

By Representative Reddick

1 A bill to be entitled
2 An act relating to the rights of former felons;
3 amending s. 97.041, F.S.; providing for
4 automatic restoration of former felons' right
5 to vote following completion and satisfaction
6 of sentence of incarceration and community
7 supervision; providing conditions on such
8 automatic restoration; creating the "Nathan
9 McCall and Anderson C. Hill, II, Forgiveness
10 Act"; creating s. 943.0587, F.S.; providing for
11 mandatory expunction of certain felony offense
12 records upon application to the Department of
13 Law Enforcement under specified circumstances
14 when the offenses were committed by a person
15 under 22 years of age who has not committed any
16 additional felony offenses for at least 6
17 years; providing an exception for capital
18 felonies, life felonies, and felonies of the
19 first degree; providing for application for
20 expunction; providing for an application fee;
21 providing for adoption of rules by the
22 Department of Law Enforcement; providing for
23 construction; providing effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Effective on the effective date of House
28 Joint Resolution No. 263, or another amendment to the State
29 Constitution which authorizes, or removes impediments to,
30 enactment of this section, paragraph (b) of subsection (2) of
31 section 97.041, Florida Statutes, is amended to read:

1 97.041 Qualifications to register or vote.--
2 (2) The following persons, who might be otherwise
3 qualified, are not entitled to register or vote:
4 (b) A person who has been convicted of any felony by
5 any court of record; however, such a person's right to
6 register or vote is automatically restored by operation of law
7 1 year after completion and satisfaction of all sentences
8 imposed upon such person. For the purposes of this paragraph,
9 "completion and satisfaction of all sentences" occurs when a
10 person is released from incarceration upon expiration of
11 sentence and has achieved or completed all other nonmonetary
12 terms and conditions of the sentence or subsequent supervision
13 or, if the person has not been incarcerated for the felony
14 offense, has achieved or completed all nonmonetary terms and
15 conditions of community supervision imposed by a court and who
16 has not had his or her right to vote restored pursuant to law.
17 If a majority of the Board of Executive Clemency objects
18 before the automatic restoration of the right to register or
19 vote, such rights shall be restored only upon application to,
20 and approval by, the Board of Executive Clemency.
21 Section 2. Section 943.0587, Florida Statutes, as
22 created by this act may be cited as the "Nathan McCall and
23 Anderson C. Hill, II, Forgiveness Act."
24 Section 3. Section 943.0587, Florida Statutes, is
25 created to read:
26 943.0587 Mandatory expunction of certain felony
27 records upon application to department.--
28 (1) APPLICATION; REQUIREMENTS.--Notwithstanding s.
29 943.0585, s. 943.059, or any other provision of law or rule to
30 the contrary, a person may seek to expunge criminal history
31 records of felony offenses by making application to the

1 Department of Law Enforcement for mandatory expunction of the
2 felony records when all of the following requirements are met:

3 (a) Each of the felony offenses for which expunction
4 of the criminal history record is sought is a felony of the
5 second degree or felony of the third degree for which the
6 person was convicted or had adjudication withheld. This
7 section does not apply to criminal history records for
8 offenses which are capital felonies, life felonies, or
9 felonies of the first degree.

10 (b) The person was under 22 years of age when the
11 person committed any of the felonies for which expunction of
12 the criminal history records is sought.

13 (c) The person has not committed any additional felony
14 offense for a minimum period of 6 years since the date of
15 adjudication or adjudication withheld for the most recent
16 felony or the date the person was released from confinement
17 for the most recent felony from a detention facility, jail,
18 prison, or other correctional facility, whichever date is
19 later. The 6-year period shall be deemed to include periods
20 during which the person was under any form of postrelease
21 correctional supervision.

22 (d) The person has remitted a \$75 processing fee to
23 the department for placement in the Department of Law
24 Enforcement Operating Trust Fund, unless such fee is waived by
25 the executive director.

26 (2) APPLICATION GRANT; EFFECT.--Upon verification that
27 the requirements of subsection (1) have been met, the
28 department shall grant the application to expunge, and provide
29 for expungement of the records. The department shall act upon
30 the application to expunge the felony records, when granted,
31

1 as it would act upon an order to expunge the records had it
2 been entered by a court.

3 (3) RULEMAKING.--The department shall, by rule adopted
4 pursuant to chapter 120, establish procedures to implement
5 this section, including procedures pertaining to verification
6 and notification of the application for mandatory expunction
7 of felony records.

8 (4) CONSTRUCTION.--This section shall be construed so
9 that the courts of this state continue to have jurisdiction
10 over their own procedures, including the maintenance,
11 expunction, sealing, and correction of judicial records
12 containing criminal history information to the extent such
13 procedures are not inconsistent with the conditions,
14 responsibilities, and duties established by this section.

15 Section 4. Except as otherwise provided herein, this
16 act shall take effect July 1, 1999.

17
18 *****

19 HOUSE SUMMARY

20
21 Provides that a convicted felon who is incarcerated or is
22 on probation, parole, or community control may not vote.
23 Provides for restoration of that right 1 year after
24 completion of the sentence, unless automatic restoration
25 is objected to by a majority of the Board of Executive
26 Clemency.

27 Creates the "Nathan McCall and Anderson C. Hill, II,
28 Forgiveness Act." Provides for mandatory expunction of
29 certain felony records upon application to the Department
30 of Law Enforcement, under specified circumstances when
31 the offenses were committed by a person under 22 years of
age who has not committed any additional felony offense
for at least 6 years. Provides an exception for capital
felonies, life felonies, and felonies of the first
degree. Provides for application for expunction. Provides
for an application fee. Provides for adoption of rules by
the Department of Law Enforcement. Provides for
construction.