

1 A bill to be entitled
2 An act relating to hurricane damage mitigation;
3 amending s. 215.5586, F.S.; redesignating the
4 Florida Comprehensive Hurricane Damage
5 Mitigation Program as the "My Safe Florida Home
6 Program"; providing additional duties of the
7 Department of Financial Services; providing
8 additional legislative intent; revising
9 criteria and requirements for hurricane
10 mitigation inspections; requiring the
11 department to contract with certain entities to
12 provide hurricane mitigation inspections;
13 revising the requirements for such inspections;
14 providing for a hurricane resistance rating
15 scale as adopted by the Financial Services
16 Commission; revising the requirements for an
17 entity to be selected by the department to
18 perform inspections; providing requirements for
19 a homeowner with respect to applying for an
20 inspection; revising requirements for
21 mitigation grants; authorizing inspectors to
22 participate as contractors under certain
23 circumstances; limiting the purposes for which
24 a grant may be used; providing for priorities
25 of grants; requiring the department to develop
26 a grant applications verification and
27 collection process; requiring the department to
28 transfer certain appropriated funds to
29 Volunteer Florida Foundation, Inc., for certain
30 purposes; specifying duties of Volunteer
31 Florida Foundation, Inc.; authorizing the

1 department to undertake a statewide consumer
2 information campaign; requiring the advisory
3 council to advise and assist the department in
4 administering the program; expanding the
5 department's authorization to enhance financial
6 resource funding of the program; revising the
7 department's rulemaking authority; deleting
8 provisions authorizing the department to
9 contract with not-for-profit corporations;
10 requiring the department to maintain a list of
11 authorized hurricane mitigation inspectors;
12 authorizing the department to develop a
13 no-interest loan program; providing program
14 requirements and limitations; requiring the
15 department to pay certain creditors from funds
16 appropriated for the program; providing loan
17 eligibility criteria; authorizing the
18 department to set aside certain funds for
19 program purposes; requiring the department to
20 adopt rules; providing for public outreach for
21 contractors, real estate brokers, and licensed
22 sales associates; authorizing the department to
23 contract for grants management, inspection
24 services, education outreach, and auditing
25 services; providing additional legislative
26 intent; requiring the department to make annual
27 reports to the Legislature concerning the
28 program; providing report requirements;
29 amending s. 489.115, F.S.; including wind
30 mitigation methodologies under certain
31 continuing education requirements for

1 contractors; amending ss. 4, 39, and 42 of ch.
 2 2006-12, Laws of Florida; providing conforming
 3 changes to the redesignation of the Florida
 4 Comprehensive Hurricane Damage Mitigation
 5 Program; providing legislative intent;
 6 requiring the Office of Insurance Regulation,
 7 in consultation with the Department of
 8 Community Affairs and the Florida Building
 9 Commission, to conduct wind-loss mitigation
 10 studies; providing requirements for the
 11 studies; requiring reports to the Governor, the
 12 Legislature, the Chief Financial Officer, and
 13 the Commissioner of Insurance Regulation;
 14 creating s. 553.844, F.S.; providing
 15 legislative findings concerning the need to
 16 prevent property damage caused by hurricanes;
 17 requiring the Florida Building Commission to
 18 adopt amendments to the Florida Building Code,
 19 including requirements for certain buildings
 20 constructed before the implementation of the
 21 code; providing requirements for such
 22 amendments; providing requirements for
 23 buildings located in a wind-borne debris
 24 region; providing an effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Section 215.5586, Florida Statutes, is
 29 amended to read:

30 215.5586 My Safe Florida Home ~~Comprehensive Hurricane~~
 31 ~~Damage Mitigation~~ Program.--There is established within the

