

By the Committees on Fiscal Policy; and Banking and Insurance;
and 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 of site-built,
6 single-family, residential properties that have been
7 granted a homestead exemption; authorizing an
8 inspector to inspect townhouses to determine if a
9 certain mitigation would provide improvements to
10 mitigate hurricane damage; revising the information
11 provided to homeowners as part of a hurricane
12 mitigation inspection; revising the hurricane
13 mitigation inspectors that may be selected by the
14 Department of Financial Services to provide hurricane
15 mitigation inspections; deleting a provision requiring
16 the department to implement a certain quality
17 assurance program; 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 eligible homes for which
22 mitigation grants may be used; providing that such
23 grants for townhouses may be used only for a specified
24 purpose; authorizing the department to adopt a
25 specified rule; revising the amount low-income
26 homeowners may receive from the department under the
27 grant program; deleting a provision authorizing low-
28 income homeowners to use grant funds for specified
29 purposes; deleting a requirement that the department

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30 establish specified criteria for prioritizing grant
31 applications; authorizing, rather than requiring, the
32 program to develop and distribute certain brochures to
33 specified persons; deleting a provision requiring
34 certain contracts entered into by the department to be
35 reviewed and approved by the Legislative Budget
36 Commission; requiring the department to develop a
37 certain quality assurance and reinspection program;
38 revising the contents of the annual report the
39 department is required to deliver to the Legislature;
40 conforming provisions to changes made by the act;
41 making technical changes; reenacting s. 215.5588(3),
42 F.S., relating to the Florida Disaster Recovery
43 Program, to incorporate the amendments made to s.
44 215.5586, F.S., in a reference thereto; providing an
45 effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Section 215.5586, Florida Statutes, is amended
50 to read:

51 215.5586 My Safe Florida Home Program.—There is established
52 within the Department of Financial Services the My Safe Florida
53 Home Program. The department shall provide fiscal
54 accountability, contract management, and strategic leadership
55 for the program, consistent with this section. This section does
56 not create an entitlement for property owners or obligate the
57 state in any way to fund the inspection or retrofitting of
58 residential property in this state. Implementation of this

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59 program is subject to annual legislative appropriations. It is
60 the intent of the Legislature that the My Safe Florida Home
61 Program provide licensed ~~trained and certified~~ inspectors to
62 perform inspections for owners of site-built, single-family,
63 residential properties and grants to eligible applicants as
64 funding allows. The program shall develop and implement a
65 comprehensive and coordinated approach for hurricane damage
66 mitigation that may include the following:

67 (1) HURRICANE MITIGATION INSPECTIONS.—

68 (a) Licensed ~~Certified~~ inspectors are to provide home ~~home-~~
69 ~~retrofit~~ inspections of site-built, single-family, residential
70 properties for which a homestead exemption has been granted,
71 ~~property may be offered~~ to determine what mitigation measures
72 are needed, what insurance premium discounts may be available,
73 and what improvements to existing residential properties are
74 needed to reduce the property's vulnerability to hurricane
75 damage. An inspector may inspect a townhouse as defined in s.
76 481.203 to determine if opening protection mitigation as listed
77 in paragraph (2) (f) would provide improvements to mitigate
78 hurricane damage.

79 (b) The Department of Financial Services shall contract
80 with wind certification entities to provide hurricane mitigation
81 inspections. The inspections provided to homeowners, at a
82 minimum, must include:

83 1. A home inspection and report that summarizes the results
84 and identifies recommended improvements a homeowner may take to
85 mitigate hurricane damage.

86 2. A range of cost estimates regarding the recommended
87 mitigation improvements.

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88 3. ~~Insurer-specific~~ Information regarding estimated premium
89 discounts, correlated to the current mitigation features and the
90 recommended mitigation improvements identified by the
91 inspection.

