

1 A bill to be entitled
2 An act relating to My Safe Florida Home Program;
3 amending s. 215.5586, F.S.; providing for home
4 inspections for flood damage under the My Safe Florida
5 Home Program; requiring the Department of Financial
6 Services to contract with flood certification entities
7 to provide mitigation inspections; providing
8 requirements for flood certification entities to
9 qualify for selection by the department; revising
10 requirements for wind certification entities to
11 qualify for selection by the department; revising the
12 purpose of the program mitigation grants; providing
13 requirements for flood mitigation grants; providing
14 details for the maximum state contribution to the
15 mitigation grants; authorizing flood mitigation
16 inspectors to participate as mitigation contractors
17 under the program under certain circumstances;
18 requiring matching fund grants to be made available to
19 certain entities for projects that reduce flood
20 damage; revising uses for hurricane mitigation grants;
21 providing uses for flood mitigation grants; revising
22 requirements for grants for townhouses; providing
23 requirements for grants for condominium units;
24 prohibiting the department from awarding mitigation
25 grants to homeowners under certain circumstances;

26 | authorizing education and outreach campaigns on flood
 27 | inspections and flood damage mitigation; providing
 28 | rulemaking authority; revising the department
 29 | inspector list to include flood mitigation inspectors
 30 | and flood mitigation inspections; providing
 31 | appropriations; providing an effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

34 |

35 | Section 1. Section 215.5586, Florida Statutes, as amended
 36 | by section 5 of chapter 2023-349, Laws of Florida, is amended to
 37 | read:

38 | 215.5586 My Safe Florida Home Program.—There is
 39 | established within the Department of Financial Services the My
 40 | Safe Florida Home Program. The department shall provide fiscal
 41 | accountability, contract management, and strategic leadership
 42 | for the program, consistent with this section. This section does
 43 | not create an entitlement for property owners or obligate the
 44 | state in any way to fund the inspection or retrofitting of
 45 | residential property in this state. Implementation of this
 46 | program is subject to annual legislative appropriations. It is
 47 | the intent of the Legislature that, subject to the availability
 48 | of funds, the My Safe Florida Home Program provide licensed
 49 | inspectors to perform inspections for owners of site-built,
 50 | single-family, residential properties and grants to eligible

HB 1143

2024

51 applicants. The department shall implement the program in such a
52 manner that the total amount of funding requested by accepted
53 applications, whether for inspections, grants, or other services
54 or assistance, does not exceed the total amount of available
55 funds. If, after applications are processed and approved, funds
56 remain available, the department may accept applications up to
57 the available amount. The program shall develop and implement a
58 comprehensive and coordinated approach for hurricane and flood
59 damage mitigation that may include the following:

60 (1) HURRICANE AND FLOOD MITIGATION INSPECTIONS.—

61 (a) Licensed inspectors are to provide home inspections of
62 site-built, single-family, residential properties for which a
63 homestead exemption has been granted, to determine what
64 mitigation measures are needed, what insurance premium discounts
65 may be available, and what improvements to existing residential
66 properties are needed to reduce the property's vulnerability to
67 hurricane and flood damage. An inspector may inspect a townhouse
68 as defined in s. 481.203 to determine if opening protection
69 mitigation as listed in paragraph (2)(e) would provide
70 improvements to mitigate hurricane damage.

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

75 1. A home inspection and report that summarizes the

76 results and identifies recommended improvements a homeowner may
 77 take to mitigate hurricane and flood damage.

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

80 3. Information regarding estimated premium discounts,
 81 correlated to the current mitigation features and the
 82 recommended mitigation improvements identified by the
 83 inspection.

