

CS/HB 881

2023

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; revising the
8 information provided to homeowners as part of a
9 hurricane mitigation inspection; revising the
10 hurricane mitigation inspectors that may be selected
11 by the Department of Financial Services to provide
12 hurricane mitigation inspections; deleting a provision
13 requiring the department to implement a certain
14 quality assurance program; revising the criteria for
15 mitigation grant eligibility for homeowners; deleting
16 a provision that subjects mitigation projects to
17 random reinspection for a specified timeframe;
18 revising the improvements for which mitigation grants
19 may be used; revising the amount low-income homeowners
20 may receive from the department under the grant
21 program; deleting a provision authorizing low-income
22 homeowners to use grant funds for specified purposes;
23 deleting a requirement that the department establish
24 specified criteria for prioritizing grant
25 applications; authorizing, rather than requiring, the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

40

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

42

43 Section 1. Section 215.5586, Florida Statutes, is amended
 44 to read:

45 215.5586 My Safe Florida Home Program.—There is
 46 established within the Department of Financial Services the My
 47 Safe Florida Home Program. The department shall provide fiscal
 48 accountability, contract management, and strategic leadership
 49 for the program, consistent with this section. This section does
 50 not create an entitlement for property owners or obligate the

51 state in any way to fund the inspection or retrofitting of
 52 residential property in this state. Implementation of this
 53 program is subject to annual legislative appropriations. It is
 54 the intent of the Legislature that the My Safe Florida Home
 55 Program provide licensed ~~trained and certified~~ inspectors to
 56 perform inspections for owners of site-built, single-family,
 57 residential properties and grants to eligible applicants as
 58 funding allows. The program shall develop and implement a
 59 comprehensive and coordinated approach for hurricane damage
 60 mitigation that may include the following:

61 (1) HURRICANE MITIGATION INSPECTIONS.—

62 (a) Licensed ~~Certified~~ inspectors are to provide home
 63 ~~home-retrofit~~ inspections of site-built, single-family,
 64 residential properties for which a homestead exemption has been
 65 granted, property may be offered to determine what mitigation
 66 measures are needed, what insurance premium discounts may be
 67 available, and what improvements to existing residential
 68 properties are needed to reduce the property's vulnerability to
 69 hurricane damage.

70 (b) The Department of Financial Services shall contract
 71 with wind certification entities to provide hurricane mitigation
 72 inspections. The inspections provided to homeowners, at a
 73 minimum, must include:

74 1. A home inspection and report that summarizes the
 75 results and identifies recommended improvements a homeowner may

76 take to mitigate hurricane damage.

77 2. A range of cost estimates regarding the recommended
78 mitigation improvements.

79 3. ~~Insurer-specific~~ Information regarding estimated
80 premium discounts, correlated to the current mitigation features
81 and the recommended mitigation improvements identified by the
82 inspection.

83 ~~(c)-(b)~~ To qualify for selection by the department as a
84 wind certification entity to provide hurricane mitigation
85 inspections, the entity must ~~shall~~, at a minimum, meet the
86 following requirements:

87 1. Use hurricane mitigation inspectors who are licensed or
88 certified as:

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

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

92 c. ~~Are licensed as~~ A professional engineer under s.
93 471.015 ~~and who have passed the appropriate equivalency test of~~
94 ~~the building code training program as required by s. 553.841;~~

95 d. ~~Are licensed as~~ A professional architect under s.
96 481.213; or

97 e. A home inspector under s. 468.8314 and who have
98 completed at least 3 hours of hurricane mitigation training
99 approved by the Construction Industry Licensing Board, which
100 training must include hurricane mitigation techniques and

101 compliance with the uniform mitigation verification form and
 102 completion of a proficiency exam ~~Have at least 2 years of~~
 103 ~~experience in residential construction or residential building~~
 104 ~~inspection and have received specialized training in hurricane~~
 105 ~~mitigation procedures. Such training may be provided by a class~~
 106 ~~offered online or in person.~~

107 2. Use hurricane mitigation inspectors who also:
 108 a. ~~have undergone drug testing and a~~ level II background
 109 screening. The department may conduct criminal record checks of
 110 inspectors used by wind certification entities. Inspectors must
 111 submit a set of ~~the~~ fingerprints to the department for state and
 112 national criminal history checks and must pay the fingerprint
 113 processing fee set forth in s. 624.501. The fingerprints must
 114 ~~shall~~ be sent by the department to the Department of Law
 115 Enforcement and forwarded to the Federal Bureau of Investigation
 116 for processing. The results must ~~shall~~ be returned to the
 117 department for screening. The fingerprints must ~~shall~~ be taken
 118 by a law enforcement agency, designated examination center, or
 119 other department-approved entity, ~~and~~

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

122 3. Provide a quality assurance program including a
 123 reinspection component.

124 ~~(c) The department shall implement a quality assurance~~
 125 ~~program that includes a statistically valid number of~~

126 ~~reinspections.~~

127 (d) An application for an inspection must contain a signed
128 or electronically verified statement made under penalty of
129 perjury that the applicant has submitted only a single
130 application for that home.

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

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

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

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

144 2. The home must be a dwelling with an insured value of
145 \$500,000 or less. Homeowners who are low-income persons, as
146 defined in s. 420.0004(11), are exempt from this requirement.

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

150 4. ~~The home must be located in the "wind-borne debris~~

151 ~~region" as that term is defined in the Florida Building Code.~~

152 4.5. The building permit application for initial
153 construction of the home must have been made before January 1,
154 2008.

