

26 state license; requiring construction to be completed
 27 and the association to submit a request for a final
 28 inspection within a specified time period; requiring
 29 mitigation grants to be matched by the association;
 30 providing a maximum state contribution based on the
 31 General Appropriations Act; providing requirements for
 32 mitigation projects; providing how mitigation grants
 33 may be used; requiring the department to develop a
 34 specified process to ensure efficiency; authorizing
 35 the department to contract for certain services;
 36 providing requirements for such contracts; requiring
 37 the department to implement a quality assurance and
 38 reinspection program; requiring the department to
 39 submit to the Legislature an annual report with
 40 specified information; providing an effective date.

41

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

43

44 Section 1. Section 215.5587, Florida Statutes, is created
 45 to read:

46 215.5587 My Safe Florida Condominium Pilot Program.—There
 47 is established within the Department of Financial Services the
 48 My Safe Florida Condominium Pilot Program to be implemented
 49 pursuant to appropriations. The department shall provide fiscal
 50 accountability, contract management, and strategic leadership

51 for the pilot program, consistent with this section. This
52 section does not create an entitlement for associations or unit
53 owners or obligate the state in any way to fund the inspection
54 or retrofitting of condominiums in the state. Implementation of
55 this pilot program is subject to annual legislative
56 appropriations. It is the intent of the Legislature that the My
57 Safe Florida Condominium Pilot Program provide licensed
58 inspectors to perform inspections for and grants to eligible
59 associations as funding allows.

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

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

62 (b) "Association property" has the same meaning as in s.
63 718.103.

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

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

67 (e) "Condominium property" has the same meaning as in s.
68 718.103.

69 (f) "Department" means the Department of Financial
70 Services.

71 (g) "Property" means association property and condominium
72 property, as applicable.

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

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

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

78 (2) PARTICIPATION.—

79 (a) In order to apply for an inspection under subsection
 80 (4) or a grant under subsection (5) for association property or
 81 condominium property, an association must receive approval by a
 82 majority vote of the board of administration or a majority vote
 83 of the total voting interests of the association to participate
 84 in the pilot program.

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

88 1. Approval by a majority vote of the board of
 89 administration or a majority vote of the total voting interests
 90 of the association to participate in a mitigation inspection.

91 2. A unanimous vote of all unit owners within the
 92 structure or building that is the subject of the mitigation
 93 grant.

94 (c) A unit owner may participate in the pilot program
 95 through a mitigation grant awarded to the association but may
 96 not participate individually in the pilot program.

97 (d) The votes required under this subsection may take
 98 place at the annual budget meeting of the association or at a
 99 unit owner meeting called for the purpose of taking such vote.
 100 Before a vote of the unit owners may be taken, the association

101 must provide to the unit owners a clear disclosure of the pilot
102 program on a form created by the department. The president and
103 the treasurer of the board of administration must sign the
104 disclosure form indicating that a copy of the form was provided
105 to each unit owner of the association. The signed disclosure
106 form and the minutes from the meeting at which the unit owners
107 voted to participate in the pilot program must be maintained as
108 part of the official records of the association. Within 14 days
109 after an affirmative vote to participate in the pilot program,
110 the association must provide written notice in the same manner
111 as required under s. 718.112(2)(d) to all unit owners of the
112 decision to participate in the pilot program.

113 (3) HURRICANE MITIGATION INSPECTORS.—

114 (a) Licensed inspectors are to provide inspections of the
115 property to determine the mitigation measures that are needed,
116 the insurance premium discounts that may be available to the
117 association, and the improvements to existing properties of the
118 association that are needed to reduce a property's vulnerability
119 to hurricane damage.

120 (b) The department shall contract with wind certification
121 entities to provide hurricane mitigation inspections. To qualify
122 for selection by the department as a wind certification entity
123 to provide hurricane mitigation inspections, the entity must, at
124 a minimum, meet all of the following requirements:

125 1. Use hurricane mitigation inspectors who are licensed or

126 certified as:

127 a. A building inspector under s. 468.607;

128 b. A general, building, or residential contractor under s.

129 489.111;

130 c. A professional engineer under s. 471.015;

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

132 e. A home inspector under s. 468.8314 who has completed at

133 least 3 hours of hurricane mitigation training approved by the

134 Construction Industry Licensing Board, which must include

135 hurricane mitigation techniques, compliance with the uniform

136 mitigation verification form, and completion of a proficiency

137 exam.