1 Department of Financial Services the My Safe Florida Home
2 ~~Comprehensive Hurricane Damage Mitigation~~ Program. The
3 department shall provide fiscal accountability, contract
4 management, and strategic leadership for the program,
5 consistent with this section. This section does not create an
6 entitlement for property owners or obligate the state in any
7 way to fund the inspection or retrofitting of residential
8 property in this state. Implementation of this program is
9 subject to annual legislative appropriations. It is the intent
10 of the Legislature that the My Safe Florida Home Program
11 provide inspections for at least 400,000 site-built,
12 single-family, residential properties and provide grants to at
13 least 35,000 applicants before June 30, 2009. ~~The program~~
14 ~~shall be administered by an individual with prior executive~~
15 ~~experience in the private sector in the areas of insurance,~~
16 ~~business, or construction.~~ The program shall develop and
17 implement a comprehensive and coordinated approach for
18 hurricane damage mitigation that shall include the following:
19 (1) ~~WIND CERTIFICATION AND HURRICANE MITIGATION~~
20 ~~INSPECTIONS.--~~
21 (a) Free home-retrofit inspections of site-built,
22 single-family, residential property, ~~including single family,~~
23 ~~two family, three family, or four family residential units,~~
24 shall be offered throughout the state to determine what
25 mitigation measures are needed, what insurance premium
26 discounts may be available, and what improvements to existing
27 residential properties are needed to reduce the property's
28 vulnerability to hurricane damage. The Department of Financial
29 Services shall contract with ~~establish a request for proposals~~
30 ~~to solicit proposals from~~ wind certification entities to
31 provide free ~~at no cost to homeowners wind certification and~~

1 hurricane mitigation inspections. The inspections provided to
2 homeowners, at a minimum, must include:

3 1. A home inspection and report that summarizes the
4 results and identifies recommended improvements ~~corrective~~
5 ~~actions~~ a homeowner may take to mitigate hurricane damage.

6 2. A range of cost estimates regarding the recommended
7 mitigation improvements ~~features~~.

8 3. Insurer-specific information regarding premium
9 discounts correlated to the current mitigation features and
10 the recommended mitigation improvements ~~features~~ identified by
11 the inspection.

12 4. A hurricane resistance rating scale specifying the
13 home's current as well as projected wind resistance
14 capabilities. As soon as practical, the rating scale must be
15 the uniform home grading scale adopted by the Financial
16 Services Commission pursuant to s. 40 of chapter 2007-1, Laws
17 of Florida.

18 (b) To qualify for selection by the department as a
19 ~~provider of~~ wind certification entity to provide ~~and~~ hurricane
20 mitigation inspections, the entity shall, at a minimum:

21 1. Use ~~wind certification and~~ hurricane mitigation
22 inspectors who:

23 a. Have prior experience in residential construction
24 or inspection and have received specialized training in
25 hurricane mitigation procedures. Such training may be provided
26 by a class offered online or in person.

27 b. Have undergone drug testing and level 2 background
28 checks pursuant to s. 435.04. The department is authorized to
29 conduct criminal record checks of inspectors used by wind
30 certification entities. Inspectors must submit a set of the
31 fingerprints to the department for state and national criminal

1 history checks and must pay the fingerprint processing fee set
2 forth in s. 624.501. The fingerprints shall be sent by the
3 department to the Department of Law Enforcement and forwarded
4 to the Federal Bureau of Investigation for processing. The
5 results shall be returned to the department for screening. The
6 fingerprints shall be taken by a law enforcement agency,
7 designated examination center, or other department-approved
8 entity. ~~Wind certification and~~ Hurricane mitigation inspectors
9 participating in the program on January 25, 2007, ~~the~~
10 ~~effective date of this act~~ shall have until June 1, 2007, to
11 meet the requirements for a criminal record check.

12 c. Have been certified, in a manner satisfactory to
13 the department, to conduct the inspections.

14 2. Provide a quality assurance program including a
15 reinspection component.

16 (e) An application for an inspection must contain a
17 signed or electronically verified statement made under penalty
18 of perjury that the applicant has submitted only a single
19 application for that home.

20 (f) The owner of a site-built, single-family,
21 residential property may apply for and receive an inspection
22 without also applying for a grant pursuant to subsection (2)
23 and without meeting the requirements of paragraph (2)(a).

