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

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

11 Section 1. Section 215.5586, Florida Statutes, is amended  
12 to read:

13 215.5586 My Safe Florida Home Program.--There is  
14 established within the Department of Financial Services the My  
15 Safe Florida Home Program. The department shall provide fiscal  
16 accountability, contract management, and strategic leadership  
17 for the program, consistent with this section. This section does  
18 not create an entitlement for property owners or obligate the  
19 state in any way to fund the inspection or retrofitting of  
20 residential property in this state. Implementation of this  
21 program is subject to annual legislative appropriations. It is  
22 the intent of the Legislature that the My Safe Florida Home  
23 Program provide inspections for at least 400,000 site-built,  
24 single-family, residential properties and provide grants to at  
25 least 35,000 applicants before June 30, 2009. It is the intent  
26 of the Legislature that the My Safe Florida Home Program provide  
27 grants for as many condominium unit applicants as funding will  
28 allow before June 30, 2011. The program shall develop and

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

31 |       (1) HURRICANE MITIGATION INSPECTIONS.--

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

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

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

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

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

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

60 1. Use hurricane mitigation inspectors who:

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

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

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

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

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

74 2. Use hurricane mitigation inspectors who also:

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

84 returned to the department for screening. The fingerprints shall  
 85 be taken by a law enforcement agency, designated examination  
 86 center, or other department-approved entity; and

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

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

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

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

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

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

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

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

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

115           3. Have undergone an acceptable hurricane mitigation  
116 inspection.

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

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

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

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

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

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140 mitigation contractors as long as the inspectors meet the  
141 department's qualifications and certification requirements for  
142 mitigation 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-  
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

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

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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  
198 council to provide advice and assistance to the department  
199 regarding administration of the program. The advisory council  
200 shall 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.

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  
212 the Financial Services Commission, who is an expert in  
213 hurricane-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  
217 of the Senate.

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

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



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

224 (j) The director of the Division of Emergency Management  
 225 of 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.  
 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  
 245 adopt 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  
 255 no-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  
 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 shall set aside  
 272 \$10 million from funds appropriated for the My Safe Florida Home  
 273 Program to implement this subsection. The department may adopt  
 274 rules pursuant to ss. 120.536(1) and 120.54 to implement this  
 275 subsection which may include eligibility criteria.

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

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

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

303 (11) INTENT.--It is the intent of the Legislature that  
304 grants made to residential property and condominium unit owners  
305 under this section shall be considered disaster-relief

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306 assistance within the meaning of s. 139 of the Internal Revenue  
307 Code of 1986, as amended.

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

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