

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 #: [CS/HB 397](#)

TITLE: Public Records/Crime Stoppers Organizations

SPONSOR(S): Chambliss

COMPANION BILL: [CS/SB 710](#) (Osgood)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

16 Y, 0 N, As CS



[Government Operations](#)



[Judiciary](#)

SUMMARY

Effect of the Bill:

CS/HB 397 creates a public record exemption to exempt specified personal identifying and location information of current and former employees, board members, and volunteers of crime stoppers organizations and their families from public record requirements.

Fiscal or Economic Impact:

The bill may have an indeterminate negative fiscal impact on state and local governments due to any costs associated with training staff on and making redactions required by the newly-created public record exemption for current and former employees, board members, and volunteers of crime stoppers organizations and their families.

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:

CS/HB 397 creates a [public record exemption](#) for current and former employees, board members, and volunteers of [crime stoppers organizations](#) and their families. Specifically, the following personal identifying and location information will be exempt from public record requirements under the bill:

- Home addresses, telephone numbers, dates of birth, and photographs of current and former employees, board members, and volunteers of crime stoppers organizations;
- Names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current and former employees, board members, and volunteers of crime stoppers organizations; and
- Names and locations of schools and day care facilities attended by the children of current and former employees, board members, and volunteers of crime stoppers organizations. (Section [1](#))

Pursuant to the [Open Government Sunset Review Act](#), the exemption will be automatically repealed on October 2, 2030, unless reviewed and reenacted by the Legislature. (Section [1](#))

The bill includes the constitutionally required public necessity statement, in which the Legislature finds that it is a public necessity that such personal identifying and location information be exempt from public record requirements as the friends, associates, and family members of people who are involved in criminal investigations may retaliate against current and former employees, board members, and volunteers of crime stoppers organizations for performing their duties. The Legislature finds that such retaliatory acts may also be targeted at the spouses and children of such employees, board members, and volunteers of crime stoppers organizations. The Legislature further finds that if such personal identifying and location information is released the safety of current

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and former employees, board members, and volunteers of crime stoppers organizations and their families could be seriously jeopardized and that the harm that may result from the release of such information outweighs any public benefit that may be derived from its disclosure. (Section [2](#))

The bill provides an effective date of July 1, 2025. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill may have an insignificant negative fiscal impact on state agencies holding records that contain the personal identifying and location information of current and former employees, board members, and volunteers of crime stoppers organizations and their families as staff responsible for complying with public record requests may require training related to the public record exemption. Additionally, state agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

LOCAL GOVERNMENT:

The bill may have an insignificant negative fiscal impact on local agencies holding records that contain the personal identifying and location information of current and former employees, board members, and volunteers of crime stoppers organizations and their families as staff responsible for complying with public record requests may require training related to the public record exemption. Additionally, local agencies could incur costs associated with redacting the exempt information prior to releasing records. However, these additional costs will likely be absorbed within existing resources.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Public Records

[Article I, section 24\(a\)](#) of the Florida Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person the right to inspect or copy any public record of the legislative, executive, and judicial branches of government.¹ The Legislature, however, may provide by general law for [exemption](#)² from public record requirements provided that the exemption passes by a two-thirds vote of each chamber, states with specificity the public necessity justifying the exemption, and is no broader than necessary to meet its public purpose.³

The Florida Statutes also address the public policy regarding access to government records. Section [119.071\(1\), F.S.](#), guarantees every person the right to inspect and copy any state, county, or municipal record, unless the record is exempt.⁴ Furthermore, the [Open Government Sunset Review Act](#)⁵ provides that a public record 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.⁶ An identifiable public purpose is served if the exemption meets one of the following purposes:

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

¹ [Art. I, s. 24\(a\), Fla. Const.](#)

² A public record exemption means a provision of general law which provides that a specified record, or portion thereof, is not subject to the access requirements of s. [119.07\(1\), F.S.](#), or s. 24, art. I of the Florida Constitution. See s. [119.011\(8\), F.S.](#)

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

⁴ See s. [119.01, F.S.](#)

⁵ S. [119.15, F.S.](#)

⁶ S. [119.15\(6\)\(b\), F.S.](#)

- 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.⁷

Pursuant to the Open Government Sunset Review Act, a new public record exemption or substantial amendment of an existing public record exemption is repealed on October 2nd of the fifth year following enactment, unless the Legislature reenacts the exemption.⁸

Furthermore, there is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. However, if the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute.⁹

Private Organizations

The Attorney General's Office has recognized that private organizations generally are not subject to public record requirements unless the private organization has been created by law or by a public agency, has been delegated authority to perform some governmental function, or plays an integral part in the decision-making process of a public entity.¹⁰

