

By the Committee on Community Affairs; and Senator Rodriguez

578-02728-26

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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 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 (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 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

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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 2. 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:

(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

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59 acquisitions which achieve a combination of conservation goals,  
60 including protecting Florida's water resources and natural  
61 groundwater recharge. At a minimum, 3 percent, and no more than  
62 10 percent, of the funds allocated pursuant to this paragraph  
63 shall be spent on capital project expenditures identified during  
64 the time of acquisition which meet land management planning  
65 activities necessary for public access. Beginning in the 2017-  
66 2018 fiscal year and continuing through the 2035-2036 ~~2026-2027~~  
67 fiscal year, at least \$5 million of the funds allocated pursuant  
68 to this paragraph shall be spent on land acquisition within the  
69 Florida Keys Area of Critical State Concern as authorized  
70 pursuant to s. 259.045.

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