

Florida Death Penalty Integrity & Public Safety Act”

1. Draft Statutory Language (Full Legislative Format)

A bill to be entitled

An act relating to capital punishment; creating the “Florida Death Penalty Integrity & Public Safety Act”; providing definitions; establishing mandatory mental-health and forensic review procedures prior to execution; requiring jury unanimity; providing for fiscal impact review; creating automatic stays; providing an effective date.

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

Section 1. Short Title.

This act may be cited as the “**Florida Death Penalty Integrity & Public Safety Act.**”

Section 2. Legislative Findings and Intent.

(1) The Legislature finds that:

- (a) Capital punishment is the most solemn exercise of state authority and must be administered with the highest degree of accuracy, fairness, and constitutional integrity.
- (b) Advances in forensic science, mental-health evaluation, and trauma research require updated standards to ensure reliability in capital cases.
- (c) Florida has experienced wrongful convictions, exonerations, and cases involving severe mental illness, traumatic brain injury, and service-related post-traumatic stress disorder.
- (d) Victims’ families, law enforcement, and taxpayers are harmed when executions are later challenged or overturned.

(2) It is the intent of the Legislature to:

- (a) Ensure that no execution proceeds without independent confirmation of mental competency, forensic reliability, and constitutional compliance.
 - (b) Protect victims’ families from retraumatization caused by reversible errors.
 - (c) Promote fiscal responsibility and reduce unnecessary litigation.
 - (d) Strengthen public confidence in the administration of justice.
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Section 3. Section 922.101, Florida Statutes, is created to read:

922.101 Independent Mental-Health and Trauma Review Panel.

(1) **Definitions.** As used in this section:

- (a) "Serious mental illness" means schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder with psychotic features, or any other condition resulting in substantially impaired reality testing or judgment.
- (b) "Traumatic brain injury" means a clinically documented injury resulting in cognitive impairment.
- (c) "Service-related PTSD" means post-traumatic stress disorder diagnosed in a veteran and attributable to military service.
- (d) "Severe childhood trauma" means adverse childhood experiences (ACEs) at a level of 4 or greater, or equivalent clinical findings.

(2) **Panel Creation.**

Before an execution warrant may be carried out, the Department of Corrections shall obtain an evaluation from an **Independent Mental-Health and Trauma Review Panel**, consisting of:

- (a) A board-certified forensic psychiatrist;
- (b) A licensed clinical psychologist specializing in trauma;
- (c) A board-certified neurologist;
- (d) A veteran-services clinician, if the individual has a history of military service.

(3) **Panel Duties.**

The panel shall:

- (a) Conduct a comprehensive evaluation of the individual;
- (b) Determine whether the individual has any condition listed in subsection (1);
- (c) Issue a written report to the Governor, the Attorney General, and the sentencing court.

(4) **Prohibition.**

No execution may proceed if the panel determines that the individual has:

- (a) Serious mental illness;
- (b) Traumatic brain injury;
- (c) Intellectual disability under current clinical standards;
- (d) Service-related PTSD;
- (e) Severe childhood trauma.

Section 4. Section 922.102, Florida Statutes, is created to read:

922.102 Forensic Evidence Reliability Review.

(1) Before an execution may proceed, the Attorney General shall certify that:

- (a) All forensic evidence has been re-tested using current technology;
- (b) No untested DNA evidence remains;
- (c) Any jailhouse informant testimony used at trial has been independently corroborated;
- (d) All claims of ineffective assistance of counsel have been reviewed by a neutral panel of qualified attorneys.

(2) The execution shall be stayed until all requirements are met.

Section 5. Section 921.141, Florida Statutes, is amended to read:

921.141 Sentencing in capital cases; jury unanimity.

- (1) A sentence of death may not be imposed unless the jury unanimously recommends a sentence of death.
- (2) If the jury does not unanimously recommend death, the court shall impose a sentence of life imprisonment without the possibility of parole.

Section 6. Section 922.103, Florida Statutes, is created to read:

922.103 Fiscal Impact Review.

- (1) Before an execution may proceed, the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a fiscal impact review.
- (2) The review must include:
 - (a) Estimated litigation costs;
 - (b) Security and staffing costs;
 - (c) Medical and pharmaceutical costs;
 - (d) Any projected costs associated with potential federal intervention.
- (3) The execution shall be stayed until the review is complete.

Section 7. Automatic Stay.

No execution may proceed until all requirements of this act have been satisfied.

Section 8. Effective Date.

This act shall take effect July 1, 2027.
