

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 7005](#) [PCB GOS 25-01](#)

TITLE: OGSR/Disaster Recovery Assistance

SPONSOR(S): Nix

COMPANION BILL: [SB 7004](#)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Orig. Comm.: Government](#)

[Operations](#)

17 Y, 0 N



[Natural Resources & Disasters](#)

16 Y, 0 N



[State Affairs](#)

22 Y, 0 N

SUMMARY

Effect of the Bill:

The bill saves from repeal the public record exemption for property photographs and personal identifying information of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance for a presidentially declared disaster. The public record exemption will repeal on October 2, 2025, if the bill does not become a law.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

The bill removes the scheduled repeal, created pursuant to the [Open Government Sunset Review Act](#), for the public record exemption for certain property photographs and personal identifying information of an applicant for or a participant in a [federal, state, or local housing assistance program](#) for the purpose of disaster recovery assistance for a [presidentially declared disaster](#). The public record exemption for such records when held by the Department of Commerce, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency will repeal on October 2, 2025, if the bill does not become a law. (Section [1](#))

The effective date of the bill is October 1, 2025. (Section [2](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Open Government Sunset Review Act](#)

The Open Government Sunset Review Act (OGSR Act)¹ sets forth a legislative review process for newly created or substantially amended public record or public meeting exemptions. It requires an automatic repeal of the exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.²

The OGSR Act provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.

¹ S. [119.15.F.S.](#)

² S. [119.15\(3\).F.S.](#)

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- Protect 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.
- Protect trade or business secrets.³

If, and only if, in reenacting an exemption that will repeal, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required. If the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception to the exemption is created, then a public necessity statement and a two-thirds vote are not required.⁴

Department of Commerce

The Department of Commerce (Florida Commerce) assists the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement policies and strategies designed to promote economic opportunities for all Floridians.⁵ Within Florida Commerce, the Office of Long-Term Resiliency supports communities following disasters by addressing long-term recovery needs for housing, infrastructure, and economic development.⁶ Florida Commerce is also the state authority responsible for administering all United States Department of Housing and Urban Development (HUD) long-term disaster recovery funds awarded to the state.⁷

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (FHFC) is created within Florida Commerce and is a public corporation.⁸ The FHFC is responsible for increasing the amount of affordable housing available to individuals and families by stimulating investment of private capital and encouraging public and private sector housing partnerships. To accomplish this, the FHFC uses federal and state resources to finance the development of safe, affordable homes and rental housing and to assist first-time homebuyers.⁹ After natural disasters, FHFC works with state and federal officials to provide information on disaster relief resources and information.¹⁰

Local Housing Finance Agencies

Local Housing Finance Agencies (HFAs), also known as Local Housing Finance Authorities, are dependent special districts of a local government.¹¹ HFAs address affordable housing needs locally by stimulating construction and rehabilitation of housing through the use of public financing. Such authorities sell bonds to finance affordable apartments, provide loans with HFA funds for gap financing, sell bonds or administer other programs to provide low-rate mortgages, and provide down payment assistance to homebuyers.¹²

Federal, State, or Local Housing Assistance Program

There are various federal,¹³ state,¹⁴ and local housing assistance programs that assist those who have been impacted by a disaster. One such program is the Community Development Block Grant – Disaster Recovery Program (CDBG-DR program). HUD administers this program at the federal level¹⁵ and Florida Commerce administers this program at the state level. For Fiscal Year 2025-2026, Florida Commerce requested \$607,888,065 of nonrecurring federal grant trust fund authority in the CDBG-DR program in its Legislative Budget Request in

³ S. [119.15\(6\)\(b\), F.S.](#)

⁴ [Art. I, s. 24\(c\), FLA. CONST.](#)

⁵ S. [20.60\(4\), F.S.](#)

⁶ Florida Commerce, [Office of Long-term Resiliency](#) (last visited Mar. 23, 2025).

⁷ *Id.*

⁸ S. [420.504\(1\), F.S.](#)

⁹ Ss. [420.502](#) and [420.507, F.S.](#)

¹⁰ FHFC, [Disaster Relief Resources and Information](#) (last visited Mar. 23, 2025).

¹¹ Leon County, [Housing Finance Authority](#) (last visited Mar. 23, 2025).

¹² Housing Finance Authority of Leon County, [Annual Report FY 2022-2023](#) (last visited Mar. 23, 2025).