155 5.6. The homeowner must agree to make his or her home
156 available for inspection once a mitigation project is completed.

157
158 An application for a grant must contain a signed or
159 electronically verified statement made under penalty of perjury
160 that the applicant has submitted only a single application and
161 must have attached documents demonstrating the applicant meets
162 the requirements of this paragraph.

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

167 (c) The program shall create a process in which
168 contractors agree to participate and homeowners select from a
169 list of participating contractors. All mitigation must be based
170 upon the securing of all required local permits and inspections
171 and must be performed by properly licensed contractors.

172 ~~Mitigation projects are subject to random reinspection of up to~~
173 ~~at least 5 percent of all projects.~~ Hurricane mitigation
174 inspectors qualifying for the program may also participate as
175 mitigation contractors as long as the inspectors meet the

176 department's qualifications and certification requirements for
 177 mitigation contractors.

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

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

- 187 1. Opening protection.
- 188 2. Exterior doors, including garage doors.
- 189 ~~3. Brace gable ends.~~
- 190 3.4. Reinforcing roof-to-wall connections.
- 191 ~~4.5.~~ Improving the strength of roof-deck attachments.
- 192 ~~6. Upgrading roof covering from code to code plus.~~
- 193 5.7. Secondary water barrier for roof.

194
 195 The department may require that improvements be made to all
 196 openings, including exterior doors and garage doors, as a
 197 condition of reimbursing a homeowner approved for a grant. The
 198 department may adopt, by rule, the maximum grant allowances for
 199 any improvement allowable under this paragraph.

200 (f) Grants may be used on a previously inspected existing

201 structure or on a rebuild. A rebuild is defined as a site-built,
 202 single-family dwelling under construction to replace a home that
 203 was destroyed or significantly damaged by a hurricane and deemed
 204 unlivable by a regulatory authority. The homeowner must be a
 205 low-income homeowner as defined in paragraph (g), must have had
 206 a homestead exemption for that home before ~~prior to~~ the
 207 hurricane, and must be intending to rebuild the home as that
 208 homeowner's homestead.

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

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

224 (h)(i) The department shall develop a process that ensures
 225 the most efficient means to collect and verify grant

226 applications to determine eligibility and may direct hurricane
227 mitigation inspectors to collect and verify grant application
228 information or use the Internet or other electronic means to
229 collect information and determine eligibility.

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

231 (a) The department may undertake a statewide multimedia
232 public outreach and advertising campaign to inform consumers of
233 the availability and benefits of hurricane inspections and of
234 the safety and financial benefits of residential hurricane
235 damage mitigation. The department may seek out and use local,
236 state, federal, and private funds to support the campaign.

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

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

254 (5) RULES.—The Department of Financial Services shall
 255 adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the
 256 program; implement the provisions of this section; including
 257 rules governing hurricane mitigation inspections and grants,
 258 mitigation contractors, and training of inspectors and
 259 contractors; and carry out the duties of the department under
 260 this section.

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

265 ~~(7) PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE~~
 266 ~~BROKERS AND SALES ASSOCIATES.—The program shall develop~~
 267 ~~brochures for distribution to general contractors, roofing~~
 268 ~~contractors, and real estate brokers and sales associates~~
 269 ~~licensed under part I of chapter 475 explaining the benefits to~~
 270 ~~homeowners of residential hurricane damage mitigation. The~~
 271 ~~program shall encourage contractors to distribute the brochures~~
 272 ~~to homeowners at the first meeting with a homeowner who is~~
 273 ~~considering contracting for home or roof repairs or contracting~~
 274 ~~for the construction of a new home. The program shall encourage~~
 275 ~~real estate brokers and sales associates licensed under part I~~

276 ~~of chapter 475 to distribute the brochures to clients prior to~~
 277 ~~the purchase of a home. The brochures may be made available~~
 278 ~~electronically.~~

279 ~~(7)(8)~~ CONTRACT MANAGEMENT.—

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

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

298 ~~(8)(9)~~ INTENT.—It is the intent of the Legislature that
 299 grants made to residential property owners under this section
 300 shall be considered disaster-relief assistance within the

301 meaning of s. 139 of the Internal Revenue Code of 1986, as
 302 amended.

303 ~~(9)-(10)~~ REPORTS.—The department shall make an annual
 304 report on the activities of the program that shall account for
 305 the use of state funds and indicate the number of inspections
 306 requested, the number of inspections performed, the number of
 307 grant applications received, the number and value of grants
 308 approved, and the estimated average annual amount of insurance
 309 premium discounts and total estimated annual amount of insurance
 310 premium discounts homeowners received from insurers as a result
 311 of mitigation funded through the program. The report must ~~shall~~
 312 be delivered to the President of the Senate and the Speaker of
 313 the House of Representatives by February 1 of each year.

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

318 215.5588 Florida Disaster Recovery Program.—

319 (3) Up to 78 percent of these funds may be used to
 320 complement the grants awarded by the Department of Financial
 321 Services under s. 215.5586 and fund other eligible disaster-
 322 related activities supporting housing rehabilitation, hardening,
 323 mitigation, and infrastructure improvements at the request of
 324 the local governments in order to assist the State of Florida in
 325 better serving low-income homeowners in single-family housing

326 units, including, but not limited to, condominiums. Up to 20
327 percent of the funds may be used to provide inspections and
328 mitigation improvements to multifamily units receiving rental
329 assistance under projects of the United States Department of
330 Housing and Urban Development or the Rural Development Division
331 of the United States Department of Agriculture.

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