FLORIDA HOUSE OF REPRESENTATIVES
BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 979	**COMPANION BILL:** SB 1434 (Calatayud)
TITLE: Infill Redevelopment	**LINKED BILLS:** None
SPONSOR(S): Borrero	**RELATED BILLS:** None

Committee References

Intergovernmental Affairs ➤ Housing, Agriculture & Tourism ➤ State Affairs

SUMMARY

Effect of the Bill:
The bill creates the "Infill Redevelopment Act," which preempts certain local land development regulations and requires the administrative approval of certain proposed infill developments in certain counties. The bill allows qualifying parcels to be developed for residential uses to the highest density and intensity allowed in any adjacent zoning district within the same jurisdiction. If no adjacent zoning district allows for residential development, the bill provides that a local government must allow single-family homes and townhouses on the parcel and are prohibited from restricting certain land use characteristics beyond specified limits.

The bill requires development projects that meet the requirements of the bill to be approved administratively and preempts local laws, ordinance, or regulations that apply, or have the effect of applying, a more restrictive or burdensome requirement or procedure for the development of a qualified parcel.

Fiscal or Economic Impact:
None

JUMP TO SUMMARY ANALYSIS RELEVANT INFORMATION BILL HISTORY

ANALYSIS

EFFECT OF THE BILL:

The bill creates the "Infill Redevelopment Act," which preempts certain local land development regulations and requires the administrative approval of certain proposed infill developments in certain counties. (Section 1)

The bill provides that a parcel qualifies for the provisions of the act if it:

- Consists of at least five acres;
- Is located in a county with a population of more than 1.475 million as of the most recent decennial census and with at least 10 municipalities; and
- Any portion of the parcel is "environmentally impacted," which the bill defines as:
  - Containing a recognized environmental condition based on an assessment by a qualified environmental professional in accordance with ASTM Standard Practice for Environmental Site Assessments or an assessment prepared for compliance with certain legal defenses under the Comprehensive Environmental Response, Compensation, and Liability Act;
  - Subject of environmental assessment, investigation, cleanup, or site rehabilitation under state or local law, including brownfield, petroleum, or dry cleaner site cleanup programs; or
  - Located in a brownfield area. (Section 1)

The bill excludes parcels that are:

- Parcels of land that are within a zoning district that allows for agricultural uses and that are classified as agricultural by the property appraiser;

- Owned or operated by a local government for public park purposes;
- Outside of an urban growth boundary; or
- Within 0.25 miles of a military installation. (Section 1)

A local government must permit by administrative approval 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. If the qualifying parcel lacks such adjacency, the local government must permit the parcel to be developed with single-family homes and townhouses and the local government is prohibited from:

- Restricting density to less than 30 units per acre.
- Restricting height to below 40 feet.
- Requiring lot sizes larger than 1,250 square feet.
- Requiring front and rear setbacks of more than 10 feet and any side setbacks.
- Requiring more than one parking space per dwelling. (Section 1)

The bill preempts any local law, ordinance, or regulation that applies, or has the effect of applying, a more restrictive or burdensome requirement or procedure to the development of a qualified parcel and any such law, ordinance, or regulation is void. The bill applies retroactively to any local law, ordinance, or regulation that is contrary to the bill. (Section 1)

If a qualifying parcel includes recreational facilities or areas reserved for recreational use that are adjacent to single-family homes on all sides, the bill requires the developer to:

- Establish that the facilities or areas, or portions thereof, located on the parcel have not been in operation or use for at least 12 months;
- Pay the local government double the applicable parks or recreational facilities impact fee that would otherwise apply to the development; and
- Provide written notice to all owners of adjacent property by certified mail giving them the opportunity to purchase the parcel, or the portion of the parcel containing recreational facilities, within 90 days after the date the notice is mailed. If an adjacent property owner chooses to exercise this option, the purchased land must be subject to a deed restriction that the property be maintained as a recreation area for at least 30 years. The bill provides that the purchase price of these lands may not exceed the purchase price paid by the owner plus 10 percent or the amount of any bona fide offer to purchase the property received in the last 12 months plus 10 percent. (Section 1)