¹³ Federal partners in disaster recovery and housing assistance include the Federal Emergency Management Agency (FEMA), the United States Department of Housing and Urban Development (HUD), and the United States Department of Agriculture (USDA). See FEMA, [Federal Housing and Sheltering Resource Timeline](#) (last visited Feb. 10, 2025).

¹⁴ Florida Commerce and the Florida Housing Finance Corporation (FHFC) are state entities that provide housing assistance options during disaster recovery. See Florida Commerce, [Office of Long-Term Resiliency](#) (last visited Feb. 10, 2025). See also FHFC, [Disaster Relief Resources and Information](#) (last visited Feb. 10, 2025).

¹⁵ HUD, [CDBG-DR Fact Sheet](#) (last visited Feb. 10, 2025).

order to address long-term recovery efforts relating to housing, infrastructure, economic development, and mitigation needs that remain after presidentially declared disasters, such as Hurricanes Irma, Michael, Sally, and Ian.¹⁶

Housing assistance programs associated with disaster recovery often require an applicant to submit proof of damage, which is usually shown through photographs of damaged property. Additionally, housing assistance programs may assess damage and determine the estimated cost of rehabilitation through onsite or remote inspections.¹⁷ Such programs also require applicants to submit personal identifying information, such as proof of residence status, proof of insurance covering the damaged property, and income documentation.¹⁸

Presidentially Declared Disaster

In Florida, a disaster is defined as any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor, or the President of the United States.¹⁹ The process for obtaining a presidential disaster declaration begins when the Governor of the affected state requests that the President declare that an emergency exists. Such a request must be based on a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments and that Federal assistance is necessary. As a part of such request, and as a prerequisite to Federal emergency assistance, the Governor must take appropriate action under state law and direct the execution of the state's emergency plan. The Governor must furnish information describing the state and local efforts and resources that have been or will be used to alleviate the emergency. Based upon such a request, the President may declare that an emergency exists.²⁰

Recent presidentially declared disasters in Florida include Hurricanes Helene and Milton.²¹

Public Record Exemption under Review

In 2020, the Legislature created a public record exemption for certain records held by Florida Commerce, the Florida Housing Finance Corporation (FHFC), a county, municipality, or a local housing financing agency. The records include property photographs and personal identifying information of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance for a presidentially declared disaster.²²

The 2020 public necessity statement²³ provided that the release of the protected information “could be used by fraudulent contractors, predatory lenders, thieves, or individuals seeking to impose the vulnerability of the distressed property owner or tenant following a disaster.”²⁴ The public necessity statement asserts that such information must “be protected to ensure that those affected by a disaster are not harassed, intimidated, or potentially defrauded.”²⁵

Pursuant to the OGS Act, the public record exemption will repeal on October 2, 2025, unless reviewed and saved from repeal by the Legislature.²⁶

During the 2024 interim, House and Senate committee staff met jointly with staff from Florida Commerce and the FHFC to discuss the public record exemption under review. Staff from both agencies indicated that they were unaware of any litigation concerning the exemption and had not had any issues interpreting or applying the

¹⁶ Florida Commerce, [Exhibit D-3A: Expenditures by Issue and Appropriation Category](#) (last visited Feb. 10, 2025).

¹⁷ FEMA, [Home Inspections](#) (last visited Feb. 10, 2025).

¹⁸ Rebuild Florida, [Eligibility Requirements](#) (last visited Feb. 10, 2025).

¹⁹ S. [252.34\(2\), F.S.](#)

²⁰ 42 U.S.C § 5191

²¹ United States Department of Homeland Security, FEMA, [Disasters and other Declarations](#) (last visited Feb. 10, 2025).

²² [Ch. 2020-34, L.O.F.](#)

²³ [Article I, s. 24\(c\), FLA. CONST.](#), requires each public record exemption to “state with specificity the public necessity justifying exemption.”

²⁴ [Ch. 2020-34, L.O.F.](#)

²⁵ *Id.*

²⁶ S. [119.071\(5\)\(f\)4, F.S.](#)

exemption. Staff from both agencies recommended that the exemption be reenacted as is. House and Senate staff also distributed questionnaires regarding the public record exemption under review to counties, cities, and local housing finance authorities. The vast majority of respondents indicated that the exemption should be reenacted as is.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Orig. Comm.: Government Operations Subcommittee	17 Y, 0 N	2/18/2025	Toliver	Walker
Natural Resources & Disasters Subcommittee	16 Y, 0 N	3/18/2025	Moore	Weiss
State Affairs Committee	22 Y, 0 N	3/26/2025	Williamson	Walker