

By the Committees on Appropriations; and Banking and Insurance;
and Senators DiCeglie and Pizzo

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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 that the unit owners of certain condominium
8 parcels are eligible to participate in the pilot
9 program; providing requirements for associations to
10 apply for a certain inspection; authorizing the
11 president of the association to submit an inspection
12 application; providing requirements for associations
13 to apply for a certain grant; requiring the president
14 of the association to submit a grant application;
15 authorizing a unit owner to participate in the pilot
16 program under certain circumstances; providing voting
17 requirements; requiring that licensed inspectors be
18 used for a specified purpose; requiring the department
19 to contract with specified entities for certain
20 inspections; providing requirements for such entities;
21 authorizing the department to conduct criminal record
22 checks of certain inspectors; requiring inspectors to
23 submit fingerprints and processing fees to the
24 department; providing requirements for hurricane
25 mitigation inspectors and inspections; requiring that
26 applications for inspections and grants include
27 specified statements; authorizing an association to
28 receive an inspection without applying for a
29 mitigation grant; providing mitigation grants for a

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30 specified purpose; providing requirements for an
31 association receiving a mitigation grant; authorizing
32 an association to select its own contractors if each
33 contractor meets certain requirements; requiring the
34 department to electronically verify a contractor's
35 state license; requiring the association to complete
36 construction to receive the final grant award;
37 requiring the association to make the property
38 available for final inspection once the project is
39 completed; requiring that such construction be
40 completed and that the association submit a request
41 for a final inspection within a specified timeframe;
42 requiring that mitigation grants be matched by the
43 association; providing a maximum state contribution
44 based on the General Appropriations Act; providing
45 requirements for mitigation projects; providing the
46 manner in which mitigation grants may be used;
47 requiring the department to develop a specified
48 process that ensures the most efficient means to
49 collect and verify inspection and grant applications;
50 authorizing the department to direct hurricane
51 mitigation inspectors to collect and verify certain
52 information; authorizing the department to contract
53 for certain services; providing requirements for such
54 contracts; requiring the department to implement a
55 quality assurance and reinspection program; requiring
56 the department to submit to the Legislature an annual
57 report containing specified information; authorizing
58 the department to request additional information from

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59 an applicant; providing that an application is deemed
60 withdrawn under certain circumstances; requiring the
61 department to adopt rules; providing an effective
62 date.

63
64 Be It Enacted by the Legislature of the State of Florida:

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66 Section 1. Section 215.5587, Florida Statutes, is created
67 to read:

68 215.5587 My Safe Florida Condominium Pilot Program.—There
69 is established within the Department of Financial Services the
70 My Safe Florida Condominium Pilot Program to be implemented
71 pursuant to appropriations. The department shall provide fiscal
72 accountability, contract management, and strategic leadership
73 for the pilot program, consistent with this section. This
74 section does not create an entitlement for associations or unit
75 owners or obligate the state in any way to fund the inspection
76 or retrofitting of condominiums in the state. Implementation of
77 this pilot program is subject to annual legislative
78 appropriations. It is the intent of the Legislature that the My
79 Safe Florida Condominium Pilot Program provide licensed
80 inspectors to perform inspections for and grants to eligible
81 associations as funding allows.

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

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

84 (b) "Board of administration" has the same meaning as in s.
85 718.103.

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

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

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88 718.103.

89 (e) "Department" means the Department of Financial
90 Services.

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

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

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

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

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

98 (2) PARTICIPATION.—Only the owners of condominium parcels
99 within the service area and which are 3 stories or less are
100 eligible to participate in the pilot program.

101 (a) In order to apply for an inspection of condominium
102 parcels under subsection (4), an association must receive
103 approval by a majority vote of the board of administration or a
104 majority vote of the total voting interests of the association
105 to participate in the pilot program. The president of the
106 association may submit an inspection application for the
107 condominium parcels participating in the pilot program.

