

# **REQUEST FOR CERTIFICATION OF AN AGRICULTURAL ENCLAVE**

**REQUEST NAME:** Kanner/96<sup>th</sup> St. Investments LLC Agricultural Enclave  
Certification

Report Issuance Date: July 22, 2026

**APPLICANT:** Kanner/96<sup>th</sup> St. Investments LLC  
James P. Harvey, Authorized Signatory  
105 NE 1<sup>st</sup> Street  
Delray Beach, FL 33444

**PLANNER-IN-CHARGE:** Jenna Knobbe, Senior Planner  
Growth Management Department, Martin County Board of  
County Commissioners

## **PUBLIC HEARING:**

Martin County Board of County Commissioners: August 11, 2026

## **APPLICANT REQUEST:**

This is a request by Kanner/96th Street Investments, LLC for certification of property as an “agricultural enclave” pursuant to Sections 163.3162 and 163.3164, Florida Statutes. Section 163.3162(4)(a), Florida Statutes, outlines the process for a property owner to request that property be certified as an agricultural enclave. The criteria for defining what qualifies as an agricultural enclave is found in Section 163.3164(4), Florida Statutes.

## **BACKGROUND INFORMATION:**

Senate Bill (SB) 686 was passed during the 2026 regular session of the Florida Legislature. This bill went into effect on July 1, 2026, and can be found in Chapter 2026-34. SB 686 establishes new regulations and definitions for agricultural enclaves in the State of Florida. Section 163.3162(4), Florida Statutes, outlines the process by which a property owner can apply to the local government for certification of property as an agricultural enclave. If property is certified as an agricultural enclave, a property owner 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 adjacent development.

These development plans must be treated as a conforming use, notwithstanding the local government's comprehensive plan, future land use designation, or zoning.

### **ANALYSIS OF §163.3164(4), FLORIDA STATUTES:**

The following section will quote the language of Section 163.3164(4), Florida Statutes. The language of the statute is followed by staff analysis. The statutory language is shown in quotations and italics.

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

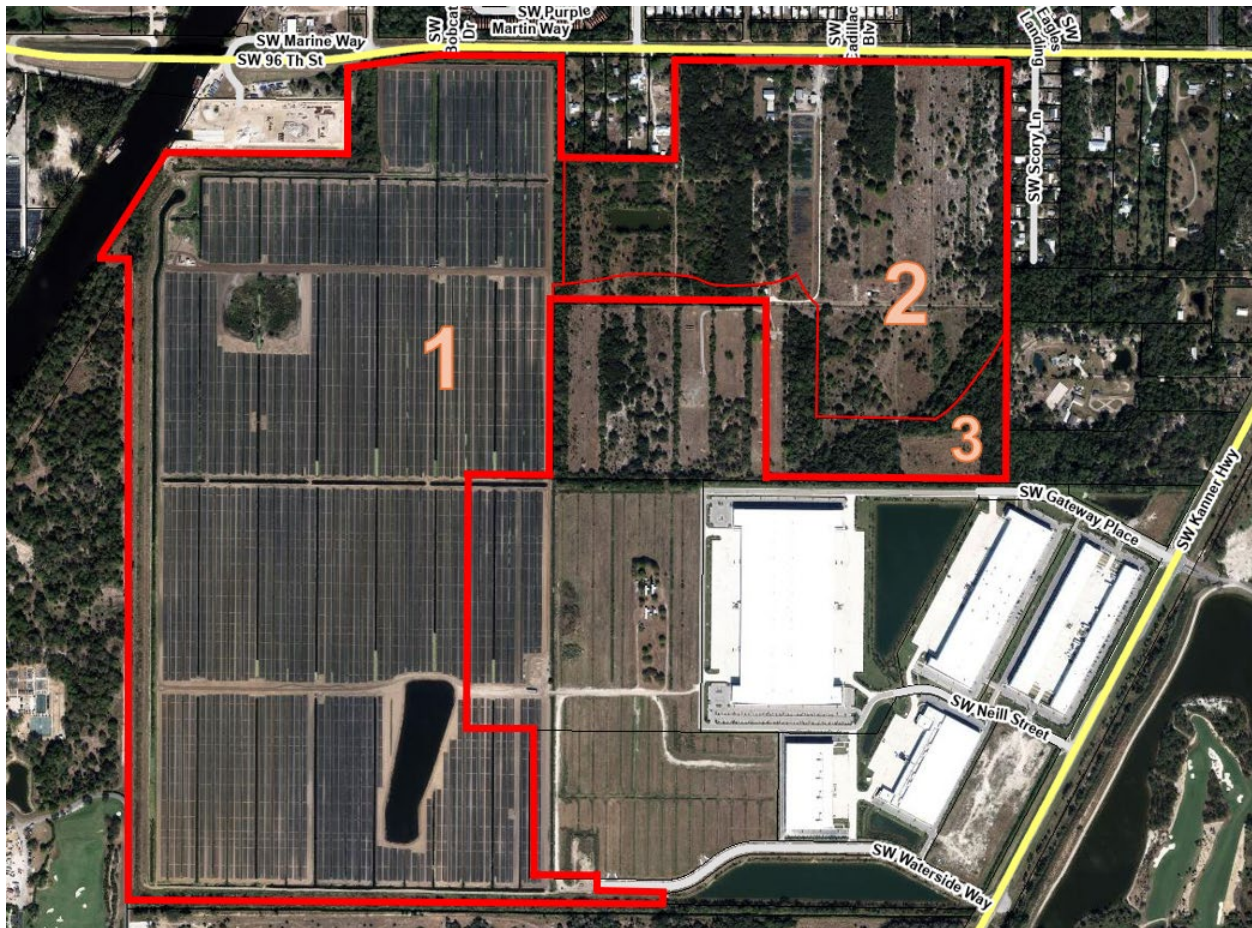
*(a) Are owned or controlled by a single person or entity;”*

**Staff analysis:** The three parcels included in the request for agricultural enclave certification have been owned or controlled by a single person or entity since January 1, 2025. Criterion met.

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

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

**Staff analysis:** There are three Parcel Control Numbers (PCNs) that are included in the request for agricultural enclave certification. These three PCNs are identified as: (1) 13-39-40-000-003-00000-1 [±275.61 acres in size], (2) 13-39-40-000-001-00000-5 [±96.8 acres in size], and (3) 13-39-40-000-007-00001-0 [±26.35 acres in size]. These three parcels together are also collectively known as the “Waterside Property.” The figure on the following page shows the assemblage of the three subject parcels labeled 1, 2, and 3 respectively. The following analysis will refer to the parcels below as Parcel 1, Parcel 2, and Parcel 3.



Property tax information is publicly available through the Property Appraiser's Office (PAO). Section 193.461(1), Florida Statutes, states that "the property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural." According to the Martin County PAO website, "January 1<sup>st</sup> is the statutory assessment date. Therefore, the property must be in bona fide commercial agricultural use, or reasonable effort must have been made and continues to be made, on this date." The PAO website for each of the three parcels above includes the "Ag Use Size (Acre/Sq Ft)," which provides information about the total acreage on each parcel that is used for "bona fide agricultural purposes."

This analysis will look back at tax assessment data for five years prior to July 1, 2026, the date the application for this agricultural enclave certification was submitted to Martin County. The tax assessment data staff reviewed for Parcel 1 shows that all +/-275.61 acres of Parcel 1 have been used for bona fide agricultural purposes for five years prior to the date of this application.

Based on the tax assessment data staff reviewed during this analysis, only 35 acres out of +/-96.8 total acres for Parcel 2 were used for bona fide agricultural purposes during the 2024 and 2025 tax years. This means that 61.8 acres were not classified as being used for bona fide agricultural uses for tax assessment purposes during the 2024 and

2025 tax years pursuant to Section 193.461, Florida Statutes. It is unclear according to publicly available tax data which 35 acres out of the +/-96.8 total acres would have been used for agricultural purposes. Staff is unable to discern which portions of the +/-96.8 acres have not been in continuous bona fide agricultural use or should be included in this agricultural enclave certification request.

Based on the tax assessment data staff reviewed during this analysis, zero acres out of the +/-26.35 total acres for Parcel 3 were used for bona fide agricultural purposes during the 2024 and 2025 tax years. This means that no portion of the +/-26.35 total acres in Parcel 3 were classified by the Martin County PAO as being used for bona fide agricultural uses for tax assessment purposes. The Florida Department of Revenue (DOR) land use code assigned to this property is "9900 – 9900 Vacant Acreage." The entirety of Parcel 3 must be excluded from this agricultural enclave certification request if the parcel has not been used for bona fide agricultural purposes for the past two years.

The applicant stated in their July 1, 2026 request letter that "the Waterside Property has been continuously farmed for a period of 5 years prior to the date of this application..." Additionally, the request letter states, "affidavits confirming bona fide agricultural use of the Waterside Property, from our farm lease holders, can be made available upon request." However, the Martin County PAO website states that "a lease alone is not sufficient evidence that a parcel is in commercial agricultural use." Section 193.461(3)(b)1, Florida Statutes, also confirms that "[w]hether the land is under lease and, if so, the effective length, terms, and conditions of the lease" is only one of seven factors that may be taken into consideration in determining whether the use of land for agricultural purposes is bona fide. The applicant did not provide any documentation as part of their application request that demonstrates the subject parcels were in continuous use for bona fide agricultural purposes for a period of five years before the date of this application.

Based on this language and the insufficiencies and discrepancies identified in the preceding text, the entirety of Parcel 2 and Parcel 3 do not qualify to be included in this request for certification of an agricultural enclave. Only 35 acres out of the approximately 123.15 total acres of Parcel 2 and Parcel 3 were used for bona fide agricultural purposes during the 2024 and 2025 tax years, meaning that 88.15 acres of Parcel 2 and Parcel 3 were not used for bona fide agricultural purposes during 2024 and 2025. Prior to 2023, the tax assessment data indicated that the entirety of Parcel 2 and Parcel 3 were used for bona fide agricultural uses, but portions were declassified and lost the exemption in 2024. Therefore, this acreage is ineligible to be included in this certification request. The location of the remaining 61.8 acres of non-agricultural land on Parcel 2 is unknown. Exhibit 1 attached to this staff report depicts the property boundary that was submitted and the property boundary for Parcel 3 that has been excluded entirely from this analysis.



An additional item that staff identified during this analysis is a potential issue with ownership of land adjacent to the St. Lucie Canal. There is a triangle-shaped piece of land that was deeded to the United States of America in 1942 via Deed Book 12, Page 451 (identified as Parcel No. 131 per Plat Book 2, Page 35), that the applicant has included in their application. According to this 1942 deed, this land is owned by the United States of America and should not be included in the application. This deed is included as an attachment to this staff report.

