S.
[24] *See, e.g.,* City of Maitland Land Development Code, s. 5.10 (Residential Compatibility Standards).
[25] Section 163.3184(1)(c), F.S., provides that "reviewing agencies" are the state land planning agency (Department of Commerce), the appropriate regional planning council, the appropriate water management district, the Department of Environmental Protection, the Department of State, the Department of Transportation, the Department of Education (for plan amendments relating to public schools), the commanding officer of an affected military installation, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (for county plans and plan amendments), and, for municipal plans and plan amendments, the county in with the municipality is located. Amendments that do not use the state expedited review process include plan amendments that are in an area of critical state concern; propose a rural land stewardship area; propose a sector plan or an amendment to an adopted sector plan; or update a comprehensive plan based on an evaluation and appraisal, which use the state coordinated review process and small-scale development amendments that involve the use of 50 acres or fewer, only proposes a land use change to the future land use map for a site-specific small-scale development activity, and only applies to property not located within an area of critical state concern, absent an exception related to affordable housing development. Ss. 163.3184(2)(b)-(c), (4) and 163.3187, F.S.
[26] S. 163.3184(11), F.S.
[27] The expedited review process is set out in s. 163.3184(3), F.S.
[28] S. 163.3184(3), F.S.
[29] *Id.*
[30] S. 163.3184(3)(c)1., F.S. Plan amendments under the expedited state review process must be adopted within 180 days of the second public hearing held to consider the amendments.
[31] Small-scale comprehensive plan amendments are generally not reviewed by the Department. *See* ss. 163.3184(2)(b) and 163.3187, F.S.
[32] Ss. 163.3184(2) and 163.3187(2), F.S.
[33] S. 163.3184(3), (4), and (11), F.S.
[34] *Id.*
[35] S. 163.3184(3)(c)3. and (4)(e)3., F.S.

amendments, or pursuant to the Department's notice of intent determining the amendment is in compliance for the state coordinated review process.[36]

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 includes any local government zoning, rezoning, subdivision, building construction, sign regulations, or any other regulations controlling the development of land.[37]

Each county and municipality must adopt and enforce land development regulations consistent with and that implement its adopted comprehensive plan.[38] Local governments are encouraged to use innovative land development regulations[39] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[40]

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[41] and intensities[42] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[43]

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.[44] Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking 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.[45] Rezoning applications are initially reviewed by local government staff, then by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[46] 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.[47] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

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[36] Ss. 163.3184(3)(c)4., 163.3184(4)(e)4.-5., and 163.3187(5)(c), F.S.
[37] S. 163.3164(26), F.S.
[38] S. 163.3202(1), F.S.
[39] S. 163.3202(3), F.S.
[40] Ss. 125.01055 and 166.04151, F.S.
[41] "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.
[42] "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.
[43] Grosso, *supra* note 14.
[44] *See, e.g.,* Indian River County, *Planning and Development Services FAQ* (last visited Feb. 11, 2026).
[45] *See e.g.,* City of Tallahassee, *Application for Rezoning Review* (last visited Feb. 11, 2026).
[46] *See id.* and City of Redington Shores, *Planning and Zoning Board* (last visited Feb. 11, 2026).
[47] *See e.g.*, City of Tallahassee, *Variance and Appeals* and Seminole County, *Variance Process Requirements* (last visited Feb. 11, 2026).

Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced notice requirements:

- If the area affected is less than 10 acres, the local government must notify by mail each property owner and hold a public meeting to discuss the ordinance or resolution before passage.
- If the area affected is 10 acres or greater, the local government must hold two separate meetings to discuss the changes, and notice the public through either mail to each property owner or to the public generally by newspaper.[48]

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 five years before 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 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.[49]

Current law allows the owner of an agricultural enclave to apply for an amendment to the local government comprehensive plan for the purpose of developing the land in a manner consistent with surrounding uses.[50] The amendment is presumed not to be urban sprawl 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. [51] This presumption may be rebutted by clear and convincing evidence.[52]

Once the complete application is submitted, the local government and applicant must agree in writing within 30 days to a schedule for submission of information, public hearings, negotiations, and final action on the amendment.[53] This schedule may only be altered by mutual written consent of the parties. The parties have 180 days from the submission of a completed application to negotiate in good faith to 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.

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

[48] *See* ss. 125.66(5) and 166.041(3), F.S.
[49] S. 163.3164(4), F.S.
[50] S. 163.3162(4), F.S.
[51] *Id*. "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(54), F.S.
[52] Clear and convincing evidence is a legal standard that means "evidence indicating that the thing to be proved is highly probable or reasonably certain. This is a greater burden than preponderance of the evidence, the standard applied in most civil trials, but less than beyond a reasonable doubt, the norm for criminal trials." Black's Law Dictionary (12th ed).
[53] S. 163.3162(4)(a), F.S.

surround the parcel, the amendment must be transmitted to the Department for review.[54] The amendment is presumed to not be urban sprawl, but this presumption may be rebutted by clear and convincing evidence.

