

CHAPTER 98-4

Committee Substitute for House Bill No. 3053

An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information of the Department of Corrections, to conform; providing a contingent effective date.

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

Section 1. Information which, if released, would identify the person administering the lethal injection pursuant to s. 922.105, Florida Statutes, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

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

945.10 Confidential information.—

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

(g) The identity of an executioner, or a person administering a lethal injection pursuant to s. 922.105.

Section 3. The Legislature finds that the disclosure of information identifying a person administering a lethal injection for purposes of death sentence execution pursuant to s. 922.105, Florida Statutes, would jeopardize the person's safety and welfare by exposing that person to potential harassment, intimidation, and harm and would constitute an unwarranted invasion into the person's privacy. The release of this information would not benefit the public or aid it in the effective operation of government or the orderly imposition of capital punishment. Therefore, the Legislature finds that it is a public necessity that this information be kept confidential and exempt from disclosure under public records law.

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

Approved by the Governor March 26, 1998.

Filed in Office Secretary of State March 26, 1998.