24 (2) MITIGATION GRANTS.--Financial grants shall be used
25 to encourage single-family, site-built, owner-occupied,
26 residential property owners to retrofit their properties to
27 make them less vulnerable to hurricane damage.

28 (a) To be eligible for a grant for persons who have
29 obtained a completed inspection after May 1, 2007, a
30 residential property must:
31

1 1. Have been granted a homestead exemption under
2 chapter 196.

3 2. Be a dwelling with an insured value of \$300,000
4 ~~\$500,000~~ or less. Homeowners who are low-income persons, as
5 defined in s. 420.0004(10), are exempt from this requirement.

6 3. Have undergone an acceptable ~~wind certification and~~
7 hurricane mitigation inspection, ~~if the property is an~~
8 ~~existing structure.~~

9 4. Be located in the "wind-borne debris region" as
10 that term is defined in s. 1609.2, International Building Code
11 (2006).

12 5. Be a home for which the building permit application
13 for initial construction was made before March 1, 2002.

14
15 An application for a grant must contain a signed or
16 electronically verified statement made under penalty of
17 perjury that the applicant has submitted only a single
18 application and must have attached documents demonstrating the
19 applicant meets the requirements of this paragraph. A
20 ~~residential property which is part of a multifamily~~
21 ~~residential unit may receive a grant only if all homeowners~~
22 ~~participate and the total number of units does not exceed~~
23 ~~four.~~

24 (b) All grants must be matched on a dollar-for-dollar
25 basis for a total of \$10,000 for the actual cost of the
26 mitigation project with the state's contribution not to exceed
27 \$5,000.

28 (c) The program shall create a process in which
29 ~~mitigation~~ contractors agree to participate ~~and seek~~
30 ~~reimbursement from the state~~ and homeowners select from a list
31 of participating contractors. All mitigation must be based

1 upon the securing of all required local permits and
 2 inspections and must be performed by properly licensed
 3 contractors. Mitigation projects are subject to random
 4 reinspection of up to at least ~~5~~ 10 percent of all projects.
 5 Wind certification and hurricane mitigation inspectors
 6 qualifying for the program may also participate as mitigation
 7 contractors as long as the inspectors meet the department's
 8 qualifications and certification requirements for mitigation
 9 contractors.

10 (d) Matching fund grants shall also be made available
 11 to local governments and nonprofit entities for projects that
 12 will reduce hurricane damage to single-family, site-built,
 13 owner-occupied, residential property. The department shall
 14 liberally construe those requirements in favor of availing the
 15 state of the opportunity to leverage funding for the My Safe
 16 Florida Home Program with other sources of funding.

17 (e) When recommended by a hurricane mitigation
 18 inspection, grants may be used for the following improvements
 19 only:

- 20 ~~1. Roof deck attachment.~~
- 21 ~~2. Secondary water barrier.~~
- 22 ~~3. Roof covering.~~
- 23 ~~4. Brace gable ends.~~
- 24 ~~5. Reinforce roof to wall connections.~~
- 25 1.6. Opening protection.
- 26 2.7. Exterior doors, including garage doors.
- 27 3. Brace gable ends.

28
 29 The department may require that improvements be made to all
 30 openings, including exterior doors and garage doors, as a
 31 condition of approving an application for a grant if the

1 department determines that improvements to less than all
2 openings would not substantially improve the structure's
3 ability to withstand hurricane damage.

4 (f) Grants may be used on a previously inspected
5 existing structure or on a rebuild. A rebuild is defined as a
6 site-built, single-family dwelling under construction to
7 replace a home that was destroyed or significantly damaged by
8 a hurricane and deemed unlivable by a regulatory authority.
9 The homeowner must be a low-income homeowner as defined in
10 paragraph (g), must have had a homestead exemption for that
11 home prior to the hurricane, and must be intending to rebuild
12 the home as that homeowner's homestead and maintained the
13 homestead exemption.