84 (c) To qualify for selection by the department as a wind
 85 or flood certification entity to provide hurricane or flood
 86 mitigation inspections, the entity must, at a minimum, meet the
 87 following requirements:

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

- 90 a. A building inspector under s. 468.607;
- 91 b. A general, building, or residential contractor under s.
 92 489.111;
- 93 c. A professional engineer under s. 471.015;
- 94 d. A professional architect under s. 481.213; ~~or~~
- 95 e. For wind certification entities, a home inspector under
 96 s. 468.8314 and who have completed at least 3 hours of hurricane
 97 mitigation training approved by the Construction Industry
 98 Licensing Board, which training must include, at a minimum,
 99 hurricane mitigation techniques, such as proper hurricane strap
 100 installation and building code requirements for secondary water

101 barriers and secondary water resistance; ~~and compliance with the~~
 102 uniform mitigation verification form; ~~and completion of a~~
 103 proficiency exam; ~~or~~

104 f. For flood certification entities, a home inspector
 105 under s. 468.8314. The home inspector must be a certified
 106 floodplain manager who has completed at least 3 hours of flood
 107 mitigation training.

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

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

123 (d) An application for an inspection must contain a signed
 124 or electronically verified statement made under penalty of
 125 perjury that the applicant has submitted only a single

126 application for that home.

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

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

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

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

141 2. The home must be a dwelling with an insured value of
 142 \$700,000 or less. Homeowners who are low-income persons, as
 143 defined in s. 420.0004(11), are exempt from this requirement.

144 3. The home must undergo an acceptable hurricane or flood
 145 mitigation inspection as provided in subsection (1).

146 4. For hurricane mitigation grants, the building permit
 147 application for initial construction of the home must have been
 148 made before January 1, 2008.

149 5. For flood mitigation grants, the home must:

150 a. Exist in a 100-year floodplain as determined by the

151 floodplain studies or computations from federal, state, or local
 152 agencies;

153 b. Exist in a community that participates in the National
 154 Flood Insurance Program Community Rating System administered by
 155 the Federal Emergency Management Agency with a Class 9 or above;
 156 and

157 c. Be covered by the National Flood Insurance Program or
 158 private flood insurance.

159 ~~6.5.~~ The homeowner must agree to make his or her home
 160 available for inspection once a mitigation project is completed.

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

167 (b) All grants must be matched on the basis of \$1 provided
 168 by the applicant for \$2 provided by the state up to a maximum
 169 state contribution of \$10,000 toward the actual cost of the
 170 mitigation project. The \$10,000 maximum state contribution is a
 171 lifetime cap for a specific home and homeowner for the hurricane
 172 and flood mitigation grants combined.

173 (c) The program shall create a process in which
 174 contractors agree to participate and homeowners select from a
 175 list of participating contractors. All mitigation must be based

176 upon the securing of all required local permits and inspections
 177 and must be performed by properly licensed contractors.
 178 Hurricane and flood mitigation inspectors qualifying for the
 179 program may also participate as mitigation contractors as long
 180 as the inspectors meet the department's qualifications and
 181 certification requirements for mitigation contractors.

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

189 (e) When recommended by a hurricane or flood mitigation
 190 inspection, grants for eligible homes may be used for the
 191 following improvements:

- 192 1. Opening protection.
- 193 2. Exterior doors, including garage doors.
- 194 3. Reinforcing roof-to-wall connections.
- 195 4. Improving the strength of roof-deck attachments.
- 196 5. Secondary water barrier for roof.
- 197 6. Flood mitigation activities, including, but not limited

198 to:

- 199 a. Flood barriers.
- 200 b. Improvements to site drainage.

201 c. Utility protections.

202 d. Flood openings.

203 (f) When recommended by a hurricane mitigation inspection,
 204 grants for townhouses, as defined in s. 481.203, and condominium
 205 units, as the terms "condominium" and "unit" are defined in s.
 206 718.103, may ~~only~~ be used only for opening protection and roof
 207 coverings.

