

## CHAPTER 2023-176

### Committee Substitute for House Bill No. 881

An act relating to the My Safe Florida Home Program; amending s. 215.5586, F.S.; providing that licensed, rather than certified, inspectors are to provide hurricane mitigation inspections on site-built, single-family, residential properties that have been granted a homestead exemption; authorizing an inspector to inspect townhouses to determine if a certain mitigation would provide improvements to mitigate hurricane damage; revising the information provided to homeowners as part of a hurricane mitigation inspection; revising the hurricane mitigation inspectors that may be selected by the Department of Financial Services to provide hurricane mitigation inspections; deleting a provision requiring the department to implement a certain quality assurance program; revising the criteria for mitigation grant eligibility for homeowners; deleting a provision that subjects mitigation projects to random reinspection for a specified timeframe; revising the improvements for eligible homes for which mitigation grants may be used; providing that such grants for townhouses may be used only for a specified purpose; revising the amount low-income homeowners may receive from the department under the grant program; deleting a provision authorizing low-income homeowners to use grant funds for specified purposes; deleting a requirement that the department establish specified criteria for prioritizing grant applications; authorizing, rather than requiring, the program to develop and distribute certain brochures to specified persons; deleting a provision requiring certain contracts entered into by the department to be reviewed and approved by the Legislative Budget Commission; requiring the department to develop a certain quality assurance and reinspection program; revising the contents of the annual report the department is required to deliver to the Legislature; conforming provisions to changes made by the act; making technical changes; reenacting s. 215.5588(3), F.S., relating to the Florida Disaster Recovery Program, to incorporate the amendments made to s. 215.5586, F.S., in a reference thereto; providing an effective date.

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

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

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide licensed ~~trained and certified~~ inspectors to perform

inspections for owners of site-built, single-family, residential properties and grants to eligible applicants as funding allows. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include the following:

(1) HURRICANE MITIGATION INSPECTIONS.—

(a) Licensed Certified inspectors are to provide home home-retrofit inspections of site-built, single-family, residential properties for which a homestead exemption has been granted, property may be offered to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection mitigation as listed in paragraph (2)(e) would provide improvements to mitigate hurricane damage.

(b) The Department of Financial Services shall contract with wind certification entities to provide hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

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

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

3. ~~Insurer-specific~~ Information regarding estimated premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

(c)(b) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must shall, at a minimum, meet the following requirements:

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

a. ~~Are certified as~~ A building inspector under s. 468.607;

b. ~~Are licensed as~~ A general, building, or residential contractor under s. 489.111;

c. ~~Are licensed as~~ A professional engineer under s. 471.015 and who have passed the appropriate equivalency test of the building code training program as required by s. 553.841;

d. ~~Are licensed as~~ A professional architect under s. 481.213; or

e. A home inspector under s. 468.8314 and who have completed at least 3 hours of hurricane mitigation training approved by the Construction

Industry Licensing Board, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.

~~e. Have at least 2 years of experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures. Such training may be provided by a class offered online or in person.~~

2. Use hurricane mitigation inspectors who also:

a. have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints must ~~shall~~ be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results must ~~shall~~ be returned to the department for screening. The fingerprints must ~~shall~~ be taken by a law enforcement agency, designated examination center, or other department-approved entity; ~~and~~

~~b. Have been certified, in a manner satisfactory to the department, to conduct the inspections.~~

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

~~(c) The department shall implement a quality assurance program that includes a statistically valid number of reinspections.~~

(d) An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.

(e) The owner of a site-built, single-family, residential property or townhouse as defined in s. 481.203, for which a homestead exemption has been granted, may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).

(2) MITIGATION GRANTS.—Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.

(a) For a homeowner to be eligible for a grant, the following criteria must be met:

1. The homeowner must have been granted a homestead exemption on the home under chapter 196.

2. The home must be a dwelling with an insured value of \$700,000 \$500,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.

3. The home must undergo ~~have undergone~~ an acceptable hurricane mitigation inspection as provided in subsection (1) after July 1, 2008.

~~4. The home must be located in the “wind-borne debris region” as that term is defined in the Florida Building Code.~~

~~4.5.~~ The building permit application for initial construction of the home must have been made before January 1, 2008.

~~5.6.~~ The homeowner must agree to make his or her home available for inspection once a mitigation project is completed.

An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application and must have attached documents demonstrating the applicant meets the requirements of this paragraph.

(b) All grants must be matched on the basis of \$1 provided by the applicant for \$2 provided by the state up to a maximum state contribution of \$10,000 toward the actual cost of the mitigation project.

(c) The program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors. ~~Mitigation projects are subject to random reinspection of up to at least 5 percent of all projects.~~ Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department’s qualifications and certification requirements for mitigation contractors.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. The department shall liberally construe those requirements in favor of availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.

