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New Florida law could speed approval of golf course redevelopment



By [Brian Bandell](#) – Real Estate Editor, South Florida Business Journal
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Story Highlights

- The Florida legislature passed the Infill Redevelopment Act for housing.
- The law applies only to Miami-Dade, Broward and Palm Beach.
- Broward County Commissioner Steve Geller expects legal challenges to occur.

The Florida legislature passed a law that could hasten approval of residential development on environmentally impacted sites, especially golf courses, and it only applies in South Florida.

The Infill Redevelopment Act (Senate Bill 1434/House Bill 979) passed both chambers and is awaiting the signature of Governor Ron DeSantis.

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Kerri Barsh, an attorney at Greenberg Traurig in Miami who specializes in developing on sites with environmental issues, explained how the law could speed up development approvals. Similar to the Live Local Act, eligible properties would receive municipal staff approval without a vote by the city council or county commission.

Under the proposed law, properties of five acres or more that have been environmentally impacted or a designated brownfield, are surrounded by residential, are within the urban development boundary, and not near a military installation could be automatically developed as residential. The density level would be the lower of: the average residential density of the surrounding neighborhood or 25 units per acre. There is no income restriction on the housing, but there must be a 20-foot buffer between the existing housing and the new development. However, it does not apply to agricultural sites or public utility properties.

Because of the population requirements in the bill (1.475 million people), this rule only applies in Miami-Dade, Broward and Palm Beach counties.

The law requires the developer to pay double the usual park or recreation facilities impact fee for such projects to compensate for the loss of open space.

“The legislative intent was on stranded parcels that are surrounded by residential,” Barsh said. “This is an opportunity for a lot of these sites to get a boost and go into more productive uses.”

Barsh said there are former landfills and former government properties that could be redeveloped under this law, but the biggest target for redevelopment is likely

golf courses, which typically have contamination that would require cleanup before residential use.

Broward County Commissioner Steve Geller, an attorney and former state senator, said he expects the Infill Redevelopment Act to be challenged in court. One of the issues is the definition of “environmentally impacted,” which he believes is too vague in the bill. The bill implies that even a small amount of contamination on a portion of a site could lead to its full redevelopment, and that’s likely to be challenged, he said. There could even be clubhouses and tennis courts that could be redeveloped if a small amount of contamination is found, he added.

The other aspect of the bill that may be challenged is the home rule of cities, especially because the law only applies to three counties, Geller said.

“I do believe the legislature is overreaching and whether they are overreaching beyond the limits of the Constitution, we will find out,” Geller said.

He noted that aspects of the Live Local Act are still being challenged by municipalities around the state.

When developers seek to rezone golf courses for homes, that is often a contentious vote for many city councils as neighbors often object to losing the green space and views. Yet, there are few large tracts of open land remaining in South Florida, so golf courses are often prime targets for homebuilders. This law could take approval of these projects out of local elected officials’ hands.

Geller said it is a worthy goal for the legislature to support more housing development. Until Broward has enough homes under construction to meet the population growth, home prices will continue rising, and urban infill is the only real development option left in Broward, he said.

“I appreciate that the legislature is trying but this is also a grab at the golf courses and each one needs to be evaluated on an individual basis,” Geller said. “This takes that right away from local governments and basically says all golf courses are suitable for development.”

“They should stop preempting us. They should give local government the ability to make local decisions,” Geller added.

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|------|------------|--|
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| 2 | 2 | 11642 Mirasol Way, Palm Beach Gardens, Florida |
| 2 | 3 | 1350 Echo Dr., Jupiter, Florida |

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