COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	____	(Y/N)
ADOPTED AS AMENDED	____	(Y/N)
ADOPTED W/O OBJECTION	____	(Y/N)
FAILED TO ADOPT	____	(Y/N)
WITHDRAWN	____	(Y/N)
OTHER		

Committee/Subcommittee hearing bill: Intergovernmental Affairs Subcommittee

Representative Borrero offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

163.2525 Infill Redevelopment Act.—

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

(2) LEGISLATIVE FINDINGS.—The Legislature finds that this state's urban areas lack sufficient land for the development of additional residential uses, which has led to a shortage of supply; that parcels of land within or near urban areas are difficult to develop or redevelop because of environmental

issues and local regulations; and that facilitating the expedited permitting of such parcels, particularly in areas in which multiple local governments have jurisdiction, serves important public interests in remediating environmentally challenged land and increasing the supply of housing.

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

(a) "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.

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

(c) "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 s. 193.461.

(d) "Environmentally impacted land" means a parcel of land, any portion of which:

1. There is a detection of a containment or pollutant above the applicable local, state, or federal residential clean up levels; or

2. Is, or, prior to or concurrent with development, would be subject to environmental cleanup or site rehabilitation requirements pursuant to chapter 376, chapter 403, or local environmental ordinances or regulations, as a result of the

presence of environmental containment or pollution present above applicable cleanup target levels; or

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

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

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

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

(i) "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.

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

(k) "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.

(4) QUALIFYING PARCELS.—

(a) Except as provided in paragraph (b), this section applies to environmentally impacted land consisting of at least

5 acres that is adjacent to a zoning district within the same jurisdiction that permits residential uses as of right and 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 15 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 local government must permit a qualifying parcel to be developed with residential uses. The density of development pursuant to this section shall not exceed the average density of all zoning districts within the same jurisdiction that allow residential uses as of right adjacent to the qualifying parcel, and its intensity must comply with the standards of any adjacent zoning district.

(6) SUBDIVISION APPROVAL.—A local government must approve an application for the subdivision of a qualifying parcel if the application satisfies the requirements of chapter 177. A local

government may not use the subdivision process to restrict development below the density and intensity authorized under subsection (5).

(7) BUFFER FROM RESIDENTIAL USES. - If a qualifying parcel is adjacent to single-family homes and/or townhomes on all sides, the developer must provide a buffer of at least 20 feet between the new development and the existing single-family homes and/or townhomes. The buffer area shall 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. Swales and water retention areas shall be considered open space.

(8) RECREATIONAL FACILITIES.—

(a) 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:

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

2. 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.

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, including requiring the property to be maintained as a recreational area or open space for at least 30 years through acceptance of a deed restriction or recording of a restrictive covenant, 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 months plus 10 percent.

(9) DEVELOPMENT APPLICATIONS.— The proposed development of a qualifying parcel which complies with the requirements of this section must be administratively approved, and no further action by the governing body of a local government is required. A local government may administratively require a proposed development to comply with local regulations relating to architectural design, such as required color palettes or architectural style, provided such standards would apply to, and are generally applicable to, comparable residential development within the jurisdiction and do not affect the density or intensity of the proposed development. Developers shall be required to establish consistency with applicable concurrency requirements before the issuance of a building permit for any project developed pursuant to this section. 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.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
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 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 purchase certain parcels or portions thereof within a specified timeframe or forfeit the option; limiting the price at which such parcels or portions of parcels may be offered to the property owners for purchase; requiring the administrative approval of certain proposed developments; authorizing local governments to apply certain local regulations under certain circumstances; requiring development on qualifying parcels to meet concurrency requirements; requiring each local government to maintain a certain policy on its website; providing applicability; providing construction; prohibiting a local government from adopting or enforcing certain local laws, ordinances, or regulations; providing an effective date.