

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to insurance; amending s. 215.5586,
3 F.S.; revising legislative intent; specifying that
4 hurricane mitigation grants funded through the My Safe
5 Florida Home Program may be awarded only under certain
6 circumstances; requiring the Department of Financial
7 Services to require that certain mitigation
8 improvements be made as a condition of reimbursing a
9 homeowner approved for a grant; amending ss. 624.407
10 and 624.408, F.S.; revising the surplus required for
11 certain insurers applying for their original
12 certificates of authority and to maintain their
13 certificates of authority, respectively; amending s.
14 624.4073, F.S.; specifying prohibitions for persons
15 who were officers or directors of an insolvent
16 insurer, attorneys in fact of a reciprocal insurer, or
17 officers or directors of an attorney in fact of a
18 reciprocal insurer; providing applicability; requiring
19 the Office of Insurance Regulation to prohibit
20 insurers or reciprocal insurers from paying any
21 compensation to certain persons for certain violations
22 until a specified time; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 215.5586, Florida Statutes, is amended
27 to read:

28 215.5586 My Safe Florida Home Program.— There is
29 established within the Department of Financial Services the My

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30 Safe Florida Home Program. The department shall provide fiscal
31 accountability, contract management, and strategic leadership
32 for the program, consistent with this section. This section does
33 not create an entitlement for property owners or obligate the
34 state in any way to fund the inspection or retrofitting of
35 residential property in this state. Implementation of this
36 program is subject to annual legislative appropriations. It is
37 the intent of the Legislature that, subject to the availability
38 of funds, the My Safe Florida Home Program provide licensed
39 inspectors to perform hurricane mitigation inspections of
40 eligible homes and grants to fund hurricane mitigation projects
41 that result in property insurance credits, discounts, or other
42 rate differentials on those homes. The department shall
43 implement the program in such a manner that the total amount of
44 funding requested by accepted applications, whether for
45 inspections, grants, or other services or assistance, does not
46 exceed the total amount of available funds. If, after
47 applications are processed and approved, funds remain available,
48 the department may accept applications up to the available
49 amount. The program shall develop and implement a comprehensive
50 and coordinated approach for hurricane damage mitigation
51 pursuant to the requirements provided in this section.

52 (1) HURRICANE MITIGATION INSPECTIONS.—

53 (a) To be eligible for a hurricane mitigation inspection
54 under the program:

- 55 1. A home must be a single-family, detached residential
56 property or a townhouse as defined in s. 481.203;
- 57 2. A home must be site-built and owner-occupied; and
- 58 3. The homeowner must have been granted a homestead

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59 exemption on the home under chapter 196.

60 (b)1. An application for a hurricane mitigation inspection
61 must contain a signed or electronically verified statement made
62 under penalty of perjury that the applicant has submitted only
63 one inspection application on the home or that the application
64 is allowed under subparagraph 2., and the application must have
65 documents attached which demonstrate that the applicant meets
66 the requirements of paragraph (a).

67 2. An applicant may submit a subsequent hurricane
68 mitigation inspection application for the same home only if:

69 a. The original hurricane mitigation inspection application
70 has been denied or withdrawn because of errors or omissions in
71 the application;

72 b. The original hurricane mitigation inspection application
73 was denied or withdrawn because the home did not meet the
74 eligibility criteria for an inspection at the time of the
75 previous application, and the homeowner reasonably believes the
76 home now is eligible for an inspection; or

77 c. The program's eligibility requirements for an inspection
78 have changed since the original application date, and the
79 applicant reasonably believes the home is eligible under the new
80 requirements.

81 (c) An applicant meeting the requirements of paragraph (a)
82 may receive an inspection of a home under the program without
83 being eligible for a grant under subsection (2) or applying for
84 such grant.

85 (d) Licensed inspectors are to provide home inspections of
86 eligible homes to determine what mitigation measures are needed,
87 what insurance premium discounts may be available, and what

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88 improvements to existing residential properties are needed to
89 reduce the property's vulnerability to hurricane damage. An
90 inspector may inspect a townhouse as defined in s. 481.203 to
91 determine if opening protection mitigation as listed in
92 subparagraph (2)(e)1. would provide improvements to mitigate
93 hurricane damage.

