

By the Committees on Judiciary; and Criminal Justice; and
Senator Bean

590-03549-21

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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; limiting the uses of privileged
14 communications or evidence of such communications;
15 providing an effective date.

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

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19 Section 1. Section 16.557, Florida Statutes, is amended to
20 read:

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

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

25 (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.

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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 organization and any records, recordings, oral or
36 written statements, papers, documents, or other tangible items
37 provided 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) Except ~~pursuant to criminal discovery or~~ as provided
42 in paragraph (b), a person who knowingly and willfully attempts
43 to obtain, obtains, or discloses a privileged communication or
44 protected information, or any information concerning a
45 privileged communication or protected information, commits a
46 felony of the third degree, punishable as provided in s.
47 775.082, s. 775.083, or s. 775.084.

48 (b) This subsection does not apply to:

49 1. The person who provides the privileged communication or
50 protected information; ~~or~~

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

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

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 intentional or grossly negligent.

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

66 1. Relied upon or considered in determining whether
67 probable cause exists to issue either an arrest or a search
68 warrant.

69 2. Admissible or subject to discovery in any court
70 proceeding.

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

74 ~~(c) This subsection does not limit the right of any~~
75 ~~criminal defendant to criminal discovery.~~

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