

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

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| BILL #: CS/CS/HB 393 | COMPANION BILL: CS/CS/SB 592 (Leek) |
| TITLE: My Safe Florida Condominium Pilot Program | LINKED BILLS: None |
| SPONSOR(S): Lopez, V., Hunschofsky | RELATED BILLS: None |
| FINAL HOUSE FLOOR ACTION: 111 Y's 0 N's | GOVERNOR'S ACTION: Approved |

SUMMARY

Effect of the Bill:

The bill prohibits a condominium association from applying for an inspection or grant under the My Safe Florida Condominium Pilot Program (Program) unless the association has complied with milestone inspection requirements and structural integrity reserve requirements.

Additionally, the bill:

- Provides that only 75 percent of unit owners, rather than 100 percent of unit owners, must approve applying for the grant.
- Clarifies that all grants under the Program must be matched on the basis of \$1 provided by the condominium association for every \$2 provided by the state towards the actual cost of the project.
- Revises the roof improvements that are eligible for funding.
- Specifies that grant funds may only be awarded for a mitigation improvement that will result in a mitigation credit, discount, or other rate differential.

Fiscal or Economic Impact:

The Fiscal Year 2024-2025 General Appropriations Act (GAA) provided \$30 million in nonrecurring general revenue for the Program. The proposed House GAA for Fiscal Year 2025-2026, reverts and re-appropriates the unexpended balance of funds, which would be available to fund the Program.

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ANALYSIS

EFFECT OF THE BILL:

My Safe Florida Condominium Pilot Program

The bill makes changes to the [My Safe Florida Condominium Pilot Program](#) (Program).

The bill amends the definition of “[condominium](#)” to exclude detached units on individual parcels of land. The bill limits participation to structures or buildings on the condominium property which are three or more stories in height, and that each structure or building that is subject to grant funding must contain at least two single-family dwellings. (Section [1](#).)

The bill prohibits a condominium association from applying for an inspection or grant under the Program unless the association has complied with the [milestone inspection](#) requirements under [s. 553.899, F.S.](#), and the [structural integrity reserve study](#) requirements under [ss. 718.112\(2\)\(g\) and \(h\), F.S.](#) (Section [1](#).)

The bill also prohibits a condominium association from applying for an inspection or grant unless the windows of the association property or condominium property are established as common elements in the declaration. (Section [1](#).)

STORAGE NAME: h0393z1

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The bill requires the approval of at least 75 percent of all unit owners who reside within a structure or building that is the subject of a mitigation grant, rather than approval of 100 percent of the unit owners. This requirement replaces the [current requirement to obtain unanimous approval](#). (Section [1](#).)

Grant Awards: Funding and Maximums

The bill clarifies that all grants under the Program must be [matched on the basis](#) of \$1 provided by an association for \$2 provided by the state *toward the actual cost of a project*. (Section [1](#).)

The bill eliminates the [restrictions](#) that limit grant contributions for a roof-related project to \$11 per square foot multiplied by the square footage of the replacement roof, not to exceed \$1,000 per unit, with a maximum grant award of 50 percent of the cost of the project. For opening protection-related projects, the bill eliminates the limitation on grant contributions to a maximum grant award of \$750 per replacement window or door, not to exceed \$1,500 per unit, with a maximum grant award of 50 percent of the cost of the project. (Section [1](#).)

The bill specifies that grant funding may only be used for water intrusion mitigation devices or mitigation improvements that will result in a mitigation credit, discount, or other rate differential for the building or structure to which such device or improvement is applied or made. (Section [1](#).)

The maximum total grant award for *all* roof and opening protection-related projects is \$175,000 per association. (Section [1](#).)

Improvements

The bill specifies that, when recommended by a hurricane mitigation inspection report, a grant for an eligible association may be used for the following roof improvements:

- Reinforcing roof-to-wall connections.
- Improving the strength of roof-deck attachments.
- Installing secondary water resistance for the roof.
- Replacing the roof-covering. (Section [1](#).)

The bill requires improvements to be identified in the final hurricane mitigation inspection in order for an association to receive grant funds. The bill removes the ability of eligible associations to use grants for a previously inspected existing structure on association property or condominium property. (Section [1](#).)

The bill specifies that grant funds may only be awarded for a mitigation improvement that will result in a mitigation credit, discount, or other rate differential for the building or structure to which the improvement is made. To receive a grant, the Department of Financial Services must require mitigation improvements to be made to all openings, including exterior doors, garage doors, windows, and skylights, if doing so is necessary for the building or structure to qualify for a mitigation credit, discount, or other rate differential. (Section [1](#).)

