

By Senator Boyd

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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.; providing that licensed,
4 rather than certified, inspectors are to provide
5 hurricane mitigation inspections on site-built,
6 single-family, residential properties that have been
7 granted a homestead exemption; specifying that
8 townhouses are included in such properties; revising
9 the information provided to homeowners as part of a
10 hurricane mitigation inspection; revising the
11 hurricane mitigation inspectors that may be selected
12 by the Department of Financial Services to provide
13 hurricane mitigation inspections; deleting a provision
14 requiring the department to implement a certain
15 quality assurance program; authorizing the department
16 to establish specified criteria for prioritizing
17 inspection applications; revising the criteria for
18 mitigation grant eligibility for homeowners; deleting
19 a provision that subjects mitigation projects to
20 random reinspection for a specified timeframe;
21 revising the improvements for which mitigation grants
22 may be used; revising the amount low-income homeowners
23 may receive from the department under the grant
24 program; deleting a provision authorizing low-income
25 homeowners to use grant funds for specified purposes;
26 deleting a requirement that the department establish
27 specified criteria for prioritizing grant
28 applications; authorizing, rather than requiring, the
29 program to develop and distribute certain brochures to

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30 specified persons; deleting a provision requiring
31 certain contracts entered into by the department to be
32 reviewed and approved by the Legislative Budget
33 Commission; requiring the department to develop a
34 certain quality assurance and reinspection program;
35 revising the contents of the annual report the
36 department is required to deliver to the Legislature;
37 conforming provisions to changes made by the act;
38 making technical changes; reenacting s. 215.5588(3),
39 F.S., relating to the Florida Disaster Recovery
40 Program, to incorporate the amendments made to s.
41 215.5586, F.S., in a reference thereto; providing an
42 effective date.

43

44 Be It Enacted by the Legislature of the State of Florida:

45

46 Section 1. Section 215.5586, Florida Statutes, is amended
47 to read:

48 215.5586 My Safe Florida Home Program.—There is established
49 within the Department of Financial Services the My Safe Florida
50 Home Program. The department shall provide fiscal
51 accountability, contract management, and strategic leadership
52 for the program, consistent with this section. This section does
53 not create an entitlement for property owners or obligate the
54 state in any way to fund the inspection or retrofitting of
55 residential property in this state. Implementation of this
56 program is subject to annual legislative appropriations. It is
57 the intent of the Legislature that the My Safe Florida Home
58 Program provide licensed ~~trained and certified~~ inspectors to

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59 perform inspections for owners of site-built, single-family,
60 residential properties and grants to eligible applicants as
61 funding allows. The program shall develop and implement a
62 comprehensive and coordinated approach for hurricane damage
63 mitigation that may include the following:

64 (1) HURRICANE MITIGATION INSPECTIONS.—

65 (a) Licensed Certified inspectors are to provide home ~~home-~~
66 ~~retrofit~~ inspections of site-built, single-family, residential
67 properties for which a homestead exemption has been granted,
68 ~~property may be offered~~ to determine what mitigation measures
69 are needed, what insurance premium discounts may be available,
70 and what improvements to existing residential properties are
71 needed to reduce the property's vulnerability to hurricane
72 damage. The term "single-family, residential property" includes
73 those properties defined as townhouses in s. 481.203.

74 (b) The Department of Financial Services shall contract
75 with wind certification entities to provide hurricane mitigation
76 inspections. The inspections provided to homeowners, at a
77 minimum, must include:

78 1. A home inspection and report that summarizes the results
79 and identifies recommended improvements a homeowner may take to
80 mitigate hurricane damage.

81 2. A range of cost estimates regarding the recommended
82 mitigation improvements.

83 3. ~~Insurer-specific~~ Information regarding estimated premium
84 discounts, correlated to the current mitigation features and the
85 recommended mitigation improvements identified by the
86 inspection.

87 (c) ~~(b)~~ To qualify for selection by the department as a wind

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88 certification entity to provide hurricane mitigation
89 inspections, the entity must ~~shall~~, at a minimum, meet the
90 following requirements:

91 1. Use hurricane mitigation inspectors who are licensed or
92 certified as:

93 a. ~~Are certified as~~ A building inspector under s. 468.607;

94 b. ~~Are licensed as~~ A general, building, or residential
95 contractor under s. 489.111;

96 c. ~~Are licensed as~~ A professional engineer under s. 471.015
97 ~~and who have passed the appropriate equivalency test of the~~
98 ~~building code training program as required by s. 553.841;~~

99 d. ~~Are licensed as~~ A professional architect under s.
100 481.213; or

101 e. A home inspector under s. 468.8314 and who have
102 completed at least 3 hours of hurricane mitigation training
103 approved by the Construction Industry Licensing Board, which
104 training must include hurricane mitigation techniques and
105 compliance with the uniform mitigation verification form and
106 completion of a proficiency exam ~~Have at least 2 years of~~
107 ~~experience in residential construction or residential building~~
108 ~~inspection and have received specialized training in hurricane~~
109 ~~mitigation procedures. Such training may be provided by a class~~
110 ~~offered online or in person.~~

