

1 A bill to be entitled
2 An act relating to agricultural enclaves; amending s.
3 163.3162, F.S.; authorizing owners of certain parcels
4 to apply to the governing body of the local government
5 for certification of such parcels as agricultural
6 enclaves; requiring the local government to provide to
7 the applicant a certain report within a specified
8 timeframe; requiring the local government to hold a
9 public hearing within a specified timeframe to approve
10 or deny such certification; requiring the
11 certification of a parcel as an agricultural enclave
12 under certain circumstances; requiring the governing
13 body to issue certain decisions in writing;
14 authorizing an applicant to seek judicial review under
15 certain circumstances; authorizing the owner of a
16 parcel certified as an agricultural enclave to submit
17 certain development plans; requiring that certain
18 developments be treated as a conforming use;
19 prohibiting a local government from enacting or
20 enforcing certain laws or regulations; requiring a
21 local government to treat certain agricultural
22 enclaves as if they are within urban service
23 districts; requiring the local government and the
24 owner of a parcel certified as an agricultural enclave
25 to enter a certain written agreement; deleting

provisions relating to certain amendments to 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

51 report required under paragraph (b), the local government shall
52 hold a public hearing to approve or deny certification of the
53 parcel as an agricultural enclave. If the local government does
54 not approve or deny certification of the parcel as an
55 agricultural enclave within 90 days after receipt of the
56 application, the parcel must be certified as an agricultural
57 enclave.

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

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

74 (f) A local government may not enact or enforce a law or
75 regulation for an agricultural enclave which is more burdensome

76 than for other types of applications for comparable uses or
77 densities. A local government shall treat an agricultural
78 enclave that is adjacent to an urban service district as if such
79 enclave is within the urban service district.

80 (g) Within 30 business days after the local government's
81 receipt of development plans under paragraph (e), the local
82 government and the owner of the parcel certified as an
83 agricultural enclave must agree in writing to a process and
84 schedule for information submittal, analysis, and final
85 approval, which may be administrative in nature, of the
86 development plans. The local government may not require the
87 owner to agree to a process that is longer than 180 days in
88 duration or that includes further review of the plans in a
89 quasi-judicial process or public hearing ~~AMENDMENT TO LOCAL~~
90 ~~GOVERNMENT COMPREHENSIVE PLAN. The owner of a parcel of land~~
91 ~~defined as an agricultural enclave under s. 163.3164 may apply~~
92 ~~for an amendment to the local government comprehensive plan~~
93 ~~pursuant to s. 163.3184. Such amendment is presumed not to be~~
94 ~~urban sprawl as defined in s. 163.3164 if it includes land uses~~
95 ~~and intensities of use that are consistent with the uses and~~
96 ~~intensities of use of the industrial, commercial, or residential~~
97 ~~areas that surround the parcel. This presumption may be rebutted~~
98 ~~by clear and convincing evidence. Each application for a~~
99 ~~comprehensive plan amendment under this subsection for a parcel~~
100 ~~larger than 640 acres must include appropriate new urbanism~~

101 ~~concepts such as clustering, mixed-use development, the creation~~
102 ~~of rural village and city centers, and the transfer of~~
103 ~~development rights in order to discourage urban sprawl while~~
104 ~~protecting landowner rights.~~

105 ~~(a) The local government and the owner of a parcel of land~~
106 ~~that is the subject of an application for an amendment shall~~
107 ~~have 180 days following the date that the local government~~
108 ~~receives a complete application to negotiate in good faith to~~
109 ~~reach consensus on the land uses and intensities of use that are~~
110 ~~consistent with the uses and intensities of use of the~~
111 ~~industrial, commercial, or residential areas that surround the~~
112 ~~parcel. Within 30 days after the local government's receipt of~~
113 ~~such an application, the local government and owner must agree~~
114 ~~in writing to a schedule for information submittal, public~~
115 ~~hearings, negotiations, and final action on the amendment, which~~
116 ~~schedule may thereafter be altered only with the written consent~~
117 ~~of the local government and the owner. Compliance with the~~
118 ~~schedule in the written agreement constitutes good faith~~
119 ~~negotiations for purposes of paragraph (c).~~

120 ~~(b) Upon conclusion of good faith negotiations under~~
121 ~~paragraph (a), regardless of whether the local government and~~
122 ~~owner reach consensus on the land uses and intensities of use~~
123 ~~that are consistent with the uses and intensities of use of the~~
124 ~~industrial, commercial, or residential areas that surround the~~
125 ~~parcel, the amendment must be transmitted to the state land~~