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

214 (h) The department may not award a hurricane mitigation
 215 grant to a homeowner under this program if the hurricane
 216 mitigation inspector determines that the homeowner's home has a
 217 form of opening protection that is rated but the homeowner
 218 cannot or does not provide documentation to the inspector
 219 relating to the opening protection.

220 (i)~~(g)~~ Grants may be used on a previously inspected
 221 existing structure or on a rebuild. A rebuild is defined as a
 222 site-built, single-family dwelling under construction to replace
 223 a home that was destroyed or significantly damaged by a
 224 hurricane or flood and deemed unlivable by a regulatory
 225 authority. The homeowner must be a low-income homeowner as

226 defined in paragraph (j) ~~(h)~~, must have had a homestead
 227 exemption for that home before the hurricane or flood, and must
 228 be intending to rebuild the home as that homeowner's homestead.

229 (j) ~~(h)~~ Low-income homeowners, as defined in s.
 230 420.0004(11), who otherwise meet the requirements of paragraphs
 231 (a), (c), (e), and (i) ~~(g)~~ are eligible for a grant of up to
 232 \$10,000 and are not required to provide a matching amount to
 233 receive the grant. The program may accept a certification
 234 directly from a low-income homeowner that the homeowner meets
 235 the requirements of s. 420.0004(11) if the homeowner provides
 236 such certification in a signed or electronically verified
 237 statement made under penalty of perjury.

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

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

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

251 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 and flood damage mitigation. Citizens Property
258 Insurance Corporation is encouraged to distribute the brochure
259 to policyholders of the corporation. Contractors are encouraged
260 to distribute the brochures to homeowners at the first meeting
261 with a homeowner who is considering contracting for home or roof
262 repair or contracting for the construction of a new home. Real
263 estate brokers and sales associates are encouraged to distribute
264 the brochure to clients before the purchase of a home. The
265 brochures 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
270 adopt 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 and flood mitigation inspections and
273 grants, mitigation contractors, and training of inspectors and
274 contractors; and carry out the duties of the department under
275 this section.

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

281 (7) CONTRACT MANAGEMENT.—

282 (a) The department may contract with third parties for
 283 grants management, inspection services, contractor services for
 284 low-income homeowners, information technology, educational
 285 outreach, and auditing services. Such contracts are considered
 286 direct costs of the program and are not subject to
 287 administrative cost limits. The department shall contract with
 288 providers that have a demonstrated record of successful business
 289 operations in areas directly related to the services to be
 290 provided and shall ensure the highest accountability for use of
 291 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) 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) REPORTS.—The department shall make an annual report on
304 the activities of the program that shall account for the use of
305 state funds and indicate the number of inspections requested,
306 the number of inspections performed, the number of grant
307 applications received, the number and value of grants approved,
308 and the estimated average annual amount of insurance premium
309 discounts and total estimated annual amount of insurance premium
310 discounts homeowners received from insurers as a result of
311 mitigation funded through the program. The report must be
312 delivered to the President of the Senate and the Speaker of the
313 House of Representatives by February 1 of each year.

314 Section 2. (1) For the 2024-2025 fiscal year, the sum of
315 \$200 million in nonrecurring funds is appropriated from the
316 General Revenue Fund to the Department of Financial Services to
317 provide mitigation grants pursuant to s. 215.5586(2), Florida
318 Statutes, under the My Safe Florida Home Program. The department
319 may only continue to accept applications and create a waiting
320 list for the disbursement of appropriated funds, and may not create
321 a waiting list in anticipation of additional funding unless the
322 Legislature provides express authority to implement such
323 actions.

324 (2) For the 2024-2025 fiscal year, the sum of \$5 million
325 in nonrecurring funds is appropriated from the General Revenue

HB 1143

2024

326 | Fund to the Department of Financial Services for administrative
327 | costs related to the implementation of mitigation grants
328 | pursuant to s. 215.5586(3), Florida Statutes, under the My Safe
329 | Florida Home Program.

330 | Section 3. This act shall take effect July 1, 2024.