111 2. Use hurricane mitigation inspectors who also:

112 a. ~~have~~ undergone drug testing and a level II background
113 screening. The department may conduct criminal record checks of
114 inspectors used by wind certification entities. Inspectors must
115 submit a set of ~~the~~ fingerprints to the department for state and
116 national criminal history checks and must pay the fingerprint

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117 processing fee set forth in s. 624.501. The fingerprints must
118 ~~shall~~ be sent by the department to the Department of Law
119 Enforcement and forwarded to the Federal Bureau of Investigation
120 for processing. The results must ~~shall~~ be returned to the
121 department for screening. The fingerprints must ~~shall~~ be taken
122 by a law enforcement agency, designated examination center, or
123 other department-approved entity; ~~and~~

124 ~~b. Have been certified, in a manner satisfactory to the~~
125 ~~department, to conduct the inspections.~~

126 3. Provide a quality assurance program including a
127 reinspection component.

128 ~~(c) The department shall implement a quality assurance~~
129 ~~program that includes a statistically valid number of~~
130 ~~reinspections.~~

131 (d) An application for an inspection must contain a signed
132 or electronically verified statement made under penalty of
133 perjury that the applicant has submitted only a single
134 application for that home.

135 (e) The owner of a site-built, single-family, residential
136 property for which a homestead exemption has been granted may
137 apply for and receive an inspection without also applying for a
138 grant pursuant to subsection (2) and without meeting the
139 requirements of paragraph (2)(a).

140 (f) The department may establish objective, reasonable
141 criteria for prioritizing inspection applications, consistent
142 with the requirements of this section.

143 (2) MITIGATION GRANTS.—Financial grants shall be used to
144 encourage single-family, site-built, owner-occupied, residential
145 property owners to retrofit their properties to make them less

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146 vulnerable to hurricane damage.

147 (a) For a homeowner, including an owner of a townhouse as
148 defined in s. 481.203, to be eligible for a grant, the following
149 criteria must be met:

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

152 2. The home must be a dwelling with an insured value of
153 \$500,000 or less. Homeowners who are low-income persons, as
154 defined in s. 420.0004(11), are exempt from this requirement.

155 3. The home must undergo ~~have undergone~~ an acceptable
156 hurricane mitigation inspection as provided in subsection (1)
157 ~~after July 1, 2008.~~

158 4. ~~The home must be located in the "wind-borne debris~~
159 ~~region" as that term is defined in the Florida Building Code.~~

160 5. The building permit application for initial construction
161 of the home must have been made before January 1, 2008.

162 ~~5.6.~~ The homeowner must agree to make his or her home
163 available for inspection once a mitigation project is completed.

164
165 An application for a grant must contain a signed or
166 electronically verified statement made under penalty of perjury
167 that the applicant has submitted only a single application and
168 must have attached documents demonstrating the applicant meets
169 the requirements of this paragraph.

170 (b) All grants must be matched on the basis of \$1 provided
171 by the applicant for \$2 provided by the state up to a maximum
172 state contribution of \$10,000 toward the actual cost of the
173 mitigation project.

174 (c) The program shall create a process in which contractors

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175 agree to participate and homeowners select from a list of
176 participating contractors. All mitigation must be based upon the
177 securing of all required local permits and inspections and must
178 be performed by properly licensed contractors. ~~Mitigation~~
179 ~~projects are subject to random reinspection of up to at least 5~~
180 ~~percent of all projects.~~ Hurricane mitigation inspectors
181 qualifying for the program may also participate as mitigation
182 contractors as long as the inspectors meet the department's
183 qualifications and certification requirements for mitigation
184 contractors.

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

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

- 194 1. Opening protection.
- 195 2. Exterior doors, including garage doors.
- 196 3. ~~Brace gable ends.~~
- 197 4. Reinforcing roof-to-wall connections.
- 198 4.5. Improving the strength of roof-deck attachments.
- 199 ~~6. Upgrading roof covering from code to code plus.~~
- 200 5.7. Secondary water barrier for roof.

201
202 The department may require that improvements be made to all
203 openings, including exterior doors and garage doors, as a

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204 condition of reimbursing a homeowner approved for a grant. The
205 department may adopt, by rule, the maximum grant allowances for
206 any improvement allowable under this paragraph.

207 (f) Grants may be used on a previously inspected existing
208 structure or on a rebuild. A rebuild is defined as a site-built,
209 single-family dwelling under construction to replace a home that
210 was destroyed or significantly damaged by a hurricane and deemed
211 unlivable by a regulatory authority. The homeowner must be a
212 low-income homeowner as defined in paragraph (g), must have had
213 a homestead exemption for that home before ~~prior to~~ the
214 hurricane, and must be intending to rebuild the home as that
215 homeowner's homestead.