The bill was approved by the Governor on June 23, 2025, ch. 2025-173, L.O.F., and became effective on that date.

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Fiscal Year 2024-2025 General Appropriations Act (GAA) provided \$30 million in nonrecurring general revenue for the My Safe Florida Condominium Pilot Program (\$27,636,000 for grants; \$600,000 for inspections; and \$1,764,000 for operations and administration).¹ Presently, \$29.6 million remains unspent due to the Program requirements. The proposed House GAA for Fiscal Year 2025-2026, reverts and re-appropriates the unexpended balance of the Program's appropriation, which would be available to fund the Program, if the proposed House GAA becomes law. A request for a formal agency analysis was submitted to DFS on February 14, 2025.

¹ [Specific Appropriations 2375A, 2375B, and 2375C of the General Appropriations Act, ch. 2024-231, L.O.F.](#)

PRIVATE SECTOR:

The bill limits which condominium associations may participate in the Program, but provides more flexibility to condominium associations that participate in the Program.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

My Safe Florida Condominium Pilot Program

The Legislature created the [My Safe Florida Condominium Pilot Program](#) (Program) within the Department of Financial Services (DFS) in 2024.² The Program received a nonrecurring appropriation of \$30 million from the General Revenue Fund.³ The Program provides to condominium associations a program similar to that of the My Safe Florida Home Program for single-family, detached residential properties and townhomes.⁴ Implementation of the Program is subject to annual legislative appropriations.⁵

The Program supports eligible condominium associations by providing free inspections and grant funding for wind mitigation improvements, which may have the added benefit of lowering wind insurance premiums. The Program is limited to [condominiums](#)⁶ located in the “service area,” which is the area of the state within 15 miles inward of a coastline.⁷

In its first report on the Program, DFS issued the following findings:

- Tidal Basin was selected to run the Program on August 1, 2024.
- The International Association of Certified Home Inspectors was selected on November 12, 2024, as the inspection company to conduct the inspections.
- Tidal Basin launched the Program’s online portal and allowed associations to begin completing applications for inspections, but not grants, on November 14, 2024.
- The online application portal opened on November 14, 2024, and closed on November 19, 2024, due to the sufficiency of applications.
- 174 requests for inspections were received; 165 requests were approved.
- The approval of grant awards depends on, and is waiting for, the completion of inspections.⁸

Condominium Associations and Unit Owners

To apply for an inspection of association or condominium property under the Program, the association must receive approval by a majority vote of the board or a majority vote of the total voting interests of the association.⁹

² [Chapter 2024-108, L.O.F.](#)

³ [Specific Appropriations 2375A, 2375B, and 2375C of the General Appropriations Act, ch. 2024-231, L.O.F.](#) (\$27,636,000 for grants; \$600,000 for inspections; and \$1,764,000 for operations and administration).

⁴ See [s. 215.5586, F.S.](#)

⁵ *Id.*

⁶ For purposes of the Program, “condominium” is currently defined as that form of ownership of real property created pursuant to the Florida Condominium Act, ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements. [Ss. 215.55871\(1\)\(d\) and 718.103\(12\), F.S.](#)

⁷ “Coastline” means the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606. [S. 376.031\(4\)](#)

⁸ Email from Morgan Husbands, Deputy Director of Policy, Department of Financial Services, RE: *My Safe Florida Condominium Pilot Activities Report* (Jan. 30, 2025).

⁹ [S. 215.55871\(2\)\(a\), F.S.](#)

To apply for a grant which improves one or unit units within a condominium, the association must receive both of the following:

- Approval by a majority vote of the board, or a majority vote of the total voting interests of the association, to participate in a mitigation grant; and
- A [unanimous vote](#) of all unit owners within the structure or building that is the subject of the mitigation grant.¹⁰

Associations may vote to participate in the Program at an annual meeting or a unit owner meeting called for that purpose.¹¹ The association must provide unit owners with clear disclosure of the Program prior to taking a vote on the issue.¹² The president and treasurer of the board are required to sign the disclosure form indicating a copy of the disclosure form was provided to each unit owner.¹³

Hurricane Mitigation Inspectors

Only a licensed inspector may perform inspections of a condominium property under the Program.¹⁴ The licensed inspector must determine the mitigation measures that are needed, the insurance premium discounts that may be available, and identify which improvements may be taken to mitigate hurricane damage.¹⁵ DFS must contract with wind certification entities to provide the inspections.¹⁶ Eligible wind certification entities must, at a minimum:

