

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:

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  
 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  
 40 | provided 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 who in the course and scope of his or her  
58 duties or functions receives, forwards, or acts on a privileged  
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  
74 a law enforcement agency in directing an investigation of  
75 alleged criminal activity.

HB 363

2021

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