216 (g) Low-income homeowners, as defined in s. 420.0004(11),
217 who otherwise meet the requirements of paragraphs (a), (c), (e),
218 and (f) are eligible for a grant of up to \$10,000 ~~\$5,000~~ and are
219 not required to provide a matching amount to receive the grant.
220 ~~Additionally, for low-income homeowners, grant funding may be~~
221 ~~used for repair to existing structures leading to any of the~~
222 ~~mitigation improvements provided in paragraph (c), limited to 20~~
223 ~~percent of the grant value.~~ The program may accept a
224 certification directly from a low-income homeowner that the
225 homeowner meets the requirements of s. 420.0004(11) if the
226 homeowner provides such certification in a signed or
227 electronically verified statement made under penalty of perjury.

228 ~~(h) The department shall establish objective, reasonable~~
229 ~~criteria for prioritizing grant applications, consistent with~~
230 ~~the requirements of this section.~~

231 ~~(i)~~ The department shall develop a process that ensures the
232 most efficient means to collect and verify grant applications to

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233 determine eligibility and may direct hurricane mitigation
234 inspectors to collect and verify grant application information
235 or use the Internet or other electronic means to collect
236 information and determine eligibility.

237 (3) EDUCATION, ~~AND~~ CONSUMER AWARENESS, AND OUTREACH.—

238 (a) The department may undertake a statewide multimedia
239 public outreach and advertising campaign to inform consumers of
240 the availability and benefits of hurricane inspections and of
241 the safety and financial benefits of residential hurricane
242 damage mitigation. The department may seek out and use local,
243 state, federal, and private funds to support the campaign.

244 (b) The program may develop brochures for distribution to
245 general contractors, roofing contractors, and real estate
246 brokers and sales associates who are licensed under part I of
247 chapter 475 which provide information on the benefits to
248 homeowners of residential hurricane damage mitigation.
249 Contractors are encouraged to distribute the brochures to
250 homeowners at the first meeting with a homeowner who is
251 considering contracting for home or roof repair or contracting
252 for the construction of a new home. Real estate brokers and
253 sales associates are encouraged to distribute the brochure to
254 clients before the purchase of a home. The brochures may be made
255 available electronically.

256 (4) FUNDING.—The department may seek out and leverage
257 local, state, federal, or private funds to enhance the financial
258 resources of the program.

259 (5) RULES.—The Department of Financial Services shall adopt
260 rules pursuant to ss. 120.536(1) and 120.54 to govern the
261 program; implement the provisions of this section; including

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262 rules governing hurricane mitigation inspections and grants,
263 mitigation contractors, and training of inspectors and
264 contractors; and carry out the duties of the department under
265 this section.

266 (6) HURRICANE MITIGATION INSPECTOR LIST.—The department
267 shall develop and maintain as a public record a current list of
268 hurricane mitigation inspectors authorized to conduct hurricane
269 mitigation inspections pursuant to this section.

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

284 ~~(8) CONTRACT MANAGEMENT.—~~

285 (a) The department may contract with third parties for
286 grants management, inspection services, contractor services for
287 low-income homeowners, information technology, educational
288 outreach, and auditing services. Such contracts are ~~shall be~~
289 considered direct costs of the program and are ~~shall not be~~
290 subject to administrative cost limits, ~~but contracts valued at~~

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291 ~~\$1 million or more shall be subject to review and approval by~~
292 ~~the Legislative Budget Commission.~~ The department shall contract
293 with providers that have a demonstrated record of successful
294 business operations in areas directly related to the services to
295 be provided and shall ensure the highest accountability for use
296 of state funds, consistent with this section.

297 (b) The department shall implement a quality assurance and
298 reinspection program that determines whether initial inspections
299 and home improvements are completed in a manner consistent with
300 the intent of the program. The department may use valid random
301 sampling in order to perform the quality assurance portion of
302 the program.

303 (8)~~(9)~~ INTENT.—It is the intent of the Legislature that
304 grants made to residential property owners under this section
305 shall be considered disaster-relief assistance within the
306 meaning of s. 139 of the Internal Revenue Code of 1986, as
307 amended.

308 (9)~~(10)~~ 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, the number and value of grants approved,
313 and the estimated average annual amount of insurance premium
314 discounts and total estimated annual amount of insurance premium
315 discounts homeowners received from insurers as a result of
316 mitigation funded through the program. The report must ~~shall~~ be
317 delivered to the President of the Senate and the Speaker of the
318 House of Representatives by February 1 of each year.

319 Section 2. For the purpose of incorporating the amendments

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320 made by this act to section 215.5586, Florida Statutes, in a
321 reference thereto, subsection (3) of section 215.5588, Florida
322 Statutes, is reenacted to read:

323 215.5588 Florida Disaster Recovery Program.—

324 (3) Up to 78 percent of these funds may be used to
325 complement the grants awarded by the Department of Financial
326 Services under s. 215.5586 and fund other eligible disaster-
327 related activities supporting housing rehabilitation, hardening,
328 mitigation, and infrastructure improvements at the request of
329 the local governments in order to assist the State of Florida in
330 better serving low-income homeowners in single-family housing
331 units, including, but not limited to, condominiums. Up to 20
332 percent of the funds may be used to provide inspections and
333 mitigation improvements to multifamily units receiving rental
334 assistance under projects of the United States Department of
335 Housing and Urban Development or the Rural Development Division
336 of the United States Department of Agriculture.

337 Section 3. This act shall take effect July 1, 2023.