The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL:	CS/SB 1434
INTRODUCER:	Judiciary Committee and Senator Calatayud
SUBJECT:	Infill Redevelopment
DATE:	February 23, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Fleming	CA	**Favorable**
2.	Collazo	Cibula	JU	**Fav/CS**
3.	Hackett	Kruse	RC	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1434 creates the "Infill Redevelopment Act," which preempts certain local land development regulations and oversight for "qualifying parcels" to promote infill redevelopment in urban areas.

Qualifying parcels are plots of land at least 5 acres in size located adjacent to other parcels zoned for residential uses in certain counties. They must also be environmentally impacted, which for purposes of the bill means contaminants or pollutants have been detected on the land above certain thresholds or the land has been designated a brownfield area under state law.

Under the bill, local governments must allow, using an administrative approval process, a qualifying parcel to be developed with residential uses up to either the average density of all applicable zoning districts within the same jurisdiction, or 25 dwelling units per acre, whichever is lower.

The bill includes additional requirements for qualifying parcels that have recreational facilities on them (such as golf courses or recreational areas adjacent to single family homes on all sides) and provides a framework for the sale of such properties to adjacent property owners if they wish to preserve their recreational use.

The bill applies to development applications submitted pursuant to the bill's provisions on or after its effective date. A local government may not adopt or enforce a local law, an ordinance, or

a regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel in accordance with the bill.

The bill takes effect upon becoming a law.

II. Present Situation:

Growth Management and Comprehensive Planning

The Community Planning Act directs counties and municipalities to plan for future development by adopting comprehensive plans.[1] Each local government must maintain a comprehensive plan to guide future development.[2]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[3] A comprehensive plan is intended to provide for the future use of land, which contemplates gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

Comprehensive plans lay out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. They are made up of 10 required elements, each laying out regulations for different facets of development.[4]

The 10 required elements consider and address capital improvements; future land uses; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Other plans and programs may be added as optional elements to a comprehensive plan.[5]

The Future Land Use Element

Comprehensive plans must include an element regarding future land use that designates the proposed future general distribution, location, and extent of the uses of land for a number of uses and categories of public and private uses of land.[6] Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities.[7] The proposed distribution, location, and extent of the various categories of land use must be shown on a land

[1] Section 163.3167(1), F.S.
[2] Section 163.3167(2), F.S.
[3] Section 163.3194(3), F.S
[4] Section 163.3177(3) and (6), F.S.
[5] *Id*.
[6] Section 163.3177(6)(a), F.S. Applicable uses and categories of public and private uses of land include, but are not limited to, residential, commercial, industrial, agricultural, recreational, conservation, educational, and public facilities. Section 163.3177(6)(a)10., F.S.
[7] Section 163.3177(6)(a)1., F.S.

use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.[8]

A comprehensive plan's future land use element establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[9]

Infill Development

The Growth Policy Act,[10] establishes a framework for urban infill and redevelopment for promoting and sustaining urban cores. Under the act, "urban infill and redevelopment area" means an area or areas designated by a local government where:

- Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided in an adopted 5-year schedule of capital improvements.
- The area, or one or more neighborhoods within the area, suffers from pervasive poverty, unemployment, and general distress as defined by state law.[11]
- The area exhibits a proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete which is higher than the average for the local government.
- More than 50 percent of the area is within quarter mile of a transit stop, or a sufficient number of transit stops will be made available concurrent with the designation.
- The area includes or is adjacent to community redevelopment areas, brownfields, enterprise zones, or Main Street programs, or has been designated by the state or Federal Government as an urban redevelopment, revitalization, or infill area under empowerment zone, enterprise community, or brownfield showcase community programs or similar programs.[12]

The act authorizes local governments to designate urban infill and redevelopment areas within their jurisdictions for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives to encourage urban infill and redevelopment within the urban core.[13] To designate an urban infill and redevelopment area, local governments must prepare and adopt, based on specified criteria, a comprehensive, community-based redevelopment plan. The plan must address land use, housing (including affordable housing), transportation, infrastructure, public safety, and economic development, and must be developed through a collaborative process involving residents, businesses, and other stakeholders.[14] Once designated, urban infill and redevelopment areas may issue revenue bonds, employ tax increment financing, and use state and federal funding mechanisms to support redevelopment activities.[15]

