

By Senator Calatayud

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A bill to be entitled

An act relating to infill redevelopment; creating s. 163.2525, F.S.; providing a short title; providing legislative findings; defining terms; providing applicability; requiring a local government to permit the development of certain qualifying parcels up to a certain density and intensity; requiring a local government to permit the development of a qualifying parcel with single-family homes or townhouses under certain circumstances; prohibiting a local government from imposing certain restrictions or requirements on the development of certain qualifying parcels; requiring a local government to approve an application for the subdivision of a qualifying parcel under certain circumstances; prohibiting a local government from using the subdivision process to restrict development in a certain manner; requiring developers of qualifying parcels to maintain a specified buffer between new developments and single-family homes and townhouses under certain circumstances; providing requirements for such buffer areas; requiring developers of qualifying parcels to establish that certain recreational facilities and areas reserved for recreational use have not been in operation or use for a certain timeframe, to pay double the parks and recreational facilities impact fees for a certain purpose, and to provide certain written notice to certain property owners; requiring property owners who receive such written notice to exercise an option to

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30 purchase certain parcels or portions thereof within a
31 specified timeframe or forfeit the option; limiting
32 the price at which such parcels or portions of parcels
33 may be offered to the property owners for purchase;
34 requiring the administrative approval of certain
35 proposed developments; requiring each local government
36 to maintain a certain policy on its website; providing
37 applicability; providing construction; prohibiting a
38 local government from adopting or enforcing certain
39 local laws, ordinances, or regulations; providing an
40 effective date.

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42 Be It Enacted by the Legislature of the State of Florida:

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44 Section 1. Section 163.2525, Florida Statutes, is created
45 to read:

46 163.2525 Infill Redevelopment Act.—

47 (1) SHORT TITLE.—This section may be cited as the "Infill
48 Redevelopment Act."

49 (2) LEGISLATIVE FINDINGS.—The Legislature finds that this
50 state's urban areas lack sufficient land for the development of
51 additional residential uses, which has led to a shortage of
52 supply; that parcels of land within or near urban areas are
53 difficult to develop or redevelop because of environmental
54 issues and local regulations; and that facilitating the
55 expedited permitting of such parcels, particularly in areas in
56 which multiple local governments have jurisdiction over
57 significant areas, serves important public interests in
58 remediating environmentally challenged land and increasing the

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59 supply of housing.

60 (3) DEFINITIONS.—As used in this section, the term:

61 (a) "Adjacent to" means located next to another parcel of
62 land or portion thereof, including where the parcels are
63 separated only by a roadway, railroad, or other public or
64 private right-of-way or easement.

65 (b) "Density" has the same meaning as in s. 163.3164.

66 (c) "Designated agricultural land" means a parcel of land
67 within a zoning district that allows for agricultural uses such
68 as farming, raising livestock, or aquaculture as the main
69 permitted uses and which land is classified as agricultural land
70 under s. 193.461. The term does not include a property within an
71 interim or default zoning district.

72 (d) "Environmentally impacted land" means one or more
73 parcels of land any portion of which:

74 1. Contains a recognized environmental condition or a
75 controlled recognized environmental condition based on an
76 environmental site assessment report prepared:

77 a. By a qualified environmental professional in accordance
78 with:

79 (I) ASTM E1527-21 Standard Practice for Environmental Site
80 Assessments: Phase I Environmental Site Assessment Process; or

81 (II) ASTM E2247-23 Standard Practice for Environmental Site
82 Assessments: Phase I Environmental Site Assessment Process for
83 Forestland or Rural Property; or

84 b. For compliance with the bona fide prospective purchaser,
85 contiguous property owner, or other applicable defenses set
86 forth in the Comprehensive Environmental Response, Compensation,
87 and Liability Act, 42 U.S.C. ss. 9601 et seq., as amended;

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88 2. Is the subject of environmental assessment,
89 investigation, cleanup, or site rehabilitation requirements
90 pursuant to chapter 376, chapter 403, or local environmental
91 ordinances or regulations, including, but not limited to, state
92 brownfield, petroleum, or drycleaner site cleanup laws and
93 programs under chapter 376 or chapter 403; or

94 3. Is located in a brownfield area designated pursuant to
95 s. 376.80.

96 (e) "Intensity" has the same meaning as in s. 163.3164 and
97 includes, but is not limited to, measurements pertaining to lot
98 area, lot coverage, lot size, setbacks, height, and floor area
99 ratio.

100 (f) "Local government" means a county, municipality,
101 special district, or political subdivision of the state.

102 (g) "Parcel of land" has the same meaning as in s.
103 163.3164.

104 (h) "Qualifying parcel" means a parcel of land to which
105 this section applies under subsection (4).

106 (i) "Recreational facilities" means one or more parcels of
107 land any portion of which was previously used as a golf course,
108 tennis court, swimming pool, or clubhouse, or another similar
109 use.

