

1 A bill to be entitled
2 An act relating to areas of critical state concern;
3 amending s. 196.1978, F.S.; authorizing local
4 governments to adopt ordinances to provide an ad
5 valorem tax exemption for certain portions of property
6 used to provide affordable housing; specifying
7 requirements and limitations for the exemption;
8 amending s. 255.05, F.S.; providing an exemption from
9 specified payment and performance bond requirements
10 for specified entities; amending s. 259.105, F.S.;
11 extending specific Florida Forever appropriations to
12 be used for the purchase of lands in the Florida Keys
13 Area of Critical State Concern; amending s. 380.0552,
14 F.S.; revising the requirements for specified local
15 comprehensive plans in the Florida Keys Area relating
16 to the hurricane evacuation clearance time for
17 permanent residents; requiring certain entities to
18 maintain building permit allocation systems; providing
19 for the award of additional building permit
20 allocations for specified entities; providing
21 requirements for the award of such building permits;
22 defining the term "workforce housing"; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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. One or more units are located 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, and are ~~which 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

51 programs income and rent limit chart posted by the corporation
52 and derived from the Multifamily Tax Subsidy Projects Income
53 Limits published by the United States Department of Housing and
54 Urban Development or 90 percent of the fair market value rent as
55 determined by a rental market study meeting the requirements of
56 paragraph (1), whichever is less.

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

59 255.05 Bond of contractor constructing public buildings;
60 form; action by claimants.—

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

74 (h) A person may be exempted from executing the payment
75 and performance bond required under this subsection if the

76 following conditions are met:

77 1. The 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 local affiliates, at the
 81 discretion of the official or board that owns the subject
 82 underlying property in fee simple.

83 2. The leasehold interest created by the ground lease of
 84 99 years or more is subject to any claims by claimants who are
 85 lienors as defined in s. 713.01 and applicable lien provisions
 86 in chapter 713. The underlying real property owned by the state,
 87 or any county, city, or political subdivision thereof, or other
 88 public authority is not subject to any lien rights created under
 89 chapter 713.

90 **Section 3. Paragraph (b) of subsection (3) of section**
 91 **259.105, Florida Statutes, is amended to read:**

92 259.105 The Florida Forever Act.—

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

99 (b) Thirty-five percent to the Department of Environmental
 100 Protection for the acquisition of lands and capital project

101 expenditures described in this section. Of the proceeds
102 distributed pursuant to this paragraph, it is the intent of the
103 Legislature that an increased priority be given to those
104 acquisitions which achieve a combination of conservation goals,
105 including protecting Florida's water resources and natural
106 groundwater recharge. At a minimum, 3 percent, and no more than
107 10 percent, of the funds allocated pursuant to this paragraph
108 shall be spent on capital project expenditures identified during
109 the time of acquisition which meet land management planning
110 activities necessary for public access. Beginning in the 2017-
111 2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~
112 fiscal year, at least \$5 million of the funds allocated pursuant
113 to this paragraph shall be spent on land acquisition within the
114 Florida Keys Area of Critical State Concern as authorized
115 pursuant to s. 259.045.

116 **Section 4. Paragraph (a) of subsection (9) of section**
117 **380.0552, Florida Statutes, is amended to read:**

118 380.0552 Florida Keys Area; protection and designation as
119 area of critical state concern.—

120 (9) MODIFICATION TO PLANS AND REGULATIONS.—

121 (a) Any land development regulation or element of a local
122 comprehensive plan in the Florida Keys Area may be enacted,
123 amended, or rescinded by a local government, but the enactment,
124 amendment, or rescission becomes effective only upon approval by
125 the state land planning agency. The state land planning agency

126 shall review the proposed change to determine if it is in
127 compliance with the principles for guiding development specified
128 in chapter 27F-8, Florida Administrative Code, as amended
129 effective August 23, 1984, and must approve or reject the
130 requested changes within 60 days after receipt. Amendments to
131 local comprehensive plans in the Florida Keys Area must also be
132 reviewed for compliance with the following:

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

141 2. Goals, objectives, and policies to protect public
142 safety and welfare in the event of a natural disaster by
143 maintaining a hurricane evacuation clearance time for permanent
144 residents of no more than 24.5 ~~24~~ hours or 280 permit
145 allocations beyond a 24-hour hurricane evacuation clearance
146 time, whichever is less. Pursuant to the 2023 completed
147 hurricane evacuation clearance time modeling by the state land
148 planning agency, which incorporates the 2020 Census data, there
149 are currently 220 permit allocations available within in the 24-
150 hour hurricane evacuation clearance time. The hurricane

151 evacuation clearance time shall be determined by a hurricane
152 evacuation study conducted in accordance with a professionally
153 accepted methodology and approved by the state land planning
154 agency. For purposes of hurricane evacuation clearance time:

155 a. Mobile home residents are not considered permanent
156 residents.

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

161 c. Monroe County, the Village of Islamorada, the City of
162 Marathon, the City of Layton, and the City of Key West shall
163 each continue to maintain building permit allocation systems
164 limiting the number of building permits issued for new
165 residential dwelling units.

166 d.(I) In accordance with this subparagraph, the
167 Administration Commission shall distribute 500 building permit
168 allocations over a period of at least 10 years as follows:

169 (A) Monroe County shall receive 283 building permit
170 allocations.

171 (B) The City of Marathon shall receive 103 building permit
172 allocations.

173 (C) The Village of Islamorada shall receive 64 building
174 permit allocations.

175 (D) The City of Key West shall receive 50 building permit

176 allocations, which shall be affordable as defined in s.
177 420.0004.

178 (II) At least 70 percent of the 500 building permit
179 allocations under sub-sub-subparagraph (I) shall be designated
180 as workforce housing. For purposes of this subparagraph, the
181 term "workforce housing" means residential dwelling units
182 restricted to occupancy by households that derive at least 70
183 percent of their household income from gainful employment in
184 Monroe County supplying goods or services to Monroe County
185 residents or visitors for at least 99 years.

186 (III) The 500 building permit allocations distributed
187 pursuant to sub-sub-subparagraph (I) may only be awarded to a
188 vacant, buildable parcel, and only one building permit
189 allocation may be awarded to any parcel.

190 (IV) Sub-sub-subparagraphs (II) and (III) do not apply to
191 the 50 affordable building permit allocations distributed to the
192 City of Key West.

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