

By Senator Martin

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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 for home
4 inspections for flood damage under the program;
5 requiring the Department of Financial Services to
6 contract with flood certification entities to provide
7 mitigation inspections; providing requirements for
8 flood certification entities to qualify for selection
9 by the department; revising requirements for wind
10 certification entities to qualify for selection by the
11 department; revising the purpose of the program
12 mitigation grants; providing requirements for flood
13 mitigation grants; authorizing flood mitigation
14 inspectors to participate as mitigation contractors
15 under the program under certain circumstances;
16 requiring that matching fund grants be made available
17 to certain entities for projects that reduce flood
18 damage; authorizing flood mitigation inspectors to
19 make certain recommendations for program grants;
20 revising requirements for grants for townhouses;
21 providing requirements for grants for condominium
22 units; prohibiting the department from awarding
23 mitigation grants to homeowners under certain
24 circumstances; authorizing education and outreach
25 campaigns on flood inspections and flood damage
26 mitigation; providing rulemaking authority; revising
27 the department inspector list to include flood
28 mitigation inspectors and flood mitigation
29 inspections; providing appropriations; providing an

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30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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

37 215.5586 My Safe Florida Home Program.—There is established
38 within the Department of Financial Services the My Safe Florida
39 Home Program. The department shall provide fiscal
40 accountability, contract management, and strategic leadership
41 for the program, consistent with this section. This section does
42 not create an entitlement for property owners or obligate the
43 state in any way to fund the inspection or retrofitting of
44 residential property in this state. Implementation of this
45 program is subject to annual legislative appropriations. It is
46 the intent of the Legislature that, subject to the availability
47 of funds, the My Safe Florida Home Program provide licensed
48 inspectors to perform inspections for owners of site-built,
49 single-family, residential properties and grants to eligible
50 applicants. The department shall implement the program in such a
51 manner that the total amount of funding requested by accepted
52 applications, whether for inspections, grants, or other services
53 or assistance, does not exceed the total amount of available
54 funds. If, after applications are processed and approved, funds
55 remain available, the department may accept applications up to
56 the available amount. The program shall develop and implement a
57 comprehensive and coordinated approach for hurricane and flood
58 damage mitigation that may include the following:

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59 (1) HURRICANE AND FLOOD MITIGATION INSPECTIONS.—

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

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

74 1. A home inspection and report that summarizes the results
75 and identifies recommended improvements a homeowner may take to
76 mitigate hurricane and flood damage.

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

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

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

87 1. Use hurricane or flood mitigation inspectors who are

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88 licensed or certified as:

89 a. A building inspector under s. 468.607;

90 b. A general, building, or residential contractor under s.
91 489.111;

92 c. A professional engineer under s. 471.015;

93 d. A professional architect under s. 481.213; ~~or~~

94 e. For wind certification entities, a home inspector under
95 s. 468.8314 and who have completed at least 3 hours of hurricane
96 mitigation training approved by the Construction Industry
97 Licensing Board, which training must include, at a minimum,
98 hurricane mitigation techniques, such as proper hurricane strap
99 installation and building code requirements for secondary water
100 barriers and secondary water resistance; ~~or~~ compliance with the
101 uniform mitigation verification form; ~~or~~ and completion of a
102 proficiency exam; ~~or~~

103 f. For flood certification entities, a home inspector under
104 s. 468.8314 and who have completed at least 3 hours of flood
105 mitigation training approved by the Construction Industry
106 Licensing Board, which training must include, at a minimum,
107 flood mitigation techniques, such as proper hurricane strap
108 installation and building code requirements for secondary water
109 barriers and secondary water resistance; compliance with the
110 uniform mitigation verification form; and completion of a
111 proficiency exam.

112 2. Use hurricane or flood mitigation inspectors who also
113 have undergone drug testing and a background screening. The
114 department may conduct criminal record checks of inspectors used
115 by wind certification entities. Inspectors must submit a set of
116 fingerprints to the department for state and national criminal

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

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

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 or townhouse as defined in s. 481.203, for which a
133 homestead exemption has been granted, may apply for and receive
134 an inspection without also applying for a grant pursuant to
135 subsection (2) and without meeting the requirements of paragraph
136 (2) (a).

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

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

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

145 2. The home must be a dwelling with an insured value of

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146 \$700,000 or less. Homeowners who are low-income persons, as
147 defined in s. 420.0004(11), are exempt from this requirement.

