

By the Committees on Judiciary; and Criminal Justice; and  
Senators Steube and Grimsley

590-03201-18

2018706c2

1 A bill to be entitled  
2 An act relating to crime stoppers organizations;  
3 creating s. 90.595, F.S.; defining terms; prohibiting  
4 a person who engages in privileged communication, a  
5 law enforcement crime stoppers coordinator or his or  
6 her staff, or an officer, a director, or an employee  
7 of a crime stoppers organization from being required  
8 to disclose or produce privileged communications or  
9 protected information; providing an exception;  
10 authorizing a person charged with a criminal offense  
11 to petition the court to inspect the protected  
12 information under certain circumstances; authorizing a  
13 court to disclose all or a portion of the protected  
14 information; providing criminal penalties; providing  
15 an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Section 90.595, Florida Statutes, is created to  
20 read:

21 90.595 Privileged communication with and the provision of  
22 protected information to crime stoppers organizations.-

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

24 (a) "Crime stoppers organization" means a private not-for-  
25 profit organization that collects and expends donations for  
26 rewards to persons who report to the organization information  
27 concerning criminal activity and forwards that information to  
28 appropriate law enforcement agencies.

29 (b) "Privileged communication" means a communication made

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30 to a crime stoppers organization for the purpose of reporting  
31 alleged criminal activity.

32 (c) "Protected information" includes the identity of a  
33 person who engages in privileged communication with a crime  
34 stoppers organization and any records, recordings, oral or  
35 written statements, papers, documents, or other tangible things  
36 provided to or collected by a crime stoppers organization, a law  
37 enforcement crime stoppers coordinator or his or her staff, or a  
38 law enforcement agency in connection with such privileged  
39 communication.

40 (2) A person who engages in privileged communication under  
41 this section, a law enforcement crime stoppers coordinator or  
42 his or her staff, or an officer, director, or employee of a  
43 crime stoppers organization may not be required:

44 (a) To disclose, by way of testimony or any other means, a  
45 privileged communication or protected information unless such  
46 failure to disclose would infringe on the constitutional rights  
47 of an accused person.

48 (b) To produce, under subpoena, any records, documentary  
49 evidence, opinions, or decisions relating to such privileged  
50 communication or protected information:

51 1. In connection with a criminal case, criminal proceeding,  
52 or any administrative hearing; or

53 2. By way of any discovery procedure.

54 (3) (a) A person charged with a criminal offense may  
55 petition the court for inspection in camera of the protected  
56 information. The petition must allege that the protected  
57 information meets all of the following criteria:

58 1. Provides evidence favorable to the defendant.

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59 2. Is specifically related to the determination of the  
60 innocence or guilt of the defendant.

61 3. Is such that, if it is not disclosed, will cause a  
62 deprivation of a constitutional right of the defendant.

63 (b) If the court determines that all of the criteria  
64 specified in paragraph (a) are satisfied, the court may order  
65 the production and disclosure of all or any part of the  
66 protected information, while, to the fullest extent possible,  
67 protecting the identity of the persons who engaged in privileged  
68 communication.

69 (4) A person, other than the person who provides the  
70 privileged communication, who discloses any information related  
71 to privileged communication or protected information to a person  
72 other than a law enforcement officer or an employee of a law  
73 enforcement agency commits a felony of the third degree,  
74 punishable as provided in s. 775.082, s. 775.083, or s. 775.083.

75 Section 2. This act shall take effect October 1, 2018.