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

111 1. Approval by a majority vote of the board of
112 administration or a majority vote of the total voting interests
113 of the association to participate in a mitigation grant.

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

116 (c) The president of the association shall submit a grant

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117 application for the condominium parcels participating in the
118 pilot program. A unit owner may participate in the pilot program
119 through a mitigation grant awarded to the association but may
120 not participate individually in the pilot program.

121 (d) The votes required under this subsection may take place
122 at the annual budget meeting of the association or at a unit
123 owner meeting called for the purpose of taking such vote. Before
124 a vote of the unit owners may be taken, the association must
125 provide to the unit owners a clear disclosure of the pilot
126 program on a form created by the department. The president and
127 the treasurer of the board of administration must sign the
128 disclosure form indicating that a copy of the form was provided
129 to each unit owner of the association. The signed disclosure
130 form and the minutes from the meeting at which the unit owners
131 voted to participate in the pilot program must be maintained as
132 part of the official records of the association. Within 14 days
133 after an affirmative vote to participate in the pilot program,
134 the association must provide written notice in the same manner
135 as required under s. 718.112(2)(d) to all unit owners of the
136 decision to participate in the pilot program.

137 (3) HURRICANE MITIGATION INSPECTORS.—

138 (a) Licensed inspectors must be used to provide inspections
139 of the property to determine the mitigation measures that are
140 needed, the insurance premium discounts that may be available to
141 the association, and the improvements to existing properties of
142 the association that are needed to reduce a property's
143 vulnerability to hurricane damage.

144 (b) The department shall contract with wind certification
145 entities to provide hurricane mitigation inspections. To qualify

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146 for selection by the department as a wind certification entity
147 to provide hurricane mitigation inspections, the entity must, at
148 a minimum, meet all of the following requirements:

149 1. Use hurricane mitigation inspectors who are licensed or
150 certified as:

151 a. A building inspector under s. 468.607;

152 b. A general, building, or residential contractor under s.
153 489.111;

154 c. A professional engineer under s. 471.015;

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

156 e. A home inspector under s. 468.8314 who has completed at
157 least 3 hours of hurricane mitigation training approved by the
158 Construction Industry Licensing Board, which must include
159 hurricane mitigation techniques, compliance with the uniform
160 mitigation verification form, and completion of a proficiency
161 exam.

162 2. Use hurricane mitigation inspectors who have undergone
163 drug testing and a background screening. The department may
164 conduct criminal record checks of inspectors used by wind
165 certification entities. Inspectors must submit a full set of
166 fingerprints to the department or to a vendor, an entity, or an
167 agency authorized by s. 943.053(13). The department, vendor,
168 entity, or agency shall forward the fingerprints to the
169 Department of Law Enforcement for state processing, and the
170 Department of Law Enforcement shall forward the fingerprints to
171 the Federal Bureau of Investigation for national processing.
172 Fees for state and federal fingerprint processing shall be paid
173 by the applicant. The state cost for fingerprint processing
174 shall be as provided in s. 943.053(3) (e). The results must be

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175 returned to the department for screening. The fingerprints must
176 be taken by a law enforcement agency, designated examination
177 center, or other department-approved entity.

178 3. Provide a quality assurance program, including a
179 reinspection component.

180 (4) HURRICANE MITIGATION INSPECTIONS.—

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

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

186 2. A range of cost estimates regarding the recommended
187 mitigation improvements.

188 3. Information regarding estimated insurance premium
189 discounts, correlated to the current mitigation features and the
190 recommended mitigation improvements identified by the
191 inspection.

192 (b) An application for an inspection must contain a signed
193 or electronically verified statement made under penalty of
194 perjury by the president of the board of administration that the
195 association has submitted only a single application for each
196 property that the association operates or maintains.

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

199 (5) MITIGATION GRANTS.—Grants must be used by associations
200 to make improvements recommended by an inspection which increase
201 the condominium parcel's resistance to hurricane damage.

