COMMITTEE/SUBCOMMITTEE ACTION

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|---|---|
| ADOPTED | ___ (Y/N) |
| ADOPTED AS AMENDED | ___ (Y/N) |
| ADOPTED W/O OBJECTION | ___ (Y/N) |
| FAILED TO ADOPT | ___ (Y/N) |
| WITHDRAWN | ___ (Y/N) |
| OTHER | _____ |

Committee/Subcommittee hearing bill: Commerce Committee
Representative Overdorf offered the following:

**Amendment**

Remove lines 202-335 and insert:

**Section 2. Subsections (1) and (4) of section 163.3162, Florida Statutes, are amended to read:**

163.3162 Agricultural lands and practices.—

(1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement,

development, and improvement of agriculture will result in a general benefit to the health, safety, and welfare of the people of the state. It is the purpose of this act to protect reasonable agricultural activities conducted on farm lands from duplicative regulation and to protect the property rights of agricultural land owners.

~~(4) 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.~~

(4) PUBLIC HEARING PROCESS.

(a) Notwithstanding any other law, local ordinance, resolution, or regulation to the contrary, the owner of a parcel of land may apply to the governing body of the local government for certification as an agricultural enclave as defined in s. 163.3164, provided that one or more adjacent parcels or an adjacent development permits the same or higher density as the proposed development.

(b) Within 30 days after the local government's receipt of such an application, the local government must provide a report solely as to the application's compliance with the subsection in writing.

(c) Within 30 days after the local government’s issuance of the report, the local government must hold a public hearing to certify or deny the land that is the subject of the application as an agricultural enclave.

(d) Within 90 days after the local government’s receipt of the application, the land shall be certified unless denied. If the application is denied, the governing body shall 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 certified, the owner of land certified as an agricultural enclave may submit development plans for single family residential housing that must be consistent with the land use requirements, or future land use designations, including uses, density, and intensity, of one or more adjacent parcels or adjacent developments. A development authorized under this subsection must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

(f) A local government may not enact or enforce any regulation or law for an agricultural enclave that is more burdensome than for other types of applications for comparable uses or densities. A local government must treat an agricultural enclave that is adjacent to an urban service district as if it were within the urban service district.

(g) Within 30 business days after the local government's receipt of such development plans, the local government and owner of land 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 single-family residential 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) ~~(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 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. A military institution identified in s. 163.3175(2).

**Section 3. 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 75 percent of such parcel or parcels are ~~property is~~ existing industrial, commercial, or residential development; or

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 that was intended to be developed with residential uses and is surrounded on at least 50 percent of its perimeter by a parcel or parcels that the local government has designated on the local government's future land use plan as land that can be developed for industrial, commercial, or residential purposes.

(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 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.

If 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 4. The amendments made by this act to s. 163.3164(4), Florida Statutes, expire January 1, 2027, and the text of that subsection shall revert to that in existence on September 30, 2025, except that any amendments to such text**

**enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.**