Criterion not met.

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

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

*a. A parcel or parcels that have existing industrial, commercial, or residential development;”*

**Staff analysis:** The applicant stated in their request letter that “87.8% of the Waterside Property is surrounded by existing industrial, commercial, or residential, the attached exhibit demonstrates surrounding uses...” The language of Section 163.3164(4), Florida Statutes, does not provide a definition for what constitutes “existing” development; however, since the statute makes a distinction between existing development and designated uses, existing must be given its plain meaning with the uses in operation and actually developed. In the applicant’s Exhibits B and C that were submitted with the request letter, every part of the subject parcels’ boundaries with adjacent properties is being counted as both “existing” development and “land that is [designated] to be developed for industrial, commercial, or residential purposes.” The only frontage with an adjacent parcel that is excluded from the applicant’s perimeter calculations is the boundary to the south that is adjacent to land having an Agricultural future land use designation. The uses that the applicant has included in calculating their figure of 87.8% do not appear consistent with the language in this statute.

The boundary of Parcel 3 has been excluded from the following analysis since the parcel is ineligible to be included in this agricultural enclave certification request due to the lack of agricultural tax classification according to PAO data as explained above. Additionally, since 61.8 acres of Parcel 2 were not used for bona fide agricultural purposes during the 2024 and 2025 tax years and it is not known where exactly these 61.8 acres of non-agricultural use are located within Parcel 2, staff cannot definitively conclude that the Parcel 2 frontage with adjacent uses can all be counted. The following analysis does include Parcel 2’s boundary, but the exact location of the 61.8 acres of non-agricultural use within Parcel 2 is unknown. Based on an analysis of the surrounding uses and boundary frontage, the subject parcels are surrounded on 29.13% of their perimeter by existing industrial, commercial, or residential development.

### Industrial

The frontage on Parcel 1's western boundary with the South Florida Gateway PUD has been excluded since this land is vacant. Parcel 3 is excluded from this analysis, so any frontage with land uses adjacent to Parcel 3 were not considered. It is worth noting that there is a 51.38-acre parcel that is part of the South Florida Gateway PUD and has an Industrial future land use designation, but the PAO website states that the entirety of this parcel is in active agricultural use. A small portion of the perimeter boundary with the South Florida Gateway PUD was included in the calculation since this frontage is adjacent to an existing retention pond that is utilized for stormwater management purposes.

### Agricultural Ranchette

The frontage with any properties having an Agricultural Ranchette future land use designation, including the frontage across the St. Lucie Canal, has been excluded because this land use category has a primary purpose of "small agricultural operations" pursuant to Policy 4.13A.3, Comprehensive Growth Management Plan, Martin County Code. Additionally, the exclusion of Parcel 3 from this analysis also eliminates the boundary perimeter with two properties with an Agricultural Ranchette future land use designation.

### Commercial Waterfront

The frontage with the vacant Commercial Waterfront land on the north side of SW 96<sup>th</sup> Street was excluded because it is vacant property with a DOR code of "1000 – Vacant Commercial." However, the perimeter boundary frontage with lands that are developed and have a Commercial Waterfront future land use designation were included in this calculation, such as the adjacent property owned by Ferreira Construction and the River Marina townhome residential community.

### Mobile Home

The frontage with vacant land on the north side of SW 96<sup>th</sup> Street having a Mobile Home future land use designation was excluded since these parcels are vacant. The parcels have a DOR code of "9709 - 9709 HmAssnNoValRecArea,Res."

### Rural Lifestyle

The frontage with the Rural Lifestyle future land use designation was excluded since this land use designation does not fall under the categories of "industrial, commercial, or residential" and the adjacent Three Lakes PUD is developed as a rural, recreational use, with no residential use present or planned for the property.

Exhibit 2 attached to this staff report illustrates the calculation for this criterion. Criterion not met.

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

- (c) 1. Are surrounded on at least 75 percent of their perimeter by:*
  - b. A parcel or parcels that the local government has designated, in the local government’s zoning map and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 50 percent of such parcel or parcels is existing industrial, commercial, or residential development; or”*

**Staff analysis:** As with previous criteria, the boundary of Parcel 3 has been excluded from this analysis due to the lack of agricultural tax classification according to PAO data. The following analysis does include Parcel 2’s boundary, but the exact location of the 61.8 acres of non-agricultural use within Parcel 2 is unknown; and therefore, staff cannot definitively conclude that the Parcel 2 frontage with adjacent uses can all be counted. Based on an analysis of the surrounding uses and boundary frontage, the subject parcels are surrounded on 53.97% of their perimeter by land that the local government has designated on zoning and future land use maps as land that is to be developed for industrial, commercial, or residential purposes.

#### Agricultural and Agricultural Ranchette

The lands with Agricultural and Agricultural Ranchette future land use designations were excluded from this calculation since these lands are not designated for industrial, commercial, or residential purposes. This means that the five lots on the south side of SW 96<sup>th</sup> Street were also excluded from the calculation since these lots have an Agricultural future land use designation.

#### Rural Lifestyle

The frontage with the Rural Lifestyle future land use designation was excluded since this land use designation does not fall under the categories of “industrial, commercial, or residential” and the adjacent Three Lakes PUD is developed as a rural, recreational use, with no residential use present or planned for the property.

For the second half of this criterion, only the land that is designated for industrial, commercial, or residential purposes that is existing development was evaluated. This calculation comes out to 38.14%. Based on these two numbers falling below the required 75% and 50% thresholds, the applicant has not demonstrated compliance with this criterion.

Exhibit 3 attached to this staff report illustrates the calculation for this specific criterion. Criterion not met.

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

- (c) 1. Are surrounded on at least 75 percent of their perimeter by:
- 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;"

**Staff analysis:** The subject parcels do not have any frontage with an interstate highway system. This criterion is not applicable.

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

- 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"*

**Staff analysis:** The subject parcels do not exceed a cumulative total of 700 acres. The subject parcels are surrounded on 53.97% of their perimeter with land designated on the local government's land use and zoning maps to be developed for industrial, commercial, or residential development. The same lands that were excluded from criterion (4)(c)1.b above were also excluded from this "designated" calculation.

Approximately 53.97% of the subject parcels' boundaries may be surrounded by an urban service district. However, since 61.8 acres of Parcel 2 were not used for bona fide agricultural purposes during the 2024 and 2025 tax years and it is not known where exactly these 61.8 acres of non-agricultural use are located within Parcel 2, staff cannot definitively conclude that the Primary Urban Service District frontage within Parcel 2 can all be counted. 53.97% is a conservative calculation of the subject parcels' frontage with an urban service district and the real percentage is likely lower, potentially below the 50% threshold.

The applicant states in the request letter that "57.9% of the Waterside Property is surrounded by the Primary Urban Service District and the South Florida Gateway Freestanding Urban Service (Exhibit "B")." The applicant's Exhibit "B" does not demonstrate how this percentage was calculated. Without documentation substantiating how the applicant calculated this number, staff cannot independently verify this percentage.

Exhibit 4 attached to this staff report illustrates the calculation for this specific criterion.

Based on the information available, staff is unable to determine if this criterion has been met.

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

*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;”*

**Staff analysis:** This criterion is not applicable.

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

*(d) Have 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;”*

**Staff analysis:** The applicant stated in their request letter that “if a service is determined to be deficient during site plan review, the Waterside Property owner agrees to enter into a binding agreement to pay for, construct or contribute land for its proportionate share of any public service which is deficient.” This criterion appears to be met by this statement alone.

However, if the subject parcels are approved for certification as an agricultural enclave and single-family development plans are submitted, the local government may not require the applicant to agree to a timeframe for submittal, review, and final approval of development plans that is longer than 180 days. There are concerns about the strict timeframe for negotiating and executing a binding agreement for infrastructure improvements and public facilities. This is typically an iterative and lengthy process to get the information necessary for both parties to reach an agreement.

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

*(e) Do not exceed 1,280 acres; however, if the parcel or parcels are 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, the area must 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”*

**Staff analysis:** The subject parcels do not exceed a cumulative total of 1,280 acres. Criterion met.

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

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

**Staff analysis:** The population of Martin County is less than 1.75 million people. Criterion met.

### **CONCLUSION:**

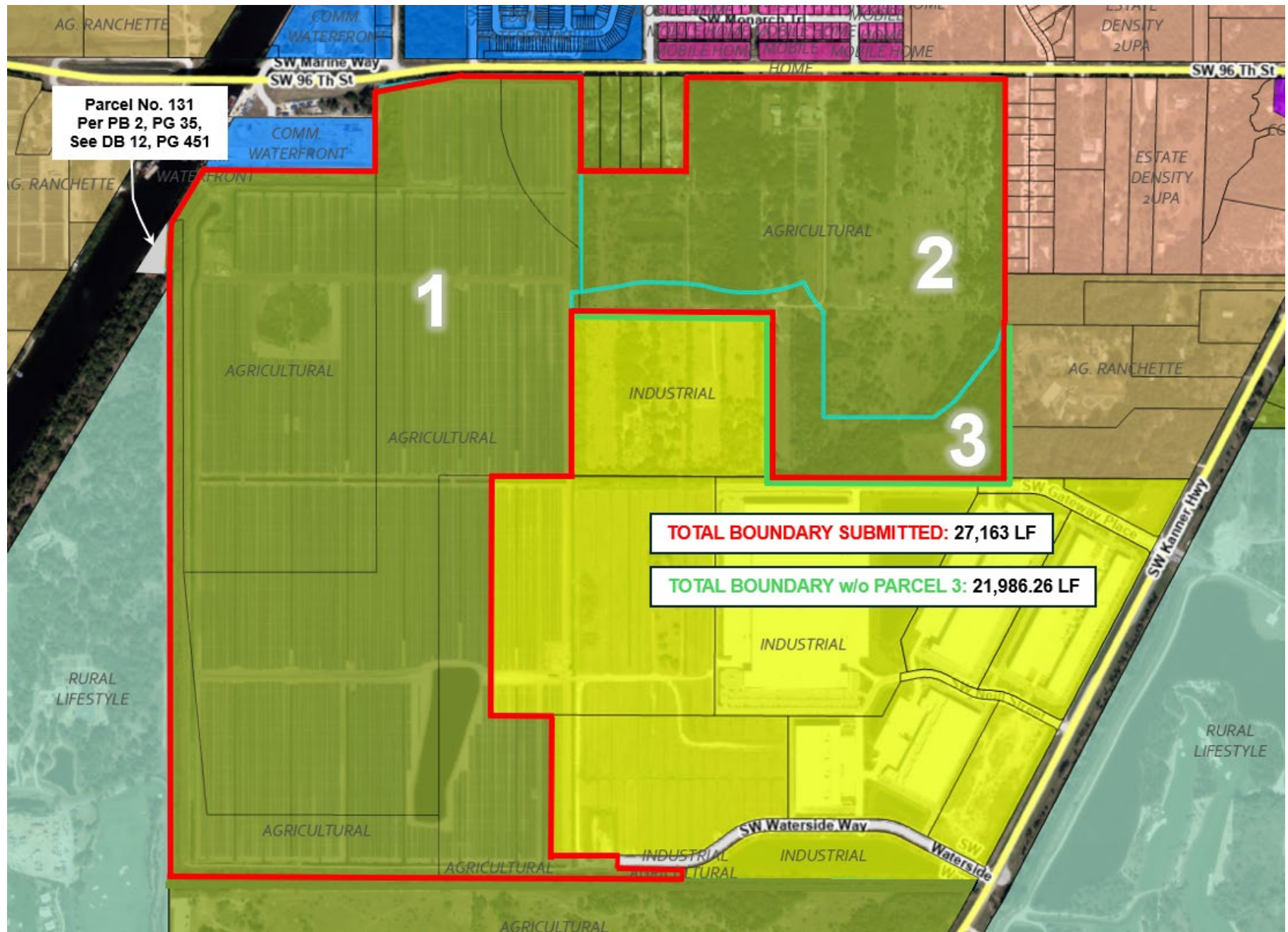
Based on the analysis above of Section 163.3164(4), Florida Statutes, the applicant has not demonstrated the application as submitted qualifies as an agricultural enclave. Only 35 acres out of an approximate total 123.15 acres between Parcel 2 and Parcel 3 were used for bona fide agricultural purposes during the 2024 and 2025 tax years. Therefore, the entirety of Parcel 3 and the non-agricultural portion of Parcel 2 must be excluded from this application. Accordingly, pursuant to Section 163.3162(4)(b), Florida Statutes, the application does not comply with the requirements of Section 163.3162(4)(a) regarding “agricultural enclaves.”

