

By the Committee on Criminal Justice

307-492-03

1                                   A bill to be entitled  
2           An act relating to the public-records exemption  
3           for information identifying the executioner and  
4           certain other persons involved in an execution;  
5           amending s. 922.10, F.S.; removing the  
6           public-records exemption for information  
7           identifying an executioner; repealing s.  
8           922.106, F.S., relating to the exemption  
9           provided for information identifying a person  
10          prescribing, preparing, compounding,  
11          dispensing, or administering the lethal  
12          injection; amending s. 945.10, F.S.; providing  
13          that information held by the Department of  
14          Corrections which identifies an executioner and  
15          certain other persons is exempt from disclosure  
16          under public-records requirements; providing an  
17          effective date.

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

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21           Section 1. Section 922.10, Florida Statutes, is  
22 amended to read:

23           922.10 Execution of death sentence; executioner.--A  
24 death sentence shall be executed by electrocution or lethal  
25 injection in accordance with s. 922.105. The warden of the  
26 state prison shall designate the executioner. Information  
27 ~~which, if released, would identify the executioner is~~  
28 ~~confidential and exempt from the provisions of s. 119.07(1)~~  
29 ~~and s. 24(a), Art. I of the State Constitution.~~The warrant  
30 authorizing the execution shall be read to the convicted  
31 person immediately before execution.

1           Section 2. Section 922.106, Florida Statutes, is  
2 repealed.

3           Section 3. Subsection (1) of section 945.10, Florida  
4 Statutes, is amended to read:

5           945.10 Confidential information.--

6           (1) Except as otherwise provided by law or in this  
7 section, the following records and information held by ~~of~~ the  
8 Department of Corrections are confidential and exempt from the  
9 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
10 Constitution:

11           (a) Mental health, medical, or substance abuse records  
12 of an inmate or an offender.

13           (b) Preplea, pretrial intervention, and presentence or  
14 postsentence investigative records, except as provided in s.  
15 960.001(1)(g).

16           (c) Information regarding a person in the federal  
17 witness protection program.

18           (d) Parole Commission records which are confidential  
19 or exempt from public disclosure by law.

20           (e) Information which if released would jeopardize a  
21 person's safety.

22           (f) Information concerning a victim's statement and  
23 identity.

24           (g) Information that identifies ~~The identity of~~ an  
25 executioner, or any ~~a~~ person prescribing, preparing,  
26 compounding, dispensing, or administering a lethal injection.

27           (h) Records that are otherwise confidential or exempt  
28 from public disclosure by law.

29           Section 4. This act shall take effect upon becoming a  
30 law.

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SENATE SUMMARY

Clarifies provisions exempting the executioner and certain other persons involved in an execution from public disclosure under public-records requirements. Provides that information held by the Department of Corrections which identifies an executioner or any person prescribing, preparing, compounding, dispensing, or administering the lethal injection is confidential and exempt from public disclosure.