

CHAPTER 2021-21

Committee Substitute for House Bill No. 363

An act relating to privileged communications made to crime stoppers organizations; amending s. 16.557, F.S.; prohibiting a person from knowingly and willfully attempting to obtain, obtaining, or disclosing a privileged communication or protected information; providing a penalty; providing an exemption from criminal liability for employees, board members, or volunteers of a crime stoppers organization in certain circumstances; providing immunity from civil liability for certain actions by specified persons concerning privileged communications; providing an effective date.

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

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

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

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

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

(b) “Privileged communication” means the act of providing information to a crime stoppers organization for the purpose of reporting alleged criminal activity.

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

(2)(a) ~~Except pursuant to criminal discovery or as provided in paragraph (b), a person who knowingly and willfully attempts to obtain, obtains, or discloses a privileged communication, or protected information, or any information concerning a privileged communication or protected information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) This subsection does not apply to:

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

2. An employee, board member, or volunteer of a crime stoppers organization while acting in the course and scope of his or her duties or functions;

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

4. A person complying with criminal discovery rules.

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

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

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

Approved by the Governor May 7, 2021.

Filed in Office Secretary of State May 7, 2021.