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1
 2 An act relating to the My Safe Florida Condominium
 3 Pilot Program; creating s. 215.5587, F.S.;

4 establishing the My Safe Florida Condominium Pilot
 5 Program within the Department of Financial Services;
 6 providing legislative intent; providing definitions;
 7 providing requirements for associations and unit
 8 owners to participate in the pilot program; providing
 9 voting requirements; requiring the department to
 10 contract with specified entities for certain
 11 inspections; providing requirements for such entities;
 12 authorizing the department to conduct criminal record
 13 checks of certain inspectors; requiring inspectors to
 14 submit a full set of fingerprints to the department or
 15 other authorized entities; providing requirements for
 16 state and federal fingerprint processing; providing
 17 requirements for hurricane mitigation inspectors and
 18 inspections; requiring applications for inspections
 19 and grants to include specified statements;
 20 authorizing an association to receive an inspection
 21 without applying for a mitigation grant; providing
 22 mitigation grants for a specified purpose; providing
 23 requirements for an association receiving a mitigation
 24 grant; authorizing an association to select its own
 25 contractors if such contractors meet certain

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26 requirements; requiring the department to
 27 electronically verify a contractor's state license;
 28 requiring construction to be completed and the
 29 association to submit a request for a final inspection
 30 within a specified time period; providing requirements
 31 for funding grant projects; requiring mitigation
 32 grants to be matched by the association; providing
 33 maximum state contributions; authorizing associations
 34 to receive grant funds for multiple projects;
 35 prohibiting the department from accepting grant
 36 applications or maintaining a waiting list under
 37 certain circumstances, unless otherwise expressly
 38 authorized by the Legislature; providing requirements
 39 for mitigation projects; providing how mitigation
 40 grants may be used; requiring the department to
 41 develop a specified process to ensure efficiency;
 42 authorizing the department to contract for certain
 43 services; providing requirements for such contracts;
 44 requiring the department to implement a quality
 45 assurance and reinspection program; requiring the
 46 department to submit to the Legislature an annual
 47 report with specified information; authorizing the
 48 department to request additional information from an
 49 applicant; providing that an application is deemed
 50 withdrawn under certain circumstances; requiring the

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51 department to adopt specified rules; providing an
 52 effective date.

53

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

55

56 Section 1. Section 215.5587, Florida Statutes, is created
 57 to read:

58 215.5587 My Safe Florida Condominium Pilot Program.—There
 59 is established within the Department of Financial Services the
 60 My Safe Florida Condominium Pilot Program to be implemented
 61 pursuant to appropriations. The department shall provide fiscal
 62 accountability, contract management, and strategic leadership
 63 for the pilot program, consistent with this section. This
 64 section does not create an entitlement for associations or unit
 65 owners or obligate the state in any way to fund the inspection
 66 or retrofitting of condominiums in the state. Implementation of
 67 this pilot program is subject to annual legislative
 68 appropriations. It is the intent of the Legislature that the My
 69 Safe Florida Condominium Pilot Program provide licensed
 70 inspectors to perform inspections for and grants to eligible
 71 associations as funding allows.

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

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

74 (b) "Association property" means property, real and
 75 personal, which is owned or leased by, or is dedicated by a

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76 recorded plat to, an association for the use and benefit of its
 77 members and is located in the service area.

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

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

81 (e) "Condominium property" means the lands, leaseholds,
 82 and personal property that are subjected to condominium
 83 ownership, whether or not contiguous, and all improvements
 84 thereon and all easements and rights appurtenant thereto
 85 intended for use in connection with the condominium and are
 86 located in the service area.

87 (f) "Department" means the Department of Financial
 88 Services.

89 (g) "Property" means association property and condominium
 90 property, as applicable, located in the service area.

91 (h) "Service area" means the area of the state which is 15
 92 miles inward of a coastline, as that term is defined in s.
 93 376.031.

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

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

96 (2) PARTICIPATION.—

97 (a) In order to apply for an inspection under subsection
 98 (4) or a grant under subsection (5) for association property or
 99 condominium property, an association must receive approval by a
 100 majority vote of the board of administration or a majority vote

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101 of the total voting interests of the association to participate
 102 in the pilot program.

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

106 1. Approval by a majority vote of the board of
 107 administration or a majority vote of the total voting interests
 108 of the association to participate in a mitigation inspection.

109 2. A unanimous vote of all unit owners within the
 110 structure or building that is the subject of the mitigation
 111 grant.

112 (c) A unit owner may participate in the pilot program
 113 through a mitigation grant awarded to the association but may
 114 not participate individually in the pilot program.

