

By the Committee on Criminal Justice; and Senator Bean

591-03239-21

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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.; prohibiting a person from knowingly and  
5           willfully attempting to obtain, obtaining, or  
6           disclosing a privileged communication or protected  
7           information; providing a penalty; providing an  
8           exemption from criminal liability for employees, board  
9           members, or volunteers of a crime stoppers  
10          organization in certain circumstances; providing  
11          immunity from civil liability for certain actions by  
12          specified persons concerning privileged  
13          communications; providing an effective date.

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

16  
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

591-03239-21

20211868c1

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 knowingly and willfully attempts  
41 to obtain, obtains, or discloses a privileged communication or  
42 protected information, or any information concerning a  
43 privileged communication or protected information, 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;

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 or-

56 4. A person complying with criminal discovery rules.

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

591-03239-21

20211868c1

59       (3) A person in the course and scope of his or her duties  
60 or functions who receives, forwards, or acts on a privileged  
61 communication is immune from civil liability for damages  
62 resulting from an act or omission in the performance of his or  
63 her duties or functions unless the act or omission was  
64 intentional or grossly negligent.

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