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CS/HB 881, Engrossed 1

2023 Legislature

1
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; 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; revising the amount low-income homeowners may
25 receive from the department under the grant program;

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

45

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

47

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

50 215.5586 My Safe Florida Home Program.—There is

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51 established within the Department of Financial Services the My
 52 Safe Florida Home Program. The department shall provide fiscal
 53 accountability, contract management, and strategic leadership
 54 for the program, consistent with this section. This section does
 55 not create an entitlement for property owners or obligate the
 56 state in any way to fund the inspection or retrofitting of
 57 residential property in this state. Implementation of this
 58 program is subject to annual legislative appropriations. It is
 59 the intent of the Legislature that the My Safe Florida Home
 60 Program provide licensed ~~trained and certified~~ inspectors to
 61 perform inspections for owners of site-built, single-family,
 62 residential properties and grants to eligible applicants as
 63 funding allows. The program shall develop and implement a
 64 comprehensive and coordinated approach for hurricane damage
 65 mitigation that may include the following:

66 (1) HURRICANE MITIGATION INSPECTIONS.—

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

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76 mitigation as listed in paragraph (2) (e) would provide
 77 improvements to mitigate hurricane damage.

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

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

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

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

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

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

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

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

100 c. ~~Are licensed as~~ A professional engineer under s.

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101 471.015 ~~and who have passed the appropriate equivalency test of~~
 102 ~~the building code training program as required by s. 553.841;~~

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

105 e. A home inspector under s. 468.8314 and who have
 106 completed at least 3 hours of hurricane mitigation training
 107 approved by the Construction Industry Licensing Board, which
 108 training must include hurricane mitigation techniques,
 109 compliance with the uniform mitigation verification form, and
 110 completion of a proficiency exam.

111 ~~e. Have at least 2 years of experience in residential~~
 112 ~~construction or residential building inspection and have~~
 113 ~~received specialized training in hurricane mitigation~~
 114 ~~procedures. Such training may be provided by a class offered~~
 115 ~~online or in person.~~

116 2. Use hurricane mitigation inspectors who also:
 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

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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).

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

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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 ~~4.5.~~ The building permit application for initial
164 construction of the home must have been made before January 1,
165 2008.

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

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

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

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

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

183 ~~Mitigation projects are subject to random reinspection of up to~~
 184 ~~at least 5 percent of all projects.~~ Hurricane mitigation
 185 inspectors qualifying for the program may also participate as
 186 mitigation contractors as long as the inspectors meet the
 187 department's qualifications and certification requirements for
 188 mitigation contractors.

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

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

- 199 1. Opening protection.
- 200 2. Exterior doors, including garage doors.

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201 ~~3. Brace gable ends.~~
 202 3.4. Reinforcing roof-to-wall connections.
 203 ~~4.5.~~ Improving the strength of roof-deck attachments.
 204 ~~6. Upgrading roof covering from code to code plus.~~
 205 5.7. Secondary water barrier for roof.
 206 (f) When recommended by a hurricane mitigation inspection,
 207 grants for townhouses, as defined in s. 481.203, may only be
 208 used for opening protection.
 209
 210 The department may require that improvements be made to all
 211 openings, including exterior doors and garage doors, as a
 212 condition of reimbursing a homeowner approved for a grant. The
 213 department may adopt, by rule, the maximum grant allowances for
 214 any improvement allowable under paragraph (e) or this paragraph.
 215
 216 (g) ~~(f)~~ Grants may be used on a previously inspected
 217 existing structure or on a rebuild. A rebuild is defined as a
 218 site-built, single-family dwelling under construction to replace
 219 a home that was destroyed or significantly damaged by a
 220 hurricane and deemed unlivable by a regulatory authority. The
 221 homeowner must be a low-income homeowner as defined in paragraph
 222 (h) ~~(g)~~, must have had a homestead exemption for that home
 223 before ~~prior to~~ the hurricane, and must be intending to rebuild
 224 the home as that homeowner's homestead.
 225 (h) ~~(g)~~ Low-income homeowners, as defined in s.

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226 420.0004(11), who otherwise meet the requirements of paragraphs
 227 (a), (c), (e), and (g) ~~(f)~~ are eligible for a grant of up to
 228 \$10,000 ~~\$5,000~~ and are not required to provide a matching amount
 229 to receive the grant. ~~Additionally, for low-income homeowners,~~
 230 ~~grant funding may be used for repair to existing structures~~
 231 ~~leading to any of the mitigation improvements provided in~~
 232 ~~paragraph (e), limited to 20 percent of the grant value.~~ The
 233 program may accept a certification directly from a low-income
 234 homeowner that the homeowner meets the requirements of s.
 235 420.0004(11) if the homeowner provides such certification in a
 236 signed or electronically verified statement made under penalty
 237 of perjury.

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

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

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

248 (a) The department may undertake a statewide multimedia
 249 public outreach and advertising campaign to inform consumers of
 250 the availability and benefits of hurricane inspections and of

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251 the safety and financial benefits of residential hurricane
252 damage mitigation. The department may seek out and use local,
253 state, federal, and private funds to support the campaign.

254 (b) The program may develop brochures for distribution to
255 Citizens Property Insurance Corporation, general contractors,
256 roofing contractors, and real estate brokers and sales
257 associates who are licensed under part I of chapter 475 which
258 provide information on the benefits to homeowners of residential
259 hurricane damage mitigation. Citizens Property Insurance
260 Corporation is encouraged to distribute the brochure to
261 policyholders of the corporation. Contractors are encouraged to
262 distribute the brochures to homeowners at the first meeting with
263 a homeowner who is considering contracting for home or roof
264 repair or contracting for the construction of a new home. Real
265 estate brokers and sales associates are encouraged to distribute
266 the brochure to clients before the purchase of a home. The
267 brochures may be made available electronically.

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

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

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276 contractors; and carry out the duties of the department under
 277 this section.

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

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

296 (7)~~(8)~~ CONTRACT MANAGEMENT.—

297 (a) The department may contract with third parties for
 298 grants management, inspection services, contractor services for
 299 low-income homeowners, information technology, educational
 300 outreach, and auditing services. Such contracts are ~~shall be~~

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301 considered direct costs of the program and are ~~shall~~ not be
 302 subject to administrative cost limits, ~~but contracts valued at~~
 303 ~~\$1 million or more shall be subject to review and approval by~~
 304 ~~the Legislative Budget Commission~~. The department shall contract
 305 with providers that have a demonstrated record of successful
 306 business operations in areas directly related to the services to
 307 be provided and shall ensure the highest accountability for use
 308 of state funds, consistent with this section.

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

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

320 (9)-(10) REPORTS.—The department shall make an annual
 321 report on the activities of the program that shall account for
 322 the use of state funds and indicate the number of inspections
 323 requested, the number of inspections performed, the number of
 324 grant applications received, the number and value of grants
 325 approved, and the estimated average annual amount of insurance

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326 | premium discounts and total estimated annual amount of insurance
 327 | premium discounts homeowners received from insurers as a result
 328 | of mitigation funded through the program. The report must ~~shall~~
 329 | be delivered to the President of the Senate and the Speaker of
 330 | the House of Representatives by February 1 of each year.

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

335 | 215.5588 Florida Disaster Recovery Program.—

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

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