- Use inspectors who are licensed or certified as:
 - A building inspector under s. 468.607, F.S.;¹⁷
 - A general, building, or residential contractor under s. 489.111, F.S.;¹⁸
 - A professional engineer under s. 471.015, F.S.;¹⁹
 - A professional architect under s. 481.213, F.S.;²⁰ or
 - A home inspector under s. 468.8314, F.S.,²¹ who has completed at least three hours of hurricane mitigation training approved by the Construction Industry Licensing Board,²² which must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam;
- Use inspectors who have undergone drug testing and a background screening that includes submission and processing of fingerprints; and
- Provide a quality assurance program, including a reinspection component.²³

Hurricane Mitigation Inspections

Hurricane mitigation inspections provided to a condominium association, must, at a minimum, include:

- An inspection of the property, and a report that summarizes the results of the inspection and identifies recommended improvements the association may take to mitigate hurricane damage;
- A range of cost estimates regarding the recommended mitigation improvements; and

¹⁰ [S. 215.55871\(2\)\(b\), F.S.](#)

¹¹ [S. 215.55871\(2\)\(d\), F.S.](#)

¹² *Id.*

¹³ *Id.*

¹⁴ [S. 215.55871\(3\), F.S.](#)

¹⁵ [S. 215.55871\(3\)\(a\), F.S.](#)

¹⁶ [S. 215.55871\(3\)\(b\), F.S.](#)

¹⁷ [Section 468.607, F.S.](#), relates to certification of building code administration and inspection personnel.

¹⁸ [Section 489.111, F.S.](#), relates to licensure by examination for certain contractors, including, but not limited to, residential contractors, building contractors, air-conditioning contractors, and swimming pool servicing contractors.

¹⁹ [Section 471.015, F.S.](#), relates to licensure of engineers.

²⁰ [Section 481.213, F.S.](#), relates to licensure of architects and interior designers.

²¹ [Section 468.8314, F.S.](#), relates to licensure of home inspectors.

²² The Construction Industry Licensing Board, housed within the Department of Business and Professional Regulation, is responsible for licensing and regulating the construction industry in Florida. See Department of Business and Professional Regulation, *Construction Industry*, <https://www2.myfloridalicense.com/construction-industry/> (last visited May 6, 2025). See also [s. 489.107, F.S.](#)

²³ [S. 215.5587\(3\)\(b\), F.S.](#)

- Information regarding estimated insurance premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.²⁴

An application for an inspection must contain a signed or electronically verified statement, made under penalty of perjury by a board's president, that the association has submitted only a single application for each property that the association operates or maintains.²⁵ An association may apply for and receive an inspection without also applying for a grant.²⁶

Mitigation Grants

Grants must be used by associations to make improvements recommended by an inspection which increases the condominium property's resistance to hurricane damage.²⁷ An application for a grant must:

- Contain a signed or electronically verified statement made under penalty of perjury by the president of the board that the association has submitted only a single application for each property that the association operates or maintains;
- Include a notarized statement from the president that contains the name and license number of the contractor it intends to use for the mitigation project; and
- Include a notarized statement from the president which commits to DFS that the association will complete the mitigation improvements. If the grant will be used to improve units, the application must also include an acknowledged statement from each unit owner who is required to provide approval for a grant.²⁸

An association may select its own contractor for the mitigation project as long as the contractor meets all qualification, certification, or licensing requirements under current law.²⁹ A mitigation project must be performed by a properly licensed contractor who has secured all local permits required for the project.³⁰ DFS must electronically verify that the contractor's state license number is accurate and up to date before approving a grant application.³¹

All grants must be [matched on the basis](#) of \$1 provided by the association for two dollars provided by the state.³² An association may receive grant funds for both roof-related and opening protection-related projects, but the total grant award may not exceed \$175,000 per association.³³ The [maximum grant contributions](#) are as follows:

- For roof-related projects, \$11 per square foot multiplied by the square footage of the replacement roof, not to exceed \$1,000 per unit, with a maximum grant award of 50 percent of the cost of the project.
- For opening protection-related³⁴ projects, \$750 per replacement window or door, not to exceed \$1,500 per unit, with a maximum grant award of 50 percent of the cost of the project.³⁵

