

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: February 18, 1998 Revised: \_\_\_\_\_

Subject: Execution by Lethal Injection

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Erickson</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>WM</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

### I. Summary:

Committee Substitute for Senate Bills 360 and 350 would amend s. 922.10, F.S., to provide that in the event electrocution is held unconstitutional by the Florida Supreme Court, Eleventh Circuit Court of Appeals, or by the United States Supreme Court, all persons sentenced to death for a capital crime shall be executed by lethal injection. The CS further provides for adoption of United State Supreme Court precedent finding no federal ex post facto violation in a state law changing the method of execution. Finally, the CS provides that a change to the method of execution does not increase the punishment or modify the death penalty nor does any change in the method of execution violate Article I, Section 10, or Article X, Section 9, Florida Constitution.

This bill substantially amends section 922.10, Florida Statutes.

### II. Present Situation:

Florida adopted electrocution as its sole method of execution in 1923, replacing the previous method of hanging. *See* Ken Driggs, "A Current of Electricity Sufficient in Intensity to Cause Immediate Death: A Pre-*Furman* History of Florida's Electric Chair," 22 *Stetson Law Review* 1169 (Summer 1993). The first execution by electrocution performed in Florida occurred in 1924; the last in 1997. Executions are performed at the Florida State Prison in Starke, Florida. The following is a partial description of Florida's protocol on execution by electrocution:

Prior to each execution, the execution equipment is tested. Additionally, testing of the execution equipment is performed a minimum of eight times each year. A "mock" execution is performed prior to each actual execution.

Florida employs a single executioner. The executioner must exhibit a willingness to participate and must uphold the confidentiality of the execution proceedings. To select an executioner, the position is originally advertised in newspapers. Applications are taken and evaluated. Applicants are interviewed. The Florida Department of Corrections does not report who conducts these interviews or evaluations or who selects the executioner, nor does the department report whether the executioner serves only for a single execution or serves until he resigns or is replaced. The executioner is compensated.

The execution team consists of administrative, maintenance, security, and medical staff who are selected by the superintendent of Florida State Prison. The superintendent is in charge of the team. The execution team members are not compensated for their services. Service on the team is voluntary for all members except for the superintendent and the medical executive director.

Criminal Justice Committee staff have reviewed numerous documents provided by the department to try to ascertain what the procedures are on the day of execution. To the best of staff's knowledge, the following presents a partial description of Florida's current procedures for executing a condemned offender by electrocution.

Staff at the Florida State Prison supervises the shaving of the crown of the condemned offender's head and the offender's right leg from the knee to the ankle.

- ▶ Official witnesses, who have reported to the Florida State Prison's Administration Building, are greeted by two designated Department of Corrections' staff members and, as a group, are escorted by the designated staff members to the main entrance of the Florida State Prison, cleared by security, and escorted to the staff dining room where they remain until escorted to the witness room of the execution chamber by the designated escort staff members.
- ▶ Authorized media witnesses are picked up at a designated media area at New River Correctional Institution by two designated Department of Corrections' escort staff members, transported to the main entrance of the Florida State Prison as a group, cleared by security, and escorted to the population visiting park where they remain until escorted to the witness room of the execution chamber by the designated escort staff members.
- ▶ The condemned offender is escorted to the shower area. Following the shower, the offender is returned to his assigned cell and issued underwear, a pair of trousers, a dress shirt or blouse (as appropriate) and socks. The offender wears no shoes. A suit coat is not worn by the offender during the execution but is placed on the offender's body after the execution proceedings.

