

By Senator Bennett

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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.; authorizing condominium  
 4           unit owners to apply for program grants to retrofit  
 5           their properties to make them less vulnerable to  
 6           hurricane damage; providing funding; providing  
 7           additional legislative intent; providing an effective  
 8           date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Section 215.5586, Florida Statutes, as amended  
 13 by chapter 2009-10, Laws of Florida, is amended to read:

14           215.5586 My Safe Florida Home Program.—There is established  
 15 within the Department of Financial Services the My Safe Florida  
 16 Home Program. The department shall provide fiscal  
 17 accountability, contract management, and strategic leadership  
 18 for the program, consistent with this section. This section does  
 19 not create an entitlement for property owners or obligate the  
 20 state in any way to fund the inspection or retrofitting of  
 21 residential property in this state. Implementation of this  
 22 program is subject to annual legislative appropriations. It is  
 23 the intent of the Legislature that the My Safe Florida Home  
 24 Program provide inspections for at least 400,000 site-built,  
 25 single-family, residential properties and provide grants to at  
 26 least 35,000 applicants before June 30, 2009. It is the intent  
 27 of the Legislature that the My Safe Florida Home Program provide  
 28 grants for as many condominium unit applicants as funding will  
 29 allow before June 30, 2011. The program shall develop and

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30 implement a comprehensive and coordinated approach for hurricane  
31 damage mitigation that shall include the following:

32 (1) HURRICANE MITIGATION INSPECTIONS.—

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

43 1. A home inspection and report that summarizes the results  
44 and identifies recommended improvements a homeowner may take to  
45 mitigate hurricane damage.

46 2. A range of cost estimates regarding the recommended  
47 mitigation improvements.

48 3. Insurer-specific information regarding premium discounts  
49 correlated to the current mitigation features and the  
50 recommended mitigation improvements identified by the  
51 inspection.

52 4. A hurricane resistance rating scale specifying the  
53 home's current as well as projected wind resistance  
54 capabilities. As soon as practical, the rating scale must be the  
55 uniform home grading scale adopted by the Financial Services  
56 Commission pursuant to s. 215.55865.

57 (b) To qualify for selection by the department as a wind  
58 certification entity to provide hurricane mitigation

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59 inspections, the entity shall, at a minimum, meet the following  
60 requirements:

61 1. Use hurricane mitigation inspectors who:

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

63 b. Are licensed as a general or residential contractor  
64 under s. 489.111;

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

68 d. Are licensed as a professional architect under s.  
69 481.213; or

70 e. Have at least 2 years of experience in residential  
71 construction or residential building inspection and have  
72 received specialized training in hurricane mitigation  
73 procedures. Such training may be provided by a class offered  
74 online or in person.

75 2. Use hurricane mitigation inspectors who also:

76 a. Have undergone drug testing and level 2 background  
77 checks pursuant to s. 435.04. The department may conduct  
78 criminal record checks of inspectors used by wind certification  
79 entities. Inspectors must submit a set of the fingerprints to  
80 the department for state and national criminal history checks  
81 and must pay the fingerprint processing fee set forth in s.  
82 624.501. The fingerprints shall be sent by the department to the  
83 Department of Law Enforcement and forwarded to the Federal  
84 Bureau of Investigation for processing. The results shall be  
85 returned to the department for screening. The fingerprints shall  
86 be taken by a law enforcement agency, designated examination  
87 center, or other department-approved entity; and

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88           b. Have been certified, in a manner satisfactory to the  
89 department, to conduct the inspections.

90           3. Provide a quality assurance program including a  
91 reinspection component.

92           (c) The department shall implement a quality assurance  
93 program that includes a statistically valid number of  
94 reinspections.

95           (d) An application for an inspection must contain a signed  
96 or electronically verified statement made under penalty of  
97 perjury that the applicant has submitted only a single  
98 application for that home.

99           (e) The owner of a site-built, single-family, residential  
100 property may apply for and receive an inspection without also  
101 applying for a grant pursuant to subsection (2) and without  
102 meeting the requirements of paragraph (2) (a).

103           (2) MITIGATION GRANTS.—Financial grants shall be used to  
104 encourage single-family, site-built, owner-occupied, residential  
105 property owners, and condominium unit owners as defined in s.  
106 718.103(28), to retrofit their properties to make them less  
107 vulnerable to hurricane damage.

108           (a) To be eligible for a grant for persons who have  
109 obtained a completed inspection after May 1, 2007, a residential  
110 property or condominium unit as defined in s. 718.103(27) must:

111           1. Have been granted a homestead exemption under chapter  
112 196.