An association awarded a grant must complete the entire mitigation project in order to receive the final grant award, and must agree to make the property available for a final inspection once the mitigation project is completed.³⁶ The mitigation project must be completed in a manner consistent with the intent of the Program and must meet or exceed applicable Florida Building Code requirements.³⁷ The association must submit a request to

²⁴ [S. 215.55871\(4\)\(a\), F.S.](#)

²⁵ [S. 215.55871\(4\)\(b\), F.S.](#)

²⁶ [S. 215.55871\(4\)\(c\), F.S.](#)

²⁷ [S. 215.55871\(5\), F.S.](#)

²⁸ [S. 215.55871\(5\)\(a\), F.S.](#)

²⁹ [S. 215.55871\(5\)\(b\), F.S.](#)

³⁰ *Id.*

³¹ *Id.*

³² [S. 215.55871\(5\)\(d\)1., F.S.](#)

³³ [S. 215.55871\(5\)\(d\)4., F.S.](#)

³⁴ Opening protection includes exterior doors, garage doors, windows, and skylights. [S. 215.55871\(5\)\(3\)1., F.S.](#)

³⁵ [S. 215.55871\(5\)\(d\)2.-3., F.S.](#)

³⁶ [S. 215.55871\(5\)\(c\), F.S.](#)

³⁷ *Id.*

DFS for a final inspection, or request an extension of time, within one year after receiving grant approval; otherwise the application is deemed abandoned and the grant money reverts back to DFS.³⁸

When recommended by a hurricane mitigation inspection report, grants may be used for the following improvements:

- Opening protection, including exterior doors, garage doors, windows, and skylights;
- Reinforcing roof-to-wall connections;
- Improving the strength of roof-deck attachments; and
- Secondary water barrier for roof.³⁹

If improvements to protect the property which complied with the current applicable building code at the time have been previously installed, the association must use a mitigation grant to install improvements that do both of the following:

- Comply with or exceed the applicable building code in effect at the time the association applied for the grant; and
- Provide more protection than the improvements that the association previously installed.⁴⁰

The association may not use a mitigation grant to:

- Install the same type of improvements that were previously installed; or
- Pay a deductible for a pending insurance claim for damage that is part of the property for which grant funds are being received.⁴¹

Contract Management

DFS is charged with developing a process that ensures the most efficient means to collect and verify eligibility for grant applications, 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.⁴² DFS may contract with third parties for grant management, inspection services, contractor services, information technology, educational outreach, and auditing services.⁴³ Such contracts are:

- Considered direct costs of the Program and are not subject to administrative cost limits.⁴⁴
- Must be with providers that have a demonstrated record of successful business operations in areas directly related to the services to be provided and must ensure the highest accountability for use of state funds.⁴⁵

DFS is required to implement a quality assurance and reinspection program that determines whether initial inspections and mitigation improvements are completed in a manner consistent with the intent of the Program.⁴⁶ DFS may use a valid random sampling in order to perform the quality assurance portion of the Program.⁴⁷

Reports

By February 1 of each year, DFS must submit a report to the President of the Senate and the Speaker of the House of Representatives on the activities of the Program and the use of state funds.⁴⁸ The report must include:

- The number of inspections requested;
- The number of inspections performed;

³⁸ *Id.*

³⁹ [S. 215.55871\(5\)\(e\), F.S.](#)

⁴⁰ [S. 215.55871\(5\)\(g\)1., F.S.](#)

⁴¹ [S. 215.55871\(5\)\(g\)2., F.S.](#)

⁴² [S. 215.55871\(5\)\(h\), F.S.](#)

⁴³ [S. 215.55871\(6\)\(a\), F.S.](#)

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ [S. 215.55871\(6\)\(b\), F.S.](#)

⁴⁷ *Id.*

⁴⁸ [S. 215.55871\(7\), F.S.](#)

- The number of grant applications received;
- The number of grants approved and the monetary value of each grant;
- The estimated average annual amount of insurance premium discounts each association received and the total estimated annual amount of insurance premium discounts received by all associations participating in the Program; and
- The estimated average annual amount of insurance premium discounts each unit owner received as a result of the improvements to the building or structure.⁴⁹

Milestone Inspections

Residential condominium buildings that are three or four stories or more in height, as determined by the Florida Building Code, are required to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's milestone inspection must be performed before December 31, 2025. The local enforcement agency will provide written notice of the required inspection to the association.⁵⁰ This requirement does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.⁵¹