138 2. Use hurricane mitigation inspectors who have undergone

139 drug testing and a background screening. The department may

140 conduct criminal record checks of inspectors used by wind

141 certification entities. Inspectors must submit a set of

142 fingerprints to the department for state and national criminal

143 history checks and must pay the fingerprint processing fee set

144 forth in s. 624.501. The fingerprints must be sent by the

145 department to the Department of Law Enforcement and forwarded to

146 the Federal Bureau of Investigation for processing. The results

147 must be returned to the department for screening. The

148 fingerprints must be taken by a law enforcement agency,

149 designated examination center, or other department-approved

150 entity.

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

153 (4) HURRICANE MITIGATION INSPECTIONS.—

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

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

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

161 3. Information regarding estimated insurance premium
162 discounts, correlated to the current mitigation features and the
163 recommended mitigation improvements identified by the
164 inspection.

165 (b) An application for an inspection must contain a signed
166 or electronically verified statement made under penalty of
167 perjury by the president of the board of administration that the
168 association has submitted only a single application for each
169 property that the association operates or maintains.

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

172 (5) MITIGATION GRANTS.—Financial grants may be used to
173 encourage associations to retrofit the property the association
174 operates and maintains in order to make such property less
175 vulnerable to hurricane damage.

- 176 (a) An application for a mitigation grant must:
- 177 1. Contain a signed or electronically verified statement
- 178 made under penalty of perjury by the president of the board of
- 179 administration that the association has submitted only a single
- 180 application for each property that the association operates or
- 181 maintains.
- 182 2. Include a notarized statement from the president of the
- 183 board of administration containing the name and license number
- 184 of the contractor the association intends to use for the
- 185 mitigation project.
- 186 3. Include a notarized statement from the president of the
- 187 board of administration which commits to the department that the
- 188 association will complete the mitigation improvements. If the
- 189 grant will be used to improve units, the application must also
- 190 include an acknowledged statement from each unit owner who is
- 191 required to provide approval for a grant under paragraph (2) (b).
- 192 (b) An association may select its own contractor for the
- 193 mitigation project as long as such contractor meets all
- 194 qualification, certification, or licensing requirements in
- 195 general law. A mitigation project must be performed by a
- 196 properly licensed contractor who has secured all required local
- 197 permits necessary for the project. The department must
- 198 electronically verify that the contractor's state license number
- 199 is accurate and up to date before approving a grant application.
- 200 (c) An association awarded a grant must complete the

201 entire mitigation project in order to receive the final grant
202 award and must agree to make the property available for a final
203 inspection once the mitigation project is finished to ensure the
204 mitigation improvements are completed in a matter consistent
205 with the intent of the pilot program and meet or exceed the
206 applicable Florida Building Code requirements. Construction must
207 be completed and the association must submit a request to the
208 department for a final inspection, or request an extension of
209 time, within 1 year after receiving grant approval. If the
210 association fails to comply with this paragraph, the application
211 is deemed abandoned and the grant money reverts back to the
212 department.

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

216 (e) When recommended by a hurricane mitigation inspection
217 report, grants for eligible associations may be used for the
218 following improvements:

- 219 1. Opening protection.
- 220 2. Exterior doors, including garage doors.
- 221 3. Reinforcing roof-to-wall connections.
- 222 4. Improving the strength of roof-deck attachments.
- 223 5. Secondary water barrier for roof.

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

226 (g)1. If improvements to protect the property which
227 complied with the current applicable building code at the time
228 have been previously installed, the association must use a
229 mitigation grant to install improvements that do both of the
230 following:

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

233 b. Provide more hurricane protection than the improvements
234 that the association previously installed.

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

236 a. Install the same type of improvements that were
237 previously installed; or

238 b. Pay a deductible for a pending insurance claim for
239 damage that is part of the property for which grant funds are
240 being received.

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

247 (6) CONTRACT MANAGEMENT.—

248 (a) The department may contract with third parties for
249 grants management, inspection services, contractor services,
250 information technology, educational outreach, and auditing

251 services. Such contracts are considered direct costs of the
252 pilot program and are not subject to administrative cost limits.
253 The department shall contract with providers that have a
254 demonstrated record of successful business operations in areas
255 directly related to the services to be provided and shall ensure
256 the highest accountability for use of state funds, consistent
257 with this section.

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

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

269 (a) The number of inspections requested.

270 (b) The number of inspections performed.

271 (c) The number of grant applications received.

272 (d) The number of grants approved and the monetary value
273 of each grant.

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

HB 1029

2024

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

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

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