

By Senator DiCeglie

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1 A bill to be entitled
2 An act relating to the My Safe Florida Condominium
3 Pilot Program; creating s. 215.5587, F.S.;
4 establishing the My Safe Florida Condominium Pilot
5 Program within the Department of Financial Services;
6 providing legislative intent; defining terms;
7 providing requirements for associations and unit
8 owners to participate in the pilot program; providing
9 voting requirements; requiring the department to
10 contract with specified entities for certain
11 inspections; providing requirements for such entities;
12 authorizing the department to conduct criminal record
13 checks of certain inspectors; requiring inspectors to
14 submit fingerprints and processing fees to the
15 department; providing requirements for hurricane
16 mitigation inspectors and inspections; requiring that
17 applications for inspections and grants include
18 specified statements; authorizing an association to
19 receive an inspection without applying for a
20 mitigation grant; providing mitigation grants for a
21 specified purpose; providing requirements for an
22 association receiving a mitigation grant; authorizing
23 an association to select its own contractor if such
24 contractor meets certain requirements; requiring the
25 department to electronically verify a contractor's
26 state license; requiring the association to complete
27 construction to receive the final grant award;
28 requiring the association to make the property
29 available for final inspection once the project is

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30 completed; requiring that such construction be
31 completed and that the association must submit a
32 request for a final inspection within a specified
33 timeframe; requiring that mitigation grants be matched
34 by the association; providing a maximum state
35 contribution based on the General Appropriations Act;
36 providing requirements for mitigation projects;
37 providing how mitigation grants may be used; requiring
38 the department to develop a specified process to
39 ensure efficiency; authorizing the department to
40 contract for certain services; providing requirements
41 for such contracts; requiring the department to
42 implement a quality assurance and reinspection
43 program; requiring the department to submit to the
44 Legislature an annual report with specified
45 information; providing an effective date.

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

48
49 Section 1. Section 215.5587, Florida Statutes, is created
50 to read:

51 215.5587 My Safe Florida Condominium Pilot Program.—There
52 is established within the Department of Financial Services the
53 My Safe Florida Condominium Pilot Program to be implemented
54 pursuant to appropriations. The department shall provide fiscal
55 accountability, contract management, and strategic leadership
56 for the pilot program, consistent with this section. This
57 section does not create an entitlement for associations or unit
58 owners or obligate the state in any way to fund the inspection

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59 or retrofitting of condominiums in the state. Implementation of
60 this pilot program is subject to annual legislative
61 appropriations. It is the intent of the Legislature that the My
62 Safe Florida Condominium Pilot Program provide licensed
63 inspectors to perform inspections for and grants to eligible
64 associations as funding allows.

65 (1) DEFINITIONS.—As used in this section, the term:

66 (a) "Association" has the same meaning as in s. 718.103.

67 (b) "Association property" has the same meaning as in s.
68 718.103.

69 (c) "Board of administration" has the same meaning as in s.
70 718.103.

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

72 (e) "Condominium property" has the same meaning as in s.
73 718.103.

74 (f) "Department" means the Department of Financial
75 Services.

76 (g) "Property" means association property and condominium
77 property, as applicable.

78 (h) "Rebuild" means property under construction to replace
79 a structure that was destroyed or significantly damaged by a
80 hurricane and deemed unlivable by a regulatory authority.

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

82 (j) "Unit owner" has the same meaning as in s. 718.103.

83 (2) PARTICIPATION.—

84 (a) In order to apply for an inspection under subsection
85 (4) or a grant under subsection (5) for association property or
86 condominium property, an association must receive approval by a
87 majority vote of the board of administration or a majority vote

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88 of the total voting interests of the association to participate
89 in the pilot program.

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

93 1. Approval by a majority vote of the board of
94 administration or a majority vote of the total voting interests
95 of the association to participate in a mitigation inspection.

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

98 (c) A unit owner may participate in the pilot program
99 through a mitigation grant awarded to the association but may
100 not participate individually in the pilot program.

101 (d) The votes required under this subsection may take place
102 at the annual budget meeting of the association or at a unit
103 owner meeting called for the purpose of taking such vote. Before
104 a vote of the unit owners may be taken, the association must
105 provide to the unit owners a clear disclosure of the pilot
106 program on a form created by the department. The president and
107 the treasurer of the board of administration must sign the
108 disclosure form indicating that a copy of the form was provided
109 to each unit owner of the association. The signed disclosure
110 form and the minutes from the meeting at which the unit owners
111 voted to participate in the pilot program must be maintained as
112 part of the official records of the association. Within 14 days
113 after an affirmative vote to participate in the pilot program,
114 the association must provide written notice in the same manner
115 as required under s. 718.112(2)(d) to all unit owners of the
116 decision to participate in the pilot program.

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117 (3) HURRICANE MITIGATION INSPECTORS.-

118 (a) Licensed inspectors shall provide inspections of the
119 property to determine the mitigation measures that are needed,
120 the insurance premium discounts that may be available to the
121 association, and the improvements to existing properties of the
122 association that are needed to reduce a property's vulnerability
123 to hurricane damage.

124 (b) The department shall contract with wind certification
125 entities to provide hurricane mitigation inspections. To qualify
126 for selection by the department as a wind certification entity
127 to provide hurricane mitigation inspections, the entity must, at
128 a minimum, meet all of the following requirements:

129 1. Use hurricane mitigation inspectors who are licensed or
130 certified as:

131 a. A building inspector under s. 468.607;

132 b. A general, building, or residential contractor under s.
133 489.111;

134 c. A professional engineer under s. 471.015;

135 d. A professional architect under s. 481.213; or

136 e. A home inspector under s. 468.8314 who has completed at
137 least 3 hours of hurricane mitigation training approved by the
138 Construction Industry Licensing Board, which must include
139 hurricane mitigation techniques, compliance with the uniform
140 mitigation verification form, and completion of a proficiency
141 exam.

