

Practice Update

Florida's Infill Redevelopment Act: New Opportunities for Residential Development on Impacted Land in South Florida

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The Florida Legislature recently passed the Infill Redevelopment Act (CS/CS/SB 1434), which promotes residential development on environmentally impacted parcels of land in the urban areas of South Florida. The Act aims to address South Florida's housing shortage by removing regulatory barriers that have historically deterred developers from investing in the cleanup and redevelopment of contaminated sites.

Consistent with other recent legislative initiatives to address housing scarcity and affordability, including expansions to the Live Local Act, the Infill Redevelopment Act preempts certain local development regulations and authorizes administrative approval of development applications for qualifying parcels of land. The Infill Redevelopment Act provides an important new tool for developers to achieve entitlements efficiently and to meet the need for new and affordable residential opportunities.

The full text of the enrolled bill is available on the [Florida Senate website](#), and further discussion can be found in [this recent article](#) in the *South Florida Sun Sentinel*, where Akerman Florida Land Use and

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Entitlements partner Stephen Tilbrook was quoted as saying: “The public interest that’s identified in this bill is the fact that there is a shortage of housing availability in Florida, and there are land use regulations that impair the ability to build and operate housing.”

Key Provisions

Qualifying Parcels

- At least 5 acres of “environmentally impacted land,” meaning land where contaminants or pollutants have been detected above applicable residential cleanup target levels from Phase II environmental site assessments, or land within a designated brownfield area under s. 376.80, F.S.;
- Located adjacent to parcels zoned for residential uses; and
- Within a county with a population exceeding 1.475 million and at least 15 municipalities (Palm Beach, Broward, and Miami-Dade counties qualify).

Development Standards & Density

- Local governments must permit qualifying parcels to be developed with residential uses.
- Density cannot exceed the lower of: (a) the average density of all adjacent residential zoning districts within the same jurisdiction, or (b) 25 dwelling units per acre.

Administrative Approval & Preemption

- Qualifying developments must be administratively approved — no public hearings on rezoning or land use permissions required.
- Local governments may require compliance with architectural design regulations if they are generally applicable and do not limit density or intensity.

- Local governments may not adopt or enforce any law, ordinance, or regulation that restricts development of qualifying parcels.
- Each local government must maintain an administrative approval policy on its website.

Recreational Facilities (e.g., Golf Courses)

- If the qualifying parcel includes recreational facilities (golf courses, tennis courts, or similar uses), the developer must establish that the facilities have not been in operation for at least 12 consecutive months.
- The developer must pay double the applicable parks and recreation impact fees.
- Written notice must be provided to adjacent property owners, who have a 90-day option to purchase the parcel at a price not exceeding the greater of (a) the price paid by the developer plus 10% or (b) a bona fide offer received within the last 12 months.

Buffer Requirements

- If the qualifying parcel is adjacent to single-family homes or townhouses on all sides, the developer must provide at least a 20-foot buffer.
- The buffer must be maintained as open space or improved with passive recreational facilities accessible to the community.

Exemptions

The Act does not apply to:

- Designated agricultural land
- Land owned or operated by local government for public park purposes
- Land outside an urban growth boundary (this is particularly relevant in South Florida)

- Land within one-quarter-mile of a military installation
- Land owned by a public utility within the past 15 years

Environmental Remediation Requirements Remain in Effect

Importantly, the Act streamlines the land use and zoning approval process but does not exempt developers from environmental remediation obligations. The Act's preemption provision is directed at local land development regulations — not state or federal environmental laws. Developers must still achieve site rehabilitation closure under applicable cleanup standards.

Looking Forward

The Infill Redevelopment Act represents a significant step forward for the ability to build and operate new housing. Landowners, developers, and local governments should take note of the Act's implications — particularly for properties such as former golf courses and other sites with known environmental impacts — as a new development pathway opens.

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