92 (c) ~~(b)~~ To qualify for selection by the department as a wind
93 certification entity to provide hurricane mitigation
94 inspections, the entity must ~~shall~~, at a minimum, meet the
95 following requirements:

96 1. Use hurricane mitigation inspectors who are licensed or
97 certified as:

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

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

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

104 d. ~~Are licensed as~~ A professional architect under s.
105 481.213; or

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

116 2. Use hurricane mitigation inspectors who also~~+~~

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117 ~~a.~~ have undergone drug testing and a background screening.
118 The department may conduct criminal record checks of inspectors
119 used by wind certification entities. Inspectors must submit a
120 set of ~~the~~ fingerprints to the department for state and national
121 criminal history checks and must pay the fingerprint processing
122 fee set forth in s. 624.501. The fingerprints must ~~shall~~ be sent
123 by the department to the Department of Law Enforcement and
124 forwarded to the Federal Bureau of Investigation for processing.
125 The results must ~~shall~~ be returned to the department for
126 screening. The fingerprints must ~~shall~~ be taken by a law
127 enforcement agency, designated examination center, or other
128 department-approved entity; ~~and~~

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

131 3. Provide a quality assurance program including a
132 reinspection component.

133 ~~(c) The department shall implement a quality assurance~~
134 ~~program that includes a statistically valid number of~~
135 ~~reinspections.~~

136 (d) An application for an inspection must contain a signed
137 or electronically verified statement made under penalty of
138 perjury that the applicant has submitted only a single
139 application for that home.

140 (e) The owner of a site-built, single-family, residential
141 property or townhouse as defined in s. 481.203 for which a
142 homestead exemption has been granted may apply for and receive
143 an inspection without also applying for a grant pursuant to
144 subsection (2) and without meeting the requirements of paragraph
145 (2) (a).

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146 (2) MITIGATION GRANTS.—Financial grants shall be used to
147 encourage single-family, site-built, owner-occupied, residential
148 property owners to retrofit their properties to make them less
149 vulnerable to hurricane damage.

150 (a) For a homeowner to be eligible for a grant, the
151 following criteria must be met:

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

154 2. The home must be a dwelling with an insured value of
155 \$700,000 ~~\$500,000~~ or less. Homeowners who are low-income
156 persons, as defined in s. 420.0004(11), are exempt from this
157 requirement.

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

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

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

165 5.6. The homeowner must agree to make his or her home
166 available for inspection once a mitigation project is completed.

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

173 (b) All grants must be matched on the basis of \$1 provided
174 by the applicant for \$2 provided by the state up to a maximum

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175 state contribution of \$10,000 toward the actual cost of the
176 mitigation project.

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

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

195 (e) When recommended by a hurricane mitigation inspection,
196 grants for eligible homes may be used for the following
197 improvements:

- 198 1. Opening protection.
- 199 2. Exterior doors, including garage doors.
- 200 3. ~~Brace gable ends.~~
- 201 4. Reinforcing roof-to-wall connections.
- 202 4.5. Improving the strength of roof-deck attachments.
- 203 6. ~~Upgrading roof covering from code to code plus.~~

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204 5.7- Secondary water barrier for roof.

205 (f) When recommended by a hurricane mitigation inspection,
206 grants for townhouses as defined in s. 481.203 may be used only
207 for opening protection.

208

209 The department may require that improvements be made to all
210 openings, including exterior doors and garage doors, as a
211 condition of reimbursing a homeowner approved for a grant. The
212 department may adopt, by rule, the maximum grant allowances for
213 any improvement allowable under paragraph (e) or this paragraph.

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

223 (h) ~~(g)~~ Low-income homeowners, as defined in s.
224 420.0004(11), who otherwise meet the requirements of paragraphs
225 (a), (c), (e), and (g) ~~(f)~~ are eligible for a grant of up to
226 \$10,000 ~~\$5,000~~ and are not required to provide a matching amount
227 to receive the grant. ~~Additionally, for low-income homeowners,~~
228 ~~grant funding may be used for repair to existing structures~~
229 ~~leading to any of the mitigation improvements provided in~~
230 ~~paragraph (e), limited to 20 percent of the grant value.~~ The
231 program may accept a certification directly from a low-income
232 homeowner that the homeowner meets the requirements of s.

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233 420.0004(11) if the homeowner provides such certification in a
234 signed or electronically verified statement made under penalty
235 of perjury.

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

239 (i) The department shall develop a process that ensures the
240 most efficient means to collect and verify grant applications to
241 determine eligibility and may direct hurricane mitigation
242 inspectors to collect and verify grant application information
243 or use the Internet or other electronic means to collect
244 information and determine eligibility.