142 2. Use hurricane mitigation inspectors who have undergone
143 drug testing and a background screening. The department may
144 conduct criminal record checks of inspectors used by wind
145 certification entities. Inspectors must submit a set of

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146 fingerprints to the department for state and national criminal
147 history checks and must pay the fingerprint processing fee set
148 forth in s. 624.501. The fingerprints must be sent by the
149 department to the Department of Law Enforcement and forwarded to
150 the Federal Bureau of Investigation for processing. The results
151 must be returned to the department for screening. The
152 fingerprints must be taken by a law enforcement agency,
153 designated examination center, or other department-approved
154 entity.

155 3. Provide a quality assurance program, including a
156 reinspection component.

157 (4) HURRICANE MITIGATION INSPECTIONS.—

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

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

163 2. A range of cost estimates regarding the recommended
164 mitigation improvements.

165 3. Information regarding estimated insurance premium
166 discounts, correlated to the current mitigation features and the
167 recommended mitigation improvements identified by the
168 inspection.

169 (b) An application for an inspection must contain a signed
170 or electronically verified statement made under penalty of
171 perjury by the president of the board of administration that the
172 association has submitted only a single application for each
173 property that the association operates or maintains.

174 (c) An association may apply for and receive an inspection

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175 without also applying for a grant under subsection (5).

176 (5) MITIGATION GRANTS.—Financial grants may be used to
177 encourage associations to retrofit the property the association
178 operates and maintains in order to make such property less
179 vulnerable to hurricane damage.

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

181 1. Contain a signed or electronically verified statement
182 made under penalty of perjury by the president of the board of
183 administration that the association has submitted only a single
184 application for each property that the association operates or
185 maintains.

186 2. Include a notarized statement from the president of the
187 board of administration containing the name and license number
188 of the contractor the association intends to use for the
189 mitigation project.

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

196 (b) An association may select its own contractor for the
197 mitigation project as long as such contractor meets all
198 qualification, certification, or licensing requirements in
199 general law. A mitigation project must be performed by a
200 properly licensed contractor who has secured all required local
201 permits necessary for the project. The department must
202 electronically verify that the contractor's state license number
203 is accurate and up to date before approving a grant application.

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204 (c) An association awarded a grant must complete the entire
205 mitigation project in order to receive the final grant award and
206 must agree to make the property available for a final inspection
207 once the mitigation project is finished to ensure the mitigation
208 improvements are completed in a matter consistent with the
209 intent of the pilot program and meet or exceed the applicable
210 Florida Building Code requirements. Construction must be
211 completed and the association must submit a request to the
212 department for a final inspection, or request an extension of
213 time, within 1 year after receiving grant approval. If the
214 association fails to comply with this paragraph, the application
215 is deemed abandoned and the grant money reverts back to the
216 department.

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

220 (e) When recommended by a hurricane mitigation inspection
221 report, grants for eligible associations may be used for the
222 following improvements:

- 223 1. Opening protection.
- 224 2. Exterior doors, including garage doors.
- 225 3. Reinforcing roof-to-wall connections.
- 226 4. Improving the strength of roof-deck attachments.
- 227 5. Secondary water barrier for roof.

228 (f) Grants may be used for a previously inspected existing
229 structure on the property or for a rebuild.

230 (g)1. If improvements to protect the property which
231 complied with the current applicable building code at the time
232 have been previously installed, the association must use a

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233 mitigation grant to install improvements that do both of the
234 following:

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

237 b. Provide more hurricane protection than the improvements
238 that the association previously installed.

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

240 a. Install the same type of improvements that were
241 previously installed; or

242 b. Pay a deductible for a pending insurance claim for
243 damage that is part of the property for which grant funds are
244 being received.

245 (h) The department shall develop a process that ensures the
246 most efficient means to collect and verify grant applications to
247 determine eligibility and may direct hurricane mitigation
248 inspectors to collect and verify grant application information
249 or use the Internet or other electronic means to collect
250 information and determine eligibility.

251 (6) CONTRACT MANAGEMENT.—

252 (a) The department may contract with third parties for
253 grant management, inspection services, contractor services,
254 information technology, educational outreach, and auditing
255 services. Such contracts are considered direct costs of the
256 pilot program and are not subject to administrative cost limits.
257 The department shall contract with providers that have a
258 demonstrated record of successful business operations in areas
259 directly related to the services to be provided and shall ensure
260 the highest accountability for use of state funds, consistent
261 with this section.

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262 (b) The department shall implement a quality assurance and
263 reinspection program that determines whether initial inspections
264 and mitigation improvements are completed in a manner consistent
265 with the intent of the pilot program. The department may use a
266 valid random sampling in order to perform the quality assurance
267 portion of the pilot program.

268 (7) REPORTS.—By February 1 of each year, the department
269 shall submit a report to the President of the Senate and the
270 Speaker of the House of Representatives on the activities of the
271 pilot program and the use of state funds. The report must
272 include all of the following information:

273 (a) The number of inspections requested.

274 (b) The number of inspections performed.

275 (c) The number of grant applications received.

276 (d) The number of grants approved and the monetary value of
277 each grant.

278 (e) The estimated average annual amount of insurance
279 premium discounts each association received and the total
280 estimated annual amount of insurance premium discounts received
281 by all associations participating in the pilot program.

282 (f) The estimated average annual amount of insurance
283 premium discounts each unit owner received as a result of the
284 improvements to the building or structure.

285 Section 2. This act shall take effect July 1, 2024.