110 (j) "Townhouse" means a single-family dwelling unit that is
111 constructed in a series or group of attached units with property
112 lines separating such units.

113 (k) "Urban growth boundary" means a boundary established by
114 a comprehensive plan or land development regulation beyond which
115 the provision of urban services or facilities is limited. The
116 term includes, but is not limited to, urban development

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boundaries and urban service boundaries.

(4) QUALIFYING PARCELS.—

(a) Except as provided in paragraph (b), this section applies to environmentally impacted land consisting of at least 5 acres which is within a county that meets both of the following requirements:

1. The county has a population of more than 1.475 million people according to the most recent decennial census.

2. There are at least 10 municipalities within the county.

(b) This section does not apply to any of the following:

1. Designated agricultural land.

2. Land owned or operated by a local government for public park purposes.

3. Land outside an urban growth boundary.

4. Land within one-quarter mile of a military installation identified in s. 163.3175(2).

(5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law, ordinance, or regulation to the contrary:

(a) A local government shall permit a qualifying parcel to be developed up to the highest density and intensity allowed in any adjacent zoning district within the same jurisdiction which permits residential uses as of right.

(b) If a qualifying parcel is not adjacent to a zoning district that permits residential uses as of right, the local government must permit the development of the qualifying parcel with single-family homes or townhouses. For such a qualifying parcel, the local government may not do any of the following:

1. Restrict density to less than 30 units per acre.

2. Restrict height to below 40 feet.

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146 3. Require lot sizes larger than 1,250 square feet.

147 4. Require front and rear setbacks of more than 10 feet.

148 5. Require any side setbacks.

149 6. Require more than one parking space per dwelling.

150 (6) SUBDIVISION APPROVAL.—A local government must approve
151 an application for the subdivision of a qualifying parcel if the
152 application satisfies the requirements of chapter 177. A local
153 government may not use the subdivision process to restrict
154 development below the density and intensity authorized under
155 subsection (5).

156 (7) BUFFER REQUIREMENTS.—If a qualifying parcel is adjacent
157 to single-family homes or townhouses on all sides, the developer
158 must provide a buffer of at least 30 feet, measured from lot
159 line to lot line, between the new development and the single-
160 family homes or townhouses. The buffer area must be maintained
161 as open space or improved with passive recreational facilities
162 accessible to the community.

163 (8) RECREATIONAL FACILITIES.—

164 (a) If a qualifying parcel includes recreational facilities
165 or areas reserved for recreational use and such recreational
166 facilities or areas are adjacent to single-family homes on all
167 sides, the developer must do all of the following:

168 1. Establish that such facilities or areas, or portions
169 thereof, located on the qualifying parcel have not been in
170 operation or in use for a period of at least 12 consecutive
171 months.

172 2. Pay double the applicable parks or recreational
173 facilities impact fee that would otherwise apply to the proposed
174 development, to compensate for the loss of open or recreational

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space.

3. Provide written notice delivered by certified mail to all owners of property adjacent to the recreational facilities or areas, which notice includes all of the following information:

a. That the developer intends to develop the parcel in accordance with this section.

b. That the adjacent property owners may elect to purchase the parcel or portion thereof containing recreational facilities or areas for the purpose of maintaining the parcel, or portions thereof, as recreational areas or open space within 90 days after the date the notice is mailed.

c. The price at which the adjacent property owners may purchase the property.

(b) Property owners who receive the notice required under subparagraph (a)3. and wish to exercise the option to purchase the parcel or portion thereof containing the recreational facilities or areas must exercise the option and close on the property, subject to a recorded deed restriction or restrictive covenant that requires the property to be maintained as a recreational area or open space for at least 30 years, within 90 days after the notice is mailed or forfeit the option. The parcel or portion thereof must be offered to such property owners for purchase at a price that may not exceed the greater of:

1. An amount equal to the price paid by the property owner plus 10 percent; or

2. An amount equal to a bona fide offer to purchase the property received by the property owner within the last 12

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months plus 10 percent.

(9) DEVELOPMENT APPLICATIONS.—The proposed development of a qualifying parcel which complies with the requirements of subsection (5) must be administratively approved, and no further action by the governing body of a local government is required. Each local government shall maintain on its website a policy containing procedures and expectations for administrative approval under this subsection.

(10) APPLICATION AND CONSTRUCTION.—This section applies retroactively to any local law, ordinance, or regulation that is contrary to this section or its intent and must be liberally construed to effectuate its intent.

(11) PREEMPTION.—A local government may not adopt or enforce a local law, an ordinance, or a regulation that applies or has the effect of applying a more restrictive or burdensome requirement or procedure to the development of a qualifying parcel which is administratively approved pursuant to this section. Any such law, ordinance, or regulation contrary to this section is void.

Section 2. This act shall take effect upon becoming a law.