

1 (2) Any other person who has been convicted of a
2 felony may be entitled to the restoration of all the rights of
3 citizenship enjoyed by him or her prior to conviction if the
4 person has:

5 ~~(a)(1)~~ Received a full pardon from the board of
6 pardons;

7 ~~(b)(2)~~ Served the maximum term of the sentence imposed
8 upon him or her; or

9 ~~(c)(3)~~ Been granted his or her final release by the
10 Parole Commission.

11 Section 2. Paragraph (b) of subsection (2) of section
12 97.041, Florida Statutes, is amended to read:

13 97.041 Qualifications to register or vote.--

14 (2) The following persons, who might be otherwise
15 qualified, are not entitled to register or vote:

16 (b) A person who has been convicted of any felony by
17 any court of record and who:

18 1. Has not had his or her civil rights restored as a
19 matter of law under s. 940.05; or

20 2. Has not had his or her right to vote restored
21 pursuant to law.

22 Section 3. Paragraph (n) of subsection (5) of section
23 499.012, Florida Statutes, is amended to read:

24 499.012 Wholesale distribution; definitions; permits;
25 applications; general requirements.--

26 (5) The department may deny an application for a
27 permit or refuse to renew a permit for a prescription drug
28 wholesaler or an out-of-state prescription drug wholesaler if:

29 (n) The applicant or any affiliated party receives,
30 directly or indirectly, financial support and assistance from
31 a person who has been found guilty of any violation of ss.

1 499.001-499.081 or chapter 465, chapter 501, or chapter 893,
2 any rules adopted under any of those sections or chapters, any
3 federal or state drug law, or any felony where the underlying
4 facts related to drugs, regardless of whether the person has
5 been pardoned, had her or his civil rights restored, or had
6 adjudication withheld, other than through the ownership of
7 stock in a publicly traded company or a mutual fund. However,
8 this paragraph does not apply to a person whose civil rights
9 have been restored by operation of law under s. 940.05.

10 Section 4. Subsection (5) of section 499.067, Florida
11 Statutes, is amended to read:

12 499.067 Denial, suspension, or revocation of permit,
13 certification, or registration.--

14 (5) The department may deny, suspend, or revoke a
15 permit issued under ss. 499.001-499.081 which authorizes the
16 permittee to purchase prescription drugs, if any owner,
17 officer, employee, or other person who participates in
18 administering or operating the establishment has been found
19 guilty of any violation of ss. 499.001-499.081 or chapter 465,
20 chapter 501, or chapter 893, any rules adopted under any of
21 those sections or chapters, or any federal or state drug law,
22 regardless of whether the person has been pardoned, had her or
23 his civil rights restored, or had adjudication withheld.
24 However, this subsection does not apply to a person whose
25 civil rights have been restored by operation of law under s.
26 940.05.

27 Section 5. Paragraphs (b) and (c) of subsection (3) of
28 section 499.64, Florida Statutes, are amended to read:

29 499.64 Issuance of licenses and permits;
30 prohibitions.--

31

1 (3) No license or permit shall be issued, renewed, or
2 allowed to remain in effect for any natural person, or for any
3 corporation which has any corporate officer:

4 (b) Who has been convicted of a felony under the
5 prescription drug or controlled substance laws of this state
6 or any other state or federal jurisdiction, regardless of
7 whether he or she has been pardoned or had his or her civil
8 rights restored. However, this paragraph does not apply to a
9 person whose civil rights have been restored by operation of
10 law under s. 940.05.

11 (c) Who has been convicted of any felony other than a
12 felony under the prescription drug or controlled substance
13 laws of this state or any other state or federal jurisdiction
14 and has not been pardoned or had his or her civil rights
15 restored. However, this paragraph does not apply to a person
16 whose civil rights have been restored by operation of law
17 under s. 940.05.

18 Section 6. Subsection (1) of section 944.292, Florida
19 Statutes, is amended to read:

20 944.292 Suspension of civil rights.--

21 (1) Upon conviction of a felony as defined in s. 10,
22 Art. X of the State Constitution, the civil rights of the
23 person convicted shall be suspended in Florida until such
24 rights are restored by operation of law under s. 940.05 or by
25 a full pardon, conditional pardon, or restoration of civil
26 rights granted pursuant to s. 8, Art. IV of the State
27 Constitution.

28 Section 7. Section 944.293, Florida Statutes, is
29 amended to read:

30 944.293 Initiation of restoration of civil
31 rights.--With respect to those persons convicted of a felony,

1 the following procedure shall apply: Prior to the time an
2 offender other than a person whose civil rights are restored
3 as a matter of law under s. 940.05 is discharged from
4 supervision, an authorized agent of the department shall
5 obtain from the Governor the necessary application and other
6 forms required for the restoration of civil rights. The
7 authorized agent shall assist the offender in completing these
8 forms and shall ensure that the application and all necessary
9 material are forwarded to the Governor before the offender is
10 discharged from supervision.

11 Section 8. This act shall take effect upon the
12 effective date of Senate Joint Resolution No. _____ or
13 substantially similar legislation adopted during the Regular
14 Session or a special session of the Legislature in 2005.

15
16 *****

17 SENATE SUMMARY

18 Contingent upon the adoption of a proposed constitutional
19 amendment, automatically restores the civil rights of a
20 person who has been convicted of a felony and
subsequently exonerated of that felony, whether by DNA
testing or otherwise.
21
22
23
24
25
26
27
28
29
30
31