- ▶ At the direction of the superintendent, all calls are forwarded to the execution chamber from the Governor's office through a switchboard extension. Should institutional telephone lines fail at any time during the process, the switchboard operator immediately advises the Command Center, which is located within hearing range of the switchboard operator. Telephones in the execution chamber are checked. Staff also ensures that a fully-charged cellular telephone is in the execution chamber. Sample telephone calls are placed to each telephone to ensure proper operation. The public address system is also checked to ensure its proper operation.
- ▶ A saturated saline solution is mixed and two natural sea sponges are placed in the solution.
- ▶ Staff establishes telephone communication with the Governor's office on behalf of the superintendent. This phone line remains open during the entire execution proceeding.
- ▶ Staff verifies that water on X-wing is turned off.
- ▶ The executioner is present in the execution chamber.
- ▶ Staff ensures that a salt-free, hypoallergenic, electrically-conductive gel is applied to the crown of the offender's shaven head and the calf of the offender's right leg in a total application of approximately four ounces.
- ▶ Just prior to the execution, the superintendent reads the death warrant to the offender and the offender is allowed to make a last statement.
- ▶ Official witnesses are secured in the witness room of the execution chamber by two designated Department of Corrections' escort staff. The same procedure is followed with the media witnesses. The witness room of the execution chamber is secured. The execution chamber is secured.
- ▶ Staff applies restraints to the offender for escort into the execution chamber. Prior to the offender being escorted, security arrangements have been made for his movement from his Q-wing cell to the execution chamber in compliance with a schedule set by the superintendent. At the offender's request, and subject to the approval of the superintendent or assistant superintendent, the chaplain may accompany the offender to the execution chamber. The time is recorded when the offender enters the chamber.
- ▶ The offender enters the execution chamber and is placed in the electric chair. The chair is constructed of oak and is set on a rubber matting and bolted to a concrete floor. Lap, chest, arm, and forearm straps are secured. When the straps are secured, the restraints are removed and ankle straps are secured. A leg piece (anklet) is laced to the offender's right calf and a sponge and electrode are attached. Staff ensures that the sponge covers all areas of the electrode to prevent any contact of the electrode with the offender's skin,

and also ensures that the sponge is sufficiently wet (slightly dripping). The headpiece is secured. The headgear consists of a metal headpiece covered with a leather hood which conceals the offender's face. The metal part of the headpiece consists of a copper wire mesh screen to which the electrode is brazened. A wet sponge is placed between the electrode and the offender's scalp. Excess saline solution from the sponge is dried with a clean towel. During the execution, two Department of Corrections' staff members are posted in the execution chamber to ensure that the offender is seated and that the electrocution equipment is properly connected.

- ▶ A staff member then proceeds to the outside open telephone line to inquire of any possible stays of execution. If there are no stays, the execution proceeds.
- ▶ The safety switch is closed. The circuit breaker is engaged. The execution control panel is activated. The executioner is signaled either verbally or by gesture to engage the execution switch and the automatic cycle begins. While the automatic cycle has five cycles only three cycles are used. The automatic cycle begins with the programmed 2,300 volts (9.5 amps) for eight seconds, followed by 1,000 volts (4 amps) for 22 seconds, followed by 2,300 volts (9.5 amps) for eight seconds. When the cycle is complete, the electrician indicates that the current is off. Equipment is disconnected. The manual circuit behind the chair is disengaged. The safety switch is opened. The time in which the execution switch is disengaged is recorded.
- ▶ Two minutes after the electrical current ceases, the physician examines the offender's body for vital signs. The physician pronounces the offender's death and the time of death. The estimated average length of time that elapses from the time the offender is restrained to the time that death is determined is 10 minutes. The physician signs the death certificate, and the physician and physician's assistant ensure that the proper documents are recorded. If the offender is not pronounced dead, the execution cycle is then ordered to be repeated.
- ▶ The Governor is notified via the open phone line that the sentence has been carried out and that the offender has been pronounced dead. There is another announcement to the official witnesses and the media that the sentence has been carried out. Then, the witnesses and media are directed to exit the witness room. The official witnesses, except for the designated Inspector General (IG) witness, and the media pool are escorted from the witness room by designated Department of Corrections' escort staff members. The designated IG witness remains in the witness room. After all other witnesses have exited the building, the IG designee is allowed entry into the execution chamber for evidence collection. The IG designee is authorized to collect both the head and leg sponges (which are placed in a plastic bag and securely sealed), inspect the execution equipment, make notes, and depart with these materials. If an unusual incident or problem should occur during an execution, the IG designee is also authorized to photograph the narrow and specific electrode contact points.

- ▶ Staff coordinates the entry of hearse attendants for recovery of the offender's body. The offender is removed from the chair by the hearse attendants who are under supervision. The body is placed on a stretcher and then moved to a hallway outside the execution chamber. The executioner is compensated. A certification of death is obtained from the physician and is delivered to the hearse attendants prior to their departure.
- ▶ As soon as possible after the execution proceeding, the superintendent forwards the death warrant to the Governor, indicating that the execution has been carried out and files a copy of the death warrant with the circuit court in which the condemned offender was convicted and sentenced to death. The correctional senior sentence specialist advises Central Records by teletype of the condemned offender's name and the date and time of death by execution.