Each local government must post the procedures and expectations for administrative approval on its website. (Section 1)

The bill takes effect upon becoming a law. (Section 2)

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Comprehensive Planning

The Community Planning Act[1] provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.[2] Each county and municipality must maintain a comprehensive plan to guide future development and growth.[3]

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.[4] A comprehensive plan is intended to provide for the

[1] Ch. 163, Part II, F.S.
[2] S. 163.3167(1), F.S.
[3] S. 163.3167(2), F.S.

future use of land, which contemplates a gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.[5]

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.[6] A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.[7] Local governments may also include optional elements in their comprehensive plan.[8] The 10 required elements are:

- Capital improvements.
- Future land use plan.
- Transportation.
- General sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge.
- Conservation.
- Recreation and open space.
- Housing.
- Coastal management.
- Intergovernmental coordination.
- Property rights.[9]

Comprehensive plans must include at least two planning periods, one covering the first 10-year period occurring after the plan's adoption and one covering a period of at least 20 years.[10] Additional planning periods are permissible and accepted as part of the planning process.

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.[11] 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.[12] The proposed distribution, location, and extent of the various categories of land use must be shown on a land use map or map series. Future land use plans and plan amendments are based on surveys, studies, and data regarding the area.[13]

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.[14]

Compatibility

The future land use element must consider what uses are compatible with one another to guide rezoning requests, development orders, and plan amendments.[15] Compatibility means "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly

---

[4] S. 163.3194(1)(a), F.S.
[5] *See, e.g.,* *Sarasota County, Fla. Comprehensive Plan, Future Land Use Element, FLU Policy 1.1.1* (last visited Feb. 2, 2026).
[6] S. 163.3177(1), F.S.
[7] S. 163.3177(6), F.S.
[8] S. 163.3177(1)(a), F.S.
[9] S. 163.3177(3), (6)(a)-(i), F.S.
[10] S. 163.3177(5)(a), F.S.
[11] S. 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.
[12] S. 163.3177(6)(a)1., F.S.
[13] S. 163.3177(6)(a)2., F.S.
[14] 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)).
[15] S. 163.3194(3), F.S.

negatively impacted directly or indirectly by another use or condition."[16] In other words, the compatibility requirement permits local governments to consider whether a proposed use can peacefully coexist with existing uses.

Local governments, through the future land use plan, are responsible for ensuring compatibility of uses on adjacent lands, and particularly those lands in proximity to military installations and airports.[17] To act on this requirement, land use regulations are required to contain specific and detailed provisions necessary to ensure the compatibility of adjacent land uses.[18] In practice, these regulations take the form of zoning codes with compatibility standards for height, density, setbacks, parking, and other general regulations on what types of developments can coexist.[19]

Infill Development

The Growth Policy Act (GPA) establishes a framework for urban infill and redevelopment for promoting and sustaining urban cores.[20] The GPA defines an "urban infill and redevelopment area" as an area:

- Where basic public services such as water, sewer, transportation, schools, and recreation are already available or planned;
- That contains areas suffering from pervasive poverty, unemployment, and general distress;
- That contains a high proportion of substandard, overcrowded, dilapidated, vacant, abandoned, or functionally obsolete properties;
- That is near transit stops; and
- That 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 .[21]

The GPA authorizes local governments to designate urban infill and redevelopment areas based on specified criteria by adopting a comprehensive, community-based redevelopment plan.[22] 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. Once designated, urban infill and redevelopment areas may utilize tax increment financing, revenue bonds, and state and federal funding mechanisms to support redevelopment activities.[23]

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 includes any local government zoning, rezoning, subdivision, building construction, sign regulations, or any other regulations controlling the development of land.[24]

