

By Senator Klein

28-12-98

See HB 3033

1 A bill to be entitled
 2 An act relating to execution; amending s.
 3 922.10, F.S.; providing for execution of the
 4 death penalty by means of lethal injection;
 5 providing for election of lethal injection by
 6 certain persons sentenced to death for capital
 7 offenses committed before a specified date;
 8 providing for administration of the lethal
 9 injection; providing for execution by
 10 electrocution under specified circumstances;
 11 providing an exemption from chapter 120, F.S.,
 12 relating to the Administrative Procedures Act,
 13 for the policies and procedures of the
 14 Department of Corrections relating to
 15 execution; providing for designation of the
 16 executioner by the superintendent; providing
 17 for confidentiality of information identifying
 18 the person administering the lethal injection;
 19 providing for applicability or retroactive
 20 applicability to certain offenses; providing an
 21 effective date.

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

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 25 Section 1. Section 922.10, Florida Statutes, is
 26 amended to read:

27 922.10 Execution of death sentence; election of method
 28 of execution; executioner.--

29 (1) A person convicted and sentenced to death for a
 30 capital crime committed on or July 1, 1998, shall be executed
 31 by lethal injection, specifically through intravenous

1 injection of a lethal quantity of an ultrashort-acting
2 barbiturate or other similar substance in combination with a
3 chemical paralytic agent until the person is dead, under the
4 direction of the Secretary of Corrections or the secretary's
5 designee.

6 (2) A person convicted and sentenced to death for a
7 capital crime committed before July 1, 1998, shall be executed
8 by electrocution or, at the election of the person, by lethal
9 injection. Election of lethal injection as the method of
10 execution shall be waived, unless a written election is made 7
11 days before the execution date, or within 24 hours before the
12 scheduled execution when the time period is less than 7 days.
13 Once a person makes an election of lethal injection under this
14 section, that election applies to all successive dates of
15 execution.

16 (3) A lethal injection may be administered by any
17 person qualified to administer intravenous injections.
18 Administration of a lethal injection does not constitute the
19 practice of medicine.

20 (4) If execution by lethal injection under this
21 section is held to be unconstitutional by an appellate court
22 of competent jurisdiction, or is otherwise not possible, then
23 execution shall be by electrocution.

24 (5) The Department of Corrections' policies and
25 procedures for execution of persons sentenced to death are
26 exempt from chapter 120.

27 (6) ~~A death sentence shall be executed by~~
28 ~~electrocution.~~The superintendent warden of the state prison
29 shall designate the executioner. Information which, if
30 released, would identify the executioner or person
31 administering the lethal injection is confidential and exempt

1 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
2 the State Constitution. The warrant authorizing the execution
3 shall be read to the convicted person immediately before
4 execution.

5 Section 2. This act shall take effect July 1, 1998.

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LEGISLATIVE SUMMARY

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10 Provides for execution of the death penalty by means of
11 lethal injection for a person sentenced to death for a
12 capital crime committed on or after July 1, 1998.
13 Provides for election of lethal injection by certain
14 persons sentenced to death for capital offenses committed
15 before July 1, 1998. Provides for administration of the
16 lethal injection. Provides for execution by electrocution
under specified circumstances. Provides an exemption from
chapter 120, F.S., relating to the Administrative
Procedures Act, for the policies and procedures of the
Department of Corrections relating to execution. Provides
for designation of the executioner by the superintendent.
Provides for confidentiality of information identifying
the person administering the lethal injection.

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