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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2024	.	
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The Committee on Appropriations (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 67 - 295

and insert:

(b) "Board of administration" has the same meaning as in s. 718.103.

(c) "Condominium" has the same meaning as in s. 718.103.

(d) "Condominium parcel" has the same meaning as s. 718.103.

(e) "Department" means the Department of Financial



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11 Services.

12 (f) "Property" means the parcel or parcels whose owners
13 have applied to participate in the program.

14 (g) "Service area" means the area of this state within 15
15 miles inward of a coastline as defined in s. 376.031.

16 (h) "Unit" has the same meaning as in s. 718.103.

17 (i) "Unit owner" has the same meaning as in s. 718.103.

18 (j) "Voting interests" has the same meaning as s. 718.103.

19 (2) PARTICIPATION.—Only the owners of condominium parcels
20 within the service area and that are 3 stories or less are
21 eligible to participate in the pilot program.

22 (a) In order to apply for an inspection of condominium
23 parcels under subsection (4), an association must receive
24 approval by a majority vote of the board of administration or a
25 majority vote of the total voting interests of the association
26 to participate in the pilot program. The president of the
27 association may submit an inspection application for the
28 condominium parcels participating in the pilot program.

29 (b) In order to apply for a grant under subsection (5)
30 which improves one or more units within a condominium parcel, an
31 association must receive both of the following:

32 1. Approval by a majority vote of the board of
33 administration or a majority vote of the total voting interests
34 of the association to participate in a mitigation grant.

35 2. A unanimous vote of all unit owners within the structure
36 or building that is the subject of the mitigation grant.

37 (c) The president of the association shall submit a grant
38 application for the condominium parcels participating in the
39 pilot program. A unit owner may participate in the pilot program



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40 through a mitigation grant awarded to the association but may
41 not participate individually in the pilot program.

42 (d) The votes required under this subsection may take place
43 at the annual budget meeting of the association or at a unit
44 owner meeting called for the purpose of taking such vote. Before
45 a vote of the unit owners may be taken, the association must
46 provide to the unit owners a clear disclosure of the pilot
47 program on a form created by the department. The president and
48 the treasurer of the board of administration must sign the
49 disclosure form indicating that a copy of the form was provided
50 to each unit owner of the association. The signed disclosure
51 form and the minutes from the meeting at which the unit owners
52 voted to participate in the pilot program must be maintained as
53 part of the official records of the association. Within 14 days
54 after an affirmative vote to participate in the pilot program,
55 the association must provide written notice in the same manner
56 as required under s. 718.112(2)(d) to all unit owners of the
57 decision to participate in the pilot program.

58 (3) HURRICANE MITIGATION INSPECTORS.—

59 (a) Licensed inspectors must be used to provide inspections
60 of the property to determine the mitigation measures that are
61 needed, the insurance premium discounts that may be available to
62 the association, and the improvements to existing properties of
63 the association that are needed to reduce a property's
64 vulnerability to hurricane damage.

65 (b) The department shall contract with wind certification
66 entities to provide hurricane mitigation inspections. To qualify
67 for selection by the department as a wind certification entity
68 to provide hurricane mitigation inspections, the entity must, at



69 a minimum, meet all of the following requirements:
70 1. Use hurricane mitigation inspectors who are licensed or
71 certified as:
72 a. A building inspector under s. 468.607;
73 b. A general, building, or residential contractor under s.
74 489.111;
75 c. A professional engineer under s. 471.015;
76 d. A professional architect under s. 481.213; or
77 e. A home inspector under s. 468.8314 who has completed at
78 least 3 hours of hurricane mitigation training approved by the
79 Construction Industry Licensing Board, which must include
80 hurricane mitigation techniques, compliance with the uniform
81 mitigation verification form, and completion of a proficiency
82 exam.
83 2. Use hurricane mitigation inspectors who have undergone
84 drug testing and a background screening. The department may
85 conduct criminal record checks of inspectors used by wind
86 certification entities. Inspectors must submit a full set of
87 fingerprints to the department or to a vendor, an entity, or an
88 agency authorized by s. 943.053(13). The department, vendor,
89 entity, or agency shall forward the fingerprints to the
90 Department of Law Enforcement for state processing, and the
91 Department of Law Enforcement shall forward the fingerprints to
92 the Federal Bureau of Investigation for national processing.
93 Fees for state and federal fingerprint processing shall be paid
94 by the applicant. The state cost for fingerprint processing
95 shall be as provided in s. 943.053(3) (e). The results must be
96 returned to the department for screening. The fingerprints must
97 be taken by a law enforcement agency, designated examination



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98 center, or other department-approved entity.