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

1. Opening protection.
2. Exterior doors, including garage doors.
- ~~3. Brace gable ends.~~

- 3.4. Reinforcing roof-to-wall connections.
- 4.5. Improving the strength of roof-deck attachments.
- ~~6. Upgrading roof covering from code to code plus.~~
- 5.7. Secondary water barrier for roof.

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

The department may require that improvements be made to all openings, including exterior doors and garage doors, as a condition of reimbursing a homeowner approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) or this paragraph.

~~(g)(f)~~ Grants may be used on a previously inspected existing structure or on a rebuild. A rebuild is defined as a site-built, single-family dwelling under construction to replace a home that was destroyed or significantly damaged by a hurricane and deemed unlivable by a regulatory authority. The homeowner must be a low-income homeowner as defined in paragraph ~~(h)~~ (g), must have had a homestead exemption for that home ~~before~~ prior to the hurricane, and must be intending to rebuild the home as that homeowner's homestead.

~~(h)(g)~~ Low-income homeowners, as defined in s. 420.0004(11), who otherwise meet the requirements of paragraphs (a), (c), (e), and ~~(g)~~ (f) are eligible for a grant of up to ~~\$10,000~~ \$5,000 and are not required to provide a matching amount to receive the grant. ~~Additionally, for low-income homeowners, grant funding may be used for repair to existing structures leading to any of the mitigation improvements provided in paragraph (e), limited to 20 percent of the grant value.~~ The program may accept a certification directly from a low-income homeowner that the homeowner meets the requirements of s. 420.0004(11) if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.

~~(h) The department shall establish objective, reasonable criteria for prioritizing grant applications, consistent with the requirements of this section.~~

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

(3) EDUCATION, AND CONSUMER AWARENESS, AND OUT-REACH.—

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

(b) The program may develop brochures for distribution to Citizens Property Insurance Corporation, general contractors, roofing contractors, and real estate brokers and sales associates who are licensed under part I of chapter 475 which provide information on the benefits to homeowners of residential hurricane damage mitigation. Citizens Property Insurance Corporation is encouraged to distribute the brochure to policyholders of the corporation. Contractors are encouraged to distribute the brochures to homeowners at the first meeting with a homeowner who is considering contracting for home or roof repair or contracting for the construction of a new home. Real estate brokers and sales associates are encouraged to distribute the brochure to clients before the purchase of a home. The brochures may be made available electronically.

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

(5) RULES.—The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the program; implement the provisions of this section; including rules governing hurricane mitigation inspections and grants, mitigation contractors, and training of inspectors and contractors; and carry out the duties of the department under this section.

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

~~(7) PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS AND SALES ASSOCIATES.—The program shall develop brochures for distribution to general contractors, roofing contractors, and real estate brokers and sales associates licensed under part I of chapter 475 explaining the benefits to homeowners of residential hurricane damage mitigation. The program shall encourage contractors to distribute the brochures to homeowners at the first meeting with a homeowner who is considering contracting for home or roof repairs or contracting for the construction of a new home. The program shall encourage real estate brokers and sales associates licensed under part I of chapter 475 to distribute the brochures to clients prior to the purchase of a home. The brochures may be made available electronically.~~

~~(7)(8) CONTRACT MANAGEMENT.—~~

(a) The department may contract with third parties for grants management, inspection services, contractor services for low-income homeowners, information technology, educational outreach, and auditing services. Such contracts are shall be considered direct costs of the program and are shall not be subject to administrative cost limits, ~~but contracts valued at \$1 million or more shall be subject to review and approval by the Legislative Budget Commission.~~ The department shall contract with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and shall ensure the highest accountability for use of state funds, consistent with this section.

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

~~(8)~~(9) INTENT.—It is the intent of the Legislature that grants made to residential property owners under this section shall be considered disaster-relief assistance within the meaning of s. 139 of the Internal Revenue Code of 1986, as amended.

~~(9)~~(10) REPORTS.—The department shall make an annual report on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, and the estimated average annual amount of insurance premium discounts and total estimated annual amount of insurance premium discounts homeowners received from insurers as a result of mitigation funded through the program. The report must shall be delivered to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year.

Section 2. For the purpose of incorporating the amendments made by this act to section 215.5586, Florida Statutes, in a reference thereto, subsection (3) of section 215.5588, Florida Statutes, is reenacted to read:

215.5588 Florida Disaster Recovery Program.—

(3) Up to 78 percent of these funds may be used to complement the grants awarded by the Department of Financial Services under s. 215.5586 and fund other eligible disaster-related activities supporting housing rehabilitation, hardening, mitigation, and infrastructure improvements at the request of the local governments in order to assist the State of Florida in better serving low-income homeowners in single-family housing units, including, but not limited to, condominiums. Up to 20 percent of the funds may be used to provide inspections and mitigation improvements to multifamily units receiving rental assistance under projects of the United States Department of Housing and Urban Development or the Rural Development Division of the United States Department of Agriculture.

Section 3. This act shall take effect July 1, 2023.

Approved by the Governor May 31, 2023.

Filed in Office Secretary of State May 31, 2023.