

By the Committee on Environment and Natural Resources; and
Senator Rodriguez

592-02838-25

20251326c1

1 A bill to be entitled
2 An act relating to areas of critical state concern;
3 amending s. 196.1978, F.S.; revising conditions under
4 which certain property may be considered property used
5 for a charitable purpose; amending s. 255.05, F.S.;
6 exempting a person entering into a construction
7 contract with Habitat for Humanity International,
8 Inc., or any of its affiliates from executing a
9 payment and performance bond under certain
10 circumstances; providing that the underlying real
11 property owned by the state or any county, city, or
12 political subdivision may not be subject to specified
13 lien rights; amending s. 259.105, F.S.; extending the
14 timeframe for specific Florida Forever appropriations
15 to be used for the purchase of lands in the Florida
16 Keys Area of Critical State Concern; amending s.
17 380.0552, F.S.; providing a limitation for additional
18 building permit allocations; specifying the current
19 permit allocations, based on certain evacuation
20 clearance time modeling; requiring certain cities to
21 maintain a permit allocation system to ensure certain
22 provisions are met; requiring the Administration
23 Commission to distribute permit allocations over a
24 specified period and in a specified manner; providing
25 for the allocation of building permits among certain
26 municipalities; defining the term "workforce housing";
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

592-02838-25

20251326c1

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

Section 1. Paragraph (b) of subsection (3) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(3)

(b) Notwithstanding ss. 196.195 and 196.196, portions of property in a multifamily project are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption if such portions meet all of the following conditions:

1. Provide affordable housing to natural persons or families meeting the income limitations provided in paragraph (d).

2.a. Are within a newly constructed multifamily project that contains more than 70 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d); or

b. Contain one or more units located ~~are within a newly constructed multifamily project~~ in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, which are ~~contains more than 10 units~~ dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d).

3. Are rented for an amount that does not exceed the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as

592-02838-25

20251326c1

59 determined by a rental market study meeting the requirements of
60 paragraph (1), whichever is less.

61 Section 2. Paragraph (h) is added to subsection (1) of
62 section 255.05, Florida Statutes, to read:

63 255.05 Bond of contractor constructing public buildings;
64 form; action by claimants.—

65 (1) A person entering into a formal contract with the state
66 or any county, city, or political subdivision thereof, or other
67 public authority or private entity, for the construction of a
68 public building, for the prosecution and completion of a public
69 work, or for repairs upon a public building or public work shall
70 be required, before commencing the work or before recommencing
71 the work after a default or abandonment, to execute and record
72 in the public records of the county where the improvement is
73 located, a payment and performance bond with a surety insurer
74 authorized to do business in this state as surety. A public
75 entity may not require a contractor to secure a surety bond
76 under this section from a specific agent or bonding company.

77 (h) When work is done on property located within an area of
78 critical state concern which is subject to a long-term ground
79 lease of 99 years or more with Habitat for Humanity
80 International, Inc., or any of its affiliates, at the discretion
81 of the official or board who owns the subject underlying
82 property in fee simple, a person entering into a construction
83 contract providing for services or material may be exempted from
84 executing the payment and performance bond under this section,
85 provided that such leasehold interest created by the ground
86 lease of 99 years or more is subject to any claims by claimants
87 who qualify as lienors under s. 713.01 and applicable lien

592-02838-25

20251326c1

88 statutes in chapter 713. The underlying real property owned by
89 the state or any county, city, or political subdivision thereof
90 or by any other public authority may not be subject to any lien
91 rights created under chapter 713.

92 Section 3. Paragraph (b) of subsection (3) of section
93 259.105, Florida Statutes, is amended to read:

94 259.105 The Florida Forever Act.—

95 (3) Less the costs of issuing and the costs of funding
96 reserve accounts and other costs associated with bonds, the
97 proceeds of cash payments or bonds issued pursuant to this
98 section shall be deposited into the Florida Forever Trust Fund
99 created by s. 259.1051. The proceeds shall be distributed by the
100 Department of Environmental Protection in the following manner:

101 (b) Thirty-five percent to the Department of Environmental
102 Protection for the acquisition of lands and capital project
103 expenditures described in this section. Of the proceeds
104 distributed pursuant to this paragraph, it is the intent of the
105 Legislature that an increased priority be given to those
106 acquisitions which achieve a combination of conservation goals,
107 including protecting Florida's water resources and natural
108 groundwater recharge. At a minimum, 3 percent, and no more than
109 10 percent, of the funds allocated pursuant to this paragraph
110 shall be spent on capital project expenditures identified during
111 the time of acquisition which meet land management planning
112 activities necessary for public access. Beginning in the 2017-
113 2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~
114 fiscal year, at least \$5 million of the funds allocated pursuant
115 to this paragraph shall be spent on land acquisition within the
116 Florida Keys Area of Critical State Concern as authorized

592-02838-25

20251326c1

117 pursuant to s. 259.045.