99 3. Provide a quality assurance program, including a
100 reinspection component.

101 (4) HURRICANE MITIGATION INSPECTIONS.-

102 (a) The inspections provided to an association under this
103 section must, at a minimum, include all of the following:

104 1. An inspection of the property, and a report that
105 summarizes the results and identifies recommended improvements
106 the association may take to mitigate hurricane damage.

107 2. A range of cost estimates regarding the recommended
108 mitigation improvements.

109 3. Information regarding estimated insurance premium
110 discounts, correlated to the current mitigation features and the
111 recommended mitigation improvements identified by the
112 inspection.

113 (b) An application for an inspection must contain a signed
114 or electronically verified statement made under penalty of
115 perjury by the president of the board of administration that the
116 association has submitted only a single application for each
117 property that the association operates or maintains.

118 (c) An association may apply for and receive an inspection
119 without also applying for a grant under subsection (5).

120 (5) MITIGATION GRANTS.-Grants must be used by associations
121 to make improvements recommended by an inspection which increase
122 the condominium parcel's resistance to hurricane damage.

123 (a) An application for a mitigation grant must:

124 1. Contain a signed or electronically verified statement
125 made under penalty of perjury by the president of the board of
126 administration that the association has submitted only a single



127 application for each condominium parcel that the association
128 operates or maintains.

129 2. Include a notarized statement from the president of the
130 board of administration containing the name and license number
131 of each contractor the association intends to use for the
132 mitigation project.

133 3. Include a notarized statement from the president of the
134 board of administration which commits to the department that the
135 association will complete the mitigation improvements. If the
136 grant will be used to improve units, the application must also
137 include an acknowledged statement from each unit owner who is
138 required to provide approval for a grant under paragraph (2) (b).

139 (b) An association may select its own contractors for the
140 mitigation project as long as each contractor meets all
141 qualification, certification, or licensing requirements in
142 general law. A mitigation project must be performed by a
143 properly licensed contractor who has secured all required local
144 permits necessary for the project. The department must
145 electronically verify that the contractor's state license number
146 is accurate and up to date before approving a grant application.

147 (c) An association awarded a grant must complete the entire
148 mitigation project in order to receive the final grant award and
149 must agree to make the property available for a final inspection
150 once the mitigation project is finished to ensure the mitigation
151 improvements are completed in a matter consistent with the
152 intent of the pilot program and meet or exceed the applicable
153 Florida Building Code requirements. Construction must be
154 completed and the association must submit a request to the
155 department for a final inspection, or request an extension of



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156 time, within 1 year after receiving grant approval. If the
157 association fails to comply with this paragraph, the application
158 is deemed abandoned and the grant money reverts back to the
159 department.

160 (d) All grants must be matched on the basis of \$1 provided
161 by the association for \$2 provided by the state up to a maximum
162 contribution as provided in the General Appropriations Act.

163 (e) When recommended by a hurricane mitigation inspection
164 report, grants for eligible associations may be used for the
165 following improvements:

166 1. Opening protection, including exterior doors, garage
167 doors, windows, and skylights.

168 2. Reinforcing roof-to-wall connections.

169 3. Improving the strength of roof-deck attachments.

170 4. Secondary water barrier for roofs.

171 (f)1. If improvements to protect the property which
172 complied with the current applicable building code at the time
173 have been previously installed, the association must use a
174 mitigation grant to install improvements that do both of the
175 following:

176 a. Comply with or exceed the applicable building code in
177 effect at the time the association applied for the grant.

178 b. Provide more hurricane protection than the improvements
179 that the association previously installed.

180 2. The association may not use a mitigation grant to:

181 a. Install the same type of improvements that were
182 previously installed; or

183 b. Pay a deductible for a pending insurance claim for
184 damage that is part of the property for which grant funds are



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185 being received.

186 (g) The department shall develop a process that ensures the
187 most efficient means to collect and verify inspection and grant
188 applications to determine eligibility. The department may direct
189 hurricane mitigation inspectors to collect and verify inspection
190 and grant application information or use the Internet or other
191 electronic means to collect information and determine
192 eligibility.