Each county and municipality must adopt and enforce land development regulations consistent with and that implement its adopted comprehensive plan.[25] Local governments are encouraged to use innovative land development regulations[26] and may adopt measures for the purpose of increasing affordable housing using land use mechanisms.[27]

---

[16] S. 163.3164(9), F.S.
[17] S. 163.3177(6)(a)2.-3., F.S.
[18] S. 163.3202(2)(b), F.S.
[19] *See, e.g.,* City of Maitland Land Development Code, s. 5.10 (Residential Compatibility Standards).
[20] Ss. 163.2511-163.2520, F.S.
[21] S. 163.2514(2), F.S.
[22] S. 163.2517, F.S.
[23] S. 163.2520, F.S.
[24] S. 163.3164(26), F.S.
[25] S. 163.3202(1), F.S.
[26] S. 163.3202(3), F.S.
[27] S. 125.01055 and 166.04151, F.S.

Zoning

A comprehensive plan's future land use element establishes a range of allowable uses and densities[28] and intensities[29] over large areas, while the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.[30]

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.[31] Common regulations within the zoning map districts include density, height and bulk of buildings, setbacks, and parking requirements. Regulations for a zoning category in a downtown area may allow for more density and height than allowed in a suburb, for instance.

If a developer or landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the developer or landowner can seek a rezoning through a rezoning application.[32] Rezoning applications are initially reviewed by local government staff, then by an appointed body that makes recommendations to the governing body of the local government, which makes the final determination.[33] If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.[34] However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced notice requirements:

- If the area affected is less than 10 acres, the local government must notify by mail each property owner and hold a public meeting to discuss the ordinance or resolution before passage.
- If the area affected is 10 acres or greater, the local government must hold two separate meetings to discuss the changes, and notice the public through either mail to each property owner or to the public generally by newspaper.[35]

Classification of Agricultural Lands

Each property appraiser is required to classify all lands within the county as either agricultural or nonagricultural for tax assessment purposes.[36] Only lands that are used primarily for bona fide agricultural purposes may be classified agricultural.[37]

The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.[38] The term "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy;

---

[28] "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. S. 163.3164(12), F.S.
[29] "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. S. 163.3164(22), F.S.
[30] 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 Cnty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).
[31] *See, e.g.,* Indian River County, *Planning and Development Services FAQ* (last visited Feb. 2, 2026).
[32] *See e.g.,* City of Tallahassee, *Application for Rezoning Review* (last visited Feb. 2, 2026).
[33] *See id.* and City of Redington Shores, *Planning and Zoning Board* (last visited Feb. 2, 2026).
[34] *See e.g.*, City of Tallahassee, *Variance and Appeals* and Seminole County, *Variance Process Requirements* (last visited Feb. 2, 2026).
[35] *See* ss. 125.66(5) and 166.041(3), F.S.
[36] S. 193.461(1), F.S.
[37] S. 193.461(3)(a), F.S.
[38] *Id.*

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.[39]

Recognized Environmental Condition

Recognized environmental condition (REC) is one of the terms used to identify environmental liability within the context of a Phase I Environmental Site Assessment.[40] ASTM International defines a REC in the E1527-21 standard 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.

A Phase I Environmental Site Assessment uses existing information to help a community understand the property conditions by examining current and historical uses of the site and potential threats to human health or the environment.[41] If evidence of known or potential contamination is found at the property, further investigation is needed, while if little to no evidence of potential contamination is found at the property, often the next step is to proceed with reuse or redevelopment.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)[42] is commonly known as the Superfund.[43] Thousands of contaminated sites exist nationally due to hazardous waste being dumped, left out in the open, or otherwise improperly managed.[44] These sites include manufacturing facilities, processing plants, landfills, and mining sites.

The 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. The Superfund allows the U.S. Environmental Protection Agency (EPA) to clean up contaminated sites.[45] It also forces the parties responsible for the contamination to either perform cleanups or reimburse the government for EPA-led cleanup work.