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[8] Section 163.3177(6)(a)2., F.S.
[9] Richard Grosso, *A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215,* 34 J. ENVTL. L. & LITIG. 129, 154 (2019) (citing *Brevard Cty. v. Snyder,* 627 So. 2d 469, 475 (Fla. 1993)).
[10] Section 163.2511(1), F.S. (providing that ss. 163.2511-163.2520, F.S., may be cited as the "Growth Policy Act").
[11] *See* s. 290.0058, F.S. (providing how to determine whether an area suffers from pervasive poverty, unemployment, or general distress).
[12] Section 163.2514(2), F.S.
[13] Section 163.2517(1), F.S.
[14] *See generally* s. 163.2517, F.S.
[15] Section 163.2520, F.S.

Land Development Regulations

Comprehensive plans are implemented via land development regulations. Land development regulations are ordinances enacted by governing bodies for the regulation of any aspect of development and include any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.[16]

Each county and municipality must adopt and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.[17] Local governments are encouraged to use innovative land development regulations[18] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[19] Land development regulations relating to all public and private development, including special district projects, must be consistent with the local comprehensive plan.[20]

Classification of Agricultural Lands

State property appraisers must classify for ad valorem tax assessment purposes all lands within their counties as agricultural or nonagricultural.[21] Only lands that are used primarily for bona fide agricultural purposes may be classified agricultural.[22]

"Bona fide agricultural purposes" means good faith commercial agricultural use of the land.[23] "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 state law; algaculture; sod farming; and all forms of farm products as defined in state law; and farm production.[24]

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Non-charter county governments may exercise those powers of self-government that are provided by general or special law.[25] Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law and approved by a vote of the electors.[26] Municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions, provide municipal services, and exercise any power for municipal purposes, except as otherwise prohibited by law.[27]

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[16] Section 163.3164(26), F.S.
[17] Section 163.3202(1), F.S.
[18] Section 163.3202(3), F.S.
[19] Sections 125.01055 and 166.04151, F.S.
[20] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[21] Section 193.461(1), F.S.
[22] Section 193.461(3)(b), F.S.
[23] *Id.*
[24] Section 193.461(5), F.S.
[25] FLA. CONST. art. VIII, s. 1(f).
[26] FLA. CONST. art. VIII, s. 1(g).
[27] FLA. CONST. art. VIII, s. 2(b); *see also* s. 166.021(1), F.S.

Preemption

An ordinance may be declared invalid on the grounds that it is inconsistent with the State Constitution or Florida Statutes. Inconsistency may be found if a local ordinance is either preempted by or in conflict with the State Constitution or Florida Statutes.[28] Preemption means that a local government is precluded from exercising authority in a particular area, while conflict exists if a municipality has the right to act but such action frustrates the purpose of the state regulation.[29] Express preemption refers to instances where the Legislature has directly written into law that the state intends to occupy a field of law, prohibiting local governments from taking action in that field.[30]

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)[31] is informally known as Superfund.[32] Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed. These sites include manufacturing facilities, processing plants, landfills, and mining sites.[33]

CERCLA created a tax on the chemical and petroleum industries and required that the money collected be used to clean up hazardous waste sites throughout the country.[34] Superfund allows the U.S. Environmental Protection Agency (EPA) to clean up contaminated sites. It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.[35]

The first step in the process is determining whether a site requires cleanup before reuse. A series of tests and investigations are used to determine whether a site has a "recognized environmental condition," defined as:

- The presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment;
- The likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or
- The presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment.[36]