113           2. Be a dwelling with an insured value of \$300,000 or less.  
114 Homeowners who are low-income persons, as defined in s.  
115 420.0004(10), are exempt from this requirement.

116           3. Have undergone an acceptable hurricane mitigation

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117 inspection.

118 4. Be located in the "wind-borne debris region" as that  
119 term is defined in s. 1609.2, International Building Code  
120 (2006).

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

123  
124 An application for a grant must contain a signed or  
125 electronically verified statement made under penalty of perjury  
126 that the applicant has submitted only a single application and  
127 must have attached documents demonstrating the applicant meets  
128 the requirements of this paragraph.

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

132 (c) The program shall create a process in which contractors  
133 agree to participate and homeowners select from a list of  
134 participating contractors. All mitigation must be based upon the  
135 securing of all required local permits and inspections and must  
136 be performed by properly licensed contractors. Mitigation  
137 projects are subject to random reinspection of up to at least 5  
138 percent of all projects. Hurricane mitigation inspectors  
139 qualifying for the program may also participate as mitigation  
140 contractors as long as the inspectors meet the department's  
141 qualifications and certification requirements for mitigation  
142 contractors.

143 (d) Matching fund grants shall also be made available to  
144 local governments and nonprofit entities for projects that will  
145 reduce hurricane damage to single-family, site-built, owner-

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146 occupied, residential property and to condominium units meeting  
147 the criteria described in paragraph (a). The department shall  
148 liberally construe those requirements in favor of availing the  
149 state of the opportunity to leverage funding for the My Safe  
150 Florida Home Program with other sources of funding.

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

- 153 1. Opening protection.
- 154 2. Exterior doors, including garage doors.
- 155 3. Brace gable ends.

156  
157 The department may require that improvements be made to all  
158 openings, including exterior doors and garage doors, as a  
159 condition of reimbursing a homeowner approved for a grant.

160 (f) Grants may be used on a previously inspected existing  
161 structure or on a rebuild. A rebuild is defined as a site-built,  
162 single-family dwelling under construction to replace a home that  
163 was destroyed or significantly damaged by a hurricane and deemed  
164 unlivable by a regulatory authority. The homeowner must be a  
165 low-income homeowner as defined in paragraph (g), must have had  
166 a homestead exemption for that home prior to the hurricane, and  
167 must be intending to rebuild the home as that homeowner's  
168 homestead.

169 (g) Low-income homeowners, as defined in s. 420.0004(10),  
170 who otherwise meet the requirements of paragraphs (a), (c), (e),  
171 and (f) are eligible for a grant of up to \$5,000 and are not  
172 required to provide a matching amount to receive the grant.  
173 Additionally, for low-income homeowners, grant funding may be  
174 used for repair to existing structures leading to any of the

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175 mitigation improvements provided in paragraph (e), limited to 20  
176 percent of the grant value. The program may accept a  
177 certification directly from a low-income homeowner that the  
178 homeowner meets the requirements of s. 420.0004(10) if the  
179 homeowner provides such certification in a signed or  
180 electronically verified statement made under penalty of perjury.

181 (h) The department shall establish objective, reasonable  
182 criteria for prioritizing grant applications, consistent with  
183 the requirements of this section.

184 (i) The department shall develop a process that ensures the  
185 most efficient means to collect and verify grant applications to  
186 determine eligibility and may direct hurricane mitigation  
187 inspectors to collect and verify grant application information  
188 or use the Internet or other electronic means to collect  
189 information and determine eligibility.

190 (3) EDUCATION AND CONSUMER AWARENESS.—The department may  
191 undertake a statewide multimedia public outreach and advertising  
192 campaign to inform consumers of the availability and benefits of  
193 hurricane inspections and of the safety and financial benefits  
194 of residential hurricane damage mitigation. The department may  
195 seek out and use local, state, federal, and private funds to  
196 support the campaign.

197 (4) ADVISORY COUNCIL.—There is created an advisory council  
198 to provide advice and assistance to the department regarding  
199 administration of the program. The advisory council shall  
200 consist of:

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

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204 (b) A representative of residential property insurers,  
205 selected by the Financial Services Commission from a list of at  
206 least three persons recommended by the Florida Insurance  
207 Council.

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

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

214 (e) Two members of the House of Representatives, selected  
215 by the Speaker of the House of Representatives.

216 (f) Two members of the Senate, selected by the President of  
217 the Senate.

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

220 (h) The senior officer of the Florida Hurricane Catastrophe  
221 Fund.

222 (i) The executive director of Citizens Property Insurance  
223 Corporation.

224 (j) The director of the Division of Emergency Management of  
225 the Department of Community Affairs.

