

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, whichever is less. The hurricane evacuation
111 clearance time shall be determined by a hurricane evacuation
112 study conducted in accordance with a professionally accepted
113 methodology and approved by the state land planning agency. For
114 purposes of hurricane evacuation clearance time:

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

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

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

126 residential dwelling units.

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

130 (I) Monroe County shall receive 539 permit allocations:

131 (A) All of which must be issued to vacant, buildable
132 parcels;

133 (B) Of which only 1 may be awarded to any individual
134 parcel; and

135 (C) Of which 377 shall be issued only for workforce
136 housing.

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

139 (A) All of which must be issued to vacant, buildable
140 parcels;

141 (B) Of which only 1 may be awarded to any individual
142 parcel; and

143 (C) Distribution of which must prioritize allocations for
144 owner-occupied residences, affordable housing, and workforce
145 housing.

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

148 (A) All of which must be issued to vacant, buildable
149 parcels.

150 (B) Of which only 1 may be awarded to any individual

151 parcel; and

152 (C) Distribution of which must prioritize allocations for
153 owner-occupied residences, affordable housing, and workforce
154 housing.

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

158 e. For purposes of this sub-subparagraph, the term
159 "workforce housing" means residential dwelling units restricted
160 for a period of at least 99 years to occupancy by households
161 that derive at least 70 percent of their household income from
162 gainful employment in Monroe County supplying goods or services
163 to Monroe County residents or visitors.

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