

By the Committee on Banking and Insurance; and 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" means property, whether real or
68 personal, which is owned or leased by, or dedicated by a
69 recorded plat to, the association for the use and benefit of its
70 members and which is located in the service area.

71 (c) "Board of administration" has the same meaning as in s.
72 718.103.

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

74 (e) "Condominium property" means the lands, leaseholds, and
75 personal property that are subject to condominium ownership,
76 whether or not contiguous, and all improvements thereon and all
77 easements and rights appurtenant thereto intended for use in
78 connection with the condominium and that are located in the
79 service area.

80 (f) "Department" means the Department of Financial
81 Services.

82 (g) "Property" means association property and condominium
83 property, as applicable, located in the service area.

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

87 (i) "Service area" means the area of the state within 15

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88 miles inward of a coastline as defined in s. 376.031.

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

90 (k) "Unit owner" has the same meaning as in s. 718.103.

91 (2) PARTICIPATION.—

92 (a) In order to apply for an inspection under subsection
93 (4) or a grant under subsection (5) for association property or
94 condominium property, an association must receive approval by a
95 majority vote of the board of administration or a majority vote
96 of the total voting interests of the association to participate
97 in the pilot program.

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

101 1. Approval by a majority vote of the board of
102 administration or a majority vote of the total voting interests
103 of the association to participate in a mitigation inspection.

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

106 (c) A unit owner may participate in the pilot program
107 through a mitigation grant awarded to the association but may
108 not participate individually in the pilot program.

109 (d) The votes required under this subsection may take place
110 at the annual budget meeting of the association or at a unit
111 owner meeting called for the purpose of taking such vote. Before
112 a vote of the unit owners may be taken, the association must
113 provide to the unit owners a clear disclosure of the pilot
114 program on a form created by the department. The president and
115 the treasurer of the board of administration must sign the
116 disclosure form indicating that a copy of the form was provided

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117 to each unit owner of the association. The signed disclosure
118 form and the minutes from the meeting at which the unit owners
119 voted to participate in the pilot program must be maintained as
120 part of the official records of the association. Within 14 days
121 after an affirmative vote to participate in the pilot program,
122 the association must provide written notice in the same manner
123 as required under s. 718.112(2)(d) to all unit owners of the
124 decision to participate in the pilot program.

125 (3) HURRICANE MITIGATION INSPECTORS.—

126 (a) Licensed inspectors must be used to provide inspections
127 of the property to determine the mitigation measures that are
128 needed, the insurance premium discounts that may be available to
129 the association, and the improvements to existing properties of
130 the association that are needed to reduce a property's
131 vulnerability to hurricane damage.

132 (b) The department shall contract with wind certification
133 entities to provide hurricane mitigation inspections. To qualify
134 for selection by the department as a wind certification entity
135 to provide hurricane mitigation inspections, the entity must, at
136 a minimum, meet all of the following requirements:

137 1. Use hurricane mitigation inspectors who are licensed or
138 certified as:

139 a. A building inspector under s. 468.607;

140 b. A general, building, or residential contractor under s.
141 489.111;

142 c. A professional engineer under s. 471.015;

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

144 e. A home inspector under s. 468.8314 who has completed at
145 least 3 hours of hurricane mitigation training approved by the

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146 Construction Industry Licensing Board, which must include
147 hurricane mitigation techniques, compliance with the uniform
148 mitigation verification form, and completion of a proficiency
149 exam.

150 2. Use hurricane mitigation inspectors who have undergone
151 drug testing and a background screening. The department may
152 conduct criminal record checks of inspectors used by wind
153 certification entities. Inspectors must submit a full set of
154 fingerprints to the department or to a vendor, an entity, or an
155 agency authorized by s. 943.053(13). The department, vendor,
156 entity, or agency shall forward the fingerprints to the
157 Department of Law Enforcement for state processing, and the
158 Department of Law Enforcement shall forward the fingerprints to
159 the Federal Bureau of Investigation for national processing.
160 Fees for state and federal fingerprint processing shall be paid
161 by the applicant. The state cost for fingerprint processing
162 shall be as provided in s. 943.053(3) (e). The results must be
163 returned to the department for screening. The fingerprints must
164 be taken by a law enforcement agency, designated examination
165 center, or other department-approved entity.

