

**Section 215.5586, Florida Statutes
As Amended in Jan 2007 Special Session "A" of the Florida Legislature**

215.5586 FLORIDA COMPREHENSIVE HURRICANE DAMAGE MITIGATION PROGRAM.--There is established within the Department of Financial Services the Florida Comprehensive Hurricane Damage Mitigation Program. 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. The program shall be administered by an individual with prior executive experience in the private sector in the areas of insurance, business, or construction. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that shall include the following:

(1) WIND CERTIFICATION AND HURRICANE MITIGATION INSPECTIONS.--

(a) Free home-retrofit inspections of site-built, residential property, including single-family, two-family, three-family, or four-family residential units, shall be offered to determine what mitigation measures are needed and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The Department of Financial Services shall establish a request for proposals to solicit proposals from wind certification entities to provide at no cost to homeowners wind certification and 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 corrective actions a homeowner may take to mitigate hurricane damage.
2. A range of cost estimates regarding the mitigation features.
3. Insurer-specific information regarding premium discounts correlated to recommended mitigation features identified by the inspection.
4. A hurricane resistance rating scale specifying the home's current as well as projected wind resistance capabilities.

(b) To qualify for selection by the department as a provider of wind certification and hurricane mitigation inspections, the entity shall, at a minimum:

1. Use wind certification and hurricane mitigation inspectors who:
 - a. Have prior experience in residential construction or inspection and have received specialized training in hurricane mitigation procedures.
 - b. Have undergone drug testing and level 2 background checks pursuant to s. 435.04. The department is authorized to conduct criminal record checks of inspectors. 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 shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department- approved entity. Wind certification and hurricane mitigation inspectors participating in the program on the effective date of this act shall have until June 1, 2007, to meet the requirements for a criminal record check.
 - c. Have been certified, in a manner satisfactory to the department, to conduct the inspections.
2. Provide a quality assurance program including a reinspection component.

(2) 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) To be eligible for a grant, a residential property must:

1. Have been granted a homestead exemption under chapter 196.
2. Be a dwelling with an insured value of \$500,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(10), are exempt from this requirement.
3. Have undergone an acceptable wind certification and hurricane mitigation inspection, if the property is an existing structure. A residential property which is part of a multifamily residential unit may receive a grant only if all homeowners participate and the total number of units does not exceed four.

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(b) All grants must be matched on a dollar-for-dollar basis for a total of \$10,000 for the mitigation project with the state's contribution not to exceed \$5,000.

(c) The program shall create a process in which mitigation contractors agree to participate and seek reimbursement from the state and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections. Mitigation projects are subject to random reinspection of up to at least 10 percent of all projects.

(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.

(e) Grants may be used for the following improvements:

1. Roof deck attachment.;
2. Secondary water barrier.;
3. Roof covering.;
4. Brace gable ends.;
5. Reinforce roof-to-wall connections.;
6. Opening protection.;
- and
7. Exterior doors, including garage doors.

(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 have had a homestead exemption prior to the hurricane and maintained the homestead exemption.

(g) ~~(f)~~ Low-income homeowners, as defined in s. 420.0004(10) ~~(9)~~, who otherwise meet the requirements of paragraphs (a), ~~and (c), (e), and (f)~~ are eligible for a grant of up to \$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. Such grants shall be used to retrofit single-family, site-built, owner-occupied, residential properties in order to make them less vulnerable to hurricane damage.

(3) EDUCATION AND CONSUMER AWARENESS.— Multimedia public education, awareness, and advertising efforts designed to specifically address mitigation techniques shall be employed, as well as a component to support ongoing consumer resources and referral services.

(4) ADVISORY COUNCIL.—

There is created an advisory council to provide advice and assistance to the program administrator with regard to his or her administration of the program. The advisory council shall consist of:

- (a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.
- (b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.
- (c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.
- (d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.
- (e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.
- (f) Two members of the Senate, selected by the President of the Senate.
- (g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.
- (h) The senior officer of the Florida Hurricane Catastrophe Fund.
- (i) The executive director of Citizens Property Insurance Corporation.
- (j) The director of the Division of Emergency Management of the Department of Community Affairs.

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve voting ex officio. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. [112.061](#) for per diem and travel expenses incurred in the performance of their official duties.

(5) FEDERAL FUNDING.— The department shall use its best efforts to obtain grants or funds from the federal government to supplement the financial resources of the program.

(6) RULES. The Department of Financial Services shall adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) governing the Florida Comprehensive Hurricane Damage Mitigation Program. The department shall also adopt rules establishing priorities for grants provided under this section based on objective criteria that gives priority to reducing the state's probable maximum loss from hurricanes. However, pursuant to this overall goal, the department may further establish priorities based on the insured value of the dwelling, whether or not the dwelling is insured by Citizens Property Insurance Corporation and whether or not the area under consideration has sufficient resources and the ability to perform the retrofitting required.

(7) CONTRACTS WITH NOT-FOR-PROFIT CORPORATIONS.--The Department of Financial Services is authorized to contract with not-for-profit corporations to conduct all or portions of the program and to increase the awareness of the benefits of mitigation among homeowners in this state. The department shall consider the not-for-profit corporation's ability to raise funds from the private sector to provide for mitigation grants, as well as administrative capabilities for conducting other business related to the program.

(8) WIND CERTIFICATION AND HURRICANE MITIGATION INSPECTOR LIST.--The department shall develop and maintain as a public record a current list of wind certification and hurricane mitigation inspectors authorized to conduct wind certification and hurricane mitigation inspections pursuant to this section.