The following individuals are authorized to attend an execution: 12 official witnesses; four alternate witnesses; 12 media witnesses; one departmental staff escort; one member of the medical staff; one member of the department's information services; and one security officer.

The execution team is debriefed following an execution and counseling is available to the team members.

Florida has a written protocol on executions which is not required by law. No portion of this protocol is public information.

**Methods of Execution by State** -- From 1991-1997, the following represents the percentage of executions carried-out in the United States by method:

Lethal Injection	(32 states)	77.69%
Electrocution	(10 states)	19.52%
Gas Chamber	(6 states)	1.20%
Firing Squad	(2 states)	0.40%
Hanging	(2 states)	1.20%
<b>Total</b>		<b>100%</b>

Lethal injection is used as a method of execution in 32 states. Seventeen states authorize lethal injection as the sole method of execution for all condemned offenders. Nine states authorize lethal injection as one of two methods of execution for all condemned offenders. California uses lethal injection (the use of lethal gas, the method of execution prior to the adoption of lethal injection, is pending resolution in the Ninth Federal Circuit Court of Appeals following remand from the United States Supreme Court). Four states authorize lethal injection for a condemned offender whose capital offense was committed after a certain date (typically, the date upon which lethal injection was adopted as a method of execution); for a condemned offender whose capital offense

was committed prior to that date, the offender may select lethal injection or the method of execution in place prior to the adoption of lethal injection. Mississippi employs a similar approach, except that the condemned offender whose capital offense was committed prior to the adoption of lethal injection is executed by lethal gas.

Electrocution is used as method of execution in 10 states. Six states authorize electrocution as the sole method of execution for all condemned offenders. Three states authorize electrocution as one of two method of execution for all condemned offenders. Arkansas provides that a condemned offender whose capital offense was committed prior to the date lethal injection was adopted may select lethal injection or electrocution. Oklahoma is not included here in the calculation of states using electrocution, though electrocution is authorized if lethal injection is declared unconstitutional.

Lethal gas is used as a method of execution in 6 states. Two states authorize lethal gas as one of two methods of execution for all condemned offenders. Two states authorize lethal gas or lethal injection for a condemned offender whose capital offense was committed before the adoption of lethal injection. Mississippi employs a similar approach, except that the condemned offender whose capital offense was committed prior to the adoption of lethal injection is executed by lethal gas. As previously stated, California has a case pending on remand regarding the use of lethal gas. Wyoming is not included here in the calculation of states using lethal gas, though lethal gas is authorized if lethal injection is declared unconstitutional.

The firing squad is used as a method of execution in 2 states. Utah and Idaho authorize lethal injection or the firing squad. Oklahoma is not included here in the calculation of states using the firing squad, though the firing squad is authorized if lethal injection and electrocution are declared unconstitutional.

Hanging is used as a method of execution in 2 states. In Washington, a condemned offender may select lethal injection or hanging. In Delaware, a condemned offender whose crime was committed prior to the adoption of lethal injection may select lethal injection or hanging. New Hampshire is not included here in the calculation of states using hanging, though hanging is authorized if lethal injection is declared unconstitutional.

The method of execution for condemned federal offenders is lethal injection, pursuant to 28 CFR, Part 26 for offences under the Violent Crime Control Act of 1994, the method is that of the state in which the execution took place, pursuant to 18 USC 3596. If the state has no death penalty, the offender will be transferred to another state.

**Recent Developments** -- The Florida Supreme Court recently held that Florida's electric chair is not cruel or unusual punishment. *Jones v. Butterworth*, 22 Fla. L. Weekly S659 (Fla. Oct. 20, 1997). In a 4-3 decision, the Court upheld Judge Soud's finding that Florida's electric chair has not in the past, nor will it in the future, inflict unnecessary and wanton pain so as to constitute a cruel or unusual punishment.

The Court stated:

In order for a punishment to constitute cruel or unusual punishment, it must involve "torture or a lingering death" or the infliction of "unnecessary and wanton pain." *Gregg v. Georgia*, 428 U.S. 153 (1976); *Louisiana ex rel. Francis v. Resweber*, 329 U.S. 459 (1947). As the Court observed in *Resweber*: "The cruelty against which the Constitution protects a convicted man is cruelty inherent in the method of punishment, not the necessary suffering involved in any method employed to extinguish life humanely." *Id.* at S661.