Crime Stoppers Organizations

Crime stoppers organizations are private not-for-profit organizations that receive anonymous information about alleged criminal activity through a designated hotline or through electronic means and then forward the information to appropriate law enforcement agencies.¹¹ Crime stoppers organizations offer cash rewards for information leading to arrests.¹² Between 2023 and 2024, 52,022 tips were received by the 26 crime stoppers organizations which serve 59 of the state's 67 counties, resulting in 1,560 arrests.¹³

In Florida, "Crime Stoppers" refers to members of the Florida Association of Crime Stoppers, Inc. (FACS).¹⁴ FACS is a statewide umbrella organization operated by a volunteer board of directors from the crime stoppers organizations throughout the state. FACS helps establish local programs, providing ongoing training, advocacy, and mentoring to established programs and new programs alike.¹⁵

Crime Stoppers Funding

In 1991, the Legislature created [s. 16.555, F.S.](#), which required the Department of Legal Affairs (DLA) to establish a Crime Stoppers Trust Fund (Fund) for the purpose of grant administration to fund Crime Stoppers and their crime fighting programs within the units of local government of the state.¹⁶ DLA is required to apply for all federal, state, and private grants that meet the purposes of advancing Crime Stoppers in the state. Any grants that are secured are required to be deposited in the Fund.¹⁷

⁷ *Id.*

⁸ S. [119.15\(3\), F.S.](#)

⁹ See *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So. 2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So. 2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991); See Attorney General Opinion 85-62 (August 1, 1985).

¹⁰ Florida Office of the Attorney General, Government-In-The-Sunshine-Manual 2025 Edition, Vol. 47, p. 17, <https://www.myfloridalegal.com/sites/default/files/government-in-the-sunshine-manual.pdf> (last visited Mar. 28, 2025).

¹¹ S. [16.557\(1\)\(a\), F.S.](#); Florida Association of Crime Stoppers, *How's it done*, <https://facsflorida.org/what-we-do/how-they-do-it/> (last visited Mar. 28, 2025).

¹² *Id.*

¹³ Office of the Attorney General, Division of Victim Services and Criminal Justice Programs, *Annual Report 2023-2024*, <https://www.myfloridalegal.com/sites/default/files/annual-report-2023-24-01-28-25-final-draft.pdf> (last visited Mar. 28, 2025).

¹⁴ S. [16.555\(1\)\(c\), F.S.](#)

¹⁵ Florida Association of Crime Stoppers, *Who we are?*, <https://facsflorida.org/#pg-8-4> (last visited Mar. 28, 2025).

¹⁶ Ch. 91-205, L.O.F.; S. [16.555\(1\) and \(3\), F.S.](#) "Units of local government" means the various city and county governments of the state.

¹⁷ S. [16.555\(4\)\(a\), F.S.](#)

In 1998, the Legislature added a funding source in [s. 938.06, F.S.](#), by imposing a \$20 court cost on persons convicted of any criminal offense.¹⁸ The proceeds from the \$20 court cost are deposited in a separate account within the Crime Stoppers Trust Fund and designated according to the judicial circuit from which they were collected.¹⁹ Counties may apply to DLA for an annual grant from the funds collected by their judicial circuit.²⁰ However, grants may only be awarded to counties that are served by a crime stoppers organization that is an official member of the FACS and may only be used to support such organization.²¹

Use of Crime Stoppers Funding

Eligible organizations must complete and submit a performance-based grant proposal outlining its annual operational plan along with a budget based upon the certified funds previously authorized by DLA.²² Grant funds are used to fund crime stopper organizations, to purchase and distribute promotional and educational items about Crime Stoppers, and to fund student crime watch programs.²³ Grant funds may also be used to fund rewards for tips that result in:

- An arrest.
- The recovery of stolen property; illegal narcotics; the body of a homicide victim; a human trafficking victim or a missing person connected to criminal activity; or an illegal firearm or an illegal weapon on a K-12 school campus.
- The prevention of a terrorist act.
- The solving and closing of a criminal case involving a homicide or other violent felony offense that has gone unsolved for one year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads.²⁴

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	16 Y, 0 N, As CS	4/1/2025	Hall	Leshko
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Clarified that the newly-created public record exemption applies to both current and former employees, board members, and volunteers of crime stoppers organizations. 			
Government Operations Subcommittee				
Judiciary Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹⁸ Ch. 98-319, L.O.F.

¹⁹ S. [16.555\(4\)\(b\), F.S.](#), and S. [938.06, F.S.](#)

²⁰ S. [16.555\(5\)\(b\), F.S.](#)

²¹ *Id.*

²² Florida Association of Crime Stoppers, *Funding*, <https://facsflorida.org/who-we-are/62-2/> (last visited Mar. 28, 2025).

²³ S. [16.555\(5\)\(b-d\), F.S.](#)

²⁴ S. [16.555\(5\)\(e\), F.S.](#)