~~planning agency for review pursuant to s. 163.3184. If the local government fails to transmit the amendment within 180 days after receipt of a complete application, the amendment must be immediately transferred to the state land planning agency for such review. A plan amendment transmitted to the state land planning agency submitted under this subsection is presumed not to be urban sprawl as defined in s. 163.3164. This presumption may be rebutted by clear and convincing evidence.~~

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

(h) ~~(d)~~ Nothing within this subsection relating to agricultural enclaves shall preempt or replace any protection currently existing for any property located within the boundaries of any of the following areas:

1. The Wekiva Study Area, as described in s. 369.316, ~~or~~
2. The Everglades Protection Area, as defined in s. 373.4592(2).
3. Any area of critical state concern, as designated in ss. 380.055, 380.0551, 380.0552, 380.0553, and 380.0555.
4. The Florida wildlife corridor, as defined in s. 259.1055(4).
5. A military installation or range, as identified in s. 163.3175(2).

151 **Section 2. Subsection (4) of section 163.3164, Florida**
152 **Statutes, is amended to read:**

153 163.3164 Community Planning Act; definitions.—As used in
154 this act:

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

157 (a) Are ~~is~~ owned or controlled by a single person or
158 entity;

159 (b) Have ~~Has~~ been in continuous use for bona fide
160 agricultural purposes, as defined by s. 193.461, for a period of
161 5 years before ~~prior to~~ the date of any comprehensive plan
162 amendment or development application;

163 (c) 1. Are ~~is~~ surrounded on at least 75 percent of their
164 ~~its~~ perimeter by:

165 a.1. A parcel or parcels ~~Property~~ that have ~~has~~ existing
166 industrial, commercial, or residential development; ~~or~~

167 b.2. A parcel or parcels ~~Property~~ that the local
168 government has designated, in the local government's
169 ~~comprehensive plan~~, zoning map, and future land use map, as land
170 that is to be developed for industrial, commercial, or
171 residential purposes, and at least 75 percent of such parcel or
172 parcels ~~property~~ is existing industrial, commercial, or
173 residential development; or

174 c. A combination of an interstate highway and a parcel or
175 parcels that are within an urban service district, area, or line

176 and that the local government has designated in the local
177 government's future land use map as land that is to be developed
178 for industrial, commercial, or residential purposes;

179 2. Do not exceed 700 acres and are surrounded on at least
180 50 percent of their perimeter by a parcel or parcels that the
181 local government has designated on the local government's future
182 land use map as land that is to be developed for industrial,
183 commercial, or residential purposes; and the parcel or parcels
184 are surrounded on at least 50 percent of their perimeter by a
185 parcel or parcels within an urban service district, area, or
186 line; or

187 3. Are located within the boundary of an established rural
188 study area adopted in the local government's comprehensive plan
189 which was intended to be developed with residential uses;

190 (d) Have ~~Has~~ public services, including water, wastewater,
191 transportation, schools, and recreation facilities, available or
192 such public services are scheduled in the capital improvement
193 element to be provided by the local government or can be
194 provided by an alternative provider of local government
195 infrastructure in order to ensure consistency with applicable
196 concurrency provisions of s. 163.3180, or the applicant offers
197 to enter into a binding agreement to pay for, construct, or
198 contribute land for its proportionate share of such
199 improvements; and

200 (e) Do ~~Does~~ not exceed 1,280 acres; however, if the parcel

201 or parcels are ~~property is~~ surrounded by existing or authorized
202 residential development that will result in a density at
203 buildout of at least 1,000 residents per square mile, ~~then~~ the
204 area must ~~shall~~ be determined to be urban and the parcel or
205 parcels may not exceed 4,480 acres; and

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

210
211 Where a right-of-way, body of water, or canal exists along the
212 perimeter of a parcel, the perimeter calculations of the
213 agricultural enclave must be based on the adjacent parcel or
214 parcels across the right-of-way, body of water, or canal.

215 **Section 3.** The amendments made by this act to ss.
216 163.3162(4)(a)-(g), 163.3162(4)(h)5., and 163.3164(4), Florida
217 Statutes, shall expire January 1, 2028, and the text of those
218 paragraphs, subparagraphs, and subsections, as applicable, shall
219 revert to that in existence on June 30, 2026, except that any
220 amendment to such text enacted other than by this act shall be
221 preserved and continue to operate to the extent that such
222 amendment is not dependent upon the portions of text which
223 expire pursuant to this section.

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