14 (g) Low-income homeowners, as defined in s.
15 420.0004(10), who otherwise meet the requirements of
16 paragraphs (a), (c), (e), and (f) are eligible for a grant of
17 up to \$5,000 and are not required to provide a matching amount
18 to receive the grant. Additionally, for low-income homeowners,
19 grant funding may be used for repair to existing structures
20 leading to any of the mitigation improvements provided in
21 paragraph (e), limited to 20 percent of the grant value. The
22 program may accept a certification directly from a low-income
23 homeowner that the homeowner meets the requirements of s.
24 420.0004(10) if the homeowner provides such certification in a
25 signed or electronically verified statement made under penalty
26 of perjury.

27 (h) The department shall establish objective,
28 reasonable criteria for prioritizing grant applications,
29 consistent with the requirements of this section.

30 (i) The department shall develop a process that
31 ensures the most efficient means to collect and verify grant

1 applications to determine eligibility and may direct hurricane
2 mitigation inspectors to collect and verify grant application
3 information or use the Internet or other electronic means to
4 collect information and determine eligibility.

5 (j) The department shall transfer the amount of \$40
6 million from funds appropriated to the program, including up
7 to 5 percent for administrative costs, to Volunteer Florida
8 Foundation, Inc., for provision of inspections and grants to
9 low-income homeowners, as defined in s. 420.0004(10),
10 consistent with this section. Volunteer Florida Foundation,
11 Inc., shall be responsible for inspections and grants
12 management for low-income homeowners and shall report its
13 activities and account for state funds on a quarterly and
14 annual basis to the Chief Financial Officer, the President of
15 the Senate, and the Speaker of the House of Representatives.

16 (3) EDUCATION AND CONSUMER AWARENESS.--The department
17 may undertake a statewide multimedia public outreach and
18 advertising campaign to inform consumers of the availability
19 and benefits of hurricane inspections and of the safety and
20 financial benefits of residential hurricane damage mitigation.
21 The department may seek out and use local, state, federal, and
22 private funds to support the campaign. Multimedia public
23 education, awareness, and advertising efforts designed to
24 specifically address mitigation techniques shall be employed,
25 as well as a component to support ongoing consumer resources
26 and referral services.

27 (4) ADVISORY COUNCIL.--There is created an advisory
28 council to provide advice and assistance to the department
29 regarding program administrator with regard to his or her
30 administration of the program. The advisory council shall
31 consist of:

1 (a) A representative of lending institutions, selected
2 by the Financial Services Commission from a list of at least
3 three persons recommended by the Florida Bankers Association.

4 (b) A representative of residential property insurers,
5 selected by the Financial Services Commission from a list of
6 at least three persons recommended by the Florida Insurance
7 Council.

8 (c) A representative of home builders, selected by the
9 Financial Services Commission from a list of at least three
10 persons recommended by the Florida Home Builders Association.

11 (d) A faculty member of a state university, selected
12 by the Financial Services Commission, who is an expert in
13 hurricane-resistant construction methodologies and materials.

14 (e) Two members of the House of Representatives,
15 selected by the Speaker of the House of Representatives.

16 (f) Two members of the Senate, selected by the
17 President of the Senate.

18 (g) The Chief Executive Officer of the Federal
19 Alliance for Safe Homes, Inc., or his or her designee.

20 (h) The senior officer of the Florida Hurricane
21 Catastrophe Fund.

22 (i) The executive director of Citizens Property
23 Insurance Corporation.

24 (j) The director of the Division of Emergency
25 Management of the Department of Community Affairs.

26
27 Members appointed under paragraphs (a)-(d) shall serve at the
28 pleasure of the Financial Services Commission. Members
29 appointed under paragraphs (e) and (f) shall serve at the
30 pleasure of the appointing officer. All other members shall
31 serve voting ex officio. Members of the advisory council shall

1 serve without compensation but may receive reimbursement as
2 provided in s. 112.061 for per diem and travel expenses
3 incurred in the performance of their official duties.

4 (5) ~~FEDERAL~~ FUNDING.--The department may seek out and
5 leverage local, state, federal, or private funds to enhance
6 ~~shall use its best efforts to obtain grants or funds from the~~
7 ~~federal government to supplement~~ the financial resources of
8 the program.