94 (e) The department shall contract with wind certification
95 entities to provide hurricane mitigation inspections. The
96 inspections provided to homeowners, at a minimum, must include:

97 1. A home inspection and report that summarizes the results
98 and identifies recommended improvements a homeowner may take to
99 mitigate hurricane damage.

100 2. A range of cost estimates regarding the recommended
101 mitigation improvements.

102 3. Information regarding estimated premium discounts,
103 correlated to the current mitigation features and the
104 recommended mitigation improvements identified by the
105 inspection.

106 (f) To qualify for selection by the department as a wind
107 certification entity to provide hurricane mitigation
108 inspections, the entity must, at a minimum, meet the following
109 requirements:

110 1. Use hurricane mitigation inspectors who are licensed or
111 certified as:

112 a. A building inspector under s. 468.607;

113 b. A general, building, or residential contractor under s.
114 489.111;

115 c. A professional engineer under s. 471.015;

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

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117 e. A home inspector under s. 468.8314 and who have
118 completed at least 3 hours of hurricane mitigation training
119 approved by the Construction Industry Licensing Board, which
120 training must include hurricane mitigation techniques,
121 compliance with the uniform mitigation verification form, and
122 completion of a proficiency exam.

123 2. Use hurricane mitigation inspectors who also have
124 undergone drug testing and a background screening. The
125 department may conduct criminal record checks of inspectors used
126 by wind certification entities. Inspectors must submit a set of
127 fingerprints to the department for state and national criminal
128 history checks and must pay the fingerprint processing fee set
129 forth in s. 624.501. The fingerprints must be sent by the
130 department to the Department of Law Enforcement and forwarded to
131 the Federal Bureau of Investigation for processing. The results
132 must be returned to the department for screening. The
133 fingerprints must be taken by a law enforcement agency,
134 designated examination center, or other department-approved
135 entity.

136 3. Provide a quality assurance program including a
137 reinspection component.

138 (2) HURRICANE MITIGATION GRANTS.—Financial grants shall be
139 used by homeowners to make improvements recommended by an
140 inspection which increase resistance to hurricane damage.

141 (a) A homeowner is eligible for a hurricane mitigation
142 grant if all of the following criteria are met:

143 1. The home must be eligible for an inspection under
144 subsection (1).

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 mitigation
149 inspection as provided in subsection (1).

150 4. The building permit application for initial construction
151 of the home must have been made before January 1, 2008.

152 5. The homeowner must agree to make his or her home
153 available for inspection once a mitigation project is completed.

154 6. The homeowner must agree to provide to the department
155 information received from the homeowner's insurer identifying
156 the discounts realized by the homeowner because of the
157 mitigation improvements funded through the program.

158 (b)1. An application for a grant must contain a signed or
159 electronically verified statement made under penalty of perjury
160 that the applicant has submitted only one grant application or
161 that the application is allowed under subparagraph 2., and the
162 application must have documents attached demonstrating that the
163 applicant meets the requirements of paragraph (a).

164 2. An applicant may submit a subsequent grant application
165 if:

166 a. The original grant application was denied or withdrawn
167 because the application contained errors or omissions;

168 b. The original grant application was denied or withdrawn
169 because the home did not meet the eligibility criteria for a
170 grant at the time of the previous application, and the homeowner
171 reasonably believes that the home now is eligible for a grant;
172 or

173 c. The program's eligibility requirements for a grant have
174 changed since the original application date, and the applicant

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175 reasonably believes that he or she is an eligible homeowner
176 under the new requirements.

177 3. A grant application must include a statement from the
178 homeowner which contains the name and state license number of
179 the contractor that the homeowner acknowledges as the intended
180 contractor for the mitigation work. The program must
181 electronically verify that the contractor's state license number
182 is accurate and up to date before grant approval.

183 (c) All grants must be matched on the basis of \$1 provided
184 by the applicant for \$2 provided by the state up to a maximum
185 state contribution of \$10,000 toward the actual cost of the
186 mitigation project, except as provided in paragraph (h).

187 (d) All hurricane mitigation performed under the program
188 must be based upon the securing of all required local permits
189 and inspections and must be performed by properly licensed
190 contractors.

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

194 1. Opening protection, including exterior doors, garage
195 doors, windows, and skylights.

196 2. Reinforcing roof-to-wall connections.

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

198 4. Secondary water resistance for roof.