The Court held that there was substantial evidence presented "that executions in Florida are conducted without any pain whatsoever" and therefore constitutional. *Id.* The Court also rejected a claim that state officials show deliberate indifference to prisoners' well-being. *Id.*

Justice Harding, while agreeing with the majority that Florida's electric chair, in its current condition, is not cruel or unusual punishment, wrote a separate concurring opinion to encourage the Legislature to amend section 922.10, F.S., to provide that a death sentence may be executed either by electrocution or by lethal injection. *Id.* Justice Harding stated, "I believe that such an amendment would avoid a possible 'constitutional train wreck' if this or any other court should ever determine that electrocution is unconstitutional." *Id.* Justice Harding pointed out that in the event a future Court holds electrocution unconstitutional, the Court may be forced to commute the death sentences of all those death row inmates because there is currently no alternative method of execution. *Id.* The Florida Supreme Court took such an action in 1972 when the United State Supreme Court concluded that the *manner* in which the death penalty was being imposed at the time did constitute cruel and unusual punishment, because Florida had no other alternative manner of imposing death sentences. *Id.*, citing, *Furman v. Georgia*, 408 U.S. 238 (1972), *Anderson v. State*, 267 So. 2d 8 (Fla. 1972).

Justice Harding suggested that the Legislature consider following the California Legislature's recent actions which provide an option to death row inmates between lethal injection and the gas chamber. *Id.* at S662. The California Legislature enacted such legislation after a federal appellate court ruled that execution by lethal gas constituted cruel and unusual punishment and was, thus, unconstitutional. *See Fierro v. Gomez*, 77 F. 3d 301 (9th Cir. 1996). Justice Harding stated that the United State Supreme Court had "impliedly approved the course of action taken by the California Legislature" when it remanded the *Fierro* opinion for further consideration in light of the new California legislation. *Id.*, citing *Gomez v. Fierro*, 117 S. Ct. 285 (1996) (memorandum), quashing *Fierro v. Gomez*.

Justice Harding made it clear that he was not predicting that the Court would commute death sentences. However, it is notable that the Court's *Jones* opinion was decided by a 4-3 vote.

On October 31, 1997, Governor Chiles, in a letter to Senate President Jennings and House of Representatives Speaker Webster, stated that he is rescheduling the executions of Leo Alexander

Jones and Gerald Eugene Stano for the week of March 23, 1998 through March 29, 1998. The Governor took this action in response to the *Jones* decision in which Justice Harding "raised warning flags about the possible consequences if a court found that execution by electrocution was unconstitutional." The Governor wrote, "I have determined that the proper course is to reschedule the executions in a manner that will allow the Legislature an opportunity to consider the court's recommendation."

During the 1997 Special Session A on November 3-7, 1997, the Senate Criminal Justice Committee considered three death penalty bills: SB 34-A, sponsored by Senators Gutman, Burt, Latvala, Dudley, Diaz-Balart, Williams, Cowin, Brown-Waite, Bronson, Horne, Grant, Clary, Lee, Kirkpatrick, Crist, Childers, Ostalkiewicz and Harris; SB 36-A, sponsored by Senators Klein, Campbell, and Burt; and SB 38-A, sponsored by Senators Klein, Campbell, Burt, and Ostalkiewicz.

SB 34-A mandated executions by lethal injection only if electrocution is held unconstitutional. SB 36-A mandated lethal injection for persons convicted and sentenced to death after a specified date while inmates sentenced to death prior to that date could choose between lethal injection and electrocution. SB 38-A exempted information revealing the identity of persons administering lethal injections from the public records requirements.

SB 36-A was amended by the Criminal Justice Committee and on the floor of the Senate (after the Senate voted to consider the bill "outside the call" of the Governor). Senate Bill 36-A ultimately adopted the language in SB 34-A. The Senate approved SB 36-A by a unanimous vote. House companion bills to SB 36-A and SB 38-A were filed but never introduced. The bill died in House messages.

Justice Grimes, one of the four members in the *Jones*' majority, retired on November 17, 1997. On December 10, 1997, Governor Lawton Chiles named Fourth District Court of Appeals' Judge Barbara Pariente to fill the seat left by Justice Grime's retirement. If the newly constituted Court is called upon to decide anew whether Florida's electric chair is an unconstitutional punishment, it is uncertain how the Court would rule.