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

203 1. Contain a signed or electronically verified statement

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204 made under penalty of perjury by the president of the board of
205 administration that the association has submitted only a single
206 application for each condominium parcel that the association
207 operates or maintains.

208 2. Include a notarized statement from the president of the
209 board of administration containing the name and license number
210 of each contractor the association intends to use for the
211 mitigation project.

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

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

226 (c) An association awarded a grant must complete the entire
227 mitigation project in order to receive the final grant award and
228 must agree to make the property available for a final inspection
229 once the mitigation project is finished to ensure the mitigation
230 improvements are completed in a matter consistent with the
231 intent of the pilot program and meet or exceed the applicable
232 Florida Building Code requirements. Construction must be

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233 completed and the association must submit a request to the
234 department for a final inspection, or request an extension of
235 time, within 1 year after receiving grant approval. If the
236 association fails to comply with this paragraph, the application
237 is deemed abandoned and the grant money reverts back to the
238 department.

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

242 (e) When recommended by a hurricane mitigation inspection
243 report, grants for eligible associations may be used for the
244 following improvements:

245 1. Opening protection, including exterior doors, garage
246 doors, windows, and skylights.

247 2. Reinforcing roof-to-wall connections.

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

249 4. Secondary water barrier for roofs.

250 (f)1. If improvements to protect the property which
251 complied with the current applicable building code at the time
252 have been previously installed, the association must use a
253 mitigation grant to install improvements that do both of the
254 following:

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

257 b. Provide more hurricane protection than the improvements
258 that the association previously installed.

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

260 a. Install the same type of improvements that were
261 previously installed; or

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262 b. Pay a deductible for a pending insurance claim for
263 damage that is part of the property for which grant funds are
264 being received.

265 (g) The department shall develop a process that ensures the
266 most efficient means to collect and verify inspection and grant
267 applications to determine eligibility. The department may direct
268 hurricane mitigation inspectors to collect and verify inspection
269 and grant application information or use the Internet or other
270 electronic means to collect information and determine
271 eligibility.

272 (6) CONTRACT MANAGEMENT.—

273 (a) The department may contract with third parties for
274 grant management, inspection services, contractor services,
275 information technology, educational outreach, and auditing
276 services. Such contracts are considered direct costs of the
277 pilot program and are not subject to administrative cost limits.
278 The department shall contract with providers that have a
279 demonstrated record of successful business operations in areas
280 directly related to the services to be provided and shall ensure
281 the highest accountability for use of state funds, consistent
282 with this section.

283 (b) The department shall implement a quality assurance and
284 reinspection program that determines whether initial inspections
285 and mitigation improvements are completed in a manner consistent
286 with the intent of the pilot program. The department may use a
287 valid random sampling in order to perform the quality assurance
288 portion of the pilot program.

289 (7) REPORTS.—By February 1 of each year, the department
290 shall submit a report to the President of the Senate and the

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291 Speaker of the House of Representatives on the activities of the
292 pilot program and the use of state funds. The report must
293 include all of the following information:

294 (a) The number of inspections requested.

295 (b) The number of inspections performed.

296 (c) The number of grant applications received.

297 (d) The number of grants approved and the monetary value of
298 each grant.

299 (e) The estimated average annual amount of insurance
300 premium discounts each association received and the total
301 estimated annual amount of insurance premium discounts received
302 by all associations participating in the pilot program.

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

306 (8) REQUESTS FOR INFORMATION.—The department may request
307 that an applicant provide additional information. An application
308 is deemed withdrawn by the applicant if the department does not
309 receive a response to its request for additional information
310 within 60 days after the applicant is notified of any apparent
311 error or omission.

312 (9) RULES.—The department shall adopt rules pursuant to ss.
313 120.536(1) and 120.54 to govern the program, implement this
314 section, and carry out the duties of the department under this
315 section.

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