

HB 755

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A bill to be entitled
An act relating to areas of critical state concern;
amending s. 196.1978, F.S.; authorizing local
governments to adopt ordinances to provide an ad
valorem tax exemption for certain portions of property
used to provide affordable housing; specifying
requirements and limitations for the exemption;
amending s. 255.05, F.S.; providing an exemption from
specified payment and performance bond requirements
for specified entities; amending s. 259.105, F.S.;
extending specific Florida Forever appropriations to
be used for the purchase of lands in the Florida Keys
Area of Critical State Concern; providing an effective
date.

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

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

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26 following conditions:

27 1. Provide affordable housing to natural persons or
28 families meeting the income limitations provided in paragraph
29 (d).

30 2.a. Are within a newly constructed multifamily project
31 that contains more than 70 units dedicated to housing natural
32 persons or families meeting the income limitations provided in
33 paragraph (d); or

34 b. One or more units are located within a newly
35 ~~constructed multifamily project in an area of critical state~~
36 concern, as designated by s. 380.0552 or chapter 28-36, Florida
37 Administrative Code, and are which contains more than 10 units
38 dedicated to housing natural persons or families meeting the
39 income limitations provided in paragraph (d).

40 3. Are rented for an amount that does not exceed the
41 amount as specified by the most recent multifamily rental
42 programs income and rent limit chart posted by the corporation
43 and derived from the Multifamily Tax Subsidy Projects Income
44 Limits published by the United States Department of Housing and
45 Urban Development or 90 percent of the fair market value rent as
46 determined by a rental market study meeting the requirements of
47 paragraph (1), whichever is less.

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

50 255.05 Bond of contractor constructing public buildings;

51 form; action by claimants.—

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

65 (h) A person may be exempted from executing the payment
66 and performance bond required under this subsection if the
67 following conditions are met:

68 1. The work is done on property located within an area of
69 critical state concern which is subject to a long-term ground
70 lease of 99 years or more with Habitat for Humanity
71 International, Inc., or any of its local affiliates, at the
72 discretion of the official or board that owns the subject
73 underlying property in fee simple.

74 2. The leasehold interest created by the ground lease of
75 99 years or more is subject to any claims by claimants who are

76 lienors as defined in s. 713.01 and applicable lien provisions
77 in chapter 713. The underlying real property owned by the state,
78 or any county, city, or political subdivision thereof, or other
79 public authority is not subject to any lien rights created under
80 chapter 713.

81 **Section 3. Paragraph (b) of subsection (3) of section**
82 **259.105, Florida Statutes, is amended to read:**

83 259.105 The Florida Forever Act.—
84 (3) Less the costs of issuing and the costs of funding
85 reserve accounts and other costs associated with bonds, the
86 proceeds of cash payments or bonds issued pursuant to this
87 section shall be deposited into the Florida Forever Trust Fund
88 created by s. 259.1051. The proceeds shall be distributed by the
89 Department of Environmental Protection in the following manner:

90 (b) Thirty-five percent to the Department of Environmental
91 Protection for the acquisition of lands and capital project
92 expenditures described in this section. Of the proceeds
93 distributed pursuant to this paragraph, it is the intent of the
94 Legislature that an increased priority be given to those
95 acquisitions which achieve a combination of conservation goals,
96 including protecting Florida's water resources and natural
97 groundwater recharge. At a minimum, 3 percent, and no more than
98 10 percent, of the funds allocated pursuant to this paragraph
99 shall be spent on capital project expenditures identified during
100 the time of acquisition which meet land management planning

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101 activities necessary for public access. Beginning in the 2017-
102 2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~
103 fiscal year, at least \$5 million of the funds allocated pursuant
104 to this paragraph shall be spent on land acquisition within the
105 Florida Keys Area of Critical State Concern as authorized
106 pursuant to s. 259.045.

107 **Section 4.** This act shall take effect July 1, 2026.