166 3. Provide a quality assurance program, including a
167 reinspection component.

168 (4) HURRICANE MITIGATION INSPECTIONS.—

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

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

174 2. A range of cost estimates regarding the recommended

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175 mitigation improvements.

176 3. Information regarding estimated insurance premium
177 discounts, correlated to the current mitigation features and the
178 recommended mitigation improvements identified by the
179 inspection.

180 (b) An application for an inspection must contain a signed
181 or electronically verified statement made under penalty of
182 perjury by the president of the board of administration that the
183 association has submitted only a single application for each
184 property that the association operates or maintains.

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

187 (5) MITIGATION GRANTS.—Financial grants may be used to
188 encourage associations to retrofit the property the association
189 operates and maintains in order to make such property less
190 vulnerable to hurricane damage.

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

192 1. Contain a signed or electronically verified statement
193 made under penalty of perjury by the president of the board of
194 administration that the association has submitted only a single
195 application for each property that the association operates or
196 maintains.

197 2. Include a notarized statement from the president of the
198 board of administration containing the name and license number
199 of the contractor the association intends to use for the
200 mitigation project.

201 3. Include a notarized statement from the president of the
202 board of administration which commits to the department that the
203 association will complete the mitigation improvements. If the

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204 grant will be used to improve units, the application must also
205 include an acknowledged statement from each unit owner who is
206 required to provide approval for a grant under paragraph (2) (b).

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

215 (c) An association awarded a grant must complete the entire
216 mitigation project in order to receive the final grant award and
217 must agree to make the property available for a final inspection
218 once the mitigation project is finished to ensure the mitigation
219 improvements are completed in a matter consistent with the
220 intent of the pilot program and meet or exceed the applicable
221 Florida Building Code requirements. Construction must be
222 completed and the association must submit a request to the
223 department for a final inspection, or request an extension of
224 time, within 1 year after receiving grant approval. If the
225 association fails to comply with this paragraph, the application
226 is deemed abandoned and the grant money reverts back to the
227 department.

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

231 (e) When recommended by a hurricane mitigation inspection
232 report, grants for eligible associations may be used for the

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233 following improvements:

234 1. Opening protection.

235 2. Exterior doors, including garage doors.

236 3. Reinforcing roof-to-wall connections.

237 4. Improving the strength of roof-deck attachments.

238 5. Secondary water barrier for roof.

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

241 (g)1. If improvements to protect the property which
242 complied with the current applicable building code at the time
243 have been previously installed, the association must use a
244 mitigation grant to install improvements that do both of the
245 following:

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

248 b. Provide more hurricane protection than the improvements
249 that the association previously installed.

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

251 a. Install the same type of improvements that were
252 previously installed; or

253 b. Pay a deductible for a pending insurance claim for
254 damage that is part of the property for which grant funds are
255 being received.

256 (h) The department shall develop a process that ensures the
257 most efficient means to collect and verify grant applications to
258 determine eligibility and may direct hurricane mitigation
259 inspectors to collect and verify grant application information
260 or use the Internet or other electronic means to collect
261 information and determine eligibility.

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262 (6) CONTRACT MANAGEMENT.—

263 (a) The department may contract with third parties for
264 grant management, inspection services, contractor services,
265 information technology, educational outreach, and auditing
266 services. Such contracts are considered direct costs of the
267 pilot program and are not subject to administrative cost limits.
268 The department shall contract with providers that have a
269 demonstrated record of successful business operations in areas
270 directly related to the services to be provided and shall ensure
271 the highest accountability for use of state funds, consistent
272 with this section.

273 (b) The department shall implement a quality assurance and
274 reinspection program that determines whether initial inspections
275 and mitigation improvements are completed in a manner consistent
276 with the intent of the pilot program. The department may use a
277 valid random sampling in order to perform the quality assurance
278 portion of the pilot program.

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

284 (a) The number of inspections requested.

285 (b) The number of inspections performed.

286 (c) The number of grant applications received.

287 (d) The number of grants approved and the monetary value of
288 each grant.

289 (e) The estimated average annual amount of insurance
290 premium discounts each association received and the total

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291 estimated annual amount of insurance premium discounts received
292 by all associations participating in the pilot program.

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

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