The question of whether Florida's electric chair is an unconstitutional punishment is now before the federal courts. *Leo Jones, et al. v. Ronald McAndrew, et al.*, Case No. 4: 97-CIV-103-RH. The case is scheduled for trial on February 25, 1998, in Tallahassee before U.S. District Judge Robert Hinkle. Several members of the Commission on Administration of Justice in Capital Cases have maintained that Florida law bars the Northern Capital Collateral Regional Counsel (CCRC) from filing the federal challenge because it is a civil lawsuit. See Jackie Hallifax, "Lawmakers criticize federal law suit over electric chair," Associated Press article reprinted in the *Naples Daily News* (January 8, 1998).

### **III. Effect of Proposed Changes:**

Committee Substitute for Senate Bills 360 and 350 amends s. 922.10, F.S., to provide that in the



event electrocution is held to be unconstitutional by the Florida Supreme Court or by the United States Supreme Court, all persons sentenced to death for a capital crime shall be executed by lethal injection. Committee Substitute for Senate Bills 360 and 350 contains the substance of SB 36-A, as amended, which the Senate passed during the 1997 Special Session A.

Committee Substitute for Senate Bills 360 and 350 further amends s. 922.10, F.S., to provide that the provisions of the opinion and all points of law decided by the United States Supreme Court in *Malloy v. South Carolina*, 237 U.S. 180 (1915), finding that the federal Ex Post Clause is not violated by a legislatively enacted change in the method of execution, are adopted by the Legislature as the statute law of this state.

Finally, CS/SB 360 and 350 amends s. 922.10, F.S., to provide that a change in the method of execution does not increase the punishment or modify the statutory penalty of death for capital murder, nor does it violate Article I, Section 10 (prohibition against ex post facto laws), or Article X, Section 9 (repeal or amendments of criminal statutes do not retroactively effect a punishment in effect prior to the repeal or amendment), of the Florida Constitution.

The act takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

Currently, information which, if released, would identify the executioner is confidential and exempt from section 119.07(1), F.S., and Section 24(a) under Article I of the Florida Constitution, pursuant to section 922.10, F.S.

##### **C. Trust Funds Restrictions:**

None.

##### **D. Other Constitutional Issues:**

Committee Substitute for Senate Bills 350 and 360 will change the *method* of imposing the death penalty only if electrocution is held to be unconstitutional and it will affect those persons who committed their crimes before the bill's effective date. The ex post facto clause of the Federal and Florida Constitutions provides that the Legislature cannot increase the quantum of punishment for a crime and apply the increase retroactively.

The Court's analysis in *Jones* is similar to the analysis used by the Federal Ninth Circuit

Court of Appeals, *see Campbell v. Wood*, 18 F.3d 662 (9th Cir. 1994), and focuses exclusively on whether the punishment involves “torture or a lingering death” or the infliction of “unnecessary and wanton pain.” The *Jones* majority did not follow the suggestion of Justice Anstead (in dissent) to employ an “evolving standards of decency” test (a test that has never been employed by the United States Supreme Court in an Eighth Amendment case relating to a method of execution). The majority also did not follow the suggestion of Justice Shaw (in dissent) to find a punishment unconstitutional under the prohibition against “cruel or unusual” punishments in Article I, Section 17, of the Florida Constitution if the punishment is “cruel” or “unusual” (Justice Shaw found lack of approval for a method of execution in a majority of jurisdictions to be a “strong indicator that a punishment is impermissibly unusual,” but recognized that this consideration alone is not dispositive).

The *Campbell* analysis is essentially fact-driven (such facts include what occurred during the execution as well as relevant scientific evidence regarding the electrocution technology and its effect on the condemned). The Court looks at the punishment (and the Florida Supreme Court regards a method of executing the death penalty, rather than simply the death penalty itself, to be a punishment) and determines if it amounts to torture, lingering death, or unnecessary and wanton pain. Based on its factual findings in *Jones*, the Court determined that Pedro Medina’s death in Florida’s electric chair was virtually instantaneous. In a future case, employing the same analysis and given the same or similar facts as those of the Medina execution, there appears to be no distinction by which the Court could conclude that Florida’s electric chair is cruel and unusual punishment, unless the Court recedes from the *Campbell* analysis or broadens that analysis.

