

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

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

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

24 255.05 Bond of contractor constructing public buildings;
25 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) A person may be exempted from executing the payment and performance bond required under this subsection if the following conditions are met:

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

2. The leasehold interest created by the ground lease of 99 years or more is subject to any claims by claimants who are lienors as defined in s. 713.01 and applicable lien provisions

51 in chapter 713. The underlying real property owned by the state,
52 or any county, city, or political subdivision thereof, or other
53 public authority is not subject to any lien rights created under
54 chapter 713.

55 **Section 2. Paragraph (b) of subsection (3) of section**
56 **259.105, Florida Statutes, is amended to read:**

57 259.105 The Florida Forever Act.—

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

64 (b) Thirty-five percent to the Department of Environmental
65 Protection for the acquisition of lands and capital project
66 expenditures described in this section. Of the proceeds
67 distributed pursuant to this paragraph, it is the intent of the
68 Legislature that an increased priority be given to those
69 acquisitions which achieve a combination of conservation goals,
70 including protecting Florida's water resources and natural
71 groundwater recharge. At a minimum, 3 percent, and no more than
72 10 percent, of the funds allocated pursuant to this paragraph
73 shall be spent on capital project expenditures identified during
74 the time of acquisition which meet land management planning
75 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 area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

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

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the

101 construction of wastewater treatment and disposal facilities or
102 collection systems that meet or exceed the criteria in s.
103 403.086(11) for wastewater treatment and disposal facilities or
104 s. 381.0065(4)(1) for onsite sewage treatment and disposal
105 systems.

106 2. Goals, objectives, and policies to protect public
107 safety and welfare in the event of a natural disaster by
108 maintaining a hurricane evacuation clearance time for permanent
109 residents of no more than 24.5 ~~24~~ hours or 825 permit
110 allocations beyond a 24-hour hurricane evacuation clearance
111 time, whichever is less. The hurricane evacuation clearance time
112 shall be determined by a hurricane evacuation study conducted in
113 accordance with a professionally accepted methodology and
114 approved by the state land planning agency. For purposes of
115 hurricane evacuation clearance time:

116 a. Mobile home residents are not considered permanent
117 residents.

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

122 c. Monroe County, the Village of Islamorada, the City of
123 Marathon, the City of Layton, and the City of Key West shall
124 each continue to maintain building permit allocation systems
125 limiting the number of building permits issued for new

126 residential dwelling units.

127 d.(I) In accordance with this subparagraph, the
128 Administration Commission shall distribute 825 building permit
129 allocations over a period of at least 10 years as follows:

130 (A) Monroe County shall receive 539 building permit
131 allocations.

132 (B) The City of Marathon shall receive 187 building permit
133 allocations.

134 (C) The Village of Islamorada shall receive 71 building
135 permit allocations.

136 (D) The City of Key West shall receive 28 building permit
137 allocations, which shall be affordable as defined in s.
138 420.0004.

139 (II) At least 70 percent of the 825 building permit
140 allocations under sub-sub-subparagraph (I) shall be designated
141 as workforce housing. For purposes of this subparagraph, the
142 term "workforce housing" means residential dwelling units
143 restricted to occupancy by households that derive at least 70
144 percent of their household income from gainful employment in
145 Monroe County supplying goods or services to Monroe County
146 residents or visitors for at least 99 years.

147 (III) The 825 building permit allocations distributed
148 pursuant to sub-sub-subparagraph (I) may only be awarded to a
149 vacant, buildable parcel, and only one building permit
150 allocation may be awarded to any parcel.

151 (IV) Sub-sub-subparagraphs (II) and (III) do not apply to
152 the 28 affordable building permit allocations distributed to the
153 City of Key West.

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