193 (6) CONTRACT MANAGEMENT.—

194 (a) The department may contract with third parties for
195 grant management, inspection services, contractor services,
196 information technology, educational outreach, and auditing
197 services. Such contracts are considered direct costs of the
198 pilot program and are not subject to administrative cost limits.
199 The department shall contract with providers that have a
200 demonstrated record of successful business operations in areas
201 directly related to the services to be provided and shall ensure
202 the highest accountability for use of state funds, consistent
203 with this section.

204 (b) The department shall implement a quality assurance and
205 reinspection program that determines whether initial inspections
206 and mitigation improvements are completed in a manner consistent
207 with the intent of the pilot program. The department may use a
208 valid random sampling in order to perform the quality assurance
209 portion of the pilot program.

210 (7) REPORTS.—By February 1 of each year, the department
211 shall submit a report to the President of the Senate and the
212 Speaker of the House of Representatives on the activities of the
213 pilot program and the use of state funds. The report must



214 include all of the following information:
215 (a) The number of inspections requested.
216 (b) The number of inspections performed.
217 (c) The number of grant applications received.
218 (d) The number of grants approved and the monetary value of
219 each grant.
220 (e) The estimated average annual amount of insurance
221 premium discounts each association received and the total
222 estimated annual amount of insurance premium discounts received
223 by all associations participating in the pilot program.
224 (f) The estimated average annual amount of insurance
225 premium discounts each unit owner received as a result of the
226 improvements to the building or structure.
227 (8) REQUESTS FOR INFORMATION.—The department may request
228 that an applicant provide additional information. An application
229 is deemed withdrawn by the applicant if the department does not
230 receive a response to its request for additional information
231 within 60 days after the applicant is notified of any apparent
232 error or omission.
233 (9) RULES.—The department shall adopt rules pursuant to ss.
234 120.536(1) and 120.54 to govern the program, implement this
235 section, and carry out the duties of the department under this
236 section.

237
238 ===== T I T L E A M E N D M E N T =====

239 And the title is amended as follows:

240 Delete lines 7 - 45

241 and insert:

242 providing that the unit owners of certain condominium



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243 parcels are eligible to participate in the pilot
244 program; providing requirements for associations to
245 apply for a certain inspection; authorizing the
246 president of the association to submit an inspection
247 application; providing requirements for associations
248 to apply for a certain grant; requiring the president
249 of the association to submit a grant application;
250 authorizing a unit owner to participate in the pilot
251 program under certain circumstances; providing voting
252 requirements; requiring that licensed inspectors be
253 used for a specified purpose; requiring the department
254 to contract with specified entities for certain
255 inspections; providing requirements for such entities;
256 authorizing the department to conduct criminal record
257 checks of certain inspectors; requiring inspectors to
258 submit fingerprints and processing fees to the
259 department; providing requirements for hurricane
260 mitigation inspectors and inspections; requiring that
261 applications for inspections and grants include
262 specified statements; authorizing an association to
263 receive an inspection without applying for a
264 mitigation grant; providing mitigation grants for a
265 specified purpose; providing requirements for an
266 association receiving a mitigation grant; authorizing
267 an association to select its own contractors if each
268 contractor meets certain requirements; requiring the
269 department to electronically verify a contractor's
270 state license; requiring the association to complete
271 construction to receive the final grant award;



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272 requiring the association to make the property
273 available for final inspection once the project is
274 completed; requiring that such construction be
275 completed and that the association submit a request
276 for a final inspection within a specified timeframe;
277 requiring that mitigation grants be matched by the
278 association; providing a maximum state contribution
279 based on the General Appropriations Act; providing
280 requirements for mitigation projects; providing the
281 manner in which mitigation grants may be used;
282 requiring the department to develop a specified
283 process that ensures the most efficient means to
284 collect and verify inspection and grant applications;
285 authorizing the department to direct hurricane
286 mitigation inspectors to collect and verify certain
287 information; authorizing the department to contract
288 for certain services; providing requirements for such
289 contracts; requiring the department to implement a
290 quality assurance and reinspection program; requiring
291 the department to submit to the Legislature an annual
292 report containing specified information; authorizing
293 the department to request additional information from
294 an applicant; providing that an application is deemed
295 withdrawn under certain circumstances; requiring the
296 department to adopt rules; providing an effective
297 date.