115 (d) The votes required under this subsection may take
 116 place at the annual budget meeting of the association or at a
 117 unit owner meeting called for the purpose of taking such vote.
 118 Before a vote of the unit owners may be taken, the association
 119 must provide to the unit owners a clear disclosure of the pilot
 120 program on a form created by the department. The president and
 121 the treasurer of the board of administration must sign the
 122 disclosure form indicating that a copy of the form was provided
 123 to each unit owner of the association. The signed disclosure
 124 form and the minutes from the meeting at which the unit owners
 125 voted to participate in the pilot program must be maintained as

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126 part of the official records of the association. Within 14 days
 127 after an affirmative vote to participate in the pilot program,
 128 the association must provide written notice in the same manner
 129 as required under s. 718.112(2)(d) to all unit owners of the
 130 decision to participate in the pilot program.

131 (3) HURRICANE MITIGATION INSPECTORS.—

132 (a) Licensed inspectors are to provide inspections of the
 133 property to determine the mitigation measures that are needed,
 134 the insurance premium discounts that may be available to the
 135 association, and the improvements to existing properties of the
 136 association that are needed to reduce a property's vulnerability
 137 to hurricane damage.

138 (b) The department shall contract with wind certification
 139 entities to provide hurricane mitigation inspections. To qualify
 140 for selection by the department as a wind certification entity
 141 to provide hurricane mitigation inspections, the entity must, at
 142 a minimum, meet all of the following requirements:

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

145 a. A building inspector under s. 468.607;

146 b. A general, building, or residential contractor under s.
 147 489.111;

148 c. A professional engineer under s. 471.015;

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

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

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151 least 3 hours of hurricane mitigation training approved by the
 152 Construction Industry Licensing Board, which must include
 153 hurricane mitigation techniques, compliance with the uniform
 154 mitigation verification form, and completion of a proficiency
 155 exam.

156 2. Use hurricane mitigation inspectors who have undergone
 157 drug testing and a background screening. The department may
 158 conduct criminal record checks of inspectors used by wind
 159 certification entities. Inspectors must submit a full set of
 160 fingerprints to the department or to a vendor, an entity, or an
 161 agency authorized under s. 943.053(13). The department, vendor,
 162 entity, or agency shall forward the fingerprints to the
 163 Department of Law Enforcement for state processing and the
 164 Department of Law Enforcement shall forward the fingerprints to
 165 the Federal Bureau of Investigation for national processing.
 166 Fees for state and federal fingerprint processing shall be borne
 167 by the inspector. The state cost for fingerprint processing
 168 shall be as provided in s. 943.053(3) (e). The results must be
 169 returned to the department for screening. The fingerprints must
 170 be taken by a law enforcement agency, designated examination
 171 center, or other department-approved entity.

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

174 (4) HURRICANE MITIGATION INSPECTIONS.—

175 (a) The inspections provided to an association under this

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176 section must, at a minimum, include all of the following:
 177 1. An inspection of the property, and a report that
 178 summarizes the results and identifies recommended improvements
 179 the association may take to mitigate hurricane damage.
 180 2. A range of cost estimates regarding the recommended
 181 mitigation improvements.
 182 3. Information regarding estimated insurance premium
 183 discounts, correlated to the current mitigation features and the
 184 recommended mitigation improvements identified by the
 185 inspection.
 186 (b) An application for an inspection must contain a signed
 187 or electronically verified statement made under penalty of
 188 perjury by the president of the board of administration that the
 189 association has submitted only a single application for each
 190 property that the association operates or maintains.
 191 (c) An association may apply for and receive an inspection
 192 without also applying for a grant under subsection (5).
 193 (5) MITIGATION GRANTS.—Financial grants may be used by
 194 associations to make improvements recommended in a hurricane
 195 mitigation inspection report which increase the condominium's
 196 resistance to hurricane damage.
 197 (a) An application for a mitigation grant must:
 198 1. Contain a signed or electronically verified statement
 199 made under penalty of perjury by the president of the board of
 200 administration that the association has submitted only a single

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201 application for each property that the association operates or
 202 maintains.

203 2. Include a notarized statement from the president of the
 204 board of administration containing the name and license number
 205 of each contractor the association intends to use for the
 206 mitigation project.

207 3. Include a notarized statement from the president of the
 208 board of administration which commits to the department that the
 209 association will complete the mitigation improvements. If the
 210 grant will be used to improve units, the application must also
 211 include an acknowledged statement from each unit owner who is
 212 required to provide approval for a grant under paragraph (2) (b).