9 (6) RULES.--The Department of Financial Services shall
10 adopt rules pursuant to ss. 120.536(1) and 120.54 to govern
11 ~~governing the Florida Comprehensive Hurricane Damage~~
12 ~~Mitigation~~ program, implement the provisions of this section,
13 including rules governing hurricane mitigation inspections,
14 mitigation contractors, and training of inspectors and
15 contractors, and carry out the duties of the department under
16 this section. ~~The department shall also adopt rules~~
17 ~~establishing priorities for grants provided under this section~~
18 ~~based on objective criteria that gives priority to reducing~~
19 ~~the state's probable maximum loss from hurricanes. However,~~
20 ~~pursuant to this overall goal, the department may further~~
21 ~~establish priorities based on the insured value of the~~
22 ~~dwelling, whether or not the dwelling is insured by Citizens~~
23 ~~Property Insurance Corporation and whether or not the area~~
24 ~~under consideration has sufficient resources and the ability~~
25 ~~to perform the retrofitting required.~~

26 ~~(7) CONTRACTS WITH NOT FOR PROFIT CORPORATIONS.~~ ~~The~~
27 ~~Department of Financial Services is authorized to contract~~
28 ~~with not for profit corporations to conduct all or portions of~~
29 ~~the program and to increase the awareness of the benefits of~~
30 ~~mitigation among homeowners in this state. The department~~
31 ~~shall consider the not for profit corporation's ability to~~

1 ~~raise funds from the private sector to provide for mitigation~~
2 ~~grants, as well as administrative capabilities for conducting~~
3 ~~other business related to the program.~~

4 ~~(7)(8) WIND CERTIFICATION AND HURRICANE MITIGATION~~
5 INSPECTOR LIST.--The department shall develop and maintain as
6 a public record a current list of ~~wind certification and~~
7 hurricane mitigation inspectors authorized to conduct ~~wind~~
8 ~~certification and~~ hurricane mitigation inspections pursuant to
9 this section.

10 (8) NO-INTEREST LOANS.--The department may develop a
11 no-interest loan program by December 31, 2007, to encourage
12 the private sector to provide loans to owners of site-built,
13 single-family, residential property to pay for mitigation
14 measures listed in subsection (2). A loan eligible for
15 interest payments pursuant to this subsection may be for a
16 term of up to 3 years and cover up to \$5,000 in mitigation
17 measures. The department shall pay the creditor the market
18 rate of interest using funds appropriated for the My Safe
19 Florida Home program. In no case shall the department pay more
20 than the interest rate set by s. 687.03. To be eligible for a
21 loan, a loan applicant must first obtain a home inspection and
22 report that specifies what improvements are needed to reduce
23 the property's vulnerability to windstorm damage pursuant to
24 this section and meet loan underwriting requirements set by
25 the lender. The department may set aside up to \$10 million
26 from funds appropriated for the My Safe Florida Home program
27 to implement this subsection. The department shall adopt rules
28 pursuant to ss. 120.36(1) and 120.54 to implement this
29 subsection which may include eligibility criteria.

30 (9) PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE
31 BROKERS AND SALES ASSOCIATES.--The program shall develop

1 brochures for distribution to general contractors, roofing
2 contractors, and real estate brokers and sales associates
3 licensed under part I of chapter 475 explaining the benefits
4 to homeowners of residential hurricane damage mitigation. The
5 program shall encourage contractors to distribute the
6 brochures to homeowners at the first meeting with a homeowner
7 who is considering contracting for home or roof repairs or
8 contracting for the construction of a new home. The program
9 shall encourage real estate brokers and sales associates
10 licensed under part I of chapter 475 to distribute the
11 brochures to clients prior to the purchase of a home. The
12 brochures may be made available electronically.

