

**By** Senator Rodriguez

40-01209-26

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A bill to be entitled

An act relating to areas of critical state concern; amending s. 196.1978, F.S.; revising criteria for certain portions of property used to provide affordable housing to be eligible for an ad valorem tax exemption; amending s. 255.05, F.S.; providing an exemption from specified payment and performance bond requirements for specified entities under specified conditions; amending s. 259.105, F.S.; extending the time period specific Florida Forever appropriations must be spent on land acquisition 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 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

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30 that contains more than 70 units dedicated to housing natural  
31 persons or families meeting the income limitations provided in  
32 paragraph (d); or

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

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

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

49 255.05 Bond of contractor constructing public buildings;  
50 form; action by claimants.—

51 (1) A person entering into a formal contract with the state  
52 or any county, city, or political subdivision thereof, or other  
53 public authority or private entity, for the construction of a  
54 public building, for the prosecution and completion of a public  
55 work, or for repairs upon a public building or public work shall  
56 be required, before commencing the work or before recommencing  
57 the work after a default or abandonment, to execute and record  
58 in the public records of the county where the improvement is

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59 located, a payment and performance bond with a surety insurer  
60 authorized to do business in this state as surety. A public  
61 entity may not require a contractor to secure a surety bond  
62 under this section from a specific agent or bonding company.

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

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

72 2. The leasehold interest created by the ground lease of 99  
73 years or more is subject to any claims by claimants who are  
74 lienors as defined in s. 713.01 and applicable lien provisions  
75 in chapter 713. The underlying real property owned by the state,  
76 or any county, city, or political subdivision thereof, or other  
77 public authority is not subject to any lien rights created under  
78 chapter 713.

79 Section 3. Paragraph (b) of subsection (3) of section  
80 259.105, Florida Statutes, is amended to read:

81 259.105 The Florida Forever Act.—

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

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88       (b) Thirty-five percent to the Department of Environmental  
89 Protection for the acquisition of lands and capital project  
90 expenditures described in this section. Of the proceeds  
91 distributed pursuant to this paragraph, it is the intent of the  
92 Legislature that an increased priority be given to those  
93 acquisitions which achieve a combination of conservation goals,  
94 including protecting Florida's water resources and natural  
95 groundwater recharge. At a minimum, 3 percent, and no more than  
96 10 percent, of the funds allocated pursuant to this paragraph  
97 shall be spent on capital project expenditures identified during  
98 the time of acquisition which meet land management planning  
99 activities necessary for public access. Beginning in the 2017-  
100 2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~  
101 fiscal year, at least \$5 million of the funds allocated pursuant  
102 to this paragraph shall be spent on land acquisition within the  
103 Florida Keys Area of Critical State Concern as authorized  
104 pursuant to s. 259.045.

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