Structural Integrity Reserve Studies

A reserve study is a budget-planning tool for condominium associations. Generally, a reserve study consists of the following two parts: physical analysis and financial analysis.⁵²

Under Florida law, "structural integrity reserve study" (SIRS) means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A SIRS may be performed by any person qualified to perform such study. However, the visual inspection portion of the SIRS must be performed or verified by a:

- Licensed engineer;
- Licensed architect; or
- Person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.⁵³

At a minimum, a SIRS must:

- Identify each item of the condominium property being visually inspected;
- State the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected; and
- Provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item.⁵⁴

The SIRS may recommend for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined or with an estimated remaining useful life of greater than 25 years:

- That reserves do not need to be maintained; or

⁴⁹ *Id.*

⁵⁰ [S. 553.899\(3\), F.S.](#)

⁵¹ [S. 553.899\(4\), F.S.](#)

⁵² Cedar Management Group, *HOA Reserve Study: Why Does Your Community Need It?*, <https://cedarmanagementgroup.com/hoa-reserve-study-community/#what> (last visited Mar. 5, 2025); Kevin Leonard and Robert Nordlund, *Understanding Reserves: A guide to your association's reserve fund & reserve study*, 26-29 (1st ed. 2021); Community Associations Institute, *National Reserve Study Standards*, <https://www.reservestudy.com/wp-content/uploads/2019/01/NRSS-998-CAI-version-updated-2016.pdf> (last visited Mar. 5, 2025).

⁵³ [S. 718.112\(2\)\(g\)2., F.S.](#)

⁵⁴ [S. 718.112\(2\)\(g\)3., F.S.](#)

- A deferred maintenance expense amount for such item.⁵⁵

A condominium or cooperative must have a SIRS completed at least every 10 years after the condominium's or cooperative's creation for each building on the condominium or cooperative property that is three stories or higher in height which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

- Roof.
- Structure, including load-bearing walls and other primary structural members and primary structural systems.
- Fireproofing and fire protection systems.
- Plumbing.
- Electrical systems.
- Waterproofing and exterior painting.
- Windows and exterior doors.
- Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed above as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.⁵⁶

The SIRS requirements do not apply to:

- Buildings less than three stories in height;
- Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground;
- Any portion or component of a building that has not been submitted to the condominium form of ownership; or
- Any portion or component of a building that is maintained by a party other than the association.⁵⁷

Condominium or cooperative associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a SIRS completed by December 31, 2024, for each building on the condominium or cooperative property that is three stories or higher in height. However, an association that is required to complete a milestone inspection on or before December 31, 2026, may complete the SIRS simultaneously with the milestone inspection. In no event may the SIRS be completed after December 31, 2026.⁵⁸

If a condominium or cooperative association willfully and knowingly fails to complete a SIRS, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners.⁵⁹

Reserves

Every condominium and cooperative association must have a budget that sets forth the proposed expenditure of funds for the maintenance, management, and operation of the association. The budget is adopted for a 12-month period reflecting an association's fiscal year, and it must provide a detailed listing of the estimated revenues and expenses that the association reasonably projects for the coming fiscal year. The annual budget is made up of two parts, the part covering the regular operations of the association and the part covering the cost for capital expenses and deferred maintenance (reserves).⁶⁰

Reserves are funds that are set aside for capital expenses and deferred maintenance. Reserves provide funds for major capital repairs or replacements that are needed intermittently such as replacing a roof. The reserves are designed to ensure that an association will have the funds when the repairs are needed and will not have to do a

⁵⁵ *Id.*

⁵⁶ [S. 718.112\(2\)\(g\)1., F.S.](#)

⁵⁷ [S. 718.112\(2\)\(g\)4., F.S.](#)

⁵⁸ [S. 718.112\(2\)\(g\)6., F.S.](#)

⁵⁹ [S. 718.112\(2\)\(g\)8., F.S.](#)

⁶⁰ [S. 718.112\(2\)\(f\), F.S.](#)

large special assessment.⁶¹ The amount of funds that must be placed in reserve is determined by the condominium or cooperative association's most recent SIRS.

RECENT LEGISLATION:

| YEAR | BILL # | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION |
|------|---|------------------------|----------------|--|
| 2024 | <u>CS/CS/CS/HB 1029</u> | Lopez, V., Hunschofsky | DiCeglie | Approved by Governor. Created the My Safe Florida Condominium Pilot Program. |

OTHER RESOURCES:

[My Safe Florida Condominium Pilot Program](#)

⁶¹ *Id.*