

By Senator Rodriguez

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

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

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

Section 2. 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

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

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

259.105 The Florida Forever Act.—

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

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(b) Thirty-five percent to the Department of Environmental Protection for the acquisition of lands and capital project expenditures described in this section. Of the proceeds distributed pursuant to this paragraph, it is the intent of the Legislature that an increased priority be given to those acquisitions which achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge. At a minimum, 3 percent, and no more than 10 percent, of the funds allocated pursuant to this paragraph shall be spent on capital project expenditures identified during the time of acquisition which meet land management planning 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 4. This act shall take effect July 1, 2026.