



542896

CHAMBER ACTION

Senate

House

Floor: 1/AD/3R
4/30/2008 1:33 PM

Floor: C
5/1/2008 9:35 PM

1 Senator Justice moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (1), paragraphs (e) and (j) of
7 subsection (2), and subsections (8) and (10) of section 215.5586,
8 Florida Statutes, are amended to read:

9 215.5586 My Safe Florida Home Program.--There is
10 established within the Department of Financial Services the My
11 Safe Florida Home Program. The department shall provide fiscal
12 accountability, contract management, and strategic leadership for
13 the program, consistent with this section. This section does not
14 create an entitlement for property owners or obligate the state
15 in any way to fund the inspection or retrofitting of residential
16 property in this state. Implementation of this program is subject
17 to annual legislative appropriations. It is the intent of the



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18 | Legislature that the My Safe Florida Home Program provide
19 | inspections for at least 400,000 site-built, single-family,
20 | residential properties and provide grants to at least 35,000
21 | applicants before June 30, 2009. The program shall develop and
22 | implement a comprehensive and coordinated approach for hurricane
23 | damage mitigation that shall include the following:

24 | (1) HURRICANE MITIGATION INSPECTIONS.--

25 | (a) Free home-retrofit inspections of site-built, single-
26 | family, residential property shall be offered throughout the
27 | state to determine what mitigation measures are needed, what
28 | insurance premium discounts may be available, and what
29 | improvements to existing residential properties are needed to
30 | reduce the property's vulnerability to hurricane damage. The
31 | Department of Financial Services shall contract with wind
32 | certification entities to provide free hurricane mitigation
33 | inspections. The inspections provided to homeowners, at a
34 | minimum, must include:

35 | 1. A home inspection and report that summarizes the results
36 | and identifies recommended improvements a homeowner may take to
37 | mitigate hurricane damage.

38 | 2. A range of cost estimates regarding the recommended
39 | mitigation improvements.

40 | 3. Insurer-specific information regarding premium discounts
41 | correlated to the current mitigation features and the recommended
42 | mitigation improvements identified by the inspection.

43 | 4. A hurricane resistance rating scale specifying the
44 | home's current as well as projected wind resistance capabilities.
45 | As soon as practical, the rating scale must be the uniform home
46 | grading scale adopted by the Financial Services Commission
47 | pursuant to s. 215.55865.



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

51 1. Use hurricane mitigation inspectors who:

52 a. Are certified as a building inspector under s. 468.607;

53 b. Are licensed as a general or residential contractor
54 under s. 489.111;

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

58 d. Are licensed as a professional architect under s.
59 481.213; or

60 e.a. Have at least 2 years of ~~prior~~ experience in
61 residential construction or residential building inspection and
62 have received specialized training in hurricane mitigation
63 procedures. Such training may be provided by a class offered
64 online or in person.

65 2. Use hurricane mitigation inspectors who also:

66 a.b. Have undergone drug testing and level 2 background
67 checks pursuant to s. 435.04. The department may ~~is authorized to~~
68 conduct criminal record checks of inspectors used by wind
69 certification entities. Inspectors must submit a set of the
70 fingerprints to the department for state and national criminal
71 history checks and must pay the fingerprint processing fee set
72 forth in s. 624.501. The fingerprints shall be sent by the
73 department to the Department of Law Enforcement and forwarded to
74 the Federal Bureau of Investigation for processing. The results
75 shall be returned to the department for screening. The
76 fingerprints shall be taken by a law enforcement agency,
77 designated examination center, or other department-approved



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78 ~~entity; and. Hurricane mitigation inspectors participating in the~~
79 ~~program on January 25, 2007, shall have until June 1, 2007, to~~
80 ~~meet the requirements for a criminal record check.~~

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

83 ~~3.2.~~ Provide a quality assurance program including a
84 reinspection component.

85 (c) The department shall implement a quality assurance
86 program that includes a statistically valid number of
87 reinspections.

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

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

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

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

- 102 1. Opening protection.
- 103 2. Exterior doors, including garage doors.
- 104 3. Brace gable ends.

