

By Senator Bean

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1 A bill to be entitled
2 An act relating to privileged communications made to
3 crime stoppers organizations; amending s. 16.557,
4 F.S.; providing that the recipient of an illegally
5 disclosed privileged communication also commits an
6 offense; providing penalties; providing an exemption
7 for employees, board members, or volunteers of a crime
8 stoppers organization in certain circumstances;
9 providing immunity from civil liability for certain
10 actions by specified persons concerning privileged
11 communications; limiting the uses of privileged
12 communications or evidence of such communications;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 16.557, Florida Statutes, is amended to
18 read:

19 16.557 Crime stoppers organizations; disclosure of
20 privileged communications or protected information; civil
21 immunity; use.—

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

23 (a) "Crime stoppers organization" means a private not-for-
24 profit organization that collects and expends donations for
25 rewards to persons who report to the organization information
26 concerning criminal activity, and forwards that information to
27 appropriate law enforcement agencies.

28 (b) "Privileged communication" means the act of providing
29 information to a crime stoppers organization for the purpose of

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30 reporting alleged criminal activity.

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

39 (2) (a) Except pursuant to criminal discovery or as provided
40 in paragraph (b), a person who discloses a privileged
41 communication or protected information or any information
42 concerning a privileged communication or protected information
43 and the recipient of that disclosure each commit ~~commits~~ a
44 felony of the third degree, punishable as provided in s.
45 775.082, s. 775.083, or s. 775.084.

46 (b) This subsection does not apply to:

47 1. The person who provides the privileged communication or
48 protected information; ~~or~~

49 2. An employee, board member, or volunteer of a crime
50 stoppers organization while acting in the course and scope of
51 the person's duties or functions; or

52 3.2. A law enforcement officer or an employee of a law
53 enforcement agency or the Department of Legal Affairs when he or
54 she is acting within the scope of his or her official duties.

55 (c) This subsection does not limit the right of any
56 criminal defendant to criminal discovery.

57 (3) A person in the course and scope of his or her duties
58 or functions who receives, forwards, or acts on a privileged

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59 communication is immune from civil liability for damages
60 resulting from an act or omission in the performance of his or
61 her duties or functions unless the act or omission was
62 intentionally, willfully, or wantonly negligent, or done with
63 conscious indifference or reckless disregard for the safety of
64 others.

65 (4) (a) Evidence of a privileged communication, and
66 information contained within a privileged communication, from an
67 anonymous source to a crime stoppers organization may not be:

68 1. Relied upon, or considered in determining whether
69 probable cause exists to issue either an arrest or search
70 warrant.

71 2. Admissible or subject to discovery in any court
72 proceeding.

73 (b) A privileged communication may only be used to assist a
74 law enforcement agency in directing an investigation of alleged
75 criminal activity.

76 Section 2. This act shall take effect October 1, 2021.