

By Senator Rodriguez

40-01358A-25

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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. 255.055, 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.

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

40-01358A-25

20251326\_\_

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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

40-01358A-25

20251326\_\_

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

40-01358A-25

20251326\_\_

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

40-01358A-25

20251326\_\_

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

40-01358A-25

20251326\_\_

146 no more than 26 ~~24~~ hours or 3,550 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 3,550  
165 permit allocations over a period of at least 40 years, as  
166 follows:

167 (I) Monroe County shall receive 2,320 permit allocations of  
168 which:

169 (A) A total of 1,618 must be issued to vacant, buildable  
170 parcels, of which only 1 building permit allocation shall be  
171 awarded to any individual parcel. Of the 1,618 permit  
172 allocations, 1,133 shall be issued only for workforce housing;  
173 and

174 (B) A total of 702 must be used for single- or multi-family

40-01358A-25

20251326\_\_

175 workforce or affordable housing;

176 (II) The City of Marathon shall receive 803 permit  
177 allocations of which:

178 (A) A total of 560 must be issued to vacant, buildable  
179 parcels, of which only 1 building permit allocation shall be  
180 awarded to any individual parcel; and

181 (B) A total of 243 may be used for any other permanent  
182 residential use, including, but not limited to, single- or  
183 multi-family affordable housing, of which the distribution must  
184 prioritize allocations for owner-occupied residences, affordable  
185 housing, and workforce housing;

186 (III) The City of Islamorada shall receive 307 permit  
187 allocations of which:

188 (A) A total of 214 must be issued to vacant, buildable  
189 parcels, of which only 1 building permit allocation shall be  
190 awarded to any individual parcel; and

191 (B) A total of 93 may be used for any other permanent  
192 residential use, including, but not limited to, single- or  
193 multi-family affordable housing, of which the distribution must  
194 prioritize allocations for owner-occupied residences, affordable  
195 housing, and workforce housing; and

196 (IV) The City of Key West shall receive 120 permit  
197 allocations, which shall be affordable as defined in s.  
198 420.0004.

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

40-01358A-25

20251326\_\_

204 to Monroe County residents or visitors.

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