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[28] *See City of Jacksonville v. American Environmental Services Inc.,* 699 So. 2d 255, 256 (Fla. 1st DCA 1997).
[29] *See id.*
[30] *See, e.g.,* s. 790.33, F.S. (expressly preempting the regulation of firearms and ammunition).
[31] 42 U.S.C. ss. 9601 et seq.
[32] U.S. Environmental Protection Agency (U.S. EPA), *Superfund: CERCLA Overview,* https://www.epa.gov/superfund/superfund-cercla-overview (last visited Feb. 5, 2026).
[33] U.S. EPA, *What is Superfund?,* https://www.epa.gov/superfund/what-superfund (last visited Feb. 5, 2026).
[34] U.S. EPA, *Superfund: CERCLA Overview,* https://www.epa.gov/superfund/superfund-cercla-overview (last visited Feb. 5, 2026).
[35] U.S. EPA, *What is Superfund?,* https://www.epa.gov/superfund/what-superfund (last visited Feb. 5, 2026).
[36] ASTM International, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process,* s. 1.1.1 (Dec. 21, 2021), https://store.astm.org/e1527-21.html; Partner Engineering and Science, *Recognized Environmental Condition (REC)*, available at https://www.partneresi.com/resources/glossary/recognized-environmental-condition-rec/ (last visited Jan. 26, 2026).

Federal law provides that environmental condition investigations must be documented in a written report prepared by an environmental professional.[37] These reports often take the form of a Phase I Environmental Site Assessment.[38] A Phase I Environmental Site Assessment uses existing information to help understand the property conditions by examining current and historical uses of the site and potential threats to human health or the environment. When a potential owner conducts an investigation in compliance with Federal law, he or she may have a defense to liability if contamination is later discovered.[39]

Brownfields Program Overview

Many areas in Florida contain sites with actual or perceived environmental contamination that may present a significant barrier to redevelopment.[40] The Florida Brownfields Redevelopment Act[41] was adopted by the Legislature in 1997 to provide incentives for local governments and individuals to voluntarily clean up and redevelop brownfield sites. Participation in the program results in environmental cleanup, protection of public health, reuse of infrastructure, economic redevelopment and job creation.[42]

Local governments support the use of the tools and incentives provided by the program by designating brownfield areas for cleanup and revitalization.[43] A brownfield area designation can also be proposed by other persons, including, but not limited to, individuals, corporations, partnerships, limited liability companies, community-based organizations, and not-for-profit corporations.[44]

Upon designation, properties within a brownfield area have met the first requirement for participation in the program.[45] These properties may participate in economic incentives that are linked to a brownfield site rehabilitation agreement (also known as a "BSRA"), including the job bonus tax refund or refunds on sales and use tax paid on the purchase of building materials used in a mixed-use project or housing project. If contamination is known or suspected, the local government may designate an area and identify the person responsible for brownfield site rehabilitation. This entitles the identified person to negotiate a BSRA with the Department of Environmental Protection.[46]

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[37] 40 C.F.R. s. 312.21(c).
[38] *See* U.S. EPA, *Assessing Brownfield Sites - EPA 560F20175* (Jun. 2020), available at https://www.epa.gov/sites/default/files/2020-07/documents/assessing_brownfield_sites.pdf (explaining that performing a Phase I Environmental Site Assessment pursuant to ASTM International Standards E1527-13 prior to owning a property is often equivalent to conducting all appropriate inquiries).
[39] *Id*. (citing 40 C.F.R. pt. 312).
[40] Fla. Department of Environmental Protection (DEP), *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24*, 4 (Aug. 2024) ["Brownfields"], available at https://floridadep.gov/sites/default/files/2024%20Brownfields%20Program%20Legislative%20Report%208.1.2024.pdf (last visited Feb. 5, 2026).
[41] Chapter 97-277, s. 1, Laws of Fla. (codifying ss. 376.77-376.85, F.S.).
[42] Brownfields, *supra* note 40, at 4.
[43] *Id.* at 5.
[44] Section 376.80(1)(b)2. and (2)(c), F.S.
[45] Brownfields, *supra* note 40, at 5.
[46] *Id.*

III. Effect of Proposed Changes:

The bill creates s. 163.2525, F.S., which preempts certain local land development regulations and oversight for "qualifying parcels" to promote infill redevelopment in urban areas.

Short Title

The bill provides that s. 163.2525, F.S., may be cited as the "Infill Redevelopment Act."

Legislative Findings

The bill includes the following legislative findings in the act:
- Florida's urban areas lack sufficient land for the development of additional residential uses, which has led to a shortage of supply.
- Parcels of land within or near urban areas are difficult to develop or redevelop because of environmental issues and local regulations.
- Facilitating the expedited permitting of such parcels, particularly in areas in which multiple local governments have jurisdiction over significant areas, serves important public interests in remediating environmentally challenged land and increasing the housing supply.