226  
227 Members appointed under paragraphs (a)-(d) shall serve at the  
228 pleasure of the Financial Services Commission. Members appointed  
229 under paragraphs (e) and (f) shall serve at the pleasure of the  
230 appointing officer. All other members shall serve voting ex  
231 officio. Members of the advisory council shall serve without  
232 compensation but may receive reimbursement as provided in s.



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233 112.061 for per diem and travel expenses incurred in the  
234 performance of their official duties.

235 (5) FUNDING.—

236 (a) The department may seek out and leverage local, state,  
237 federal, or private funds to enhance the financial resources of  
238 the program.

239 (b) Funding, not to exceed \$10 million annually, shall be  
240 provided from the Division of Florida Condominiums, Timeshares,  
241 and Mobile Homes Trust Fund for grants for the retrofitting of  
242 condominium units meeting the criteria described in paragraph  
243 (2) (a).

244 (6) RULES.—The Department of Financial Services shall adopt  
245 rules pursuant to ss. 120.536(1) and 120.54 to govern the  
246 program; implement the provisions of this section; including  
247 rules governing hurricane mitigation inspections, mitigation  
248 contractors, and training of inspectors and contractors; and  
249 carry out the duties of the department under this section.

250 (7) HURRICANE MITIGATION INSPECTOR LIST.—The department  
251 shall develop and maintain as a public record a current list of  
252 hurricane mitigation inspectors authorized to conduct hurricane  
253 mitigation inspections pursuant to this section.

254 (8) NO-INTEREST LOANS.—The department shall implement a no-  
255 interest loan program by October 1, 2008, contingent upon the  
256 selection of a qualified vendor and execution of a contract  
257 acceptable to the department and the vendor. The department  
258 shall enter into partnerships with the private sector to provide  
259 loans to owners of site-built, single-family, residential  
260 property to pay for mitigation measures listed in subsection  
261 (2). A loan eligible for interest payments pursuant to this

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262 subsection may be for a term of up to 3 years and cover up to  
263 \$5,000 in mitigation measures. The department shall pay the  
264 creditor the market rate of interest using funds appropriated  
265 for the My Safe Florida Home Program. In no case shall the  
266 department pay more than the interest rate set by s. 687.03. To  
267 be eligible for a loan, a loan applicant must first obtain a  
268 home inspection and report that specifies what improvements are  
269 needed to reduce the property's vulnerability to windstorm  
270 damage pursuant to this section and meet loan underwriting  
271 requirements set by the lender. The department may adopt rules  
272 pursuant to ss. 120.536(1) and 120.54 to implement this  
273 subsection which may include eligibility criteria.

274 (9) PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS  
275 AND SALES ASSOCIATES.—The program shall develop brochures for  
276 distribution to general contractors, roofing contractors, and  
277 real estate brokers and sales associates licensed under part I  
278 of chapter 475 explaining the benefits to homeowners of  
279 residential hurricane damage mitigation. The program shall  
280 encourage contractors to distribute the brochures to homeowners  
281 at the first meeting with a homeowner who is considering  
282 contracting for home or roof repairs or contracting for the  
283 construction of a new home. The program shall encourage real  
284 estate brokers and sales associates licensed under part I of  
285 chapter 475 to distribute the brochures to clients prior to the  
286 purchase of a home. The brochures may be made available  
287 electronically.

288 (10) CONTRACT MANAGEMENT.—The department may contract with  
289 third parties for grants management, inspection services,  
290 contractor services for low-income homeowners, information

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291 technology, educational outreach, and auditing services. Such  
292 contracts shall be considered direct costs of the program and  
293 shall not be subject to administrative cost limits, but  
294 contracts valued at \$500,000 or more shall be subject to review  
295 and approval by the Legislative Budget Commission. The  
296 department shall contract with providers that have a  
297 demonstrated record of successful business operations in areas  
298 directly related to the services to be provided and shall ensure  
299 the highest accountability for use of state funds, consistent  
300 with this section.

301 (11) INTENT.—It is the intent of the Legislature that  
302 grants made to residential property and condominium unit owners  
303 under this section shall be considered disaster-relief  
304 assistance within the meaning of s. 139 of the Internal Revenue  
305 Code of 1986, as amended.

306 (12) REPORTS.—The department shall make an annual report on  
307 the activities of the program that shall account for the use of  
308 state funds and indicate the number of inspections requested,  
309 the number of inspections performed, the number of grant  
310 applications received, and the number and value of grants  
311 approved. The report shall be delivered to the President of the  
312 Senate and the Speaker of the House of Representatives by  
313 February 1 of each year.

314 Section 2. This act shall take effect July 1, 2009.