213 (b) An association may select its own contractors for the
 214 mitigation project as long as each contractor meets all
 215 qualification, certification, or licensing requirements in
 216 general law. A mitigation project must be performed by a
 217 properly licensed contractor who has secured all required local
 218 permits necessary for the project. The department must
 219 electronically verify that the contractor's state license number
 220 is accurate and up to date before approving a grant application.

221 (c) An association awarded a grant must complete the
 222 entire mitigation project in order to receive the final grant
 223 award and must agree to make the property available for a final
 224 inspection once the mitigation project is finished to ensure the
 225 mitigation improvements are completed in a matter consistent

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226 with the intent of the pilot program and meet or exceed the
227 applicable Florida Building Code requirements. Construction must
228 be completed and the association must submit a request to the
229 department for a final inspection, or request an extension of
230 time, within 1 year after receiving grant approval. If the
231 association fails to comply with this paragraph, the application
232 is deemed abandoned and the grant money reverts back to the
233 department.

234 (d) Grant projects shall be funded as follows:

235 1. All grants must be matched on the basis of \$1 provided
236 by the association for \$2 provided by the state.

237 2. For roof-related projects, the grant contribution is
238 \$11 per square foot multiplied by the square footage of the
239 replacement roof, not to exceed \$1,000 per unit, with a maximum
240 grant award of 50 percent of the cost of the project.

241 3. For opening protection-related projects, the grant
242 contribution is a maximum of \$750 per replacement window or
243 door, not to exceed \$1,500 per unit, with a maximum grant award
244 of 50 percent of the cost of the project.

245 4. An association may receive grant funds for both roof-
246 related and opening protection-related projects, but the maximum
247 total grant award may not exceed \$175,000 per association.

248 5. The department may not accept grant applications or
249 maintain a waiting list for grants after the cumulative value of
250 the grants awarded have fully obligated the appropriation,

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251 unless otherwise expressly authorized by the Legislature.
 252 (e) When recommended by a hurricane mitigation inspection
 253 report, grants for eligible associations may be used for the
 254 following improvements:
 255 1. Opening protection, including exterior doors, garage
 256 doors, windows, and skylights.
 257 2. Reinforcing roof-to-wall connections.
 258 3. Improving the strength of roof-deck attachments.
 259 4. Secondary water resistance for roof.
 260 (f) Grants may be used for a previously inspected existing
 261 structure on the property.
 262 (g)1. If improvements to protect the property which
 263 complied with the current applicable building code at the time
 264 have been previously installed, the association must use a
 265 mitigation grant to install improvements that do both of the
 266 following:
 267 a. Comply with or exceed the applicable building code in
 268 effect at the time the association applied for the grant.
 269 b. Provide more hurricane protection than the improvements
 270 that the association previously installed.
 271 2. The association may not use a mitigation grant to:
 272 a. Install the same type of improvements that were
 273 previously installed; or
 274 b. Pay a deductible for a pending insurance claim for
 275 damage that is part of the property for which grant funds are

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276 being received.

277 (h) The department shall develop a process that ensures
278 the most efficient means to collect and verify inspection and
279 grant applications to determine eligibility. The department may
280 direct hurricane mitigation inspectors to collect and verify
281 inspection and grant application information or use the Internet
282 or other electronic means to collect information and determine
283 eligibility.

284 (6) CONTRACT MANAGEMENT.—

285 (a) The department may contract with third parties for
286 grants management, inspection services, contractor services,
287 information technology, educational outreach, and auditing
288 services. Such contracts are considered direct costs of the
289 pilot program and are not subject to administrative cost limits.
290 The department shall contract with providers that have a
291 demonstrated record of successful business operations in areas
292 directly related to the services to be provided and shall ensure
293 the highest accountability for use of state funds, consistent
294 with this section.

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

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

306 (a) The number of inspections requested.

307 (b) The number of inspections performed.

308 (c) The number of grant applications received.

309 (d) The number of grants approved and the monetary value
 310 of each grant.

311 (e) The estimated average annual amount of insurance
 312 premium discounts each association received and the total
 313 estimated annual amount of insurance premium discounts received
 314 by all associations participating in the pilot program.

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

318 (8) REQUESTS FOR INFORMATION.—The department may request
 319 that an applicant provide additional information. An application
 320 is deemed withdrawn by the applicant if the department does not
 321 receive a response to its request for additional information
 322 within 60 days after it notifies the applicant of any apparent
 323 errors or omissions in the application.

324 (9) RULES.—The department shall adopt rules pursuant to
 325 ss. 120.536(1) and 120.54 to implement this section; to govern

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326 | the program; to govern hurricane mitigation inspections and
327 | grants, mitigation contractors, and training of inspectors and
328 | contractors; and to carry out the duties of the department under
329 | this section.

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