

1                                   A bill to be entitled  
 2           An act relating to sentencing for capital felonies;  
 3           amending ss. 921.141 and 921.142, F.S.; authorizing,  
 4           rather than requiring, a court to impose the jury's  
 5           recommended sentence of life imprisonment without the  
 6           possibility of parole for certain capital felonies;  
 7           requiring the court to enter a written order  
 8           addressing the sentence of life imprisonment without  
 9           the possibility of parole and include in its required  
 10          written order the reasons for not accepting a jury's  
 11          recommended sentence, if applicable; providing an  
 12          effective date.

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

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 16           Section 1. Paragraph (a) of subsection (3) and subsection  
 17          (4) of section 921.141, Florida Statutes, are amended to read:  
 18           921.141 Sentence of death or life imprisonment for capital  
 19          felonies; further proceedings to determine sentence.—  
 20           (3) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—  
 21           (a) If the jury has recommended a sentence of:  
 22           1. Life imprisonment without the possibility of parole,  
 23          the court may ~~shall~~ impose the recommended sentence.  
 24           2. Death, the court, after considering each aggravating  
 25          factor found by the jury and all mitigating circumstances, may

26 | impose a sentence of life imprisonment without the possibility  
27 | of parole or a sentence of death. The court may consider only an  
28 | aggravating factor that was unanimously found to exist by the  
29 | jury.

30 |       (4) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE  
31 | IMPRISONMENT OR DEATH.—In each case in which the court imposes a  
32 | sentence of life imprisonment without the possibility of parole  
33 | or death, the court shall, considering the records of the trial  
34 | and the sentencing proceedings, enter a written order addressing  
35 | the aggravating factors set forth in subsection (6) found to  
36 | exist, the mitigating circumstances in subsection (7) reasonably  
37 | established by the evidence, whether there are sufficient  
38 | aggravating factors to warrant the death penalty, and whether  
39 | the aggravating factors outweigh the mitigating circumstances  
40 | reasonably established by the evidence. The court must include  
41 | in its written order the reasons for not accepting the jury's  
42 | recommended sentence, if applicable. If the court does not issue  
43 | its order requiring the death sentence within 30 days after the  
44 | rendition of the judgment and sentence, the court shall impose a  
45 | sentence of life imprisonment without the possibility of parole  
46 | in accordance with s. 775.082.

47 |       Section 2. Paragraph (a) of subsection (4) and subsection  
48 | (5) of section 921.142, Florida Statutes, are amended to read:

49 |       921.142 Sentence of death or life imprisonment for capital  
50 | drug trafficking felonies; further proceedings to determine

51 sentence.—

52 (4) IMPOSITION OF SENTENCE OF LIFE IMPRISONMENT OR DEATH.—

53 (a) If the jury has recommended a sentence of:

54 1. Life imprisonment without the possibility of parole,  
55 the court may ~~shall~~ impose the recommended sentence.

56 2. Death, the court, after considering each aggravating  
57 factor found by the jury and all mitigating circumstances, may  
58 impose a sentence of life imprisonment without the possibility  
59 of parole or a sentence of death. The court may consider only an  
60 aggravating factor that was unanimously found to exist by the  
61 jury.

62 (5) ORDER OF THE COURT IN SUPPORT OF SENTENCE OF LIFE  
63 IMPRISONMENT OR DEATH.—In each case in which the court imposes a  
64 ~~death~~ sentence of life imprisonment without the possibility of  
65 parole or death, the court shall, considering the records of the  
66 trial and the sentencing proceedings, enter a written order  
67 addressing the aggravating factors set forth in subsection (7)  
68 found to exist, the mitigating circumstances in subsection (8)  
69 reasonably established by the evidence, whether there are  
70 sufficient aggravating factors to warrant the death penalty, and  
71 whether the aggravating factors outweigh the mitigating  
72 circumstances reasonably established by the evidence. The court  
73 must include in its written order the reasons for not accepting  
74 the jury's recommended sentence, if applicable. If the court  
75 does not issue its order requiring the death sentence within 30

HB 609

2023

76 | days after the rendition of the judgment and sentence, the court  
77 | shall impose a sentence of life imprisonment without the  
78 | possibility of parole in accordance with s. 775.082.

79 |       Section 3. This act shall take effect October 1, 2023.