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Florida's Infill Redevelopment Act (Senate Bill 1434) Signed into Law by Governor DeSantis: Unlocking Infill Residential Development in South Florida

On May 21, 2026, Florida Gov. Ron DeSantis signed into law SB 1434, the Infill Redevelopment Act (the Act). The Act aims to alleviate the housing shortage in Florida's urban areas by facilitating redevelopment of environmentally impacted land. The Act creates Section 163.2525, Florida Statutes, establishing a new regulatory framework and approval process for residential infill redevelopment—preempting local regulations and streamlining permitting for qualifying sites for construction of single-family homes, townhomes, and multifamily residential development.

Qualifying Parcels. Under the Act, environmentally impacted land of five (5) or more acres adjacent to a parcel zoned for residential uses and located within a county that has more than 1.475 million people and at least 15 municipalities qualifies for residential development. Currently, only Palm Beach, Broward, and Miami Dade counties meet those criteria, effectively narrowing the Act's sphere of influence to South Florida.

Environmentally Impacted Land. The Act defines “environmentally impacted land” as (i) parcels with elevated levels of any contaminant or pollutant above residential cleanup standards as demonstrated through a Phase II assessment or (ii) parcels within a state-designated brownfield area. There is no requirement that the site be subject to formal remediation orders or specific contamination thresholds. This breadth reflects the Legislature's intent to make the Act widely available to urban parcels with any evidence of contamination—including gas stations, former industrial/warehouse sites, and even former shopping centers.

Exclusions. The Act explicitly excludes agricultural property, land owned or operated by local governments for public parks, land outside an urban growth boundary, land within a quarter-mile of a military installation, and land owned by a public utility within the past 15 years.

Development Standards and Administrative Approvals. Local governments must permit residential development on qualifying parcels through administrative-level site plan approval, overriding contrary local regulations that may otherwise require public hearings.

- ***Density***: Development may utilize the average density of all adjacent zoning districts that allow residential uses or 25 dwelling units per acre, whichever is lower. This provision ensures that redevelopment is compatible with the existing community, while establishing a level of certainty for developers.
- ***Intensity***: Development must comply with height and floor area standards applicable to adjacent parcels. The Act, however, does not specify the methodology to be used in determining applicable standards in cases where there is variation in intensity of neighboring development, and thus, this will likely be subject to interpretation by local building officials and/or planning directors.
- ***Administrative subdivision approval***: Local governments must administratively approve subdivision applications that meet the requirements of Chapter 177, Florida Statutes, and may not use the subdivision process to reduce density or intensity below what the Act permits.
- ***Buffers for single family/townhome districts***: When a qualifying parcel is surrounded by single family homes or townhomes, a minimum 20 foot buffer is required between the new development and existing homes. The buffer,

inclusive of swales and stormwater retention areas, must be maintained as open space or improved with passive recreational facilities that are accessible to the community.

- ***Local design and concurrency***: Local governments may require compliance with architectural design criteria if such rules are generally applicable and do not limit density or intensity. Developers must demonstrate consistency with concurrency requirements—e.g., transportation, schools—at the stage normally required for comparable development.

Special Rules for Recreational Facilities. For qualifying parcels that include recreational facilities—e.g., golf courses, tennis courts, swimming pools, and similar uses—adjacent to single family homes, the developer must:

1. Demonstrate that the recreational facility has not been in operation for at least 12 consecutive months.
2. Pay double the parks or recreational facilities impact fee to compensate for the loss of recreational space.
3. Send certified notice to adjacent property owners stating the intent to develop; the notice must explain the neighbors' option to purchase the recreational parcel and disclose the purchase price. Adjacent property owners have 90 days after the notice to exercise a purchase option and must close within 90 days. They must accept a restrictive covenant requiring the property to remain a recreational area or open space for at least 30 years. The purchase price cannot exceed (a) the developer's purchase price plus 10 percent or (b) the highest bona fide offer received within the previous year.

Preemption and Liberal Construction. The Act prohibits local governments from adopting or enforcing any law, ordinance, or regulation that restricts, prohibits, or otherwise limits the development of a qualifying parcel. The statute directs that it be liberally construed by local officials to effectuate its intent.

Implications for Developers and Property Owners

- ***Housing supply and adaptive reuse***: By preempting local density caps and mandating residential use, the Act promotes new housing on previously idle land.
- ***Streamlined redevelopment in South Florida***: Qualifying parcels in Palm Beach, Broward, and Miami Dade counties may be redeveloped for housing without rezoning or public hearings. Administrative approvals shorten timelines and encourage infill projects.
- ***Unlocks opportunity for conversion of underutilized golf courses***. Golf courses are typically larger than five acres and exhibit elevated levels of arsenic and other contaminants, qualifying these former recreational facilities under the Act. There has been an increasing number of older golf courses being looked at as opportunities for infill residential development. Whereas proposed golf course conversions have become embroiled in political frays and lengthy public hearings, the Act creates a framework for redevelopment and a streamlined approval process intended to unlock a path for these projects to advance.
- ***Continued environmental oversight***: The Act's generous definition of “environmentally impacted land” does not waive state or federal remediation standards; developers remain responsible for compliance with applicable consent orders, administrative orders, enforcement actions, engineering controls, restrictive covenants, and other requirements.

Conclusion and Effective Date

The Infill Redevelopment Act is another step in the movement toward 3D Zoning in Florida. The Act opens significant new opportunities for developers, investors, and property owners focused on residential development in South Florida.

The Act took effect immediately upon becoming law on May 21, 2026; it is incorporated in Laws of Florida, Chapter 2026-84; and applies to applications submitted on or after its effective date.

Authors



Steven J. Wernick

Partner

Miami, FL | (305) 373-4076

swernick@daypitney.com