



385014

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2009	.	
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The Policy and Steering Committee on Ways and Means (Justice) recommended the following:

Senate Amendment (with title amendment)

Between lines 602 and 603
insert:

Section 2. Section 215.5586, Florida Statutes, as amended by section 1 of chapter 2009-10, Laws of Florida, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal



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12 accountability, contract management, and strategic leadership
13 for the program, consistent with this section. This section does
14 not create an entitlement for property owners or obligate the
15 state in any way to fund the inspection or retrofitting of
16 residential property in this state. Implementation of this
17 program is subject to annual legislative appropriations. It is
18 the intent of the Legislature that the My Safe Florida Home
19 Program provide trained and certified inspectors to perform
20 inspections for owners of ~~for at least 400,000~~ site-built,
21 single-family, residential properties and ~~provide~~ grants to
22 eligible ~~at least 35,000~~ applicants as funding allows ~~before~~
23 ~~June 30, 2009~~. The program shall develop and implement a
24 comprehensive and coordinated approach for hurricane damage
25 mitigation that may ~~shall~~ include the following:

26 (1) HURRICANE MITIGATION INSPECTIONS.

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

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

40 2. A range of cost estimates regarding the recommended



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41 mitigation improvements.

42 3. Insurer-specific information regarding premium discounts
43 correlated to the current mitigation features and the
44 recommended mitigation improvements identified by the
45 inspection.

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

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

55 1. Use hurricane mitigation inspectors who:

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

57 b. Are licensed as a general or residential contractor
58 under s. 489.111;

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

62 d. Are licensed as a professional architect under s.
63 481.213; or

64 e. Have at least 2 years of experience in residential
65 construction or residential building inspection and have
66 received specialized training in hurricane mitigation
67 procedures. Such training may be provided by a class offered
68 online or in person.

69 2. Use hurricane mitigation inspectors who also:



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

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

84 3. Provide a quality assurance program including a
85 reinspection component.

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

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

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

97 (2) MITIGATION GRANTS.—Financial grants shall be used to
98 encourage single-family, site-built, owner-occupied, residential



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99 property owners to retrofit their properties to make them less
100 vulnerable to hurricane damage.

101 (a) For a homeowner to be eligible for a grant, the
102 following criteria for persons who have obtained a completed
103 inspection after May 1, 2007, a residential property must be
104 met:

105 1. The homeowner must have been granted a homestead
106 exemption on the home under chapter 196.

107 2. The home must be a dwelling with an insured value of
108 \$300,000 or less. Homeowners who are low-income persons, as
109 defined in s. 420.0004(10), are exempt from this requirement.

110 3. The home must have undergone an acceptable hurricane
111 mitigation inspection after May 1, 2007.

112 4. The home must be located in the "wind-borne debris
113 region" as that term is defined in s. 1609.2, International
114 Building Code (2006), or as subsequently amended.

115 5. ~~Be a home for which~~ The building permit application for
116 initial construction of the home must have been ~~was~~ made before
117 March 1, 2002.

118
119 An application for a grant must contain a signed or
120 electronically verified statement made under penalty of perjury
121 that the applicant has submitted only a single application and
122 must have attached documents demonstrating the applicant meets
123 the requirements of this paragraph.

124 (b) All grants must be matched on a dollar-for-dollar basis
125 up to ~~for~~ a total of \$10,000 for the actual cost of the
126 mitigation project with the state's contribution not to exceed
127 \$5,000.



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

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

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

- 148 1. Opening protection.
- 149 2. Exterior doors, including garage doors.
- 150 3. Brace gable ends.
- 151 4. Reinforcing roof-to-wall connections.
- 152 5. Improving the strength of roof-deck attachments.
- 153 6. Upgrading roof covering from code to code plus.
- 154 7. Secondary water barrier for roof.

155
156 The department may require that improvements be made to all



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157 openings, including exterior doors and garage doors, as a
158 condition of reimbursing a homeowner approved for a grant. The
159 department may adopt, by rule, the maximum grant allowances for
160 any improvement allowable under this paragraph.

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

170 (g) Low-income homeowners, as defined in s. 420.0004(10),
171 who otherwise meet the requirements of paragraphs (a), (c), (e),
172 and (f) are eligible for a grant of up to \$5,000 and are not
173 required to provide a matching amount to receive the grant.
174 Additionally, for low-income homeowners, grant funding may be
175 used for repair to existing structures leading to any of the
176 mitigation improvements provided in paragraph (e), limited to 20
177 percent of the grant value. The program may accept a
178 certification directly from a low-income homeowner that the
179 homeowner meets the requirements of s. 420.0004(10) if the
180 homeowner provides such certification in a signed or
181 electronically verified statement made under penalty of perjury.

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

185 (i) The department shall develop a process that ensures the



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186 most efficient means to collect and verify grant applications to
187 determine eligibility and may direct hurricane mitigation
188 inspectors to collect and verify grant application information
189 or use the Internet or other electronic means to collect
190 information and determine eligibility.

