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Insights

The Clock Is Running: Florida's New Agricultural Enclave Window

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From Limbo to Leverage: A New Path Forward

Some Florida land has remained in a state of limbo for years: classified as agricultural and surrounded by development, yet unable to be developed. Often, the only way for landowners to realize a higher economic use of such land was to pursue the difficult and lengthy process of obtaining a comprehensive plan amendment to a residential future land use category.

In Senate Bill 686, Florida's Legislature amended the state's agricultural enclave statute to establish a development-friendly certification framework. These changes are expected to streamline development of qualifying properties until the framework sunsets in 2028.

Property certified as an agricultural enclave receives beneficial entitlements. Specifically, a single-family residential development plan for an agricultural enclave must be treated as a conforming use, even if it is inconsistent with the local comprehensive plan, future land use map, or zoning designations, so long as the proposed density does not exceed that of an adjacent parcel. Commercial and industrial development also receives benefits for a subset of qualifying enclaves.

With less than two years to take advantage of this streamlined process, landowners should act quickly to evaluate their options.

Does Your Property Qualify?

Starting July 1, 2026, a property owner may seek certification as an agricultural enclave if the property met the following criteria as of January 1, 2025:

- Was under single ownership or control;
- Had been used for agricultural purposes for at least five consecutive years;

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- Met at least one of the statutory geographic requirements;
- Had public services available, or the landowner was willing to provide them;
- Did not exceed 1,280 acres, subject to limited exceptions; and
- Was not located in Miami-Dade or Broward County.

Of these requirements, certification often hinges upon the geographic criteria, which can be difficult and labor-intensive to analyze. To qualify, a property must satisfy at least one of the following five geographic criteria as of January 1, 2025:

- The property was surrounded on at least 75% of its border by parcels with existing industrial, commercial, or residential development;
- The property was surrounded on at least 75% of its border by parcels *designated* to be developed for industrial, commercial, or residential purposes, and at least 50% of those parcels were developed as such;
- The property was surrounded on at least 75% of its border by an interstate highway and parcels within an urban service area that had been designated to be developed for industrial, commercial, or residential purposes;
- The property was 700 acres or fewer and was surrounded on at least 50% of its border by parcels designated for industrial, commercial, or residential development, and at least 50% of those bordering parcels were themselves surrounded on at least 50% of their border by an urban service area; or
- The property was located within a rural study area intended for residential uses.

When calculating whether a property meets one of the geographic criteria, intervening rights-of-way, bodies of water, and canals are disregarded, and the adjacent parcel beyond them is used for the perimeter calculation. A property's qualifying perimeter may not include the perimeter of another certified agricultural enclave.

Applying for Certification: A Clear and Quick Process

If a property satisfies all of the criteria above, including at least one of the geographic criteria, the landowner may apply for certification as an agricultural enclave. Once certified, the applicant may seek to develop the property at or below the density of any adjacent parcel.

The certification process is streamlined but still requires a hearing before the local government. Within 30 days after receiving an application, the local government must issue a written compliance report. Within 30 days after the report is issued, the government must hold a public hearing to approve or deny certification.

If the government fails to act within 90 days of receiving the application, certification occurs automatically by operation of law. Any denial must include detailed findings and legal conclusions, and the applicant has 30 days to seek certiorari review.

The clock is now ticking on this streamlined certification process. If you have questions about whether your property qualifies for certification as an agricultural enclave, or if you need assistance preparing an application, please contact Lowndes attorneys Alex Dobrev, Rebecca Wilson, Tara Tedrow, or Erik Clifton today.