

By the Committees on Rules; and Judiciary; and Senator Calatayud

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1 A bill to be entitled
2 An act relating to infill redevelopment; creating s.
3 163.2525, F.S.; providing a short title; providing
4 legislative findings; defining terms; providing
5 applicability; requiring that a local government
6 permit qualifying parcels to be developed with
7 residential uses; limiting the density of certain
8 development for a specified purpose; requiring that
9 the intensity of certain development comply with
10 certain standards; requiring a local government to
11 administratively approve an application for the
12 subdivision of a qualifying parcel under certain
13 circumstances; prohibiting a local government from
14 using the subdivision process to restrict development
15 in a certain manner; requiring developers of
16 qualifying parcels to maintain a specified buffer
17 between new developments and single-family homes and
18 townhouses under certain circumstances; providing
19 requirements for such buffer areas; providing
20 construction; requiring developers of qualifying
21 parcels to establish that certain recreational
22 facilities and areas reserved for recreational use
23 have not been in operation or use for a certain
24 timeframe; requiring developers of such parcels to pay
25 double the parks and recreation facilities impact fees
26 for a certain purpose and provide certain written
27 notice to property owners; providing requirements for
28 the written notice; requiring property owners who
29 receive such written notice and wish to exercise an

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30 option to purchase certain parcels or portions thereof
31 to meet specified requirements within a specified
32 timeframe or forfeit the option; limiting the price at
33 which such parcels or portions of parcels may be
34 offered to the property owners for purchase; requiring
35 the administrative approval of certain proposed
36 developments; authorizing a local government to
37 administratively require compliance with architectural
38 design regulations under certain circumstances;
39 requiring a developer to establish consistency with
40 applicable concurrency requirements; requiring each
41 local government to maintain a certain policy on its
42 website; providing applicability; prohibiting a local
43 government from adopting or enforcing certain local
44 laws, ordinances, or regulations; requiring liberal
45 construction of certain provisions; providing a
46 directive to the Division of Law Revision; providing
47 an effective date.

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

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51 Section 1. Section 163.2525, Florida Statutes, is created
52 to read:

53 163.2525 Infill Redevelopment Act.—

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

56 (2) LEGISLATIVE FINDINGS.—The Legislature finds that this
57 state's urban areas lack sufficient land for the development of
58 additional residential uses, which has led to a shortage of

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59 supply; that parcels of land within or near urban areas are
60 difficult to develop or redevelop because of environmental
61 issues and local regulations; and that facilitating the
62 expedited permitting of such parcels, particularly in areas in
63 which multiple local governments have jurisdiction, serves
64 important public interests in remediating environmentally
65 challenged land and increasing the supply of housing.

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

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

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

72 (c) "Designated agricultural land" means a parcel of land
73 within a zoning district that allows for agricultural uses such
74 as farming, raising livestock, or aquaculture as the main
75 permitted uses and which land is classified as agricultural land
76 under s. 193.461.

77 (d) "Environmentally impacted land" means a parcel of land:

78 1. Upon any portion of which a contaminant or pollutant has
79 been detected above the applicable local, state, or federal
80 residential cleanup target levels from Phase II environmental
81 site assessment activities; or

82 2. Any portion of which is located in a brownfield area
83 designated pursuant to s. 376.80.

84 (e) "Local government" means a county, municipality,
85 special district, or political subdivision of the state.

86 (f) "Parcel of land" has the same meaning as in s.
87 163.3164.

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88 (g) "Qualifying parcel" means a parcel of land to which
89 this section applies under subsection (4).

90 (h) "Recreational facilities" means one or more parcels of
91 land any portion of which was previously used as a golf course,
92 tennis court, swimming pool, or clubhouse, or another similar
93 use.

94 (i) "Townhouse" means a single-family dwelling unit that is
95 constructed in a series or group of attached units with property
96 lines separating such units.

97 (j) "Urban growth boundary" means a boundary established by
98 a comprehensive plan or land development regulation beyond which
99 the provision of urban services or facilities is limited. The
100 term includes, but is not limited to, urban development
101 boundaries and urban service boundaries.

