



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,  
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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, 2000.

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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.