

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 a local government to permit
6 the development of certain qualifying parcels up to a
7 certain density and intensity; requiring a local
8 government to permit the development of a qualifying
9 parcel with single-family homes or townhouses under
10 certain circumstances; prohibiting a local government
11 from imposing certain restrictions or requirements on
12 the development of certain qualifying parcels;
13 requiring a local government to approve an application
14 for the subdivision of a qualifying parcel under
15 certain circumstances; prohibiting a local government
16 from using the subdivision process to restrict
17 development in a certain manner; requiring developers
18 of qualifying parcels to establish that certain
19 recreational facilities and areas reserved for
20 recreational use have not been in operation or use for
21 a certain timeframe, to pay double the parks and
22 recreational facilities impact fees for a certain
23 purpose, and to provide certain written notice to
24 certain property owners; requiring property owners who
25 receive such written notice to exercise an option to

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

37

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

39

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

42 163.2525 Infill Redevelopment Act.—

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

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

51 expedited permitting of such parcels, particularly in areas in
52 which multiple local governments have jurisdiction over
53 significant areas, serves important public interests in
54 remediating environmentally challenged land and increasing the
55 supply of housing.

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

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

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

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

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

70 1. Contains a recognized environmental condition or a
71 controlled recognized environmental condition based on an
72 environmental site assessment report prepared:

73 a. By a qualified environmental professional in accordance
74 with:

75 (I) ASTM E1527-21 Standard Practice for Environmental Site

76 Assessments: Phase I Environmental Site Assessment Process; or
 77 (II) ASTM E2247-23 Standard Practice for Environmental
 78 Site Assessments: Phase I Environmental Site Assessment Process
 79 for Forestland or Rural Property; or
 80 b. For compliance with the bona fide prospective
 81 purchaser, contiguous property owner, or other applicable
 82 defenses set forth in the Comprehensive Environmental Response,
 83 Compensation, and Liability Act, 42 U.S.C. ss. 9601 et seq., as
 84 amended;
 85 2. Is the subject of environmental assessment,
 86 investigation, cleanup, or site rehabilitation requirements
 87 pursuant to chapter 376, chapter 403, or local environmental
 88 ordinances or regulations, including, but not limited to, state
 89 brownfield, petroleum, or drycleaner site cleanup laws and
 90 programs under chapter 376 or chapter 403; or
 91 3. Is located in a brownfield area designated pursuant to
 92 s. 376.80.
 93 (e) "Intensity" has the same meaning as in s. 163.3164 and
 94 includes, but is not limited to, measurements pertaining to lot
 95 area, lot coverage, lot size, setbacks, height, and floor area
 96 ratio.
 97 (f) "Local government" means a county, municipality,
 98 special district, or political subdivision of the state.
 99 (g) "Parcel of land" has the same meaning as in s.
 100 163.3164.

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

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

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

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

115 (4) QUALIFYING PARCELS.—

116 (a) Except as provided in paragraph (b), this section
117 applies to environmentally impacted land consisting of at least
118 5 acres which is within a county that meets both of the
119 following requirements:

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

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

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

124 1. Designated agricultural land.

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

126 park purposes.

127 3. Land outside an urban growth boundary.

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

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

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

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

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

142 2. Restrict height to below 40 feet.

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

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

145 5. Require any side setbacks.

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

147 (6) SUBDIVISION APPROVAL.—A local government must approve
 148 an application for the subdivision of a qualifying parcel if the
 149 application satisfies the requirements of chapter 177. A local
 150 government may not use the subdivision process to restrict

151 development below the density and intensity authorized under
152 subsection (5).

153 (7) RECREATIONAL FACILITIES.—

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

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

162 2. Pay double the applicable parks or recreational
163 facilities impact fee that would otherwise apply to the proposed
164 development, to compensate for the loss of open or recreational
165 space.

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

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

172 b. That the adjacent property owners may elect to purchase
173 the parcel or portion thereof containing recreational facilities
174 or areas for the purpose of maintaining the parcel, or portions
175 thereof, as recreational areas or open space within 90 days

176 after the date the notice is mailed.

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

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

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

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

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

201 approval under this subsection.

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

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

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