Definitions

Under the bill:
- "Adjacent to" means located next to another parcel of land or portion thereof, including where the parcels are separated only by a roadway, railroad, or other public or private right-of-way or easement.
- "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.[47]
- "Designated agricultural land" means a parcel of land within a zoning district that allows for agricultural uses such as farming, raising livestock, or aquaculture as the main permitted uses and which land is classified as agricultural land under state law.[48] The term does not include a property within an interim or default zoning district.

The bill defines "environmentally impacted land" to mean a parcel of land:
- Upon any portion of which a contaminant or pollutant has been detected above the applicable local, state, or federal residential cleanup target levels from Phase II environmental site assessment activities; or
- Any portion of which is located in a brownfield area designated pursuant to state law.[49]

Additionally, under the bill:
- "Local government" means a county, municipality, special district, or political subdivision of the state.

[47] The bill incorporates by reference the definition of "density" found in s. 163.3164(13), F.S.
[48] *See* s. 193.461, F.S.
[49] *See* s. 376.80, F.S.

- "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.[50]
- "Qualifying parcel" means a parcel of land to which the bill applies as described below.
- "Recreational facilities" means one or more parcels of land any portion of which was previously used as a golf course, tennis court, swimming pool, or clubhouse, or another similar use.
- "Townhouse" means a single-family dwelling unit that is constructed in a series or group of attached units with property lines separating such units.
- "Urban growth boundary" means a boundary established by a comprehensive plan or land development regulation beyond which the provision of urban services or facilities is limited. The term includes, but is not limited to, urban development boundaries and urban service boundaries.

Qualifying Parcels

The bill provides that except as provided below, the bill applies to environmentally impacted land consisting of at least 5 acres adjacent to a parcel of land within the same jurisdiction which is zoned for residential uses as of right and which is within a county that meets both of the following requirements:

- The county has a population of more than 1.475 million people according to the most recent decennial census.
- There are at least 15 municipalities within the county.[51]

The bill does not apply to any of the following:

- Designated agricultural land.
- Land owned or operated by a local government for public park purposes.
- Land outside an urban growth boundary.
- Land within one-quarter mile of a military installation.[52]

Development Regulations

The bill provides that notwithstanding any local law, ordinance, or regulation, a local government must permit a qualifying parcel to be developed with residential uses.

Additionally, to ensure compatibility with the character of the local community, the density of development authorized under the bill may not exceed the lower of:

- The average density of all zoning districts within the same jurisdiction which are applicable to parcels adjacent to the qualifying parcel and which allow residential uses as of right; or
- 25 dwelling units per acre.

[50] The bill incorporates by reference the definition of "parcel of land" found in s. 163.3164(37), F.S.
[51] Only Miami-Dade, Broward, and Palm Beach counties currently satisfy these criteria.
[52] *See* s. 163.3175(2), F.S.

The intensity of development must comply with the standards applicable to any parcel adjacent to the qualifying parcel.

Subdivision Approval

Under the bill, a local government must administratively approve an application for the subdivision of a qualifying parcel if the application satisfies the requirements of ch. 177, F.S.[53] A local government may not use the subdivision process to restrict development below the density and intensity authorized under the bill.

Buffer Requirements

The bill provides that if a qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide a buffer of at least 20 feet between the new development and the single-family homes or townhouses. The buffer area must be measured from lot line to lot line and must be maintained as open space or improved with passive recreational facilities accessible to the community. For purposes of this provision, swales and water retention areas are considered open space.

Recreational Facilities

The bill provides that if a qualifying parcel includes recreational facilities or areas reserved for recreational use and such recreational facilities or areas are adjacent to single-family homes on all sides, the developer must do all of the following:

- Establish that such facilities or areas, or portions of them, located on the qualifying parcel have not been in operation or in use for a period of at least 12 consecutive months.
- Pay double the applicable parks or recreational facilities impact fee that would otherwise apply to the proposed development, to compensate for the loss of open or recreational space.
- Provide written notice delivered by certified mail to all owners of property adjacent to the recreational facilities or areas, which notice includes the following information:
  - That the developer intends to develop the parcel in accordance with the bill.
  - That the adjacent property owners may elect to purchase some or all of the parcel containing recreational facilities or areas for the purpose of maintaining them as recreational areas or open space within 90 days after the date the notice is mailed.
  - The price at which the adjacent property owners may purchase the property.

