

1                                   A bill to be entitled  
 2           An act relating to the restoration of civil rights of  
 3           persons exonerated of felony convictions; amending s.  
 4           940.05, F.S.; providing automatic restoration of the civil  
 5           rights of a person convicted of a felony who is  
 6           subsequently exonerated of the offense; amending s.  
 7           97.041, F.S., relating to qualifications to register or  
 8           vote, s. 499.012, F.S., relating to the wholesale  
 9           distribution of prescription drugs, s. 499.067, F.S.,  
 10          relating to denial, suspension, or revocation of a permit,  
 11          certification, or registration to deal in prescription  
 12          drugs, s. 499.64, F.S., relating to issuance of licenses  
 13          and permits to deal in prescription drugs, s. 944.292,  
 14          F.S., relating to suspension of civil rights, and s.  
 15          944.293, F.S., relating to initiation of restoration of  
 16          civil rights, to conform; providing a contingent effective  
 17          date.

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

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 21           Section 1. Section 940.05, Florida Statutes, is amended to  
 22           read:

23           940.05 Restoration of civil rights.--

24           (1) The civil rights of a person who has been convicted of  
 25           one or more felonies are automatically restored by operation of  
 26           law if the person is subsequently exonerated of the conviction  
 27           or convictions, whether as the result of a postsentence DNA test  
 28           or for any other reason.

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

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

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

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

38            Section 2. Paragraph (b) of subsection (2) of section  
 39 97.041, Florida Statutes, is amended to read:

40            97.041 Qualifications to register or vote.--

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

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

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

47            2. Has not had his or her right to vote restored pursuant  
 48 to law.

49            Section 3. Paragraph (n) of subsection (5) of section  
 50 499.012, Florida Statutes, is amended to read:

51            499.012 Wholesale distribution; definitions; permits;  
 52 applications; general requirements.--

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

56            (n) The applicant or any affiliated party receives,

57 | directly or indirectly, financial support and assistance from a  
 58 | person who has been found guilty of any violation of ss.  
 59 | 499.001-499.081 or chapter 465, chapter 501, or chapter 893, any  
 60 | rules adopted under any of those sections or chapters, any  
 61 | federal or state drug law, or any felony where the underlying  
 62 | facts related to drugs, regardless of whether the person has  
 63 | been pardoned, had her or his civil rights restored, or had  
 64 | adjudication withheld, other than through the ownership of stock  
 65 | in a publicly traded company or a mutual fund. However, this  
 66 | paragraph does not apply to a person whose civil rights have  
 67 | been restored by operation of law under s. 940.05.

68 | Section 4. Subsection (5) of section 499.067, Florida  
 69 | Statutes, is amended to read:

70 | 499.067 Denial, suspension, or revocation of permit,  
 71 | certification, or registration.--

72 | (5) The department may deny, suspend, or revoke a permit  
 73 | issued under ss. 499.001-499.081 which authorizes the permittee  
 74 | to purchase prescription drugs, if any owner, officer, employee,  
 75 | or other person who participates in administering or operating  
 76 | the establishment has been found guilty of any violation of ss.  
 77 | 499.001-499.081 or chapter 465, chapter 501, or chapter 893, any  
 78 | rules adopted under any of those sections or chapters, or any  
 79 | federal or state drug law, regardless of whether the person has  
 80 | been pardoned, had her or his civil rights restored, or had  
 81 | adjudication withheld. However, this subsection does not apply  
 82 | to a person whose civil rights have been restored by operation  
 83 | of law under s. 940.05.

84 | Section 5. Paragraphs (b) and (c) of subsection (3) of

85 section 499.64, Florida Statutes, are amended to read:

86 499.64 Issuance of licenses and permits; prohibitions.--

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

90 (b) Who has been convicted of a felony under the  
 91 prescription drug or controlled substance laws of this state or  
 92 any other state or federal jurisdiction, regardless of whether  
 93 he or she has been pardoned or had his or her civil rights  
 94 restored. However, this paragraph does not apply to a person  
 95 whose civil rights have been restored by operation of law under  
 96 s. 940.05.

97 (c) Who has been convicted of any felony other than a  
 98 felony under the prescription drug or controlled substance laws  
 99 of this state or any other state or federal jurisdiction and has  
 100 not been pardoned or had his or her civil rights restored.  
 101 However, this paragraph does not apply to a person whose civil  
 102 rights have been restored by operation of law under s. 940.05.

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

105 944.292 Suspension of civil rights.--

106 (1) Upon conviction of a felony as defined in s. 10, Art.  
 107 X of the State Constitution, the civil rights of the person  
 108 convicted shall be suspended in Florida until such rights are  
 109 restored by operation of law under s. 940.05 or by a full  
 110 pardon, conditional pardon, or restoration of civil rights  
 111 granted pursuant to s. 8, Art. IV of the State Constitution.

112 Section 7. Section 944.293, Florida Statutes, is amended

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113 to read:

114           944.293 Initiation of restoration of civil rights.--With  
115 respect to those persons convicted of a felony, the following  
116 procedure shall apply: Prior to the time an offender, other  
117 than a person whose civil rights are restored as a matter of law  
118 under s. 940.05, is discharged from supervision, an authorized  
119 agent of the department shall obtain from the Governor the  
120 necessary application and other forms required for the  
121 restoration of civil rights. The authorized agent shall assist  
122 the offender in completing these forms and shall ensure that the  
123 application and all necessary material are forwarded to the  
124 Governor before the offender is discharged from supervision.

125           Section 8. This act shall take effect upon the effective  
126 date of House Joint Resolution No. \_\_\_\_\_ or substantially  
127 similar legislation adopted during the Regular Session or a  
128 special session of the Legislature in 2005.