

ENROLLED

CS/HB 363

2021 Legislature

1  
 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

ENROLLED

CS/HB 363

2021 Legislature

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 knowingly and willfully  
 41 | attempts to obtain, obtains, or discloses a privileged  
 42 | communication, ~~or~~ protected information, or ~~any~~ information  
 43 | concerning a privileged communication or protected information  
 44 | commits a felony of the third degree, punishable as provided in  
 45 | s. 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

ENROLLED

CS/HB 363

2021 Legislature

51 his or her 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; or

55 4. A person complying with criminal discovery rules.

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

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

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