199 (f) When recommended by a hurricane mitigation inspection,
200 grants for townhouses, as defined in s. 481.203, may only be
201 used for opening protection.

202 (g) A grant may be awarded only for each mitigation
203 improvement that, when applied to the home, will result in a

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204 property insurance mitigation credit, discount, or other rate
205 differential. If necessary for the home to qualify for a
206 mitigation credit, discount, or other rate differential, the
207 department must ~~may~~ require that improvements be made to all
208 openings, including exterior doors, garage doors, windows, and
209 skylights, as a condition of reimbursing a homeowner approved
210 for a grant. The department may adopt, by rule, the maximum
211 grant allowances for any improvement allowable under paragraph
212 (e) or paragraph (f).

213 (h) Low-income homeowners, as defined in s. 420.0004(11),
214 who otherwise meet the applicable requirements of this
215 subsection are eligible for a grant of up to \$10,000 and are not
216 required to provide a matching amount to receive the grant.

217 (i)1. The department shall develop a process that ensures
218 the most efficient means to collect and verify inspection
219 applications and grant applications to determine eligibility.
220 The department may direct hurricane mitigation inspectors to
221 collect and verify grant application information or use the
222 Internet or other electronic means to collect information and
223 determine eligibility.

224 2. The department shall prioritize the review and approval
225 of such inspection applications and grant applications in the
226 following order:

227 a. First, applications from low-income persons, as defined
228 in s. 420.0004, who are at least 60 years old;

229 b. Second, applications from all other low-income persons,
230 as defined in s. 420.0004;

231 c. Third, applications from moderate-income persons, as
232 defined in s. 420.0004, who are at least 60 years old;

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233 d. Fourth, applications from all other moderate-income
234 persons, as defined in s. 420.0004; and

235 e. Last, all other applications.

236 3. The department shall start accepting inspection
237 applications and grant applications no earlier than the
238 effective date of a legislative appropriation funding
239 inspections and grants, as follows:

240 a. Initially, from applicants prioritized under sub-
241 subparagraph 2.a.;

242 b. From applicants prioritized under sub-subparagraph 2.b.,
243 beginning 15 days after the program initially starts accepting
244 applications;

245 c. From applicants prioritized under sub-subparagraph 2.c.,
246 beginning 30 days after the program initially starts accepting
247 applications;

248 d. From applicants described in sub-subparagraph 2.d.,
249 beginning 45 days after the program initially starts accepting
250 applications; and

251 e. From all other applicants, beginning 60 days after the
252 program initially starts accepting applications.

253 4. The program may accept a certification directly from a
254 low-income homeowner or moderate-income homeowner who meets the
255 requirements of s. 420.0004(11) or (12), respectively, if the
256 homeowner provides such certification in a signed or
257 electronically verified statement made under penalty of perjury.

258 (j) A homeowner who receives a grant shall finalize
259 construction and request a final inspection, or request an
260 extension for an additional 6 months, within 1 year after grant
261 approval. If a homeowner fails to comply with this paragraph,

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262 his or her application is deemed abandoned and the grant money
263 reverts to the department.

264 (3) REQUESTS FOR INFORMATION.—The department may request
265 that an applicant provide additional information. An application
266 is deemed withdrawn by the applicant if the department does not
267 receive a response to its request for additional information
268 within 60 days after the notification of any apparent error or
269 omission.

270 (4) EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—

271 (a) The department may undertake a statewide multimedia
272 public outreach and advertising campaign to inform consumers of
273 the availability and benefits of hurricane inspections and of
274 the safety and financial benefits of residential hurricane
275 damage mitigation. The department may seek out and use local,
276 state, federal, and private funds to support the campaign.

277 (b) The program may develop brochures for distribution to
278 Citizens Property Insurance Corporation and other licensed
279 entities or nonprofits that work with the department to educate
280 the public on the benefits of the program. Citizens Property
281 Insurance Corporation must distribute the brochure to
282 policyholders of the corporation each year the program is
283 funded. The brochures may be made available electronically.

284 (5) FUNDING.—The department may seek out and leverage
285 local, state, federal, or private funds to enhance the financial
286 resources of the program.