102 (4) QUALIFYING PARCELS.—

103 (a) Except as provided in paragraph (b), this section
104 applies to environmentally impacted land consisting of at least
105 5 acres adjacent to a parcel of land within the same
106 jurisdiction which is zoned for residential uses as of right and
107 which is within a county that meets both of the following
108 requirements:

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

111 2. There are at least 15 municipalities within the county.

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

113 1. Designated agricultural land.

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

116 3. Land outside an urban growth boundary.

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

119 5. Land that is owned, or that was owned at any time within
120 the 15 years preceding the effective date of this act, by a
121 public utility as defined in s. 366.02.

122 (5) DEVELOPMENT REGULATIONS.—Notwithstanding any local law,
123 ordinance, or regulation, a local government shall permit a
124 qualifying parcel to be developed with residential uses. To
125 ensure compatibility with the character of the local community,
126 the density of development authorized under this section may not
127 exceed the average density of all zoning districts within the
128 same jurisdiction which are applicable to parcels adjacent to
129 the qualifying parcel and which allow residential uses as of
130 right or 25 dwelling units per acre, whichever is lower. The
131 intensity of development must comply with the standards
132 applicable to any parcel adjacent to the qualifying parcel.

133 (6) SUBDIVISION APPROVAL.—A local government must
134 administratively approve an application for the subdivision of a
135 qualifying parcel if the application satisfies the requirements
136 of chapter 177. A local government may not use the subdivision
137 process to restrict development below the density and intensity
138 authorized under subsection (5).

139 (7) BUFFER FROM RESIDENTIAL USES.—If a qualifying parcel is
140 adjacent to single-family homes or townhouses on all sides, the
141 developer must provide a buffer of at least 20 feet between the
142 new development and the single-family homes or townhouses. The
143 buffer area must be measured from lot line to lot line and must
144 be maintained as open space or improved with passive
145 recreational facilities accessible to the community. For

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146 purposes of this subsection, swales and water retention areas
147 are considered open space.

148 (8) RECREATIONAL FACILITIES.-

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

153 1. Establish that such facilities or areas, or portions
154 thereof, located on the qualifying parcel have not been in
155 operation or in use for a period of at least 12 consecutive
156 months.

157 2. Pay double the applicable parks or recreational
158 facilities impact fee that would otherwise apply to the proposed
159 development, to compensate for the loss of open or recreational
160 space.

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

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

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

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

174 (b) Property owners who receive the notice required under

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175 subparagraph (a)3. and wish to exercise the option to purchase
176 the parcel or portion thereof containing the recreational
177 facilities or areas must exercise the option and close on the
178 property, and accept a deed restriction or record a restrictive
179 covenant requiring the property to be maintained as a
180 recreational area or open space for at least 30 years, within 90
181 days after the notice is mailed or forfeit the option. The
182 parcel or portion thereof must be offered to such property
183 owners for purchase at a price that may not exceed the greater
184 of:

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

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

190 (9) DEVELOPMENT APPLICATIONS.—The proposed development of a
191 qualifying parcel which complies with the requirements of this
192 section must be administratively approved, and no further action
193 by the governing body of a local government is required.
194 However, a local government may administratively require a
195 proposed development to comply with local regulations relating
196 to architectural design if review by a board is not required and
197 if such regulations would apply, and are generally applicable,
198 to comparable residential development within the jurisdiction
199 and do not limit the density or intensity of development below
200 that authorized by this section. A developer must establish
201 consistency with applicable concurrency requirements at such
202 time as local regulations would require for a comparable
203 residential development within its jurisdiction. Each local

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204 government shall maintain on its website a policy containing
205 procedures and expectations for administrative approval under
206 this subsection.

207 (10) APPLICATION, PREEMPTION, AND CONSTRUCTION.—This
208 section applies to development applications submitted pursuant
209 to this section on or after the effective date of this act. A
210 local government may not adopt or enforce a local law, an
211 ordinance, or a regulation that restricts, prohibits, or
212 otherwise limits the development of a qualifying parcel in
213 accordance with this section. This section shall be liberally
214 construed to effectuate its intent.

215 Section 2. The Division of Law Revision is directed to
216 replace the phrase "the effective date of this act" wherever it
217 occurs in this act with the date this act becomes a law.

218 Section 3. This act shall take effect upon becoming a law.