

CS/HB 755

2026

A bill to be entitled
An act relating to areas of critical state concern;
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 (h) is added to subsection (1) of section 255.05, Florida Statutes, to read:

255.05 Bond of contractor constructing public buildings; 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

26 surety insurer authorized to do business in this state as
27 surety. A public entity may not require a contractor to secure a
28 surety bond under this section from a specific agent or bonding
29 company.

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

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

39 2. The leasehold interest created by the ground lease of
40 99 years or more is subject to any claims by claimants who are
41 lienors as defined in s. 713.01 and applicable lien provisions
42 in chapter 713. The underlying real property owned by the state,
43 or any county, city, or political subdivision thereof, or other
44 public authority is not subject to any lien rights created under
45 chapter 713.

46 **Section 2. Paragraph (b) of subsection (3) of section**
47 **259.105, Florida Statutes, is amended to read:**

48 259.105 The Florida Forever Act.—

49 (3) Less the costs of issuing and the costs of funding
50 reserve accounts and other costs associated with bonds, the

51 proceeds of cash payments or bonds issued pursuant to this
52 section shall be deposited into the Florida Forever Trust Fund
53 created by s. 259.1051. The proceeds shall be distributed by the
54 Department of Environmental Protection in the following manner:

55 (b) Thirty-five percent to the Department of Environmental
56 Protection for the acquisition of lands and capital project
57 expenditures described in this section. Of the proceeds
58 distributed pursuant to this paragraph, it is the intent of the
59 Legislature that an increased priority be given to those
60 acquisitions which achieve a combination of conservation goals,
61 including protecting Florida's water resources and natural
62 groundwater recharge. At a minimum, 3 percent, and no more than
63 10 percent, of the funds allocated pursuant to this paragraph
64 shall be spent on capital project expenditures identified during
65 the time of acquisition which meet land management planning
66 activities necessary for public access. Beginning in the 2017–
67 2018 fiscal year and continuing through the 2035–2036 ~~2026–2027~~
68 fiscal year, at least \$5 million of the funds allocated pursuant
69 to this paragraph shall be spent on land acquisition within the
70 Florida Keys Area of Critical State Concern as authorized
71 pursuant to s. 259.045.

72 **Section 3.** This act shall take effect July 1, 2026.