287 (6) RULES.—The department shall adopt rules pursuant to ss.
288 120.536(1) and 120.54 to govern the program; implement the
289 provisions of this section; including rules governing hurricane
290 mitigation inspections and grants, mitigation contractors, and

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291 training of inspectors and contractors; and carry out the duties
292 of the department under this section.

293 (7) HURRICANE MITIGATION INSPECTOR LIST.—The department
294 shall develop and maintain as a public record a current list of
295 hurricane mitigation inspectors authorized to conduct hurricane
296 mitigation inspections pursuant to this section.

297 (8) CONTRACT MANAGEMENT.—

298 (a) The department may contract with third parties for
299 grants management, inspection services, contractor services for
300 low-income homeowners, information technology, educational
301 outreach, and auditing services. Such contracts are considered
302 direct costs of the program and are not subject to
303 administrative cost limits. The department shall contract with
304 providers that have a demonstrated record of successful business
305 operations in areas directly related to the services to be
306 provided and shall ensure the highest accountability for use of
307 state funds, consistent with this section.

308 (b) The department shall implement a quality assurance and
309 reinspection program that determines whether initial inspections
310 and home improvements are completed in a manner consistent with
311 the intent of the program. The department may use valid random
312 sampling in order to perform the quality assurance portion of
313 the program.

314 (9) INTENT.—It is the intent of the Legislature that grants
315 made to residential property owners under this section shall be
316 considered disaster-relief assistance within the meaning of s.
317 139 of the Internal Revenue Code of 1986, as amended.

318 (10) REPORTS.—The department shall make an annual report on
319 the activities of the program that shall account for the use of

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320 state funds and indicate the number of inspections requested,
321 the number of inspections performed, the number of grant
322 applications received, the number and value of grants approved,
323 and the estimated average annual amount of insurance premium
324 discounts and total estimated annual amount of insurance premium
325 discounts homeowners received from insurers as a result of
326 mitigation funded through the program. The report must be
327 delivered to the President of the Senate and the Speaker of the
328 House of Representatives by February 1 of each year.

329 Section 2. Subsection (1) of section 624.407, Florida
330 Statutes, is amended to read:

331 624.407 Surplus required; new insurers.—

332 (1) To receive authority to transact any one kind or
333 combinations of kinds of insurance, as defined in part V of this
334 chapter, an insurer applying for its original certificate of
335 authority in this state shall possess surplus as to
336 policyholders at least the greater of:

337 (a) For a property and casualty insurer, \$5 million, or
338 \$2.5 million for any other insurer;

339 (b) For life insurers, 4 percent of the insurer's total
340 liabilities;

341 (c) For life and health insurers, 4 percent of the
342 insurer's total liabilities, plus 6 percent of the insurer's
343 liabilities relative to health insurance;

344 (d) For all insurers other than life insurers and life and
345 health insurers, 10 percent of the insurer's total liabilities;

346 (e) Notwithstanding paragraph (a) or paragraph (d), for a
347 domestic insurer that transacts residential property insurance
348 and is:

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349 1. Not a wholly owned subsidiary of an insurer domiciled in
350 any other state, \$35 ~~\$15~~ million.

351 2. A wholly owned subsidiary of an insurer domiciled in any
352 other state, \$50 million;

353 (f) Notwithstanding paragraphs (a), (d), and (e), for a
354 domestic insurer that only transacts limited sinkhole coverage
355 insurance for personal lines residential property pursuant to s.
356 627.7151, \$10 ~~\$7.5~~ million; or

357 (g) Notwithstanding paragraphs (a), (d), and (e), for an
358 insurer that only transacts residential property insurance in
359 the form of renter's insurance, tenant's coverage, cooperative
360 unit owner insurance, or any combination thereof, \$12.5 ~~\$10~~
361 million.

362 Section 3. Section 624.4073, Florida Statutes, is amended
363 to read:

364 624.4073 Officers and directors or attorneys in fact of
365 insolvent insurers.—

366 (1) Any person who was an officer or director of an insurer
367 doing business in this state and who served in that capacity
368 within the 2-year period before the date the insurer became
369 insolvent, for any insolvency that occurs on or after July 1,
370 2002, but before July 1, 2025, may not thereafter serve as an
371 officer or director of an insurer authorized in this state or
372 have direct or indirect control over the selection or
373 appointment of an officer or director through contract, trust,
374 or by operation of law.

