

ENROLLED

HB 873

2022 Legislature

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 2 An act relating to public records; amending s. 945.10,
 3 F.S.; providing an exemption from public records
 4 requirements for information or records that identify
 5 or could reasonably lead to the identification of any
 6 person or entity that participates in an execution;
 7 providing for retroactive application; providing for
 8 future legislative review and repeal of the exemption;
 9 providing a statement of public necessity; providing
 10 an effective date.

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

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 14 Section 1. Paragraph (j) is added to subsection (1) of
 15 section 945.10, Florida Statutes, to read:

16 945.10 Confidential information.—

17 (1) Except as otherwise provided by law or in this
 18 section, the following records and information held by the
 19 Department of Corrections are confidential and exempt from the
 20 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 21 Constitution:

22 (j)1. Information or records that identify or could
 23 reasonably lead to the identification of any person or entity
 24 that participates in, has participated in, or will participate
 25 in an execution, including persons or entities administering,

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26 compounding, dispensing, distributing, maintaining,
27 manufacturing, ordering, preparing, prescribing, providing,
28 purchasing, or supplying drugs, chemicals, supplies, or
29 equipment necessary to conduct an execution in compliance with
30 chapter 922.

31 2. The exemption in subparagraph 1. applies to information
32 and records held by the department before, on, or after the
33 effective date of the exemption.

34 3. This paragraph is subject to the Open Government Sunset
35 Review Act in accordance with s. 119.15 and shall stand repealed
36 on October 2, 2027, unless reviewed and saved from repeal
37 through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
39 necessity that information or records that identify or could
40 reasonably lead to the identification of those persons or
41 entities that participate in an execution be made confidential
42 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
43 Article I of the State Constitution. The disclosure of
44 information or records that identify or that could reasonably
45 lead to the identification of those persons or entities that
46 participate in an execution could jeopardize the safety of such
47 persons or entities by exposing them to potential harassment,
48 intimidation, or harm and could also thwart the ability of the
49 Department of Corrections to obtain the necessary personnel,
50 drugs, chemicals, supplies, or equipment needed to carry out

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51 executions. Therefore, the Legislature finds that it is a public
52 necessity that this information be kept confidential and exempt
53 from public disclosure.

54 Section 3. This act shall take effect upon becoming a law.