105
106 The department may require that improvements be made to all
107 openings, including exterior doors and garage doors, as a



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108 condition of reimbursing a homeowner approved ~~approving an~~
109 ~~application for a grant if the department determines that~~
110 ~~improvements to less than all openings would not substantially~~
111 ~~improve the structure's ability to withstand hurricane damage.~~

112 ~~(j) The department shall transfer the amount of \$40 million~~
113 ~~from funds appropriated to the program, including up to 5 percent~~
114 ~~for administrative costs, to Volunteer Florida Foundation, Inc.,~~
115 ~~for provision of inspections and grants to low-income homeowners,~~
116 ~~as defined in s. 420.0004(10), consistent with this section.~~
117 ~~Volunteer Florida Foundation, Inc., shall be responsible for~~
118 ~~inspections and grants management for low-income homeowners and~~
119 ~~shall report its activities and account for state funds on a~~
120 ~~quarterly and annual basis to the Chief Financial Officer, the~~
121 ~~President of the Senate, and the Speaker of the House of~~
122 ~~Representatives.~~

123 (8) NO-INTEREST LOANS.--The department shall implement ~~may~~
124 ~~develop~~ a no-interest loan program by October 1, 2008, contingent
125 upon the selection of a qualified vendor and execution of a
126 contract acceptable to the department and the vendor. The
127 department shall enter into partnerships with ~~December 31, 2007,~~
128 ~~to encourage~~ the private sector to provide loans to owners of
129 site-built, single-family, residential property to pay for
130 mitigation measures listed in subsection (2). A loan eligible for
131 interest payments pursuant to this subsection may be for a term
132 of up to 3 years and cover up to \$5,000 in mitigation measures.
133 The department shall pay the creditor the market rate of interest
134 using funds appropriated for the My Safe Florida Home Program. In
135 no case shall the department pay more than the interest rate set
136 by s. 687.03. To be eligible for a loan, a loan applicant must
137 first obtain a home inspection and report that specifies what



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138 improvements are needed to reduce the property's vulnerability to
139 windstorm damage pursuant to this section and meet loan
140 underwriting requirements set by the lender. The department shall
141 ~~may~~ set aside ~~up to~~ \$10 million from funds appropriated for the
142 My Safe Florida Home Program to implement this subsection. The
143 department may ~~shall~~ adopt rules pursuant to ss. 120.536(1) and
144 120.54 to implement this subsection which may include eligibility
145 criteria.

146 (10) CONTRACT MANAGEMENT.--The department may contract with
147 third parties for grants management, inspection services,
148 contractor services for low-income homeowners, information
149 technology, educational outreach, and auditing services. Such
150 contracts shall be considered direct costs of the program and
151 shall not be subject to administrative cost limits, but contracts
152 valued at \$500,000 or more shall be subject to review and
153 approval by the Legislative Budget Commission. The department
154 shall contract with providers that have a demonstrated record of
155 successful business operations in areas directly related to the
156 services to be provided and shall ensure the highest
157 accountability for use of state funds, consistent with this
158 section.

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

161 627.711 Notice of premium discounts for hurricane loss
162 mitigation; uniform mitigation verification inspection form.--

163 (2) By July 1, 2007, the Financial Services Commission
164 shall develop by rule a uniform mitigation verification
165 inspection form that shall be used by all insurers when submitted
166 by policyholders for the purpose of factoring discounts for wind
167 insurance. In developing the form, the commission shall seek



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168 input from insurance, construction, and building code
169 representatives. Further, the commission shall provide guidance
170 as to the length of time the inspection results are valid. An
171 insurer shall accept as valid a uniform mitigation verification
172 form certified by the Department of Financial Services or signed
173 by:

174 (a) A hurricane mitigation inspector employed by an
175 approved My Safe Florida Home wind certification entity;

176 (b) A building code inspector certified under s. 468.607;

177 (c) A general or residential contractor licensed under s.
178 489.111;

179 (d) A professional engineer licensed under s. 471.015 who
180 has passed the appropriate equivalency test of the Building Code
181 training program as required by s. 553.841; or

182 (e) A professional architect licensed under s. 481.213.

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

184
185 ===== T I T L E A M E N D M E N T =====

186 And the title is amended as follows:

187 Delete everything before the enacting clause
188 and insert:

189 A bill to be entitled
190 An act relating to the My Safe Florida Home Program;
191 amending s. 215.5586, F.S.; requiring that wind
192 certification entities meet certain minimum criteria to
193 qualify for selection by the Department of Financial
194 Services; deleting a provision requiring hurricane
195 mitigation inspectors participating in the program to meet
196 the requirements for a criminal record check by a
197 specified date; authorizing the department to require that



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198 improvements be made to all openings of a structure,
199 including exterior doors and garage doors, as a condition
200 of reimbursing a homeowner for a grant; deleting a
201 provision authorizing the department to transfer certain
202 funds to Volunteer Florida Foundation, Inc., for certain
203 purposes; deleting a requirement that Volunteer Florida,
204 Inc., undertake certain activities; requiring the
205 department to implement a no-interest loan program by a
206 certain date; providing program requirements; requiring
207 the department to set aside certain moneys for certain
208 purposes; authorizing the department to adopt rules;
209 authorizing the department to contract with third parties
210 for contractor services and technology; amending s.
211 627.711, F.S.; requiring insurers to accept as valid
212 uniform mitigation verification forms certified by the
213 department or signed by certain professionals; providing
214 an effective date.