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

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

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

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

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

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



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

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

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

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

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

225 (j) The director of the Florida Division of Emergency
226 Management ~~of the Department of Community Affairs.~~

227
228 Members appointed under paragraphs (a)-(d) shall serve at the
229 pleasure of the Financial Services Commission. Members appointed
230 under paragraphs (e) and (f) shall serve at the pleasure of the
231 appointing officer. All other members shall serve as voting ex
232 officio members. Members of the advisory council shall serve
233 without compensation but may receive reimbursement as provided
234 in s. 112.061 for per diem and travel expenses incurred in the
235 performance of their official duties.

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

239 (6) RULES.—The Department of Financial Services shall adopt
240 rules pursuant to ss. 120.536(1) and 120.54 to govern the
241 program; implement the provisions of this section; including
242 rules governing hurricane mitigation inspections and grants,
243 mitigation contractors, and training of inspectors and



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244 contractors; and carry out the duties of the department under
245 this section.

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

250 ~~(8) NO INTEREST LOANS.—The department shall implement a no-~~
251 ~~interest loan program by October 1, 2008, contingent upon the~~
252 ~~selection of a qualified vendor and execution of a contract~~
253 ~~acceptable to the department and the vendor. The department~~
254 ~~shall enter into partnerships with the private sector to provide~~
255 ~~loans to owners of site-built, single-family, residential~~
256 ~~property to pay for mitigation measures listed in subsection~~
257 ~~(2). A loan eligible for interest payments pursuant to this~~
258 ~~subsection may be for a term of up to 3 years and cover up to~~
259 ~~\$5,000 in mitigation measures. The department shall pay the~~
260 ~~creditor the market rate of interest using funds appropriated~~
261 ~~for the My Safe Florida Home Program. In no case shall the~~
262 ~~department pay more than the interest rate set by s. 687.03. To~~
263 ~~be eligible for a loan, a loan applicant must first obtain a~~
264 ~~home inspection and report that specifies what improvements are~~
265 ~~needed to reduce the property's vulnerability to windstorm~~
266 ~~damage pursuant to this section and meet loan underwriting~~
267 ~~requirements set by the lender. The department may adopt rules~~
268 ~~pursuant to ss. 120.536(1) and 120.54 to implement this~~
269 ~~subsection which may include eligibility criteria.~~

270 (8) ~~(9)~~ PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE
271 BROKERS AND SALES ASSOCIATES.—The program shall develop
272 brochures for distribution to general contractors, roofing



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273 contractors, and real estate brokers and sales associates
274 licensed under part I of chapter 475 explaining the benefits to
275 homeowners of residential hurricane damage mitigation. The
276 program shall encourage contractors to distribute the brochures
277 to homeowners at the first meeting with a homeowner who is
278 considering contracting for home or roof repairs or contracting
279 for the construction of a new home. The program shall encourage
280 real estate brokers and sales associates licensed under part I
281 of chapter 475 to distribute the brochures to clients prior to
282 the purchase of a home. The brochures may be made available
283 electronically.

284 (9) ~~(10)~~ CONTRACT MANAGEMENT.—The department may contract
285 with third parties for grants management, inspection services,
286 contractor services for low-income homeowners, information
287 technology, educational outreach, and auditing services. Such
288 contracts shall be considered direct costs of the program and
289 shall not be subject to administrative cost limits, but
290 contracts valued at \$1 million ~~\$500,000~~ or more shall be subject
291 to review and approval by the Legislative Budget Commission. The
292 department shall contract with providers that have a
293 demonstrated record of successful business operations in areas
294 directly related to the services to be provided and shall ensure
295 the highest accountability for use of state funds, consistent
296 with this section.

297 (10) ~~(11)~~ INTENT.—It is the intent of the Legislature that
298 grants made to residential property owners under this section
299 shall be considered disaster-relief assistance within the
300 meaning of s. 139 of the Internal Revenue Code of 1986, as
301 amended.



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302 (11)~~(12)~~ REPORTS.—The department shall make an annual
303 report on the activities of the program that shall account for
304 the use of state funds and indicate the number of inspections
305 requested, the number of inspections performed, the number of
306 grant applications received, and the number and value of grants
307 approved. The report shall be delivered to the President of the
308 Senate and the Speaker of the House of Representatives by
309 February 1 of each year.

310
311 ===== T I T L E A M E N D M E N T =====

312 And the title is amended as follows:

313 Delete line 33

314 and insert:

315 of the Hurricane Catastrophe Fund; amending s. 215.5586, F.S.;
316 revising legislative intent; revising criteria for hurricane
317 mitigation inspections; revising criteria for eligibility for a
318 mitigation grant; expanding the list of improvements for which
319 grants may be used; correcting a reference to the Florida
320 Division of Emergency Management; deleting provisions relating
321 to no-interest loans; requiring that contracts valued at or
322 greater than a specified amount be subject to review and
323 approval of the Legislative Budget Commission; amending s.