Pursuant to Section 163.3162(4)(c), Florida Statutes, this agricultural enclave certification application will be scheduled for the statutorily required public hearing at the **August 11, 2026** Martin County Board of County Commissioners meeting.

### **ATTACHMENTS:**

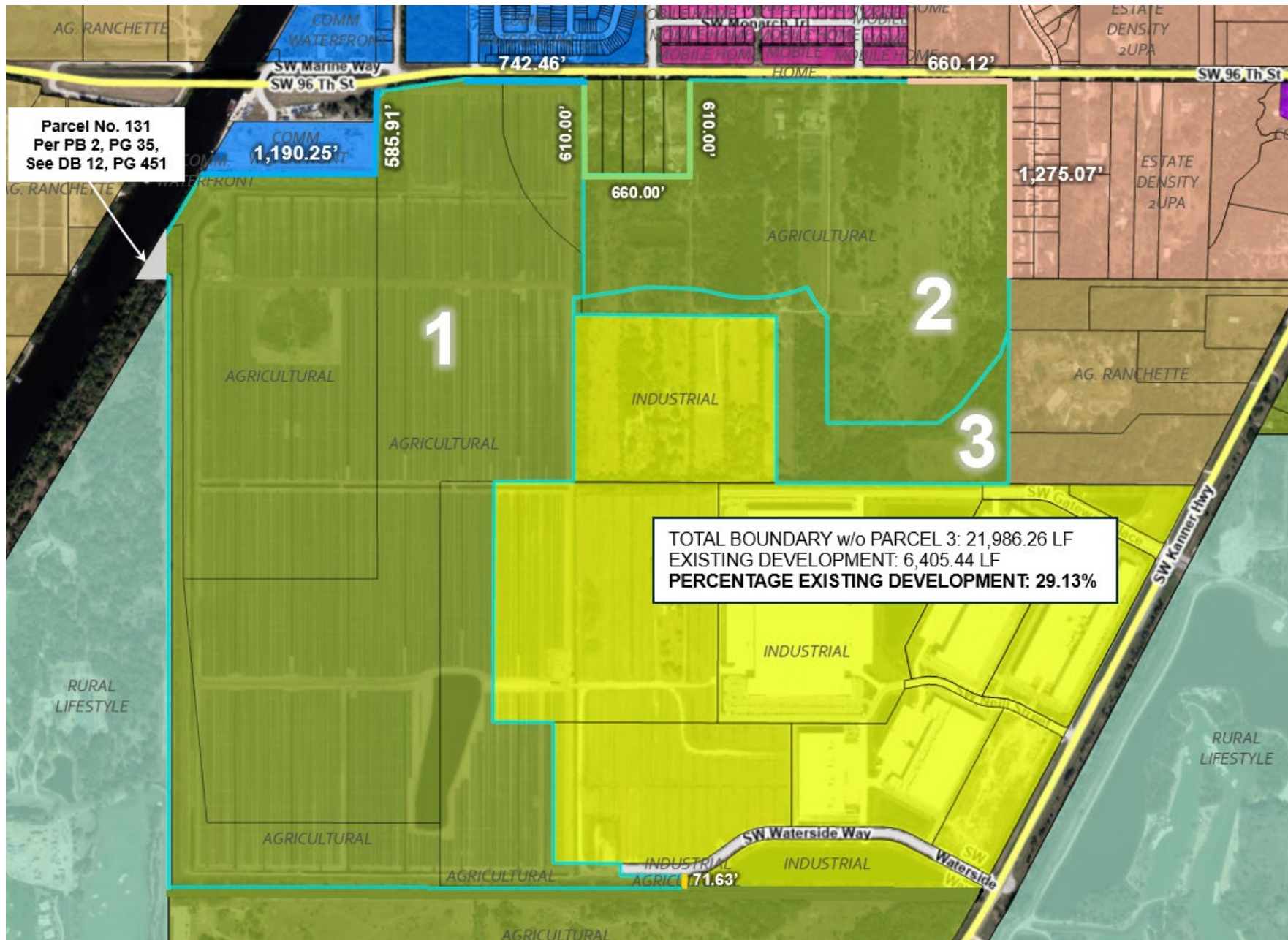
- Exhibit 1 – criterion §163.3164(4)(b)
- Exhibit 2 – criterion §163.3164(4)(c)1.a.
- Exhibit 3 – criterion §163.3164(4)(c)1.b.
- Exhibit 4 – criterion §163.3164(4)(c)2.
- Application materials dated July 1, 2026
- Deed Book 12, Page 451
- Chapter 2026-34, Florida Statutes
- Section 193.4671, Florida Statutes
- Property tax information for Parcel 2 and Parcel 3