In *Washington v. Dowling*, 92 Fla. 601, 109 So. 588 (1926), the Florida Supreme Court held that Article II, Section 32, of the 1885 Florida Constitution, which provided that “the repeal or amendment of any criminal statute shall not affect the prosecution or punishment of any crime committed before such repeal or amendment,” continued in effect a statute prescribing that the penalty of death shall be inflicted by hanging when, subsequent to a valid sentence imposing such penalty by such means and pending an appeal, the means by which such punishment is to be inflicted was changed by statute to electrocution. The Court reasoned that the term “punishment,” as used in Section 32, was a “general word, not restrained or limited in application precisely to the nature of the penalty imposed for the stated offense.” The former Section 32 is now embodied in Article X, Section 9, of the Florida Constitution.

In reaching its holding, the Court dismissed the U.S. Supreme Court holding in *Malloy v. South Carolina*, 237 U.S. 180 (1915), as not being relevant to the case before the court, since the holding in *Malloy* was based on the ex post facto clause. In *Malloy*, the U.S. Supreme Court found that a South Carolina statute changing the method of execution from hanging to electrocution did not change the penalty (death), but only the mode for producing the penalty. The court held that the statute was not an ex post facto law because the punishment was not increased.

In *Ex parte Granviel*, 561 S.W.2d 503 (Tex. Cr. App. 1978), the Texas Court of Criminal Appeals rejected a claim that a new Texas statute changing the method of execution from electrocution to lethal injection violated the prohibition against ex post facto laws.

**V. Economic Impact and Fiscal Note:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Preliminary data shows that there would be an insignificant, non-recurring fiscal impact of approximately \$4,500 to change from the electric chair to lethal injection. The estimated recurring costs pertaining to each execution by lethal injection is provided in the chart below.

**Lethal Injection** -- According to the Department of Corrections, preliminary data indicates that the impact on the department and the offender population is not measurable at this time. The following was submitted as a preliminary estimate of the fiscal analysis and economic impact for 1998-99:

Non-recurring effects:	1998-99
- general revenue	
Cost of execution table with restraints	\$4,600
Recurring effects:	
- general revenue	
Medical Supplies	\$1,037
Staff Costs (per execution)	\$2,584
Contracted Services (funeral director)	\$1,000
Services (executioner)	\$ 150
Misc. expenses (meal, clothing, etc.)	\$ 150
Long-term effects other than normal growth	Indeterminable
Total revenue and expenditure:	
- general revenue	
Total Recurring expenditures	\$4,921
Total Non-recurring expenditures	\$4,600
<b>TOTAL</b>	<b>\$9,521</b>

For informational and comparative purposes, the following charts provide the specific costs related to electrocution.

**Electrocution** -- According to the Department of Corrections (DOC), the initial and subsequent fixed capital costs for building and construction, and for the electric chair and other electrocution apparatus is as follows:

Chair (head piece, leg piece, sponges, leather straps, resistor bank)	\$1,000 \$3,000
Safety switch	\$2,500
Dual panel (executioner/electrician)	\$15,000
Chart recorder (digital)	\$14,000
Generator, wiring transformer	\$30,000
<b>TOTAL</b>	<b>\$65,000</b>

The operating costs for electrocution that do not relate solely to a specific execution are described as follows:

Testing (minimum of 8 tests per year, includes training of staff) and annual maintenance: Personnel and salaries - 10 staff x FTE average \$30/hr x 3 hrs	\$900
Average 3 executions per year	\$2,700
40 staff x FTE average \$25/hr x 4 hours	\$4,000
15 staff x FTE average \$25/hr x 10 hours	\$3,750
<b>TOTAL</b>	<b>\$11,350</b>
Contracted services - executioner (\$150/execution)	\$150
Contracted services - funeral director (\$1,000/execution)	\$1,000
<b>TOTAL</b>	<b>\$1,150</b>

Miscellaneous expenses:	
2 sponges (@ \$11 ea)	\$22
Salt	\$5
Diesel (6 gal. @ \$10/gal.)	\$60
Meal	\$25
Clothing	\$100
TOTAL	\$212
<b>GRAND TOTAL</b>	<b>\$12,712</b>

The total costs for executions for the fiscal years 1990-91 through 1996-97 are as follows:

1990-91 (5)	\$63,560
1991-92 (1)	\$12,712
1992-93 (3)	\$38,136
1993-94 (2)	\$25,424
1994-95 (0)	\$0
1995-96 (3)	\$38,136
1996-97 (3)	\$38,136
<b>TOTAL (17 executions)</b>	<b>\$216,104</b>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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