118 Section 4. Paragraph (a) of subsection (9) of section
119 380.0552, Florida Statutes, is amended to read:

120 380.0552 Florida Keys Area; protection and designation as
121 area of critical state concern.—

122 (9) MODIFICATION TO PLANS AND REGULATIONS.—

123 (a) Any land development regulation or element of a local
124 comprehensive plan in the Florida Keys Area may be enacted,
125 amended, or rescinded by a local government, but the enactment,
126 amendment, or rescission becomes effective only upon approval by
127 the state land planning agency. The state land planning agency
128 shall review the proposed change to determine if it is in
129 compliance with the principles for guiding development specified
130 in chapter 27F-8, Florida Administrative Code, as amended
131 effective August 23, 1984, and must approve or reject the
132 requested changes within 60 days after receipt. Amendments to
133 local comprehensive plans in the Florida Keys Area must also be
134 reviewed for compliance with the following:

135 1. Construction schedules and detailed capital financing
136 plans for wastewater management improvements in the annually
137 adopted capital improvements element, and standards for the
138 construction of wastewater treatment and disposal facilities or
139 collection systems that meet or exceed the criteria in s.
140 403.086(11) for wastewater treatment and disposal facilities or
141 s. 381.0065(4)(1) for onsite sewage treatment and disposal
142 systems.

143 2. Goals, objectives, and policies to protect public safety
144 and welfare in the event of a natural disaster by maintaining a
145 hurricane evacuation clearance time for permanent residents of

592-02838-25

20251326c1

146 no more than 24.5 ~~24~~ hours or 825 permit allocations, whichever
147 is less. The hurricane evacuation clearance time shall be
148 determined by a hurricane evacuation study conducted in
149 accordance with a professionally accepted methodology and
150 approved by the state land planning agency. For purposes of
151 hurricane evacuation clearance time:

152 a. Mobile home residents are not considered permanent
153 residents.

154 b. The City of Key West Area of Critical State Concern
155 established by chapter 28-36, Florida Administrative Code, shall
156 be included in the hurricane evacuation study and is subject to
157 the evacuation requirements of this subsection.

158 c. To ensure the hurricane evacuation clearance time in
159 this subsection is met, Monroe County, the Village of
160 Islamorada, the City of Marathon, the City of Layton, and the
161 City of Key West shall each continue to maintain permit
162 allocation systems limiting the number of permits issued for new
163 residential dwelling units.

164 d. The Administration Commission shall distribute 825
165 permit allocations over a period of at least 10 years, as
166 follows:

167 (I) Monroe County shall receive 580 permit allocations. All
168 of which must be issued to vacant, buildable parcels. Only 1 of
169 the allocated building permits shall be awarded to any
170 individual parcel. Of the 580 permit allocations, 406 shall be
171 issued only for workforce housing;

172 (II) The City of Marathon shall receive 201 permit
173 allocations:

174 (A) All of which must be issued to vacant, buildable

592-02838-25

20251326c1

175 parcels. Only 1 of the allocated building permits may be awarded
176 to any individual parcel; and

177 (B) Distribution of which must prioritize allocations for
178 owner-occupied residences, affordable housing, and workforce
179 housing;

180 (III) The Village of Islamorada shall receive 77 permit
181 allocations:

182 (A) All of which must be issued to vacant, buildable
183 parcels. Only 1 of the allocated building permits may be awarded
184 to any individual parcel; and

185 (B) Distribution of which must prioritize allocations for
186 owner-occupied residences, affordable housing, and workforce
187 housing; and

188 (IV) The City of Key West shall receive 30 permit
189 allocations. The housing constructed pursuant to such permits
190 must be affordable as defined in s. 420.0004.

191 e. For purposes of this sub-subparagraph, the term
192 "workforce housing" means residential dwelling units restricted
193 for a period of no less than 99 years to occupancy by households
194 who derive at least 70 percent of their household income from
195 gainful employment in Monroe County supplying goods or services
196 to Monroe County residents or visitors.

197 Section 5. This act shall take effect July 1, 2025.