## EXHIBIT 1 – CRITERION §163.3164(4)(b)



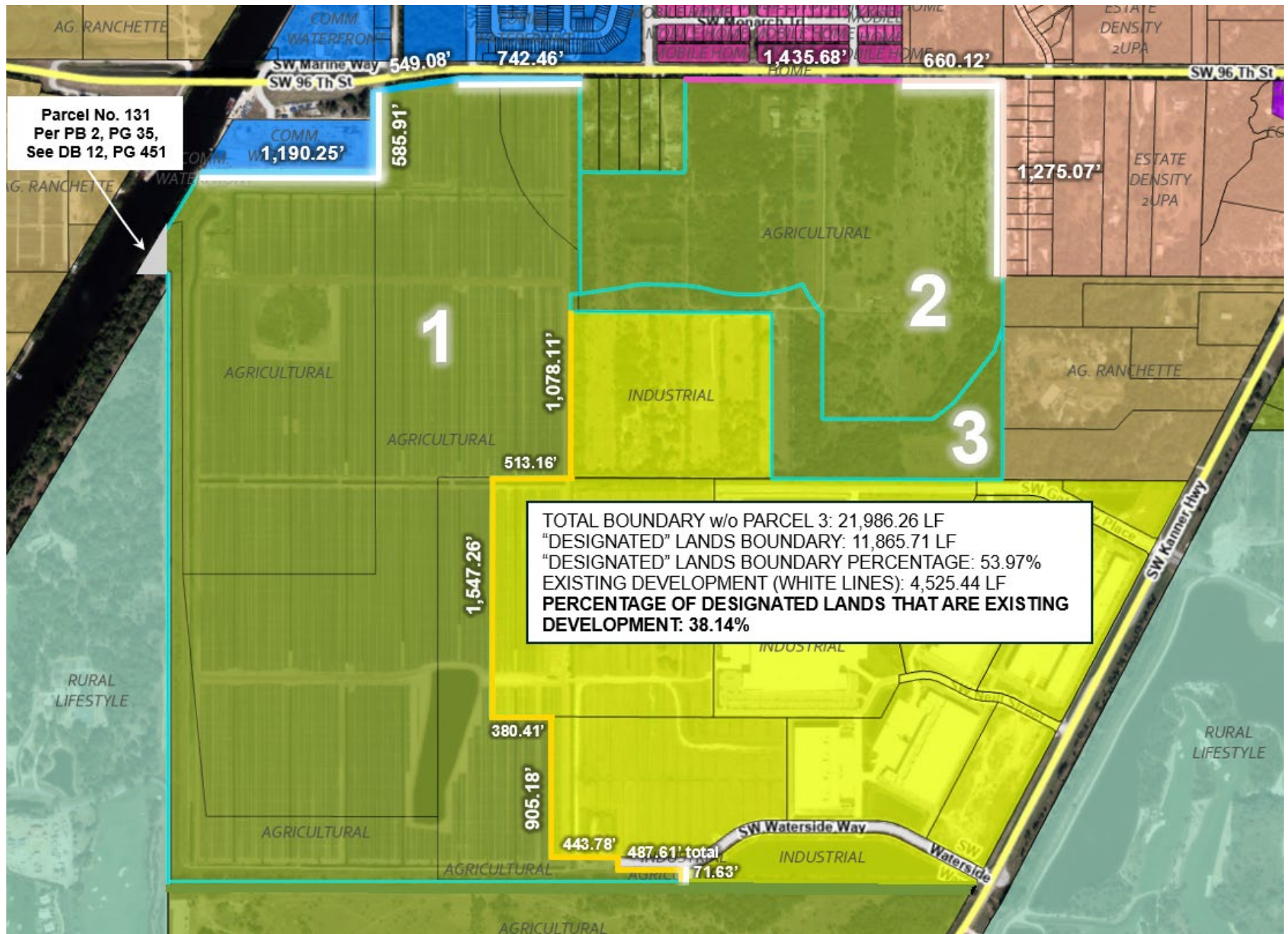


**EXHIBIT 2 – CRITERION §163.3164(4)(c)1.a.**



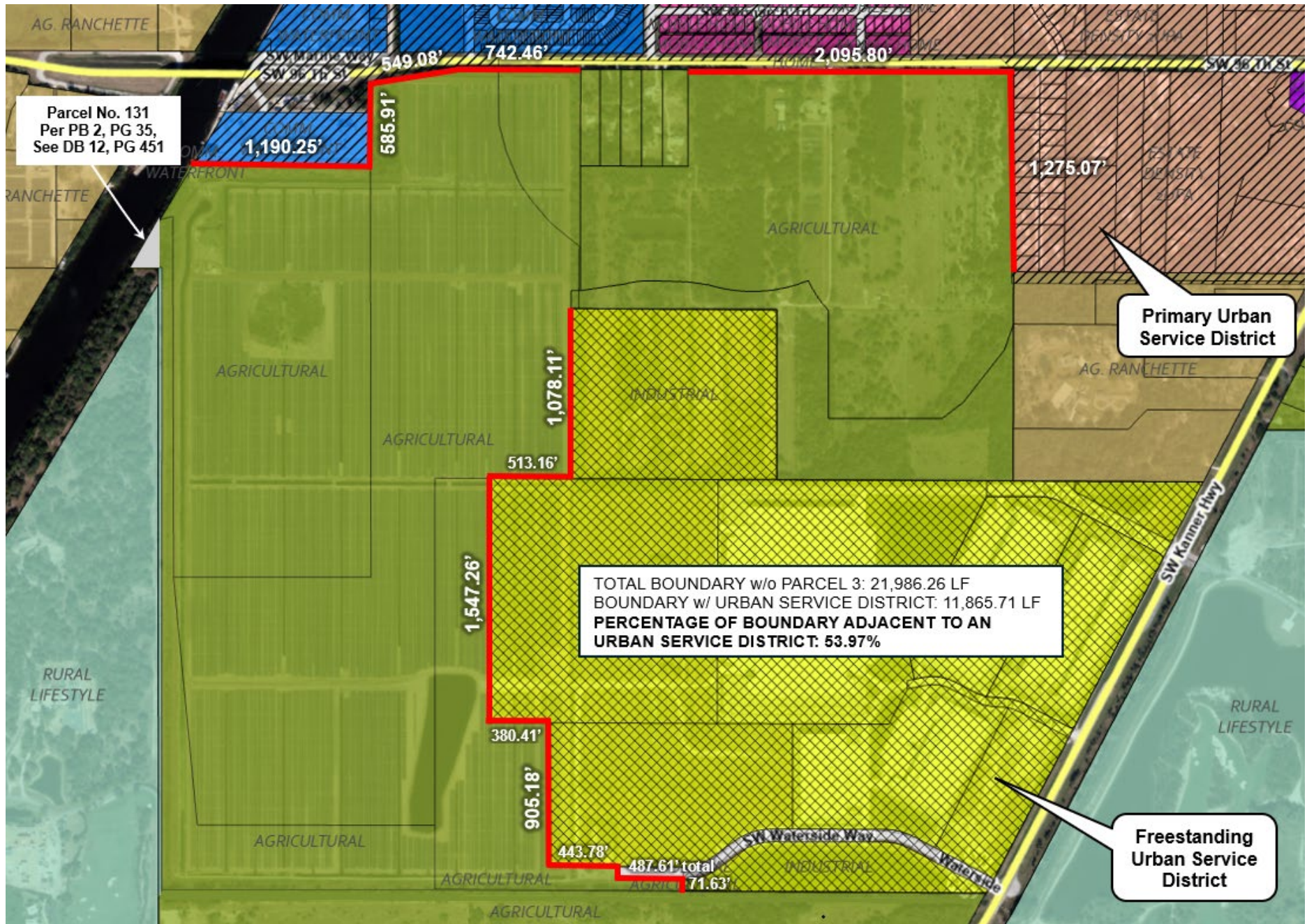


# EXHIBIT 3 – CRITERION §163.3164(4)(c)1.b.





**EXHIBIT 4 – CRITERION §163.3164(4)(c)2.**



**Kanner/96<sup>th</sup> Street Investments LLC  
Agricultural Enclave Certification –  
Application Materials dated July 1,  
2026**



# Brookfield Kolter

## LAND PARTNERS

July 1, 2026

Don Donaldson  
County Administrator  
2401 S.E. Monterey Road  
Stuart, FL 34996

Re: Section 163.3162(a), Florida Statutes;  
**Agricultural Enclave Certification Application for Kanner/96th ST Investments, LLC**

Mr. Donaldson,

On April 20, 2026, Governor DeSantis signed Senate Bill 686 (now referred to as Chapter Law 2026-34) which established new regulations for Agricultural Enclaves (Exhibit "A") within the State of Florida. On July 1, 2026, those new regulations became law. Kanner/96<sup>th</sup> ST Investments, LLC owns 396.82 acres of property within unincorporated Martin County, known as the "Waterside Property." Please accept this letter as Kanner/96<sup>th</sup> ST Investments, LLC's official application requesting certification from Martin County that the Waterside Property is an Agricultural Enclave and complies with the requirements of Section 163.3162(4)(a), Florida Statutes.

Section 163.3162(4)(a), Florida Statutes, establishes the process by which a property owner can determine if their property is an Agricultural Enclave. The property owner may apply to the governing body of the local government for certification of the property as an agricultural enclave as defined in Section 163.3164, Florida Statutes, if one or more adjacent parcels or an adjacent development permits the same density as, or higher density than, the proposed development.

Section 163.3164(4), Florida Statutes, defines an "Agricultural enclave" as "an unincorporated, undeveloped parcel or parcels that, as of January 1, 2025:

- (a) Are owned or controlled by a single person or entity;
- (b) Have been in continuous use for bona fide agricultural purposes, as defined by s. 193.461, for a period of 5 years before the date of any comprehensive plan amendment or development application;
- (c) 1. Are surrounded on at least 75 percent of their perimeter by:
  - a. A parcel or parcels that have existing industrial, commercial or residential development;
  - b. A parcel or parcels that the local government has designated, in the local government's zoning map and future land use map, as land that is to be developed for industrial, commercial, or residential purposes, and at least 50 percent of such parcel or parcels 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

## Brookfield Kolter

### LAND PARTNERS

- 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 with 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 public services, including water, wastewater, transportation, schools and recreational facilities, available or such public services area 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;
- (e) Do not exceed 1,280 acres; however, if the parcel or parcels are surrounded on at least 75 percent of the 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, the area must 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."

As more fully set forth below, the Waterside Property is an agricultural enclave within the meaning of Section 163.3164(4), Florida Statutes, and is adjacent to parcels or developments permitting the same, or higher, density, than the proposed development on the Waterside Property.

#### **Agricultural Enclave Definition**

#### **Florida Statutes, Section 163.3164, Definitions, Section 4, Agricultural Enclaves:**

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

- a) Are owned or controlled by a single person or entity;

***The Waterside Property consists of 396.82 acres on three parcels, all owned by one entity, Kanner/96<sup>th</sup> ST Investments, LLC.***



## Brookfield Kolter

### LAND PARTNERS

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

***The Waterside Property has been continuously farmed for a period of 5 years prior to the date of this application (the property has been continuously farmed for decades), the western portion of the property has been used for row crops, and the northeastern portion of the property has been used for container plants, tree nurseries, bee keeping and cattle grazing. Affidavits confirming bona fide agricultural use of the Waterside Property, from our farm lease holders, can be made available upon request.***

- c) 1. Are surrounded on at least 75 percent of their perimeter by:  
***(Note: a property owner is only required to meet one of the five subsections under 4(c), the Waterside Property meets three of these subsections.)***

- a. A parcel or parcels that have existing industrial, commercial or residential development;

***87.8% of the Waterside Property is surrounded by existing industrial, commercial or residential, the attached exhibit demonstrates surrounding uses, which consist of commercial marine uses, town homes, mobile homes, single family homes on small lots, single family homes on large lots, industrial warehouses and private golf course resort (Exhibit "B").***

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

***87.8% of the Waterside Property is surrounded by parcels with either a zoning or land use designation that provides for industrial, commercial or residential purposes and over 50% of those parcels are developed. There are seven (7) Land Use categories that surround the Waterside Property, including Commercial Waterfront, Mobile Home, Estate Density, Ag Ranchette, Industrial, Agricultural and Rural Life Style. All of the Land Use categories, with the exception of Agricultural, permit either commercial, industrial or residential development. There are eight (8) Zoning Districts that surround the Waterside Property, including Waterfront General Commercial, Industrial (M-2), Planned Unit Development (Residential), Mobile Home, Residential Estate (RE-1/2A), Agricultural (A-2), Planned Unit Development (Industrial), and General Industrial. All of the Zoning Districts listed above, with the exception of A-2, provide for either commercial, industrial or residential development.***

- 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;

***Not Applicable.***

## Brookfield Kolter

### LAND PARTNERS

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 with an urban service district, area, or line; or

***The Waterside Property is 392.82 acres in size. 57.9% of the Waterside Property is surrounded by the Primary Urban Service District and the South Florida Gateway Freestanding Urban Service District (Exhibit "B").***

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;

***Not Applicable.***

- d) Have public services, including water, wastewater, transportation, schools and recreational facilities, available or such public services area 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;

***All public services required to serve the Waterside Property are either existing or planned within the area; if a service is determined to be deficient during site plan review, the Waterside Property owner agrees to enter into a binding agreement to pay for, construct or contribute land for its proportionate share of any public service which is deficient.***

- e) Do not exceed 1,280 acres; however, if the parcel or parcels are 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, the area must 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

***The Waterside Property does not exceed 1,280 acres.***

- 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

***Martin County's population is less than 1.75 million.***



# Brookfield Kolter

## LAND PARTNERS

### **Adjacent Density Test**

The Waterside Property's Concept Plan proposes a density of 3.1 units per acre (Exhibit "C"). Two adjacent developments have a density greater than the density proposed with the Waterside Concept Plan. The River Marina development has a density of 6.2 units per acre, and the St. Lucie Falls development has a density of 3.2 units per acre (Exhibit "D").

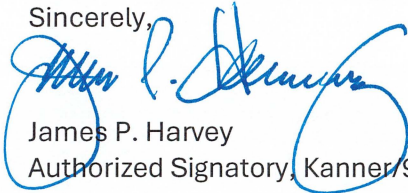
The Concept Plan provided with this Certification Application is provided solely to confirm the proposed density complies with the applicable Agricultural Enclave density test. The review and approval of the actual site plan for the Waterside Property would occur under the guidelines established in Section 163.3162(4)(g), Florida Statutes.

