

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 4061 — Uniform Home Grading Scale

by Rep. Bernard (SB 1814 by Senator Smith)

In 2006, the Legislature required the Office of Insurance Regulation (OIR) to develop a program to provide an objective rating system allowing homeowners to evaluate the relative ability of Florida properties to withstand the wind load from a sustained severe tropical storm or hurricane. In 2007, the Legislature created s. 215.55865, F.S., requiring that by 2007, the Financial Services Commission adopt a uniform home grading scale consistent with the 2006 legislation. In 2007, pursuant to the statutory requirement, the Commission adopted the uniform home grading scale. Section 215.5586, F.S., established within the Department of Financial Services (DFS) the My Safe Florida Home Program (MSFH), which was created to provide Florida residential property owners with mitigation inspections and grants for installation of specified mitigation features in order to make property less vulnerable to hurricane damage. The MSFH program expired on June 30, 2009, and is no longer operative. All funds originally appropriated to the program were exhausted and no additional funding has been appropriated.

In 2008, the Legislature passed a law that established a two-part phase-in of a requirement that sellers of homes located in the state's wind borne debris region disclose the home's windstorm mitigation rating based on the home grading scale to prospective purchasers: However, both phase-in provisions were repealed before they took effect. In addition, in 2008, the Legislature passed s. 627.0629(1)(b), F.S., which required the OIR to develop a method by February 1, 2011, to establish mitigation discounts for hurricane mitigation measures that correlate to the home's rating calculated by the uniform home grading scale. In 2011, the Legislature repealed s. 627.0629(1)(b), F.S., thereby removing the requirement that the OIR establish a new wind mitigation discount scale to correlate with the uniform home grading scale.

The bill repeals s. 215.55865, F.S., requiring the development of the uniform home grading scale. The bill amends s. 215.5586, F.S., by removing the requirement that the MSFH program adopt a hurricane resistance rating scale that conforms to the uniform home grading scale.

If approved by the Governor, these provisions take effect July 1, 2012.

Vote: Senate 39-1; House 114-1