375 (2) Any person who was an officer or director of an insurer
376 doing business in this state, was the attorney in fact of a
377 reciprocal insurer doing business in this state, or was an

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378 officer or director of an attorney in fact of a reciprocal
379 insurer doing business in this state and who served in that
380 capacity within the 5-year period before the date such insurer
381 or reciprocal insurer became insolvent, for any insolvency that
382 occurs on or after July 1, 2025, may not thereafter do any of
383 the following:

384 (a) Serve as an officer or a director of an insurer
385 authorized in this state.

386 (b) Serve as an officer or a director of a managing general
387 agent of an insurer authorized in this state.

388 (c) Serve as an attorney in fact or as an officer or a
389 director of the attorney in fact of a reciprocal insurer
390 authorized in this state.

391 (d) Serve as an officer or a director of an affiliate of an
392 insurer authorized in this state which provides services to such
393 insurer.

394 (e) Exercise direct or indirect control through contract,
395 trust, or by operation of law over the selection or appointment
396 of any position specified in paragraphs (a)-(d), unless the
397 officer or director demonstrates that his or her personal
398 actions or omissions were not a significant contributing cause
399 to the insolvency.

400 (3) (a) The prohibitions in subsections (1) and (2) do not
401 apply if the officer, director, or attorney in fact
402 demonstrates, and the office determines, that his or her
403 personal actions or omissions were not a significant
404 contributing cause to the insolvency.

405 (b) For any violation of paragraph (2) (b), paragraph
406 (2) (c), or paragraph (2) (d), the office shall prohibit an

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407 insurer or reciprocal insurer authorized in this state from
 408 paying any compensation to a managing general agent, affiliate,
 409 or attorney in fact that has an officer or director or is an
 410 attorney in fact that engaged in such violation until the office
 411 determines the violation has been remedied.

412 Section 4. Paragraphs (f) through (i) of subsection (1) of
 413 section 624.408, Florida Statutes, are amended to read:

414 624.408 Surplus required; current insurers.-

415 (1) To maintain a certificate of authority to transact any
 416 one kind or combinations of kinds of insurance, as defined in
 417 part V of this chapter, an insurer in this state must at all
 418 times maintain surplus as to policyholders at least the greater
 419 of:

420 (f) For residential property insurers not holding a
 421 certificate of authority before July 1, 2025 ~~2011~~, \$35 ~~\$15~~
 422 million.

423 (g) For residential property insurers holding a certificate
 424 of authority before July 1, 2025 ~~2011~~, and until June 30, 2030
 425 ~~2016~~, \$15 ~~\$5~~ million; on or after July 1, 2030 ~~2016~~, and until
 426 June 30, 2035 ~~2021~~, \$25 ~~\$10~~ million; on or after July 1, 2035
 427 ~~2021~~, \$35 ~~\$15~~ million.

428 (h) Notwithstanding paragraphs (e), (f), and (g), for a
 429 domestic insurer that only transacts limited sinkhole coverage
 430 insurance for personal lines residential property pursuant to s.
 431 627.7151, ~~\$7.5 million.~~

432 1. For such an insurer that does not hold a certificate of
 433 authority before July 1, 2025, \$10 million.

434 2. For such an insurer holding a certificate of authority
 435 before July 1, 2025, and until June 30, 2030, \$7.5 million; on

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436 or after July 1, 2030, and until June 30, 2035, \$8.75 million;
437 on or after July 1, 2035, \$10 million.

438 (i) Notwithstanding paragraphs (a), (d), and (e), for an
439 insurer that only transacts residential property insurance in
440 the form of renter's insurance, tenant's coverage, cooperative
441 unit owner insurance, or any combination thereof; ~~\$10 million.~~

442 1. For such an insurer that does not hold a certificate of
443 authority before July 1, 2025, \$12.5 million.

444 2. For such an insurer holding a certificate of authority
445 before July 1, 2025, and until June 30, 2030, \$10 million; on or
446 after July 1, 2030, and until June 30, 2035, \$11.25 million; on
447 or after July 1, 2035, \$12.5 million.

448
449 The office may reduce the surplus requirement in paragraphs (f)
450 and (g) if the insurer is not writing new business, has premiums
451 in force of less than \$1 million per year in residential
452 property insurance, or is a mutual insurance company.

453 Section 5. This act shall take effect July 1, 2025.