### **Agricultural Enclave Boundary Test**

The new regulations for Agricultural Enclaves took effect on July 1, 2026, no approved Agricultural Enclaves exist as of the date of this submittal.

Section 163.3162(4)(b), Florida Statutes, provides that "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)." As such, we respectfully request Martin County's written report within 30 days (i.e. August 1, 2026).

Sincerely,



James P. Harvey

Authorized Signatory, Kanner/96th Street Investments LLC

Cc:

Elysse Elder, Esq., County Attorney

Paul Schilling, AICP, Growth Management Director

Tyson J. Waters, Esq.

Joshua I. Long, AICP



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

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.

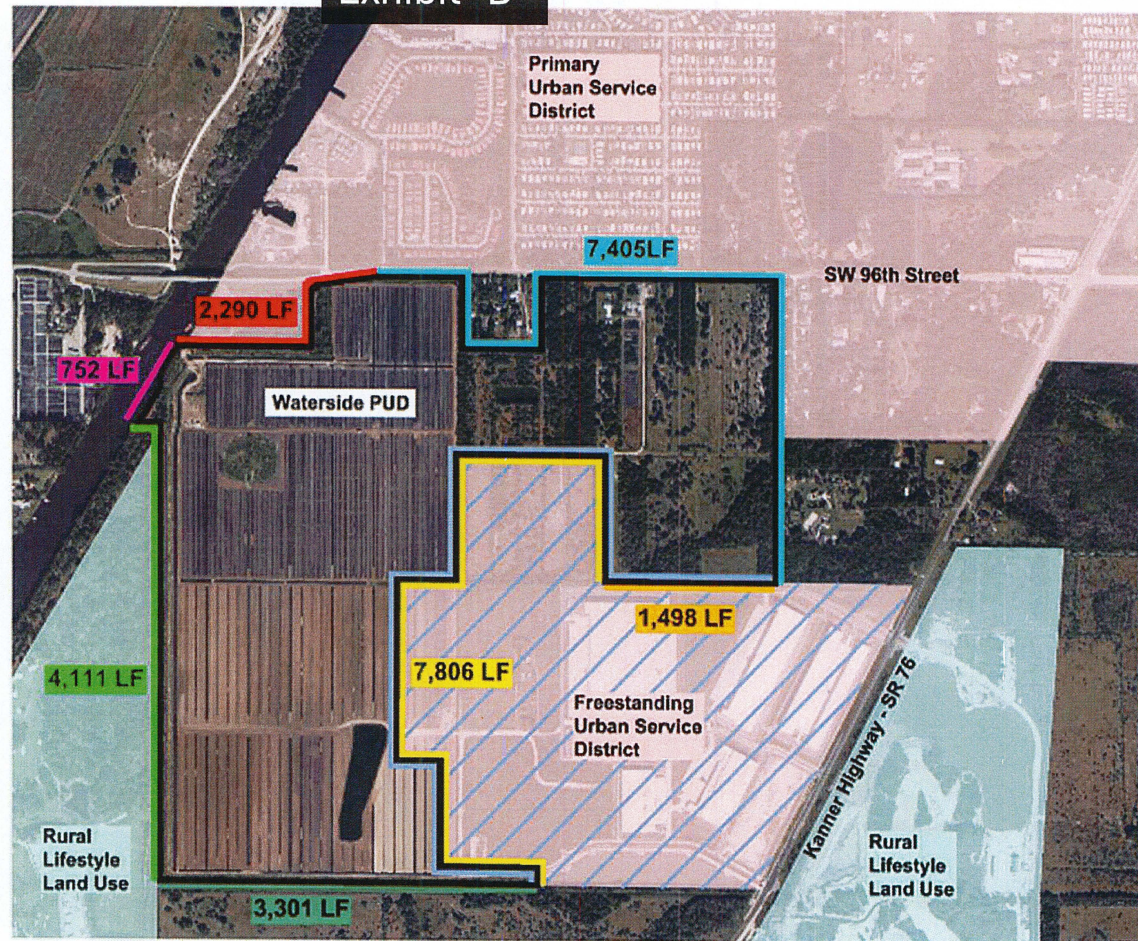
Filed in Office Secretary of State April 20, 2026.

## Exhibit "B"

### Adjacent Use Legend

- Residential
- Agricultural
- Developed Industrial
- Approved Industrial
- Golf Course
- Canal
- Commercial
- Primary Urban Service District
- Freestanding Urban Service District
- Primary Urban Service District
- Freestanding Urban Service District
- Rural Lifestyle Land Use

TOTAL BOUNDARY: 27,163 LF  
 75% of 27,163 LF = 20,373 LF  
 TOTAL AG: 3,301 LF  
 27,163 LF - 3,301 LF = 23,862 LF (87.8%)



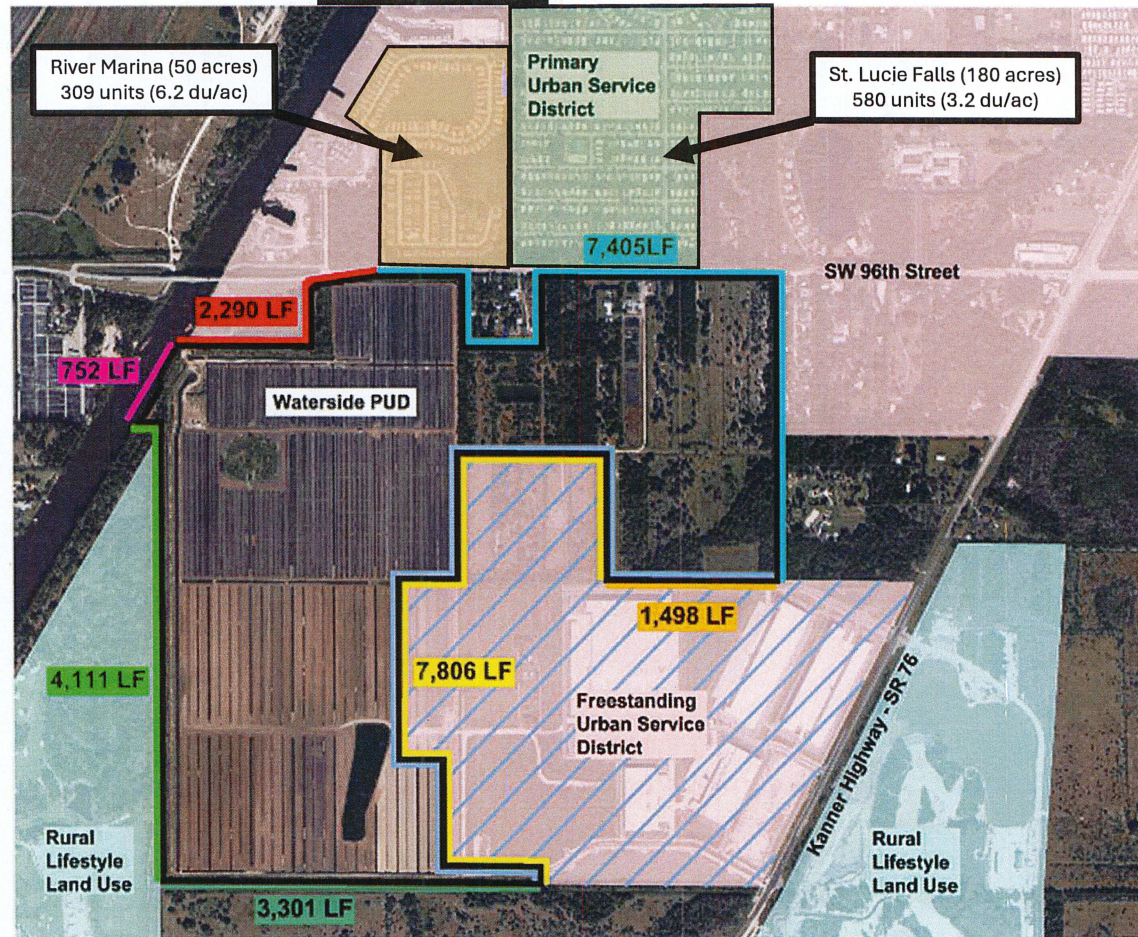


## Exhibit "C"

### Adjacent Use Legend

- Residential
- Agricultural
- Developed Industrial
- Approved Industrial
- Golf Course
- Canal
- Commercial
- Primary Urban Service District
- Freestanding Urban Service District
- Primary Urban Service District
- Freestanding Urban Service District
- Rural Lifestyle Land Use

TOTAL BOUNDARY: 27,163 LF  
 75% of 27,163 LF = 20,373 LF  
 TOTAL AG: 3,301 LF  
 27,163 LF - 3,301 LF = 23,862 LF (87.8%)





## Exhibit "D"



### Site Data

|                           |                                                      |
|---------------------------|------------------------------------------------------|
| Total Area:               | 396.82 ac                                            |
| Existing Use:             | Vacant                                               |
| Existing Zoning:          | PUD                                                  |
| Existing Future Land Use: | Low Density                                          |
| Parcel I.D. Number:       | 13-39-40-000-001-00000-5<br>13-39-40-000-003-00000-1 |
| Product Type:             | Single Family                                        |
| Total Units:              | 1,235 units                                          |
| Gross Density:            | 3.1 du/ac                                            |

### Residential Lot Data

|                                                          |             |
|----------------------------------------------------------|-------------|
| 126.38 ac Single Family Lots - (50' X 125')              | 850 units   |
| 43.40 ac Single Family Lots - (50' X 150' Waterside Way) | 250 units   |
| 19.94 ac Townhomes                                       | 135 units   |
| 188.72 ac Total                                          | 1,235 units |

### Public Use Data

|                            |
|----------------------------|
| 8.16 ac Waterfront Amenity |
| 1.06 ac Passive Park       |
| 19.26 ac Total             |

### Other Use Data

|                                      |
|--------------------------------------|
| 46.01 ac Right of Ways               |
| 72.70 ac Lakes                       |
| 54.58 ac Corrosion Areas             |
| 4.89 ac RV and Boat Storage          |
| 4.65 ac Wetland and Buffer           |
| 10.62 ac Roebuck Creek Preserve Area |
| 198.84 ac Total                      |

### Legend

- Single Family Lots - (50' X 100')
- Single Family Lots - (50' X 125')
- Single Family Lots - (50' X 150' Waterside Way)
- Townhomes

**Kanner/96<sup>th</sup> Street Investments LLC  
Agricultural Enclave Certification –  
Chapter 2026-34**



## 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

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.

