

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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

BILL #: HB 1431 TITLE: Pub. Rec./Uniform Mitigation Verification Inspection Forms SPONSOR(S): Chaney	COMPANION BILL: CS/SB 1658 (Collins) LINKED BILLS: HB 1429 Fabricio RELATED BILLS: None
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Committee References

[Insurance & Banking](#)



[Government Operations](#)



[Commerce](#)

SUMMARY

Effect of the Bill:

The bill creates a public records exemption for the electronic submissions of the uniform mitigation verification form and the policyholder's identifying information contained therein.

Fiscal or Economic Impact:

None

Extraordinary Vote Required for Passage:

The bill requires a two-thirds vote of the members present and voting in both houses of the Legislature for final passage.

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ANALYSIS

EFFECT OF THE BILL:

The bill creates a [public records exemption](#) for the electronic filings of the [uniform mitigation verification inspection forms](#) ("forms") and associated data, including the policyholder's:

- Identities;
- Telephone numbers,
- E-mail addresses;
- Insurance companies; and
- Insurance policy numbers. (Section [1](#)).

In support of this exemption, the bill provides a [public necessity statement](#) as required by the Florida Constitution. Therein, the bill cites to repercussions of disclosing identifying information contained in the forms. (Section [2](#)).

Further, the bill:

- Provides that, pursuant to the [Open Government Sunset Review Act](#), this exemption will be automatically repealed on October 2, 2030, unless reviewed and saved from repeal through legislative reenactment. (Section [1](#)).
- Provides an effective date of July 1, 2025. (Section [3](#)).

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Public Records](#)

STORAGE NAME: h1431.IBS

DATE: 4/1/2025

[Article 1, section 24 of the Florida Constitution](#) sets forth the state’s public policy regarding access to government records, generally guaranteeing every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. Similarly, [ch. 119, F.S.](#), generally guarantees every person a right to inspect and copy any state, county, or municipal record.

Public Records Exemption

The Florida Constitution authorizes the Legislature to provide by general law an exemption from public records requirements; in other words, the Legislature may provide that a specific record, or a portion thereof, is not subject to the access requirements of [s. 119.07\(1\), F.S.](#), or [article I, section 24, of the Florida Constitution](#).¹ However, the bill creating the exemption must pass by a two-thirds vote of each chamber and state with specificity the [public necessity](#) justifying the exemption.² Further, the exemption itself may be no broader than necessary to accomplish the law’s stated public purpose.³

Open Government Sunset Review Act

The Open Government Sunset Review Act⁴ (“Act”) provides that a public records exemption may be created, revised, or maintained only if it serves an identifiable public purpose and the “Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption.”⁵ An identifiable public purpose is served if the exemption:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual’s safety; however, only the identity of an individual may be exempted under this provision; or
- Protects trade or business secrets.⁶

Further, pursuant to the Act, a new public record exemption or substantial amendment of an existing public record exemption is automatically repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁷

Discounts for Hurricane Mitigation

Florida law promotes mitigation by requiring insurers to offer premium discounts for properties with certain wind-resistant features (such as fortified roofs, window protection, etc.). [S. 627.711, F.S.](#) requires that insurers notify policyholders about available hurricane mitigation discounts and accept a [Uniform Mitigation Verification Inspection Form](#) as proof of a home’s mitigation features.

Currently, the identifying information contained in the form is not exempt under public records law.

OTHER RESOURCES:

[Uniform Mitigation Verification Inspection Form](#)

¹ [Art. I, s. 24\(c\), Fla. Const.](#); [s. 119.011\(8\), F.S.](#)

² [Art. I, s. 24\(c\), Fla. Const.](#); [art. X, s. 12\(e\), Fla. Const.](#)

³ [Art. I, s. 24\(c\), Fla. Const.](#)

⁴ [S. 119.15, F.S.](#)

⁵ [S. 119.15\(6\)\(b\), F.S.](#)

⁶ *Id.*

⁷ [S. 119.15\(3\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Insurance & Banking Subcommittee			Hamon	Schenk
Government Operations Subcommittee				
Commerce Committee				