

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/SB 450 — Death Penalty

by Rules Committee; Criminal Justice Committee; and Senators Ingoglia and Martin

The bill (Chapter 2023-23, L.O.F.) amends ss. 921.141 and 921.142, F.S., to clarify the judge and the jury's role in the determination of a sentence of life or death.

Specifically, the bill amends ss. 921.141 and 921.142, F.S., by:

- Deleting the current requirement that a jury must unanimously recommend a sentence of death and providing that if at least 8 jurors determine that the defendant should be sentenced to death, the jury's recommendation must be a sentence of death.
- Providing that if fewer than 8 jurors vote to recommend a sentence of death, the jury's sentencing recommendation must be for life without the possibility of parole and the court is bound by that recommendation.
- Providing that if the jury recommends a sentence of death, the court has the discretion to impose the recommended sentence of death, or a sentence of life imprisonment without the possibility of parole.
- Specifying that a sentence of death may only be imposed if the jury unanimously finds at least one aggravating factor beyond a reasonable doubt.
- Indicating that the court must enter a written order whether the sentence is for death or for life without the possibility of parole and the court must include in its written order the reasons for not accepting the jury's recommended sentence, if applicable.

These provisions became law upon approval by the Governor on April 20, 2023.

Vote: Senate 29-10; House 80-30