**Kanner/96<sup>th</sup> Street Investments LLC  
Agricultural Enclave Certification –  
Deed Book 12, Page 451**



DB 12/451

451

File No. 21715

## QUIT CLAIM DEED

THIS INDENTURE, Made this 17th day of August, 1942, between PAUL HOENSCHEL and AMY HOENSCHEL, his wife, of the County of Martin and State of Florida, parties of the first part, and UNITED STATES OF AMERICA, party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, in hand paid by the said party of the second part, receipt whereof is hereby acknowledged, have remised, released and quitclaimed and by these presents do remise, release and quitclaim unto the said party of the second part and its assigns forever, all the right, title, interest, claim and demand which the parties of the first part have in and to the following described parcels of land, situate, lying and being in the County of Martin, State of Florida, to-wit:

Parcel #131 of St. Lucie Canal Right of Way, as per plat thereof recorded in Plat Book 2, page 35, of the Public Records of Martin County, Florida;

Parcel #137 of St. Lucie Canal Right of Way, as per plat thereof recorded in Plat Book 2, page 35, of the Public Records of Martin County, Florida;

That part of Parcel #136 of St. Lucie Canal Right of Way, as per plat thereof recorded in Plat Book 2, page 35, of the Public Records of Martin County, Florida, lying within the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 13, Township 39 South, Range 40 East.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said parties of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part, and its assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Paul Hoenchsel (SEAL)

Amy Hoenchsel (SEAL)

R. C. Alley

Ruth E. WilcoxXXXXXXXXXXXX  
STATE OF FLORIDA )  
COUNTY OF Palm Beach)

I HEREBY CERTIFY, that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, PAUL HOENSCHEL and AMY HOENSCHEL, his wife, to me well known to be the persons described in and who executed the foregoing deed, and acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

AND I FURTHER CERTIFY, that the said AMY HOENSCHEL, known to me to be the wife of the said PAUL HOENSCHEL, on a separate and private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made herself a party to said deed for the purpose of remitting, relinquishing and conveying all her right, title and interest, whether of dower, homestead or of separate property, statutory or equitable, in and to the lands described therein, and that she executed the said deed freely and voluntarily and without any compulsion, constraint, apprehension or fear of or from her said husband.

WITNESS my hand and official seal at W. Palm Beach, County of Palm Beach and State of Florida, this 17th day of August, 1942.

(Notarial Seal)

Ruth E. Wilcox  
Notary Public, State of Florida at Large,  
My commission expires Jan. 25, 1945.  
Bonded by American Surety Co. of N. Y.

Filed and recorded this 9th day of November, 1942, at 9:10 A. M.

(Circuit Court Seal)

*J. P. Sawyer*  
Clerk Circuit Court, Martin County, Florida.

Record Verified

**Kanner/96<sup>th</sup> Street Investments LLC  
Agricultural Enclave Certification –  
Property Tax Information for Parcel 2  
and Parcel 3**

[< BACK TO SEARCH](#)

## Parcel 2 Property Information

### Basic Info

|                                        |                     |                                                   |                                   |
|----------------------------------------|---------------------|---------------------------------------------------|-----------------------------------|
| <b>PIN</b><br>13-39-40-000-001-00000-5 | <b>AIN</b><br>59899 | <b>Situs Address</b><br>2696 SW 96TH ST STUART FL | <b>Website Updated</b><br>7/17/26 |
|----------------------------------------|---------------------|---------------------------------------------------|-----------------------------------|

### General Information

[CHANGE MAILING ADDRESS](#)

[SIGN UP FOR PROPERTY FRAUD ALERT](#)

**Property Owners**

KANNER/96TH ST INVESTMENTS  
LLC

**Parcel ID**

13-39-40-000-001-00000-5

**Use Code/Property Class**

6700 - 6700 Poultry Bees TropFish  
etc

**Mailing Address**

105 NE 1ST ST  
DELRAY BEACH FL 33444

**Account Number**

59899

**Neighborhood**

M3W M3W-WEST STUART

**Tax District**

DISTRICT THREE MSTU

**Property Address**

2696 SW 96TH ST STUART FL

**Legal Acres**

96.8

**Legal Description**

ALL OF LOT 1, A PORTION OF LOTS 2, 7 &  
8...

**Ag Use Size (Acre\Sq Ft)**

35

### Current Value

| Year | Land Value   | Improvement Value | Market Value | Value Not Taxed | Assessed Value | Total County Exemptions | County Taxable Value |
|------|--------------|-------------------|--------------|-----------------|----------------|-------------------------|----------------------|
| 2026 | \$ 8,785,958 | \$ 207,750        | \$ 8,993,708 | \$ 8,731,248    | \$ 262,460     | \$ 0                    | \$ 262,460           |

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

### Current Sale

**Sale Date**

2/11/22

**Grantor (Seller)**

PATRIOT FARMS LIMITED PARTNERSHIP

**Doc Num**

2942940

**Sale Price**

\$ 8,750,000

**Deed Type**

Special Warranty Deed

**Book & Page**

3293 1024

# Legal Description

ALL OF LOT 1, A PORTION OF LOTS 2, 7 & 8 IN 13-39-40 TROPICAL FRUIT FARMS, ACCORDING TO PB 3/6 OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA (less R/W & less NW 1/4 OF LOT 2) AND (less OR 3342/136) AND (less or 3374/266)

*The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.*



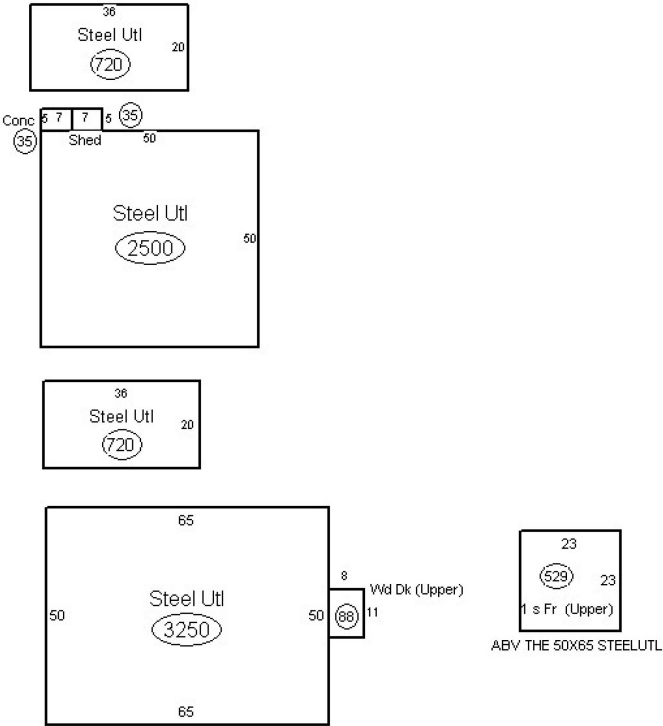
# Improvements

|                                        |                     |                                                   |                                   |
|----------------------------------------|---------------------|---------------------------------------------------|-----------------------------------|
| <b>PIN</b><br>13-39-40-000-001-00000-5 | <b>AIN</b><br>59899 | <b>Situs Address</b><br>2696 SW 96TH ST STUART FL | <b>Website Updated</b><br>7/17/26 |
|----------------------------------------|---------------------|---------------------------------------------------|-----------------------------------|

|                                                                         |                                        |                         |
|-------------------------------------------------------------------------|----------------------------------------|-------------------------|
| <b>Use Code/Property Class</b><br>6700 - 6700 Poultry Bees TropFish etc | <b>Total Finished Area</b><br>1,129 SF | <b>Max Stories</b><br>2 |
|-------------------------------------------------------------------------|----------------------------------------|-------------------------|

## Building Information (1 of 2)

|                                       |                                |                                 |                                       |
|---------------------------------------|--------------------------------|---------------------------------|---------------------------------------|
| <b>Building Type</b><br>Single family | <b>Finished Area</b><br>529 SF | <b>Exterior Cover</b><br>Stucco | <b>Roof Cover</b><br>Metal stand seam |
| <b>Year Built</b><br>1998             | <b>Wall</b><br>Wood frame      | <b>Number of Units</b><br>1     | <b>Wall Height</b><br>N/A             |
| <b>Bedrooms</b><br>0                  | <b>Full Baths</b><br>0         | <b>Half Baths</b><br>0          |                                       |



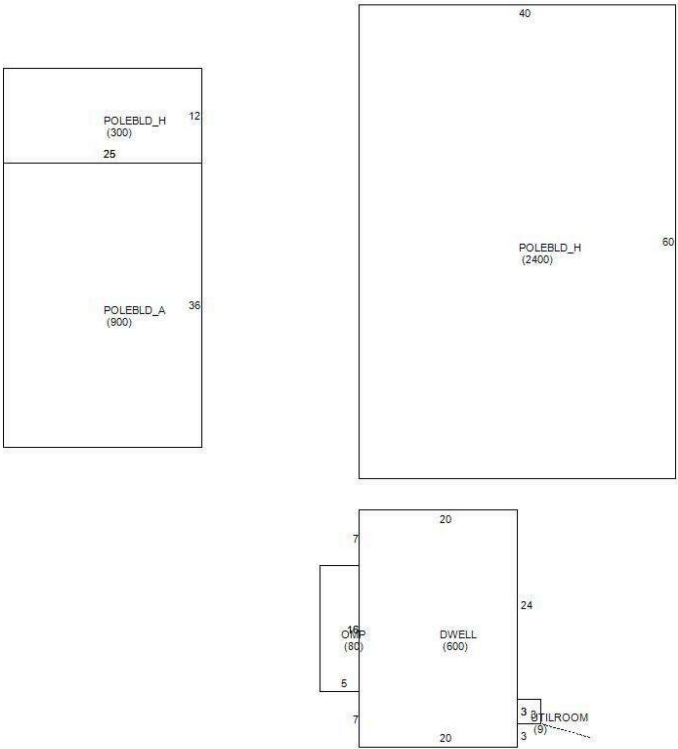
Report a  
Discrepancy

# Sketched Area Legend

| Sub Area | Description                      | Area  | Finished Area | Ag Use |
|----------|----------------------------------|-------|---------------|--------|
| DWELL_U  | Dwelling Upper                   | 529   | 529           | --     |
| STEELUTL | General Purpose Bldg Steel Frame | 720   | 0             | --     |
| SHED     | Shed                             | 35    | 0             | --     |
| WDDK_U   | Wood Deck Upper                  | 88    | 0             | --     |
| STEELUTL | General Purpose Bldg Steel Frame | 720   | 0             | --     |
| CONCP    | Concrete Patio                   | 35    | 0             | --     |
| STEELUTL | General Purpose Bldg Steel Frame | 3,250 | 0             | --     |
| STEELUTL | General Purpose Bldg Steel Frame | 2,500 | 0             | --     |