If an owner does not negotiate in good faith, the plan amendment is not entitled to the rebuttable presumption that the amendment is not urban sprawl in either process.[55] However, compliance with the schedule contained in the written agreement between the parties constitutes good faith negotiations.[56]

The agricultural enclave provisions do not preempt or replace any protection currently existing for property located within the boundaries of the Wekiva Study Area or to the Everglades Protection Area.[57]

Writ of Certiorari

A writ of certiorari is an "extraordinary writ issued by an appellate court, at its discretion, directing a lower court to deliver the record in the case for review."[58] Circuit courts and District Courts of Appeal in the state are empowered by the State Constitution to issue writs of certiorari.[59] The writ of certiorari "is generally the proper procedural vehicle to challenge a final action of an administrative tribunal not subject to the Administrative Procedure Act, such as a local zoning board decision, under Florida law."[60] Circuit courts most often serve as trial court, not as an appellate court, but when presented with a writ of certiorari, a "circuit court reviews the decision of an administrative tribunal much as it would on plenary appeal."[61]

Areas of Critical State Concern

In 1972, the Florida Environmental Land and Water Management Act was enacted, creating the Areas of Critical State Concern (ACSC) Program. The ACSC Program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.[62]

Under the program, the Governor and Cabinet, sitting as the Administration Commission,[63] designates by rule certain areas that contain resources of statewide significance as ACSCs.[64]To be designated as an ACSC, the area must:

- Contain, or have a significant impact upon, environmental or natural resources of regional or statewide importance, the uncontrolled private or public development of which would cause substantial deterioration of such resources;
- Contain, or have a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts; or
- Have a significant impact upon, or be significantly impacted by, an existing or proposed major public facility or other area of major public investment, including, but not limited to, highways, ports, airports, energy facilities, and water management projects.[65]

Areas currently designated as ACSCs include the Big Cypress Area,[66] the Green Swamp Area,[67] the Florida Keys Area,[68] the Apalachicola Bay Area,[69] and the Brevard Barrier Island Area.[70]

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[54] S. 163.3162(4)(b), F.S.
[55] S. 163.3162(4)(c), F.S.
[56] S. 163.3162(4)(c), F.S.
[57] S. 163.3162(4)(d), F.S.
[58] Black's Law Dictionary (12 ed. 2024).
[59] Art. V, ss. 4(b)(3) and 5(b), Fla. Const.
[60] Cory W. Eichhorn, *Second-Tier Certiorari Standard of Review Under Florida Law*, 81 Fla. B.J. 30 (Feb. 2007).
[61] *Id.*
[62] Florida Commerce, *Areas of Critical State Concern Program* (last visited Feb. 11. 2026).
[63] S. 14.202, F.S. (The Administration Commission is part of the Executive Office of the Governor.); *see also* s. 380.031(1), F.S.
[64] S. 380.05, F.S.
[65] S. 380.05(2), F.S.
[66] S. 380.055, F.S.

Conservation Easements

A conservation easement is a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition.[71] Conservation easements are meant to retain areas as suitable habitat for fish, plants, or wildlife or to retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance. A conservation easement is a perpetual, undivided interest in property that may be created or stated by a restriction, easement, covenant, or condition in any deed will, or other instrument executed by or on behalf of the owner of the property.[72] The easement runs with land and is binding on all subsequent owners of the property.[73] The purpose of a conservation easement is accomplished by restricting the amount of development allowed on a piece of property, limiting other land uses, and maintaining existing areas of conservation interest on a piece of property in its natural condition. A conservation easement must prohibit or limit any or all of the following:

- Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
- Removal or destruction of trees, shrubs, or other vegetation;
- Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- Activities detrimental to drainage, flood control, water conservation erosion control, soil conservation, or fish and wildlife habitat preservation;
- Acts or uses detrimental to such retention of land or water areas; and
- Acts or uses detrimental to the preservation of the structural integrity or physical appearances of sites or properties of historical, architectural, archaeological, or cultural significance.[74]

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[67] S. 380.0551, F.S.
[68] S. 380.0552, F.S.
[69] S. 380.0555, F.S.
[70] S. 380.0553, F.S.
[71] S. 704.06(1), F.S.
[72] S. 704.06(2), F.S.
[73] S. 704.06(4), F.S.
[74] S. 704.06(1)(a)-(h), F.S.