



978168

CRC ACTION

Commissioner .
Comm: UNFAV .
01/25/2018 .
. .
. .
. .

The Committee on Declaration of Rights (Joyner) recommended the following:

CRC Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 17 of Article I of the State Constitution is
amended to read:

ARTICLE I

DECLARATION OF RIGHTS

SECTION 17. Excessive punishments.-



978168

10 (a) Excessive fines, cruel and unusual punishment,
11 attainder, forfeiture of estate, indefinite imprisonment, and
12 unreasonable detention of witnesses are forbidden. The death
13 penalty is an authorized punishment for capital crimes
14 designated by the legislature. The prohibition against cruel or
15 unusual punishment, and the prohibition against cruel and
16 unusual punishment, shall be construed in conformity with
17 decisions of the United States Supreme Court which interpret the
18 prohibition against cruel and unusual punishment provided in the
19 Eighth Amendment to the United States Constitution. Any method
20 of execution shall be allowed, unless prohibited by the United
21 States Constitution. Methods of execution may be designated by
22 the legislature, and a change in any method of execution may be
23 applied retroactively. A sentence of death shall not be reduced
24 on the basis that a method of execution is invalid. In any case
25 in which an execution method is declared invalid, the death
26 sentence shall remain in force until the sentence can be
27 lawfully executed by any valid method. This section shall apply
28 retroactively.

29 (b) Beginning on July 1, 2019, and each fifth year
30 thereafter, there shall be established a death penalty process
31 review commission. The commission shall undertake a
32 comprehensive review and examination of the death penalty
33 process and make findings and recommendations not later than one
34 year after the commission is established.

35 (1) The commission shall be composed of twelve total
36 members, four members selected by the Governor, two members
37 selected by the Speaker of the House of Representatives, two
38 members selected by the President of the Senate, and four



978168

39 members selected by the Chief Justice of the Florida Supreme
40 Court with the advice and counsel of the other Supreme Court
41 Justices. Vacancies in the membership of the commission shall be
42 filled in the same manner as the original appointments.

43 (2) At its initial meeting, the members of the commission
44 shall elect a member to serve as chair and the commission shall
45 adopt its rules of procedure. Thereafter the commission shall
46 convene at the call of the chair.

47 (3) The commission shall issue a report of its findings and
48 recommendations to the Governor, the Speaker of the House of
49 Representatives, the President of the Senate, and the Chief
50 Justice of the Supreme Court. The commission shall also file a
51 copy of its report with the custodian of state records.

52 (4) The commission shall not be established as scheduled on
53 a five-year anniversary date if during the immediate preceding
54 five years, the death penalty was not an authorized punishment
55 for capital crimes in this state.

56
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete everything before the enacting clause
60 and insert:

61 A proposal to amend
62 Section 17 of Article I of the State Constitution to
63 establish a death penalty process review commission.