## Building Information (2 of 2)

|                                       |                                |                                      |                                       |
|---------------------------------------|--------------------------------|--------------------------------------|---------------------------------------|
| <b>Building Type</b><br>Single family | <b>Finished Area</b><br>600 SF | <b>Exterior Cover</b><br>Wood siding | <b>Roof Cover</b><br>Comp sh 240-260# |
| <b>Year Built</b><br>1988             | <b>Wall</b><br>Wood frame      | <b>Number of Units</b><br>1          | <b>Wall Height</b><br>N/A             |
| <b>Bedrooms</b><br>3                  | <b>Full Baths</b><br>1         | <b>Half Baths</b><br>0               |                                       |



Report a  
Discrepancy

## Sketched Area Legend

| Sub Area  | Description              | Area  | Finished Area | Ag Use |
|-----------|--------------------------|-------|---------------|--------|
| POLEBLD_H | Pole Building High       | 300   | 0             | --     |
| OMP       | Open Masonry Porch       | 80    | 0             | --     |
| POLEBLD_A | Pole Building Avg        | 900   | 0             | --     |
| DWELL     | Dwelling                 | 600   | 600           | --     |
| UTILROOM  | Residential Utility Room | 9     | 0             | --     |
| POLEBLD_H | Pole Building High       | 2,400 | 0             | --     |

## Features/Yard Items

| Type | Qty | Size | Unit of Measure | Year Blt | Ag Use |
|------|-----|------|-----------------|----------|--------|
|------|-----|------|-----------------|----------|--------|

# Sales History

| PIN                      | AIN   | Situs Address             | Website Updated |
|--------------------------|-------|---------------------------|-----------------|
| 13-39-40-000-001-00000-5 | 59899 | 2696 SW 96TH ST STUART FL | 7/17/26         |

| Sale Date | Sale Price   | Grantor (Seller)                  | Deed Type             | Doc Num | Book & Page      |
|-----------|--------------|-----------------------------------|-----------------------|---------|------------------|
| 2/11/22   | \$ 8,750,000 | PATRIOT FARMS LIMITED PARTNERSHIP | Special Warranty Deed | 2942940 | <u>3293 1024</u> |
| 11/18/97  | \$ 1,809,100 | TREASURE COAST TREE FARMS         | Special Warranty Deed |         | <u>1272 2490</u> |
| 11/25/87  | \$ 742,700   | SELLER - see file for name        | Special Warranty Deed |         | <u>0743 2569</u> |
| 8/14/87   | \$ 1,622,200 | SELLER - see file for name        | Quit Claim Deed       |         | <u>0731 0504</u> |

*This section is not intended to be a chain of title. Sales do not generally appear until approximately 1 to 3 weeks after the closing date. If a recent sale does not show up in this list, please allow more time for the sale record to be processed.*



# Value History

|                                        |                     |                                                   |                                   |
|----------------------------------------|---------------------|---------------------------------------------------|-----------------------------------|
| <b>PIN</b><br>13-39-40-000-001-00000-5 | <b>AIN</b><br>59899 | <b>Situs Address</b><br>2696 SW 96TH ST STUART FL | <b>Website Updated</b><br>7/17/26 |
|----------------------------------------|---------------------|---------------------------------------------------|-----------------------------------|

| Year | Land Value   | Improvement Value | Market Value | Value Not Taxed | Assessed Value | County Exemptions | County Taxable Value |
|------|--------------|-------------------|--------------|-----------------|----------------|-------------------|----------------------|
| 2026 | \$ 8,785,958 | \$ 207,750        | \$ 8,993,708 | \$ 8,731,248    | \$ 262,460     | \$ 0              | \$ 262,460           |
| 2025 | \$ 8,474,733 | \$ 212,600        | \$ 8,687,333 | \$ 8,445,296    | \$ 242,037     | \$ 0              | \$ 242,037           |
| 2024 | \$ 7,369,173 | \$ 216,810        | \$ 7,585,983 | \$ 7,366,013    | \$ 219,970     | \$ 0              | \$ 219,970           |
| 2023 | \$ 7,369,173 | \$ 221,010        | \$ 7,590,183 | \$ 7,294,003    | \$ 296,180     | \$ 0              | \$ 296,180           |
| 2022 | \$ 3,166,250 | \$ 215,490        | \$ 3,381,740 | \$ 3,073,689    | \$ 308,051     | \$ 0              | \$ 308,051           |
| 2021 | \$ 1,937,000 | \$ 215,340        | \$ 2,152,340 | \$ 1,863,487    | \$ 288,853     | \$ 0              | \$ 288,853           |
| 2020 | \$ 1,937,000 | \$ 174,530        | \$ 2,111,530 | \$ 1,840,130    | \$ 271,400     | \$ 0              | \$ 271,400           |
| 2019 | \$ 1,937,000 | \$ 160,810        | \$ 2,097,810 | \$ 1,368,000    | \$ 729,810     | \$ 0              | \$ 729,810           |
| 2018 | \$ 1,788,000 | \$ 173,390        | \$ 1,961,390 | \$ 1,684,900    | \$ 276,490     | \$ 0              | \$ 276,490           |
| 2017 | \$ 1,707,340 | \$ 164,430        | \$ 1,871,770 | \$ 1,508,850    | \$ 362,920     | \$ 0              | \$ 362,920           |
| 2016 | \$ 1,698,600 | \$ 178,160        | \$ 1,876,760 | \$ 1,518,038    | \$ 358,722     | \$ 0              | \$ 358,722           |

**WARNING:** Significant tax increases often occur when sold. The Taxable Value and Taxes, noted above, may reflect exemptions, classifications and value limitations that will be removed at the time of sale. Homestead exemptions, agricultural classifications, and assessed value limitations are NOT transferable to the new owner. Following a sale, a property's assessed value is reset to the market value & the new owner must reapply for homestead exemption & agricultural classification.

[< BACK TO SEARCH](#)

## Parcel 3 Property Information

### Basic Info

|                                        |                       |                                    |                                   |
|----------------------------------------|-----------------------|------------------------------------|-----------------------------------|
| <b>PIN</b><br>13-39-40-000-007-00001-0 | <b>AIN</b><br>1130228 | <b>Situs Address</b><br>UNASSIGNED | <b>Website Updated</b><br>7/17/26 |
|----------------------------------------|-----------------------|------------------------------------|-----------------------------------|

### General Information

[CHANGE MAILING ADDRESS](#)

[SIGN UP FOR PROPERTY FRAUD ALERT](#)

**Property Owners**

KANNER/96TH ST INVESTMENTS LLC

**Parcel ID**

13-39-40-000-007-00001-0

**Use Code/Property Class**

9900 - 9900 Vacant Acreage

**Mailing Address**

105 NE 1ST ST  
DELRAY BEACH FL 33444

**Account Number**

1130228

**Neighborhood**

M3W M3W-WEST STUART

**Tax District**

DISTRICT THREE MSTU

**Property Address**

UNASSIGNED

**Legal Acres**

26.35

**Legal Description**

A PARCEL OF LAND BEING A PORTION OF LOTS...

**Ag Use Size (Acre\Sq Ft)**

N/A

### Current Value

| Year | Land Value   | Improvement Value | Market Value | Value Not Taxed | Assessed Value | Total County Exemptions | County Taxable Value |
|------|--------------|-------------------|--------------|-----------------|----------------|-------------------------|----------------------|
| 2026 | \$ 2,390,020 | \$ 0              | \$ 2,390,020 | \$ 0            | \$ 2,390,020   | \$ 0                    | \$ 2,390,020         |

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

### Current Sale

**Sale Date**

3/25/24

**Grantor (Seller)**

SOUTH FLORIDA GATEWAY INDUSTRIAL LLC

**Doc Num**

3064865

**Sale Price**

\$ 0

**Deed Type**

Warranty Deed

**Book & Page**

3428 1313

## Legal Description

A PARCEL OF LAND BEING A PORTION OF LOTS 6, 7 AND 8, ALL IN SEC 13-39-40 OF TROPICAL FRUIT FARMS P/B 3/6 PALM BEACH (NOW MARTIN) CO AS FOLLOWS: COMMENCE AT THE NW CORNER OF SEC 13-39-40 ALSO BEING THE NW CORNER OF LOT 4 OF TROPICAL FRUIT FARMS; THEN SE ALONG THE N LINE OF THE W 1/2 SEC 13, FOR 2640.55' TO THE N 1/4 QUARTER CORNER OF SEC 13; THEN SW ALONG THE E LINE OF THE NW 1/4 OF SEC 13 AND THE E LINE OF LOTS 3 & 6, SEC 13, OF THE PLAT, FOR 1454.94' TO A POINT OF NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NW, WITH A RADIUS OF 1851.00' AND A RADIAL BEARING OF NW, AT SAID INTERSECTION, SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING; THEN E ALONG THE ARC OF THE CURVE THROUGH A CENTRAL ANGLE FOR 284.24 FEET' TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE SE WITH A RADIUS OF 570.00' AND A RADIAL BEARING SE, AT THE INTERSECTION; THEN E ALONG THE ARC OF THE CURVE, THROUGH A CENTRAL ANGLE FOR 169.15' TO A POINT OF TANGENCY; THEN SE FOR 231.83' TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SW WITH A RADIUS OF 570.00'; THEN E ALONG THE ARC OF THE CURVE THROUGH A CENTRAL ANGLE OF FOR 132.73' TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE N WITH A RADIUS OF 942.00' AND A RADIAL BEARING OF NE AT THE INTERSECTION; THEN E ALONG THE ARC OF THE CURVE THROUGH A CENTRAL ANGLE FOR 646.13' TO A NON-TANGENT INTERSECTION WITH A CURVE CONCAVE TO THE NE WITH A RADIUS OF 676.00' AND A RADIAL BEARING OF NE AT THE INTERSECTION; THEN SE ALONG THE ARC OF THE CURVE, THROUGH A CENTRAL ANGLE FOR 186.18' TO A NON-TANGENT INTERSECTION; THEN SE FOR 43.81'; THEN SE FOR 684.040'; THEN NE FOR 718.88'; THEN NE FOR 168.69'; THEN NE FOR 425.46' THEN NE FOR 192.11' TO A POINT ON THE E LINE OF THE NE 1/4 OF SEC 13 AND THE E LINE OF LOT 8 SEC 13 OF THE PLAT; THEN SW ALONG THE E LINE OF NE 1/4 OF SEC 13 AND THE E LINE OF LOT 8 SEC 13 FOR 1012.15' FEET TO THE E 1/4 CORNER OF SEC 13 ALSO A POINT ON THE N LINE OF SOUTH FLORIDA GATEWAY PUD P/B 19/56 OF MARTIN CO; THEN NW ALONG THE N LINE OF SOUTH FLORIDA GATEWAY PUD ALSO BEING THE S LINE OF THE NE 1/4 OF SEC 13 AND THE S LINE OF LOTS 7 AND 8 OF TROPICAL FRUIT FARMS PLAT FOR 1497.56'; NE DEPARTING THE S LINE FOR 1078.10'; THEN NW FOR 1253.33' TO THE W LINE OF LOT 7; THEN NW FOR 50'; THEN NE ALONG A LINE 50' WEST OF PARALLEL WITH THE E LINE OF THE NE 1/4 OF SEC 13 AND THE E LINE OF LOT 6 FOR 113.45"; THE SE FOR 50' TO THE POB.

