

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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30 performance bond required under this subsection if the following
31 conditions are met:

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

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

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

47 259.105 The Florida Forever Act.—

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

54 (b) Thirty-five percent to the Department of Environmental
55 Protection for the acquisition of lands and capital project
56 expenditures described in this section. Of the proceeds
57 distributed pursuant to this paragraph, it is the intent of the
58 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.