

By Senator Burt

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Senate Joint Resolution No. \_\_\_\_

A joint resolution proposing an amendment to Section 8 of Article IV of the State Constitution, relating to clemency, to revise the duties of the parole and probation commission.

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

That the following amendment to Section 8 of Article IV of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE IV  
EXECUTIVE

SECTION 8. Clemency.--

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the secretary of state, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of three members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

1           (c) There may be created by law a parole ~~and probation~~  
2 commission with power ~~to supervise persons on probation and to~~  
3 grant paroles or conditional releases to persons under  
4 sentences for crime. The qualifications, method of selection  
5 and terms, not to exceed six years, of members of the  
6 commission shall be prescribed by law.

7           BE IT FURTHER RESOLVED that, effective January 7, 2003,  
8 Section 8 of Article IV of the State Constitution, as amended  
9 by Revision No. 8 of the 1998 Constitutional Revision  
10 Commission, is amended to read:

11                                   ARTICLE IV

12                                   EXECUTIVE

13           SECTION 8. Clemency.--

14           (a) Except in cases of treason and in cases where  
15 impeachment results in conviction, the governor may, by  
16 executive order filed with the custodian of state records,  
17 suspend collection of fines and forfeitures, grant reprieves  
18 not exceeding sixty days and, with the approval of two members  
19 of the cabinet, grant full or conditional pardons, restore  
20 civil rights, commute punishment, and remit fines and  
21 forfeitures for offenses.

22           (b) In cases of treason the governor may grant  
23 reprieves until adjournment of the regular session of the  
24 legislature convening next after the conviction, at which  
25 session the legislature may grant a pardon or further  
26 reprieve; otherwise the sentence shall be executed.

27           (c) There may be created by law a parole ~~and probation~~  
28 commission with power ~~to supervise persons on probation and to~~  
29 grant paroles or conditional releases to persons under  
30 sentences for crime. The qualifications, method of selection  
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1 and terms, not to exceed six years, of members of the  
2 commission shall be prescribed by law.

3 BE IT FURTHER RESOLVED that the following statement be  
4 placed on the ballot:

5 CONSTITUTIONAL AMENDMENT

6 ARTICLE IV, SECTION 8

7 PAROLE COMMISSION.--Proposing an amendment to the State  
8 Constitution to remove from the Parole Commission its  
9 authority to supervise persons on probation.

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