13 (10) CONTRACT MANAGEMENT.--The department may contract
14 with third parties for grants management, inspection services,
15 educational outreach, and auditing services. Such contracts
16 shall be considered direct costs of the program and shall not
17 be subject to administrative cost limits, but contracts valued
18 at \$500,000 or more shall be subject to review and approval by
19 the Legislative Budget Commission. The department shall
20 contract with providers that have a demonstrated record of
21 successful business operations in areas directly related to
22 the services to be provided and shall ensure the highest
23 accountability for use of state funds, consistent with this
24 section.

25 (11) INTENT.--It is the intent of the Legislature that
26 grants made to residential property owners under this section
27 shall be considered disaster-relief assistance within the
28 meaning of s. 139 of the Internal Revenue Code of 1986, as
29 amended.

30 (12) REPORTS.--The department shall make an annual
31 report on the activities of the program that shall account for

1 the use of state funds and indicate the number of inspections
2 requested, the number of inspections performed, the number of
3 grant applications received, and the number and value of
4 grants approved. The report shall be delivered to the
5 President of the Senate and the Speaker of the House of
6 Representatives by February 1 of each year.

7 Section 2. Paragraph (b) of subsection (4) of section
8 489.115, Florida Statutes, is amended to read:

9 489.115 Certification and registration; endorsement;
10 reciprocity; renewals; continuing education.--

11 (4)

12 (b)1. Each certificateholder or registrant shall
13 provide proof, in a form established by rule of the board,
14 that the certificateholder or registrant has completed at
15 least 14 classroom hours of at least 50 minutes each of
16 continuing education courses during each biennium since the
17 issuance or renewal of the certificate or registration. The
18 board shall establish by rule that a portion of the required
19 14 hours must deal with the subject of workers' compensation,
20 business practices, ~~and~~ workplace safety, and, for applicable
21 licensure categories, wind mitigation methodologies. The board
22 shall by rule establish criteria for the approval of
23 continuing education courses and providers, including
24 requirements relating to the content of courses and standards
25 for approval of providers, and may by rule establish criteria
26 for accepting alternative nonclassroom continuing education on
27 an hour-for-hour basis. The board shall prescribe by rule the
28 continuing education, if any, which is required during the
29 first biennium of initial licensure. A person who has been
30 licensed for less than an entire biennium must not be required
31 to complete the full 14 hours of continuing education.

1 2. In addition, the board may approve specialized
2 continuing education courses on compliance with the wind
3 resistance provisions for one and two family dwellings
4 contained in the Florida Building Code and any alternate
5 methodologies for providing such wind resistance which have
6 been approved for use by the Florida Building Commission.
7 Division I certificateholders or registrants who demonstrate
8 proficiency upon completion of such specialized courses may
9 certify plans and specifications for one and two family
10 dwellings to be in compliance with the code or alternate
11 methodologies, as appropriate, except for dwellings located in
12 floodways or coastal hazard areas as defined in ss. 60.3D and
13 E of the National Flood Insurance Program.

14 3. Each certificateholder or registrant shall provide
15 to the board proof of completion of the core curriculum
16 courses, or passing the equivalency test of the Building Code
17 Training Program established under s. 553.841, specific to the
18 licensing category sought, within 2 years after commencement
19 of the program or of initial certification or registration,
20 whichever is later. Classroom hours spent taking core
21 curriculum courses shall count toward the number required for
22 renewal of certificates or registration. A certificateholder
23 or registrant who passes the equivalency test in lieu of
24 taking the core curriculum courses shall receive full credit
25 for core curriculum course hours.

26 4. The board shall require, by rule adopted pursuant
27 to ss. 120.536(1) and 120.54, a specified number of hours in
28 specialized or advanced module courses, approved by the
29 Florida Building Commission, on any portion of the Florida
30 Building Code, adopted pursuant to part VII of chapter 553,
31 relating to the contractor's respective discipline.

1 Section 3. Sections 4, 39, and 42 of chapter 2006-12,
2 Laws of Florida, are amended to read:

3 Section 4. Of the funds appropriated for the My Safe
4 Florida Home ~~Comprehensive Hurricane Damage Mitigation~~ Program
5 specified in s. 215.5586, Florida Statutes, as created by this
6 act, \$7.5 million shall be for the Manufactured Housing and
7 Mobile Home Mitigation and Enhancement Program specified in s.
8 215.559(4)(b), Florida Statutes, as created by this act. The
9 Department of Financial Services shall use these funds to
10 contract with Tallahassee Community College to implement the
11 Manufactured Housing and Mobile Home Mitigation and
12 Enhancement Program.

