

By Representative Stafford

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 the effective date of
8 the act; providing for administration of the
9 lethal injection; providing for execution by
10 electrocution under specified circumstances;
11 providing an exemption from chapter 120,
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, 1996
26 Supplement, is 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 after the effective date of this
31 act shall be executed by lethal injection, specifically

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

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

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9 HOUSE SUMMARY

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12 injection by certain persons sentenced to death for
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14 the act. Provides for administration of the lethal
15 injection. Provides for execution by electrocution under
16 specified circumstances. Provides an exemption from
17 chapter 120, relating to the Administrative Procedures
18 Act, for the policies and procedures of the Department of
19 Corrections relating to execution. Provides for
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