Property owners who receive the required notice and wish to exercise the option to purchase some or all of the parcel containing the recreational facilities or areas must exercise the option and close on the property within 90 days after the notice is mailed or forfeit the option. At closing, the property must be 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.

The parcel or the portion of the parcel containing recreational facilities or areas must be offered to the property owners for purchase at a price that may not exceed the greater of:

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

[53] Chapter 177, F.S., governs land boundaries including platting.

- An amount equal to a bona fide offer to purchase the property received by the property owner within the last 12 months plus 10 percent.

Development Applications

Under the bill, the proposed development of a qualifying parcel which complies with the requirements of the bill must be administratively approved, and no further action by the governing body of a local government is required.

However, a local government may administratively require a proposed development to comply with local regulations relating to architectural design if review by a board is not required and if such regulations:

- Would apply, and are generally applicable, to comparable residential development within the jurisdiction; and
- Do not limit the density or intensity of development below that authorized by the bill.

A developer must establish consistency with applicable concurrency requirements consistent with when local regulations would require it for a comparable residential development within its jurisdiction.

Each local government must maintain on its website a policy containing procedures and expectations for administrative approval under the bill.

Application, Preemption, and Construction

The bill applies to development applications submitted pursuant to the bill's provisions on or after its effective date. A local government may not adopt or enforce a local law, an ordinance, or a regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel in accordance with the bill. The new statute must be liberally construed to effectuate its intent.

Division of Law Revision

The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in the bill with the date it becomes a law.

Effective Date

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will make it more cost effective for property owners to redevelop certain "qualifying" infill parcels in urban areas by streamlining the approval process.

C. Government Sector Impact:

By requiring the administrative approval of certain "qualifying" urban infill redevelopment projects, the bill will reduce the time and cost spent by local government staff reviewing and approving such projects.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Retroactive Application

None.

VIII. Statutes Affected:

This bill creates section 163.2525 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on February 10, 2026:
The committee substitute:

- Revises the definition of "designated agricultural land" to remove the exclusion of properties within interim or default zoning districts.
- Revises the definition of "environmentally impacted land" to only include properties having either contaminants or pollutants above local, state, or federal residential clean-up target levels from Phase II environmental site assessment activities or a brownfield designation under state law.
- Deletes the definition of "intensity."
- Revises the eligibility criteria for "qualifying parcels" by requiring them to be adjacent to a parcel zoned for residential uses, increasing the number of municipalities that must be present in the county from 10 to 15, and excluding land that is or was owned at any time within the prior 15 years by a public utility as defined in state law.
- Requires local governments to allow qualifying parcels to be developed with residential uses.
- Revises the density and intensity restrictions on qualifying parcels by limiting the average density on them to the average density of all zoning districts within the same jurisdiction which are applicable to adjacent parcels allowing residential uses as of right or 25 dwelling units per acre, whichever is lower.
- Requires the intensity of development to comply with the standards applicable to adjacent parcels.
- Deletes density, height, lot size, setback, and parking restrictions.
- Requires local governments to "administratively" approve, not merely approve, applications for the subdivision of qualifying parcels.
- Reduces the required buffer between new developments on qualifying parcels and existing single-family homes and townhomes from 30 feet to 20 feet.
- Provides that swales and water retention areas must be considered open space.
- Revises application review requirements for qualifying parcels by allowing local governments to administratively require proposed developments to comply with local regulations relating to architectural design under certain conditions.
- Requires developers to establish consistency with applicable concurrency requirements consistent with comparable residential developments within the jurisdiction.
- Eliminates the provision in the bill providing for retroactive application to laws that are contrary to the bill.
- Revises the preemption provision in the bill to expressly preempt local governments from adopting or enforcing any laws that restrict or limit the development of qualifying parcels in accordance with the bill.

B. Amendments:

None.