13 Section 39. (1) The Office of Insurance Regulation,
14 in consultation with the Department of Community Affairs, the
15 Department of Financial Services, the Federal Alliance for
16 Safe Homes, the Florida Insurance Council, the Florida Home
17 Builders Association, the Florida Manufactured Housing
18 Association, the Risk and Insurance Department of Florida
19 State University, and the Institute for Business and Homes
20 Safety, shall study and develop a program that will provide an
21 objective rating system that will allow homeowners to evaluate
22 the relative ability of Florida properties to withstand the
23 wind load from a sustained severe tropical storm or hurricane.

24 (2) The rating system will be designed in a manner
25 that is easy to understand for the property owner, based on
26 proven readily verifiable mitigation techniques and devices,
27 and able to be implemented based on a visual inspection
28 program. The Department of Financial Services shall implement
29 a pilot program for use in the My Safe Florida Home
30 ~~Comprehensive Hurricane Damage Mitigation~~ Program.

31

1 (3) The Department shall provide a report to the
2 Governor, the President of the Senate, and the Speaker of the
3 House of Representatives by March 31, 2007, detailing the
4 nature and construction of the rating scale, its effectiveness
5 based on implementation in a pilot program, and an operational
6 plan for statewide implementation of the rating scale.

7 Section 42. (1) For the 2006-2007 fiscal year, the
8 sum of \$250 million is appropriated on a nonrecurring basis
9 from the General Revenue Fund to the Insurance Regulatory
10 Trust Fund in the Department of Financial Services for
11 purposes of the My Safe Florida Home ~~Comprehensive Hurricane~~
12 ~~Damage Mitigation~~ Program specified in s. 215.5586, Florida
13 Statutes, as created by this act. The department shall
14 establish a separate account within the trust fund for
15 accounting purposes.

16 (2) The sum of \$250 million is appropriated from the
17 Insurance Regulatory Trust Fund in the Department of Financial
18 Services for the purposes set forth in subsection (1). The
19 department may expend up to 1 percent of the funds
20 appropriated to administer the program. Beginning October 15,
21 2007, and quarterly thereafter, the Chief Financial Officer
22 shall provide a report to the Executive Office of the Governor
23 and the chair and vice chair of the Legislative Budget
24 Commission containing information regarding expenditures made
25 for the purposes set forth in subsection (1).

26 (3) Notwithstanding the provisions of s. 216.301,
27 Florida Statutes, to the contrary, the unexpended balance of
28 appropriations authorized in subsections (1) and (2) shall not
29 revert until June 30, 2009.

30 Section 4. It is the intent of the Legislature that
31 scientifically valid and actuarially sound windstorm

1 mitigation rate factors, premium discounts, and differentials
2 be provided to residential and commercial property insurance
3 policyholders. In order to ensure the validity of such
4 factors, the Office of Insurance Regulation, in consultation
5 with the Department of Community Affairs and the Florida
6 Building Commission, shall conduct or cause to be conducted
7 one or more wind-loss mitigation studies, subject to
8 appropriation of funds by the Legislature for this purpose.
9 The studies shall evaluate the windstorm loss relativities for
10 construction features, including, but not limited to, those
11 that enhance roof strength, roof-covering performance,
12 roof-to-wall strength, wall-to-floor-to-foundation strength,
13 opening protections, and window, door, and skylight strength.
14 The studies shall include residential property, including
15 single-family and multifamily homes, mobile homes, and
16 condominiums, and commercial nonresidential property. The
17 studies shall include, but need not be limited to, an analysis
18 of loss data from the 2004 and 2005 hurricanes. The findings
19 of the studies shall be reported to the Governor, the
20 President of the Senate, the Speaker of the House of
21 Representatives, the Chief Financial Officer, and the
22 Commissioner of Insurance Regulation by January 1, 2008, for
23 the studies related to residential property, and by March 1,
24 2008, for the studies related to commercial nonresidential
25 property.