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

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

153 5. For flood mitigation grants, the building permit
154 application for initial construction of the home must have been
155 made before January 1, 1982, and the home must:

156 a. Exist in a 100-year floodplain as determined by the
157 Federal Emergency Management Agency;

158 b. Exist in a community that participates in the National
159 Flood Insurance Program Community Rating System administered by
160 the Federal Emergency Management Agency with a Class 6 or above;
161 and

162 c. Be covered by flood insurance.

163 ~~6.5.~~ The homeowner must agree to make his or her home
164 available for inspection once a mitigation project is completed.

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

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

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175 (c) The program shall create a process in which contractors
176 agree to participate and homeowners select from a list of
177 participating contractors. All mitigation must be based upon the
178 securing of all required local permits and inspections and must
179 be performed by properly licensed contractors. Hurricane and
180 flood mitigation inspectors qualifying for the program may also
181 participate as mitigation contractors as long as the inspectors
182 meet the department's qualifications and certification
183 requirements for mitigation contractors.

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

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

- 194 1. Opening protection.
- 195 2. Exterior doors, including garage doors.
- 196 3. Reinforcing roof-to-wall connections.
- 197 4. Improving the strength of roof-deck attachments.
- 198 5. Secondary water barrier for roof.
- 199 6. Elevation of the home and improvements to the home.
- 200 7. Dry floodproofing protection, including backflow valves.
- 201 8. Utility flood protection, including utility flood
202 barriers.
- 203 9. Installation of flood vents.

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

209 (g) The department may require that improvements be made to
210 all 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 (f).

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

221 (i) ~~(g)~~ Grants may be used on a previously inspected
222 existing structure or on a rebuild. A rebuild is defined as a
223 site-built, single-family dwelling under construction to replace
224 a home that was destroyed or significantly damaged by a
225 hurricane or flood and deemed unlivable by a regulatory
226 authority. The homeowner must be a low-income homeowner as
227 defined in paragraph (j) ~~(h)~~, must have had a homestead
228 exemption for that home before the hurricane or flood, and must
229 be intending to rebuild the home as that homeowner's homestead.

230 (j) ~~(h)~~ Low-income homeowners, as defined in s.
231 420.0004(11), who otherwise meet the requirements of paragraphs
232 (a), (c), (e), and (i) ~~(g)~~ are eligible for a grant of up to

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233 \$10,000 and are not required to provide a matching amount to
234 receive the grant. The program may accept a certification
235 directly from a low-income homeowner that the homeowner meets
236 the requirements of s. 420.0004(11) if the homeowner provides
237 such certification in a signed or electronically verified
238 statement made under penalty of perjury.

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

245 (3) EDUCATION, 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 and flood inspections
249 and of the safety and financial benefits of residential
250 hurricane and flood damage mitigation. The department may seek
251 out and use local, state, federal, and private funds to support
252 the campaign.

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

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262 with a homeowner who is considering contracting for home or roof
263 repair or contracting for the construction of a new home. Real
264 estate brokers and sales associates are encouraged to distribute
265 the brochure to clients before the purchase of a home. The
266 brochures may be made available electronically.

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

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

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

282 (7) CONTRACT MANAGEMENT.—

283 (a) The department may contract with third parties for
284 grants management, inspection services, contractor services for
285 low-income homeowners, information technology, educational
286 outreach, and auditing services. Such contracts are considered
287 direct costs of the program and are not subject to
288 administrative cost limits. The department shall contract with
289 providers that have a demonstrated record of successful business
290 operations in areas directly related to the services to be

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291 provided and shall ensure the highest accountability for use of
292 state funds, consistent with this section.

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

299 (8) INTENT.—It is the intent of the Legislature that grants
300 made to residential property owners under this section shall be
301 considered disaster-relief assistance within the meaning of s.
302 139 of the Internal Revenue Code of 1986, as 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

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320 list for the disbursal of appropriated funds, and may not create
321 a waiting list in anticipation of additional funding unless the
322 Legislature expressly authorizes it to do so.

323 (2) For the 2024-2025 fiscal year, the sum of \$5 million in
324 nonrecurring funds is appropriated from the General Revenue Fund
325 to the Department of Financial Services for administrative costs
326 related to the implementation of mitigation grants pursuant to
327 s. 215.5586, Florida Statutes, under the My Safe Florida Home
328 Program.

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