

By the Committee on Banking and Insurance; and Senators Justice,
Rich and Gaetz

597-04440-08

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1 A bill to be entitled

2 An act relating to the My Safe Florida Home Program;
3 amending s. 215.5586, F.S.; requiring that wind
4 certification entities meet certain minimum criteria to
5 qualify for selection by the Department of Financial
6 Services; deleting a provision requiring hurricane
7 mitigation inspectors participating in the program to meet
8 the requirements for a criminal record check by a
9 specified date; authorizing the department to require that
10 improvements be made to all openings of a structure,
11 including exterior doors and garage doors, as a condition
12 of reimbursing a homeowner for a grant; authorizing the
13 department to contract with third parties for contractor
14 services and technology; amending s. 627.711, F.S.;
15 requiring insurers to accept as valid certain uniform
16 inspection forms; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (1), paragraph (e) of subsection (2),
21 and subsection (10) of section 215.5586, Florida Statutes, are
22 amended to read:

23 215.5586 My Safe Florida Home Program.--There is
24 established within the Department of Financial Services the My
25 Safe Florida Home Program. The department shall provide fiscal
26 accountability, contract management, and strategic leadership for
27 the program, consistent with this section. This section does not
28 create an entitlement for property owners or obligate the state
29 in any way to fund the inspection or retrofitting of residential

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30 | property in this state. Implementation of this program is subject
31 | to annual legislative appropriations. It is the intent of the
32 | Legislature that the My Safe Florida Home Program provide
33 | inspections for at least 400,000 site-built, single-family,
34 | residential properties and provide grants to at least 35,000
35 | applicants before June 30, 2009. The program shall develop and
36 | implement a comprehensive and coordinated approach for hurricane
37 | damage mitigation that shall include the following:

38 | (1) HURRICANE MITIGATION INSPECTIONS.--

39 | (a) Free home-retrofit inspections of site-built, single-
40 | family, residential property shall be offered throughout the
41 | state to determine what mitigation measures are needed, what
42 | insurance premium discounts may be available, and what
43 | improvements to existing residential properties are needed to
44 | reduce the property's vulnerability to hurricane damage. The
45 | Department of Financial Services shall contract with wind
46 | certification entities to provide free hurricane mitigation
47 | inspections. The inspections provided to homeowners, at a
48 | minimum, must include:

49 | 1. A home inspection and report that summarizes the results
50 | and identifies recommended improvements a homeowner may take to
51 | mitigate hurricane damage.

52 | 2. A range of cost estimates regarding the recommended
53 | mitigation improvements.

54 | 3. Insurer-specific information regarding premium discounts
55 | correlated to the current mitigation features and the recommended
56 | mitigation improvements identified by the inspection.

57 | 4. A hurricane resistance rating scale specifying the
58 | home's current as well as projected wind resistance capabilities.

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59 | As soon as practical, the rating scale must be the uniform home
60 | grading scale adopted by the Financial Services Commission
61 | pursuant to s. 215.55865.

62 | (b) To qualify for selection by the department as a wind
63 | certification entity to provide hurricane mitigation inspections,
64 | the entity shall, at a minimum, meet the following requirements:

65 | 1. Use hurricane mitigation inspectors who:

66 | a. Are certified as a building inspector under s. 468.607;

67 | b. Are licensed as a general or residential contractor
68 | under s. 489.111;

69 | c. Are licensed as a professional engineer under s. 471.015
70 | and who have passed the appropriate equivalency test of the
71 | Building Code Training Program as required by s. 553.841;

72 | d. Are licensed as a professional architect under s.
73 | 481.213; or

74 | e.a. Have at least 2 years ~~prior~~ experience in residential
75 | construction or residential building inspection and have received
76 | specialized training in hurricane mitigation procedures. Such
77 | training may be provided by a class offered online or in person.

78 | 2. Use hurricane mitigation inspectors who also:

79 | a.b. Have undergone drug testing and level 2 background
80 | checks pursuant to s. 435.04. The department may ~~is authorized to~~
81 | conduct criminal record checks of inspectors used by wind
82 | certification entities. Inspectors must submit a set of the
83 | fingerprints to the department for state and national criminal
84 | history checks and must pay the fingerprint processing fee set
85 | forth in s. 624.501. The fingerprints shall be sent by the
86 | department to the Department of Law Enforcement and forwarded to
87 | the Federal Bureau of Investigation for processing. The results

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88 shall be returned to the department for screening. The
89 fingerprints shall be taken by a law enforcement agency,
90 designated examination center, or other department-approved
91 entity; ~~and. Hurricane mitigation inspectors participating in the~~
92 ~~program on January 25, 2007, shall have until June 1, 2007, to~~
93 ~~meet the requirements for a criminal record check.~~

94 ~~b.e.~~ Have been certified, in a manner satisfactory to the
95 department, to conduct the inspections.

96 ~~3.2.~~ Provide a quality assurance program including a
97 reinspection component.

98 (c) The department shall implement a quality assurance
99 program that includes a statistically valid number of
100 reinspections.

101 ~~(d)(e)~~ An application for an inspection must contain a
102 signed or electronically verified statement made under penalty of
103 perjury that the applicant has submitted only a single
104 application for that home.

105 ~~(e)(d)~~ The owner of a site-built, single-family,
106 residential property may apply for and receive an inspection
107 without also applying for a grant pursuant to subsection (2) and
108 without meeting the requirements of paragraph (2)(a).

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

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

- 115 1. Opening protection.
- 116 2. Exterior doors, including garage doors.

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117 3. Brace gable ends.
118

119 The department may require that improvements be made to all
120 openings, including exterior doors and garage doors, as a
121 condition of reimbursing a homeowner approved ~~approving an~~
122 ~~application~~ for a grant ~~if the department determines that~~
123 ~~improvements to less than all openings would not substantially~~
124 ~~improve the structure's ability to withstand hurricane damage.~~

125 (10) CONTRACT MANAGEMENT.--The department may contract with
126 third parties for grants management, inspection services,
127 contractor services for low-income homeowners, information
128 technology, educational outreach, and auditing services. Such
129 contracts shall be considered direct costs of the program and
130 shall not be subject to administrative cost limits, but contracts
131 valued at \$500,000 or more shall be subject to review and
132 approval by the Legislative Budget Commission. The department
133 shall contract with providers that have a demonstrated record of
134 successful business operations in areas directly related to the
135 services to be provided and shall ensure the highest
136 accountability for use of state funds, consistent with this
137 section.

138 Section 2. Subsection (2) of section 627.711, Florida
139 Statutes, is amended to read:

140 627.711 Notice of premium discounts for hurricane loss
141 mitigation; uniform mitigation verification inspection form.--

142 (2) By July 1, 2007, the Financial Services Commission
143 shall develop by rule a uniform mitigation verification
144 inspection form that shall be used by all insurers when factoring
145 discounts for wind insurance. In developing the form, the

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146 | commission shall seek input from insurance, construction, and
147 | building code representatives. Further, the commission shall
148 | provide guidance as to the length of time the inspection results
149 | are valid. An insurer shall accept as valid a uniform mitigation
150 | verification form signed by an approved My Safe Florida Home wind
151 | inspector or certified by the Department of Financial Services.

152 | Section 3. This act shall take effect July 1, 2008.