

By Senator Gruters

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1 A bill to be entitled
2 An act relating to crime stoppers programs; creating
3 s. 90.595, F.S.; providing definitions; prohibiting a
4 person who engages in privileged communication, a law
5 enforcement crime stoppers coordinator or his or her
6 staff, or a member of a crime stoppers organization's
7 board of directors from being required to disclose
8 privileged communications or produce protected
9 information; providing an exception; authorizing a
10 person charged with a criminal offense to petition the
11 court to inspect the protected information under
12 certain circumstances; authorizing a court to disclose
13 all or a portion of the protected information;
14 providing criminal penalties; providing exceptions;
15 amending s. 16.555, F.S.; specifying permissible uses
16 for funds awarded to counties from the Crime Stoppers
17 Trust Fund; authorizing certain unencumbered funds to
18 be reallocated to other judicial circuits after the
19 initial disbursement of funds; providing an effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 90.595 Privileged communication with and the provision of
27 protected information to crime stoppers organizations.-

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

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

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30 profit organization that collects and expends donations for
31 rewards to persons who report to the organization information
32 concerning criminal activity and forwards that information to
33 appropriate law enforcement agencies.

34 (b) "Privileged communication" means the act of providing
35 information to a crime stoppers organization for the purpose of
36 reporting alleged criminal activity.

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

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

49 (a) To disclose, by way of testimony or any other means, a
50 privileged communication or protected information unless such
51 failure to disclose would infringe on the constitutional rights
52 of an accused person.

53 (b) To produce, under subpoena, any records, documentary
54 evidence, opinions, or decisions relating to such privileged
55 communication or protected information:

56 1. In connection with a criminal case, criminal proceeding,
57 or any administrative hearing; or

58 2. By way of any discovery procedure.

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59 (3) (a) A person charged with a criminal offense may
60 petition the court for inspection in camera of the protected
61 information. The petition must allege that the protected
62 information meets all of the following criteria:

- 63 1. Provides evidence favorable to the defendant.
64 2. Is specifically related to the determination of the
65 innocence or guilt of the petitioner.
66 3. Is such that, if it is not disclosed, will cause a
67 deprivation of a constitutional right of the petitioner.

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

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

78 (b) This subsection does not apply to:

- 79 1. The person who provides the privileged communication; or
80 2. A law enforcement officer or an employee of a law
81 enforcement agency or the Department of Legal Affairs when
82 acting within the scope of his or her official duties.

83 Section 2. Paragraphs (e) and (f) are added to subsection
84 (5) of section 16.555, Florida Statutes, to read:

85 16.555 Crime Stoppers Trust Fund; rulemaking.—

86 (5)

87 (e) A county that is awarded a grant under this section may

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88 use such funds to pay rewards for tips that result in any of the
89 following:

90 1. An arrest.

91 2. Recovery of stolen property.

92 3. Recovery of illegal narcotics.

93 4. Recovery of the body of a homicide victim.

94 5. Recovery of a human trafficking victim or a missing
95 person connected to criminal activity.

96 6. Recovery of an illegal firearm or an illegal weapon on a
97 K-12 school campus.

98 7. Prevention of a terrorist act.

99 8. Solving and closing a homicide or other violent felony
100 offense that remains unsolved for 1 year or more after being
101 reported to a law enforcement agency and that has no viable and
102 unexplored investigatory leads.

103 (f) After the initial distribution of funds to the judicial
104 circuit in which they were collected as required under paragraph
105 (b), up to 50 percent of any unencumbered funds returned to the
106 Crime Stoppers Trust Fund from a previous grant year may be
107 reallocated for the subsequent grant year to other judicial
108 circuits to fund special Crime Stoppers initiatives or other
109 Florida Association of Crime Stoppers member programs, as
110 cooperatively determined and prioritized by the department and
111 the Florida Association of Crime Stoppers.

112 Section 3. This act shall take effect July 1, 2019.