

By Representatives Levine, Littlefield, Reddick, Garcia
and Wasserman Schultz

1 A bill to be entitled
2 An act relating to the death penalty; amending
3 ss. 921.141 and 921.142, F.S.; prohibiting the
4 court from imposing the death penalty unless
5 recommended by a super majority of the jurors;
6 providing applicability; providing an effective
7 date.

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

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11 Section 1. Subsection (3) of section 921.141, Florida
12 Statutes, is amended to read:

13 921.141 Sentence of death or life imprisonment for
14 capital felonies; further proceedings to determine sentence.--

15 (3) FINDINGS IN SUPPORT OF SENTENCE OF DEATH.--The
16 death penalty may only be imposed by the court if recommended
17 by a vote of at least 10 jurors in favor of the sentence of
18 death. Notwithstanding the recommendation of ~~a majority of~~
19 the jury, the court, after weighing the aggravating and
20 mitigating circumstances, may ~~shall~~ enter a sentence of life
21 imprisonment ~~or death, but~~ If the court imposes a sentence of
22 death, it shall set forth in writing its findings upon which
23 the sentence of death is based as to the facts:

24 (a) That sufficient aggravating circumstances exist as
25 enumerated in subsection (5), and

26 (b) That there are insufficient mitigating
27 circumstances to outweigh the aggravating circumstances.

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29 In each case in which the court imposes the death sentence,
30 the determination of the court shall be supported by specific
31 written findings of fact based upon the circumstances in

1 subsections (5) and (6) and upon the records of the trial and
2 the sentencing proceedings. If the court does not make the
3 findings requiring the death sentence within 30 days after the
4 rendition of the judgment and sentence, the court shall impose
5 sentence of life imprisonment in accordance with s. 775.082.

6 Section 2. Subsection (4) of section 921.142, Florida
7 Statutes, is amended to read:

8 921.142 Sentence of death or life imprisonment for
9 capital drug trafficking felonies; further proceedings to
10 determine sentence.--

11 (4) FINDINGS IN SUPPORT OF SENTENCE OF DEATH.--The
12 death penalty may only be imposed by the court if recommended
13 by a vote of at least 10 jurors in favor of the sentence of
14 death.Notwithstanding the recommendation of ~~a majority~~ of the
15 jury, the court, after weighing the aggravating and mitigating
16 circumstances, may ~~shall~~ enter a sentence of life
17 imprisonment. ~~or death, but~~ If the court imposes a sentence of
18 death, it shall set forth in writing its findings upon which
19 the sentence of death is based as to the facts:

20 (a) That sufficient aggravating circumstances exist as
21 enumerated in subsection (6), and

22 (b) That there are insufficient mitigating
23 circumstances to outweigh the aggravating circumstances.

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25 In each case in which the court imposes the death sentence,
26 the determination of the court shall be supported by specific
27 written findings of fact based upon the circumstances in
28 subsections (6) and (7) and upon the records of the trial and
29 the sentencing proceedings. If the court does not make the
30 findings requiring the death sentence within 30 days after the
31 rendition of the judgment and sentence, the court shall impose

1 sentence of life imprisonment in accordance with s. 775.082,
2 and that person shall be ineligible for parole.

3 Section 3. The provisions of this act apply to crimes
4 committed after July 1, 2000.

5 Section 4. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

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10 Provides that a super majority of at least 10 jurors must
11 vote to impose the death sentence for the death sentence
12 to be imposed. See bill for details.

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