245 (3) EDUCATION, AND CONSUMER AWARENESS, AND OUTREACH.—

246 (a) The department may undertake a statewide multimedia
247 public outreach and advertising campaign to inform consumers of
248 the availability and benefits of hurricane inspections and of
249 the safety and financial benefits of residential hurricane
250 damage mitigation. The department may seek out and use local,
251 state, federal, and private funds to support the campaign.

252 (b) The program may develop brochures for distribution to
253 Citizens Property Insurance Corporation, general contractors,
254 roofing contractors, and real estate brokers and sales
255 associates who are licensed under part I of chapter 475 which
256 provide information on the benefits to homeowners of residential
257 hurricane damage mitigation. Citizens Property Insurance
258 Corporation is encouraged to distribute the brochure to its
259 policyholders. Contractors are encouraged to distribute the
260 brochures to homeowners at the first meeting with a homeowner
261 who is considering contracting for home or roof repair or

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262 contracting for the construction of a new home. Real estate
263 brokers and sales associates are encouraged to distribute the
264 brochure to clients before the purchase of a home. The brochures
265 may be made available electronically.

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

269 (5) RULES.—The Department of Financial Services shall adopt
270 rules pursuant to ss. 120.536(1) and 120.54 to govern the
271 program; implement the provisions of this section; including
272 rules governing hurricane mitigation inspections and grants,
273 mitigation contractors, and training of inspectors and
274 contractors; and carry out the duties of the department under
275 this section.

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

280 ~~(7) PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS~~
281 ~~AND SALES ASSOCIATES. The program shall develop brochures for~~
282 ~~distribution to general contractors, roofing contractors, and~~
283 ~~real estate brokers and sales associates licensed under part I~~
284 ~~of chapter 475 explaining the benefits to homeowners of~~
285 ~~residential hurricane damage mitigation. The program shall~~
286 ~~encourage contractors to distribute the brochures to homeowners~~
287 ~~at the first meeting with a homeowner who is considering~~
288 ~~contracting for home or roof repairs or contracting for the~~
289 ~~construction of a new home. The program shall encourage real~~
290 ~~estate brokers and sales associates licensed under part I of~~

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291 ~~chapter 475 to distribute the brochures to clients prior to the~~
292 ~~purchase of a home. The brochures may be made available~~
293 ~~electronically.~~

294 ~~(8)~~ CONTRACT MANAGEMENT.—

295 (a) The department may contract with third parties for
296 grants management, inspection services, contractor services for
297 low-income homeowners, information technology, educational
298 outreach, and auditing services. Such contracts are ~~shall be~~
299 considered direct costs of the program and are ~~shall not be~~
300 subject to administrative cost limits, ~~but contracts valued at~~
301 ~~\$1 million or more shall be subject to review and approval by~~
302 ~~the Legislative Budget Commission.~~ The department shall contract
303 with providers that have a demonstrated record of successful
304 business operations in areas directly related to the services to
305 be provided and shall ensure the highest accountability for use
306 of state funds, consistent with this section.

307 (b) The department shall implement a quality assurance and
308 reinspection program that determines whether initial inspections
309 and home improvements are completed in a manner consistent with
310 the intent of the program. The department may use valid random
311 sampling in order to perform the quality assurance portion of
312 the program.

313 (8) ~~(9)~~ INTENT.—It is the intent of the Legislature that
314 grants made to residential property owners under this section
315 shall be considered disaster-relief assistance within the
316 meaning of s. 139 of the Internal Revenue Code of 1986, as
317 amended.

318 (9) ~~(10)~~ REPORTS.—The department shall make an annual report
319 on the activities of the program that shall account for the use

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320 of state funds and indicate the number of inspections requested,
321 the number of inspections performed, the number of grant
322 applications received, the number and value of grants approved,
323 and the estimated average annual amount of insurance premium
324 discounts and total estimated annual amount of insurance premium
325 discounts homeowners received from insurers as a result of
326 mitigation funded through the program. The report must ~~shall~~ be
327 delivered to the President of the Senate and the Speaker of the
328 House of Representatives by February 1 of each year.

329 Section 2. For the purpose of incorporating the amendments
330 made by this act to section 215.5586, Florida Statutes, in a
331 reference thereto, subsection (3) of section 215.5588, Florida
332 Statutes, is reenacted to read:

333 215.5588 Florida Disaster Recovery Program.—

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

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