Title 40, Part 312 of the Code of Federal Regulations provides that environmental condition investigations must be documented in a written report prepared by an environmental professional.[46] These reports often take the form of a Phase I Environmental Site Assessment.[47] When a potential owner conducts an investigation in compliance with Title 40, Part 312 of the Code of Federal Regulations, he or she may have a defense to liability if contamination is later discovered.[48]

Brownfields Program

---

[39] S. 193.461(5), F.S.
[40] Partner Engineering and Science, *Recognized Environmental Condition (REC)* (last visited Feb. 2, 2026).
[41] U.S. Environmental Protection Agency, *Assessing Brownfield Sites* (last visited Feb. 2, 2026).
[42] 42 U.S.C. ss. 9601 et seq.
[43] U.S. Environmental Protection Agency, *Superfund: CERCLA Overview* (last visited Feb. 2, 2026).
[44] U.S. Environmental Protection Agency, *What is Superfund?* (last visited Feb. 2, 2026).
[45] *Id*.
[46] U.S. Environmental Protection Agency, *All Appropriate Inquiries Rule: Reporting Requirements and Suggestions on Report Content* (last visited Feb. 2, 2026).
[47] *See* U.S. Environmental Protection Agency, *Brownfields All Appropriate Inquiries* (last visited Feb. 2, 2026) ("Every Phase I environmental site assessment conducted with EPA Brownfields Assessment Grant funds must be conducted in compliance with the AAI Final Rule at 40 CFR Part 312.")
[48] U.S. Environmental Protection Agency, *Assessing Brownfield Sites* (last visited Feb. 2, 2026).

Many areas in Florida contain sites with actual or perceived environmental contamination that may present a significant barrier to redevelopment.[49] The Florida Brownfields Redevelopment Act was adopted in 1997 to provide incentives for local governments and individuals to voluntarily clean up and redevelop brownfield sites.[50] Participation in the program results in environmental cleanup, protection of public health, reuse of infrastructure, economic redevelopment and job creation.[51]

Local governments support the use of the tools and incentives provided by the program by designating brownfield areas for cleanup and revitalization.[52] 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.[53]

Upon designation, properties within a brownfield area have met the first requirement for participation in the program.[54] These properties may participate in economic incentives that are linked to a brownfield site rehabilitation agreement (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.[55]

Preemption

Preemption refers to the principle that a federal or state statute can supersede or supplant state or local law that stands as an obstacle to accomplishing the full purposes and objectives of the overriding federal or state law.[56]

Where state preemption applies, a local government may not exercise authority in that area.[57] Whether a local government ordinance or other measure violates preemption is ultimately decided by a court. If a local government improperly enacts an ordinance or other measure on a matter preempted to the state, a person may challenge the ordinance by filing a lawsuit. A court ruling against the local government may declare the preempted ordinance void.[58]

---

[49] Florida Dept. of Environmental Protection, *Florida Brownfields Redevelopment Program Annual Report: FY 2023-24*, p. 4 (last visited Feb. 2, 2026).
[50] Ch. 97-277, s. 1, Laws of Fla., codified as ss. 376.77-376.85, F.S.
[51] Florida Dept. of Environmental Protection, *supra* note 49 at 4.
[52] *Id* at 5.
[53] S. 376.80(1)(b)2. and (2)(c), F.S.
[54] Florida Dept. of Environmental Protection, *supra* note 49 at 5.
[55] *Id.*
[56] Preemption definition, Black's Law Dictionary (12th ed. 2024).
[57] *D'Agastino v. City of Miami*, 220 So. 3d 410 (Fla. 2017); Judge James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).
[58] *See, e.g., Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Intergovernmental Affairs Subcommittee			Darden	Darden
Housing, Agriculture & Tourism Subcommittee				
State Affairs Committee				