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A bill to be entitled
 An act relating to crime stoppers organizations;
 creating s. 90.595, F.S.; providing definitions;
 prohibiting a person who engages in privileged
 communication, a law enforcement crime stoppers
 coordinator or his or her staff, or a member of a
 crime stoppers organization's board of directors from
 being required to disclose privileged communications
 or produce protected information; providing an
 exception; authorizing a person charged with a
 criminal offense to petition the court to inspect the
 protected information under certain circumstances;
 authorizing a court to disclose all or a portion of
 the protected information; providing criminal
 penalties; providing exceptions; providing an
 effective date.

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

Section 1. Section 90.595, Florida Statutes, is created to read:

90.595 Privileged communication with and the provision of protected information to crime stoppers organizations.-

(1) As used in this section, the term:

(a) "Crime stoppers organization" means a private not-for-

26 | profit organization that collects and expends donations for
27 | rewards to persons who report to the organization information
28 | concerning criminal activity and forwards that information to
29 | appropriate law enforcement agencies.

30 | (b) "Privileged communication" means the act of providing
31 | information to a crime stoppers organization for the purpose of
32 | reporting alleged criminal activity.

33 | (c) "Protected information" includes the identity of a
34 | person who engages in privileged communication with a crime
35 | stoppers program and any records, recordings, oral or written
36 | statements, papers, documents, or other tangible things provided
37 | to or collected by a crime stoppers organization, a law
38 | enforcement crime stoppers coordinator or his or her staff, or a
39 | law enforcement agency in connection with such privileged
40 | communication.

41 | (2) A person who engages in privileged communication under
42 | this section, a law enforcement crime stoppers coordinator or
43 | his or her staff, or a member of a crime stoppers organization's
44 | board of directors may not be required:

45 | (a) To disclose, by way of testimony or any other means, a
46 | privileged communication or protected information unless such
47 | failure to disclose would infringe on the constitutional rights
48 | of an accused person.

49 | (b) To produce, under subpoena, any records, documentary
50 | evidence, opinions, or decisions relating to such privileged

51 communication or protected information:

52 1. In connection with a criminal case, criminal
53 proceeding, or any administrative hearing; or

54 2. By way of any discovery procedure.

55 (3) (a) A person charged with a criminal offense may
56 petition the court for inspection in camera of the protected
57 information. The petition must allege that the protected
58 information meets all of the following criteria:

59 1. Provides evidence favorable to the defendant.

60 2. Is specifically related to the determination of the
61 innocence or guilt of the petitioner.

62 3. Is such that, if it is not disclosed, will cause a
63 deprivation of a constitutional right of the petitioner.

64 (b) If the court determines that all of the criteria
65 specified in paragraph (a) are satisfied, the court may order
66 the production and disclosure of all or any part of the
67 protected information, while, to the fullest extent possible,
68 protecting the identity of the persons who engaged in privileged
69 communication.

70 (4) (a) Except as provided in paragraph (b), a person who
71 discloses any information related to privileged communication or
72 protected information commits a felony of the third degree,
73 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

74 (b) This subsection does not apply to:

75 1. The person who provides the privileged communication;

76 | or

77 | 2. A law enforcement officer or an employee of a law
78 | enforcement agency or the Department of Legal Affairs when
79 | acting within the scope of his or her official duties.

80 | Section 2. This act shall take effect October 1, 2018.