

By Senator Klein

28-300-98

See HB 3053

1                                   A bill to be entitled  
2           An act relating to public records; providing  
3           exemptions from public records requirements for  
4           information identifying the person  
5           administering the lethal injection during  
6           execution of the death sentence; providing for  
7           future review and repeal; providing a finding  
8           of public necessity; amending s. 945.10, F.S.,  
9           relating to confidential information of the  
10          Department of Corrections, to conform;  
11          providing a contingent effective date.

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

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15           Section 1. Information which, if released, would  
16 identify the person administering the lethal injection  
17 pursuant to section 922.10, Florida Statutes, is confidential  
18 and exempt from section 119.07(1) and Section 24(a), Article I  
19 of the State Constitution. This section is subject to the Open  
20 Government Sunset Review Act of 1995 in accordance with  
21 section 119.15, Florida Statutes, and shall stand repealed on  
22 October 2, 2002, unless reviewed and saved from repeal through  
23 reenactment by the Legislature.

24           Section 2. Paragraph (g) of subsection (1) of section  
25 945.10, Florida Statutes, is amended to read:

26           945.10 Confidential information.--

27           (1) Except as otherwise provided by law or in this  
28 section, the following records and information of the  
29 Department of Corrections are confidential and exempt from the  
30 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
31 Constitution:

1           (g) The identity of an executioner, or a person  
2 administering a lethal injection pursuant to s. 922.10.

3           Section 3. The Legislature finds that the disclosure  
4 of information identifying a person administering a lethal  
5 injection for purposes of death sentence execution pursuant to  
6 section 922.10, Florida Statutes, would jeopardize the  
7 person's safety and welfare by exposing that person to  
8 potential harassment, intimidation, and harm and would  
9 constitute an unwarranted invasion into the person's privacy.  
10 The release of this information would not benefit the public  
11 or aid it in the effective operation of government or the  
12 orderly imposition of capital punishment. Therefore, the  
13 Legislature finds that it is a public necessity that this  
14 information be kept confidential and exempt from disclosure  
15 under public records law.

16           Section 4. This act shall take effect on the same date  
17 that House Bill 3033 or similar legislation providing for  
18 execution of the death sentence by lethal injection takes  
19 effect, if such legislation is adopted in the same legislative  
20 session or an extension thereof.

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23   LEGISLATIVE SUMMARY

24           Provides exemptions from public records requirements for  
25 information identifying the person administering the  
26 lethal injection for purposes of death sentence  
27 execution. Provides for future review and repeal.  
28 Provides a finding of public necessity.