*The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.*

# Improvements

|                                        |                       |                                    |                                   |
|----------------------------------------|-----------------------|------------------------------------|-----------------------------------|
| <b>PIN</b><br>13-39-40-000-007-00001-0 | <b>AIN</b><br>1130228 | <b>Situs Address</b><br>UNASSIGNED | <b>Website Updated</b><br>7/17/26 |
|----------------------------------------|-----------------------|------------------------------------|-----------------------------------|

|                                       |                                    |                         |
|---------------------------------------|------------------------------------|-------------------------|
| <b>Use Code/Property Class</b><br>N/A | <b>Total Finished Area</b><br>0 SF | <b>Max Stories</b><br>0 |
|---------------------------------------|------------------------------------|-------------------------|

| Features/Yard Items |     |      |                 |          |
|---------------------|-----|------|-----------------|----------|
| Type                | Qty | Size | Unit of Measure | Year Blt |



# Sales History

|                          |            |                      |                        |
|--------------------------|------------|----------------------|------------------------|
| <b>PIN</b>               | <b>AIN</b> | <b>Situs Address</b> | <b>Website Updated</b> |
| 13-39-40-000-007-00001-0 | 1130228    | UNASSIGNED           | 7/17/26                |

| Sale Date | Sale Price | Grantor (Seller)                     | Deed Type     | Doc Num | Book & Page      |
|-----------|------------|--------------------------------------|---------------|---------|------------------|
| 3/25/24   | \$ 0       | SOUTH FLORIDA GATEWAY INDUSTRIAL LLC | Warranty Deed | 3064865 | <u>3428 1313</u> |

*This section is not intended to be a chain of title. Sales do not generally appear until approximately 1 to 3 weeks after the closing date. If a recent sale does not show up in this list, please allow more time for the sale record to be processed.*

# Value History

|                                        |                       |                                    |                                   |
|----------------------------------------|-----------------------|------------------------------------|-----------------------------------|
| <b>PIN</b><br>13-39-40-000-007-00001-0 | <b>AIN</b><br>1130228 | <b>Situs Address</b><br>UNASSIGNED | <b>Website Updated</b><br>7/17/26 |
|----------------------------------------|-----------------------|------------------------------------|-----------------------------------|

| Year | Land Value   | Improvement Value | Market Value | Value Not Taxed | Assessed Value | County Exemptions | County Taxable Value |
|------|--------------|-------------------|--------------|-----------------|----------------|-------------------|----------------------|
| 2026 | \$ 2,390,020 | \$ 0              | \$ 2,390,020 | \$ 0            | \$ 2,390,020   | \$ 0              | \$ 2,390,020         |
| 2025 | \$ 2,319,710 | \$ 0              | \$ 2,319,710 | \$ 0            | \$ 2,319,710   | \$ 0              | \$ 2,319,710         |
| 2024 | \$ 1,999,630 | \$ 0              | \$ 1,999,630 | \$ 0            | \$ 1,999,630   | \$ 0              | \$ 1,999,630         |

**WARNING:** Significant tax increases often occur when sold. The Taxable Value and Taxes, noted above, may reflect exemptions, classifications and value limitations that will be removed at the time of sale. Homestead exemptions, agricultural classifications, and assessed value limitations are NOT transferable to the new owner. Following a sale, a property's assessed value is reset to the market value & the new owner must reapply for homestead exemption & agricultural classification.

**Kanner/96<sup>th</sup> Street Investments LLC  
Agricultural Enclave Certification –  
Section 193.461, Florida Statutes**

Select Year: 2025 ▼ Go

## The 2025 Florida Statutes

---

[Title XIV](#)  
TAXATION AND FINANCE

[Chapter 193](#)  
ASSESSMENTS

[View Entire Chapter](#)

**193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—**

(1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the value adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his or her right to appeal to the value adjustment board and of the filing deadline. The property appraiser shall have available at his or her office a list by ownership of all applications received showing the acreage, the full valuation under s. [193.011](#), the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

(3)(a) Lands may not be classified as agricultural lands unless a return is filed on or before March 1 of each year. Before classifying such lands as agricultural lands, the property appraiser may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 constitutes a waiver for 1 year of the privilege granted in this section for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 must file an application for the classification with the property appraiser on or before the 25th day after the mailing by the property appraiser of the notice required under s. [194.011](#)(1). Upon receipt of sufficient evidence, as determined by the property appraiser, that demonstrates that the applicant was unable to apply for the classification in a timely manner or that otherwise demonstrates extenuating circumstances that warrant the granting of the classification, the property appraiser may grant the classification. If the applicant files an application for the classification and fails to provide sufficient evidence to the property appraiser as required, the applicant may file, pursuant to s. [194.011](#)(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. [194.011](#)(1). Notwithstanding s. [194.013](#), the applicant must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the value adjustment board to warrant granting the classification, the value adjustment board may grant the classification for the current year. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. Such waiver may be revoked by a majority vote of the governing body of the county.



(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

- a. The length of time the land has been so used.
- b. Whether the use has been continuous.
- c. The purchase price paid.
- d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

(c) The maintenance of a dwelling on part of the lands used for agricultural purposes does not in itself preclude an agricultural classification.

(d) When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).

(e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the value adjustment board or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued, the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this paragraph. If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county's governing body. This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.

(4) The property appraiser shall reclassify the following lands as nonagricultural:

- (a) Land diverted from an agricultural to a nonagricultural use.
- (b) Land no longer being utilized for agricultural purposes.

(5) For the purpose of this section, the term “agricultural purposes” includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture as defined in s. 597.0015; algaculture; sod farming; and all forms of farm products as defined in s. 823.14(3) and farm production.

(6)(a) In years in which proper application for agricultural assessment has been made and granted pursuant to this section, the assessment of land shall be based solely on its agricultural use. The property appraiser shall consider the following use factors only:

1. The quantity and size of the property;

2. The condition of the property;
3. The present market value of the property as agricultural land;
4. The income produced by the property;
5. The productivity of land in its present use;
6. The economic merchantability of the agricultural product; and
7. Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

(b) Notwithstanding any provision relating to annual assessment found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

(c)1. For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

2. Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.

3. Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be assessed by the methodology described in subparagraph 1.

4. Screened enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements shall be assessed by the methodology described in subparagraph 1.

(d) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

(7)<sup>1</sup>(a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state or federal eradication or quarantine program, including the Citrus Health Response Program, shall continue to be classified as agricultural lands for 10 years after the date of execution of a compliance agreement between the landowner and the Department of Agriculture and Consumer Services or a federal agency, as applicable, pursuant to such program or successor programs. Lands under these programs which are converted to fallow or otherwise nonincome-producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to \$50 per acre on a single-year assessment methodology while fallow or otherwise used for nonincome-producing purposes pursuant to the requirements of the compliance agreement. Lands under these programs which are replanted in citrus pursuant to the requirements of the compliance agreement shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to \$50 per acre, on a single-year assessment methodology, for 10 years after the date of execution of a compliance agreement. However, lands converted to other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(b) Lands classified for assessment purposes as agricultural lands that participate in a dispersed water storage program pursuant to a contract with the Department of Environmental Protection or a water management district which requires flooding of land shall continue to be classified as agricultural lands for the duration of the inclusion of the lands in such program or successor programs and shall be assessed as nonproductive agricultural lands. Land that participates in a dispersed water storage program that is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(c) Lands classified for assessment purposes as agricultural lands which are not being used for agricultural production as a result of a natural disaster for which a state of emergency is declared pursuant to s. 252.36, when such disaster results in the halting of agricultural production, must continue to be classified as agricultural lands for 5 years after termination of the emergency declaration. However, if such lands are diverted from agricultural

use to nonagricultural use during or after the 5-year recovery period, such lands must be assessed under s. 193.011. This paragraph applies retroactively to natural disasters that occurred on or after July 1, 2017.

(8) Lands classified for assessment purposes as agricultural lands, which are not being used for agricultural production due to a hurricane that made landfall in this state during calendar year 2017, must continue to be classified as agricultural lands for assessment purposes through December 31, 2022, unless the lands are converted to a nonagricultural use. Lands converted to nonagricultural use are not covered by this subsection and must be assessed as otherwise provided by law.

**History.**—s. 1, ch. 59-226; s. 1, ch. 67-117; ss. 1, 2, ch. 69-55; s. 1, ch. 72-181; s. 4, ch. 74-234; s. 3, ch. 76-133; s. 15, ch. 82-208; ss. 10, 80, ch. 82-226; s. 1, ch. 85-77; s. 3, ch. 86-300; s. 23, ch. 90-217; ss. 132, 142, ch. 91-112; s. 63, ch. 94-353; s. 1468, ch. 95-147; s. 1, ch. 95-404; s. 1, ch. 98-313; s. 1, ch. 99-351; s. 3, ch. 2000-308; s. 4, ch. 2001-279; s. 15, ch. 2002-18; s. 2, ch. 2003-162; s. 43, ch. 2003-254; s. 1, ch. 2006-45; s. 2, ch. 2008-197; ss. 1, 11, ch. 2010-277; HJR 5-A, 2010 Special Session A; s. 2, ch. 2011-206; s. 15, ch. 2012-83; s. 6, ch. 2013-72; s. 1, ch. 2013-95; s. 2, ch. 2014-150; s. 1, ch. 2016-88; s. 1, ch. 2018-84; s. 12, ch. 2018-118; s. 5, ch. 2025-208.

<sup>1</sup>**Note.**—Section 6, ch. 2025-208, provides:

“(1) The amendments made by this act to s. 193.461(7), Florida Statutes, apply to agricultural lands that have been taken out of production and are eligible to receive a de minimis assessment on or after July 1, 2025.

“(2) This section shall take effect upon becoming a law.”