26 Section 5. Section 553.844, Florida Statutes, is
27 created to read:

28 553.844 Windstorm loss mitigation; requirements for
29 roofs and opening protection.--

30 (1) The Legislature finds that:

31

1 (a) The effects of recent hurricanes on the state have
2 demonstrated the effectiveness of the Florida Building Code in
3 reducing property damage to buildings constructed in
4 accordance with its requirements, and have also exposed a
5 vulnerability of some construction undertaken prior to
6 implementation of the Florida Building Code.

7 (b) Hurricanes represent a continuing threat to the
8 health, safety, and welfare of the residents of this state due
9 to the direct destructive effects of hurricanes as well as
10 their effects on windstorm insurance rates.

11 (c) The mitigation of property damage constitutes a
12 valid and recognized objective of the Florida Building Code.

13 (d) Cost-effective techniques for integrating proven
14 methods of the Florida Building Code into buildings built
15 prior to its implementation benefit all residents of the state
16 as a whole.

17 (2) The Florida Building Commission shall:

18 (a) Analyze the extent to which a proposed Florida
19 Building Code provision will mitigate property damage to
20 buildings and their contents in evaluating that proposal. If
21 the nature of the proposed Florida Building Code provision
22 relates only to mitigation of property damage and not to a
23 life safety concern, the proposal shall be reviewed based on
24 its measurable benefits in relation to the costs imposed.

25 (b) Develop and adopt within the Florida Building Code
26 a means to incorporate recognized mitigation techniques for
27 site-built, single-family residential structures constructed
28 prior to the implementation of the Florida Building Code,
29 including, but not limited to:

30 1. Prescriptive techniques for the installation of
31 gable-end bracing;

1 2. Secondary water barriers for roofs and standards
2 relating to secondary water barriers. The criteria may
3 include, but need not be limited to, roof shape, slope, and
4 composition of all elements of the roof system;

5 3. Prescriptive techniques for improvement of
6 roof-to-wall connections. The Legislature recognizes that the
7 cost of retrofitting existing buildings to meet the code
8 requirements for new construction in this regard may exceed
9 the practical benefit to be attained. The Legislature intends
10 for the commission to provide for the integration of
11 alternate, lower-cost means that may be employed to retrofit
12 existing buildings that are not otherwise required to comply
13 with the requirements of the Florida Building Code for new
14 construction so that the cost of such improvements does not
15 exceed approximately 15 percent of the cost of reroofing;

16 4. Strengthening or correcting roof-decking
17 attachments and fasteners during reroofing; and

18 5. Adding or strengthening opening protections.

19 (3) The Legislature finds that the integration of
20 these specifically identified mitigation measures is critical
21 to addressing the serious problem facing the state from damage
22 caused by windstorms and that delay in the adoption and
23 implementation constitutes a threat to the health, safety, and
24 welfare of the state. Accordingly, the Florida Building
25 Commission shall develop and adopt these measures by October
26 1, 2007, by rule separate from the Florida Building Code,
27 which take immediate effect and shall incorporate such
28 requirements into the next edition of the Florida Building
29 Code. Such rules shall require or otherwise clarify that for
30 site-built, single-family residential structures:

31

1 (a) A roof replacement must incorporate the techniques
2 specified in subparagraphs (2)(b)2. and 4.
3 (b) For a building that is located in the wind-borne
4 debris region as defined in s. 1609.2 of the International
5 Building Code (2006) and that has an insured value of \$300,000
6 or more or, if the building is uninsured or for which
7 documentation of insured value is not presented, has a just
8 valuation for the structure of \$300,000 or more for purposes
9 of ad valorem taxation of \$300,000 or more, a roof replacement
10 must incorporate the techniques specified in subparagraph
11 (2)(b)3.

12 Section 6. This act shall take effect upon becoming a
13 law.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31