

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Environment and Natural Resources; and Senator Rodriguez

601-03468-25

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A bill to be entitled

An act relating to areas of critical state concern; amending s. 255.05, F.S.; exempting a person entering into a construction contract with Habitat for Humanity International, Inc., or any of its affiliates from executing a payment and performance bond under certain circumstances; providing that the underlying real property owned by the state or any county, city, or political subdivision may not be subject to specified lien rights; amending s. 259.105, F.S.; extending the timeframe for specific Florida Forever appropriations to be used for the purchase of lands in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; providing a limitation for additional building permit allocations; specifying the current permit allocations, based on certain evacuation clearance time modeling; requiring certain cities to maintain a permit allocation system to ensure certain provisions are met; requiring the Administration Commission to distribute permit allocations over a specified period and in a specified manner; providing for the allocation of building permits among certain municipalities; defining the term "workforce housing"; providing an effective date.

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

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

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

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

(h) When work is done on property located within an area of critical state concern which is subject to a long-term ground lease of 99 years or more with Habitat for Humanity International, Inc., or any of its affiliates, at the discretion of the official or board who owns the subject underlying property in fee simple, a person entering into a construction contract providing for services or material may be exempted from executing the payment and performance bond under this section, provided that such leasehold interest created by the ground lease of 99 years or more is subject to any claims by claimants who qualify as lienors under s. 713.01 and applicable lien statutes in chapter 713. The underlying real property owned by the state or any county, city, or political subdivision thereof or by any other public authority may not be subject to any lien rights created under chapter 713.

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Section 2. Paragraph (b) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

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

(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning activities necessary for public access. Beginning in the 2017-2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~ fiscal year, at least \$5 million of the funds allocated pursuant to this paragraph shall be spent on land acquisition within the Florida Keys Area of Critical State Concern as authorized pursuant to s. 259.045.

Section 3. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as

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88 area of critical state concern.—

89 (9) MODIFICATION TO PLANS AND REGULATIONS.—

90 (a) Any land development regulation or element of a local
91 comprehensive plan in the Florida Keys Area may be enacted,
92 amended, or rescinded by a local government, but the enactment,
93 amendment, or rescission becomes effective only upon approval by
94 the state land planning agency. The state land planning agency
95 shall review the proposed change to determine if it is in
96 compliance with the principles for guiding development specified
97 in chapter 27F-8, Florida Administrative Code, as amended
98 effective August 23, 1984, and must approve or reject the
99 requested changes within 60 days after receipt. Amendments to
100 local comprehensive plans in the Florida Keys Area must also be
101 reviewed for compliance with the following:

102 1. Construction schedules and detailed capital financing
103 plans for wastewater management improvements in the annually
104 adopted capital improvements element, and standards for the
105 construction of wastewater treatment and disposal facilities or
106 collection systems that meet or exceed the criteria in s.
107 403.086(11) for wastewater treatment and disposal facilities or
108 s. 381.0065(4)(1) for onsite sewage treatment and disposal
109 systems.

110 2. Goals, objectives, and policies to protect public safety
111 and welfare in the event of a natural disaster by maintaining a
112 hurricane evacuation clearance time for permanent residents of
113 no more than 24.5 ~~24~~ hours or 825 permit allocations, whichever
114 is less. The hurricane evacuation clearance time shall be
115 determined by a hurricane evacuation study conducted in
116 accordance with a professionally accepted methodology and

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approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

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

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

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

(I) Monroe County shall receive 539 permit allocations, all of which must be issued to vacant, buildable parcels. Only 1 of the allocated building permits shall be awarded to any individual parcel. Of the 539 permit allocations, 377 shall be issued only for workforce housing;

(II) The City of Marathon shall receive 187 permit allocations:

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

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

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housing;

(III) The Village of Islamorada shall receive 71 permit allocations:

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

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

(IV) The City of Key West shall receive 28 permit allocations. The housing constructed pursuant to such permits must be affordable as defined in s. 420.0004.

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

Section 4. This act shall take effect July 1, 2025.