CHAPTER 2026-34

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 686

An act relating to agricultural enclaves; amending s. 163.3162, F.S.; authorizing certain persons to apply to the governing body of the local government for certification of certain parcels as agricultural enclaves; prohibiting an applicant from using the perimeter of certain parcels for a specified purpose; 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 or parcels 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 certain persons to submit certain development plans; requiring that certain developments be treated as a conforming use; encouraging a local government to incorporate certain site design measures where feasible for certain development; 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 or parcels certified as an agricultural enclave to enter a certain written agreement; authorizing the development of certain parcels for commercial, industrial, or single-family residential purposes under certain circumstances; 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 or parcels of land, or such owner's authorized agent or controlling entity, may apply to the governing body of the local government for certification of the parcel or parcels 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. An applicant seeking such certification may not use the perimeter of another parcel certified by the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

local government as an agricultural enclave to meet the definition of the term "agricultural enclave."

(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 or parcels as an agricultural enclave. If the local government does not approve or deny certification of the parcel or parcels as an agricultural enclave within 90 days after receipt of the application, the parcel or parcels must be certified as an agricultural enclave.

(d) 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 seek review of the denial by filing a petition for writ of certiorari in the circuit court within 30 days after the date the local government renders its decision.

(e) If the application is approved, the owner of the parcel or parcels certified as an agricultural enclave, or the owner's authorized agent or controlling entity, may submit development plans for single-family residential housing which 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. A development for which plans are submitted under this paragraph must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning. If development within an agricultural enclave affects an established wildlife corridor, the local government is encouraged to incorporate site design measures that maintain habitat permeability, including clustering, open space retention, and wildlife crossing accommodations, where feasible.

(f) 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. A local government shall treat an agricultural enclave that is adjacent to an urban service district as if such enclave is within the urban service district.

(g) Within 30 business days after the local government's receipt of development plans under paragraph (e), the local government and the owner of the parcel or parcels certified as an agricultural enclave 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 local government may not require the owner to agree to a process that is longer than 180 days in duration or that includes further review of the plans in a quasi-judicial process or public hearing.

(h) Notwithstanding paragraph (e), a parcel or parcels certified as an agricultural enclave as defined in s. 163.3164(4)(c)1.c. which are adjacent to an interstate highway may be developed for commercial, industrial, or single-family residential purposes if one or more adjacent parcels or an adjacent development permits the same density or intensity as the proposed development ~~AMENDMENT TO LOCAL GOVERNMENT COMPREHENSIVE PLAN.—The owner of a parcel of land defined as an agricultural enclave under s. 163.3164 may apply for an amendment to the local government comprehensive plan pursuant to s. 163.3184. Such amendment is presumed not to be urban sprawl as defined in s. 163.3164 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. This presumption may be rebutted by clear and convincing evidence. Each application for a comprehensive plan amendment under this subsection for a parcel larger than 640 acres must include appropriate new urbanism concepts such as clustering, mixed-use development, the creation of rural village and city centers, and the transfer of development rights in order to discourage urban sprawl while protecting landowner rights~~.

~~(a) The local government and the owner of a parcel of land that is the subject of an application for an amendment shall have 180 days following the date that the local government receives a complete 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. Within 30 days after the local government's receipt of such an application, the local government and owner must agree in writing to a schedule for information submittal, public hearings, negotiations, and final action on the amendment, which schedule may thereafter be altered only with the written consent of the local government and the owner. Compliance with the schedule in the written agreement constitutes good faith negotiations for purposes of paragraph (c).~~

~~(b) Upon conclusion of good faith negotiations under paragraph (a), 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 surround the 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.~~

(i)~~(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 s. 380.055, s. 380.0551, s. 380.0552, s. 380.0553, or s. 380.0555.

4. Any portion of a property encumbered by a recorded conservation easement as defined in s. 704.06.

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

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

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

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

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

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

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

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

b.~~2.~~ A parcel or parcels ~~Property~~ that the local government has designated, in the local government's ~~comprehensive plan,~~ zoning map~~,~~ and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 50 ~~75~~ percent of such parcel or parcels ~~property~~ is existing industrial, commercial, or residential development; or

c. 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;

2. Do not exceed 700 acres and are 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; or

3. 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;

(d) Have 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 in order to ensure consistency with applicable concurrency provisions of s. 163.3180, or the applicant offers to enter into a binding agreement to pay for, construct, or contribute land for its proportionate share of such improvements; and

(e) Do Does not exceed 1,280 acres; however, if the parcel or parcels are property is surrounded on at least 75 percent of their perimeter by existing or authorized residential development that will result in a density at buildout of at least 1,000 residents per square mile, then the area must shall be determined to be urban and the parcel or parcels may not exceed 4,480 acres, unless such parcel or parcels exceeding 1,280 acres are within the affected counties covered by the water protection plan specified in s. 373.4595(4)(c); and

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

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

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

Approved by the Governor April 20, 2026.

Filed in Office Secretary of State April 20, 2026.