

FLORIDA'S INFILL REDEVELOPMENT ACT CREATES A NEW PATH FOR RESIDENTIAL DEVELOPMENT

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Florida's Infill Redevelopment Act, which took effect May 21, 2026, creates a new administrative approval process for residential development on certain environmentally impacted properties. As local governments begin implementing the Act, developers and property owners should understand its eligibility requirements, development standards and environmental considerations.

Which Properties Qualify?

The Act applies to environmentally impacted parcels of at least five acres that are adjacent to property within the same jurisdiction where residential development is permitted as of right.

A property is considered environmentally impacted if contamination above applicable residential cleanup target levels is identified through a Phase II environmental site assessment or if any portion of the property is located within a designated brownfield area.

The property must also be located in a county with more than 1.475 million residents and at least 15 municipalities. Based on current census data, the Act appears to apply to Miami-Dade, Broward and Palm Beach counties.

Certain properties are excluded, including designated agricultural land, public parkland, property outside an urban growth boundary and land near specified military installations.

Development Rights and Approval

Local governments must permit residential development on qualifying parcels. The permitted density may not exceed the lower of:

- The average density allowed on adjacent residentially zoned properties; or
- 25 dwelling units per acre.

Qualifying applications must be approved administratively without further action by the local governing body. Local governments may apply generally applicable architectural standards, but they may not use local regulations or the subdivision process to reduce the density or intensity authorized by the Act.

Developers must also comply with applicable concurrency requirements and the development-intensity standards governing adjacent properties.

Additional Development Requirements

If a qualifying parcel is surrounded by single-family homes or townhouses, the developer must provide a buffer of at least 20 feet.

Additional requirements apply to properties containing former recreational facilities, including golf courses, tennis courts, swimming pools and clubhouses.

Depending on the property, these requirements may include:

- Establishing that recreational use has been inactive for at least 12 consecutive months;
- Paying twice the otherwise applicable parks and recreation impact fee; and
- Providing adjacent property owners an opportunity to purchase the recreational portion of the property to preserve it as open space.

Environmental and Practical Considerations

The Act does not eliminate environmental investigation, remediation or regulatory requirements. Developers should evaluate the extent of contamination, potential cleanup obligations, available brownfield incentives and possible liability under state and federal law.

They should also assess surrounding zoning, infrastructure and concurrency requirements, buffer and notice obligations, local administrative procedures, project costs and financing before relying on the Act.

The Act may create meaningful redevelopment opportunities, but its eligibility standards and development conditions require careful analysis.

Berger Singerman's Real Estate and Government & Regulatory Teams continue to monitor legislative developments affecting real estate development and environmentally impacted properties throughout Florida. Please feel free to contact Dawn M. Meyers should you need assistance evaluating how the Infill Redevelopment Act may affect a property or proposed development.

Related Team Member(s)

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