

1                                   A bill to be entitled  
 2           An act relating to restoration of civil rights; providing  
 3           a short title; providing findings and purpose; creating s.  
 4           944.294, F.S.; providing for automatic restoration of a  
 5           former felon's civil rights, other than the right to own,  
 6           possess, or use firearms, following completion of his or  
 7           her sentence of incarceration and community supervision;  
 8           providing conditions for and exemptions from automatic  
 9           restoration; providing for education concerning the civil  
 10          rights of people who have felony convictions; amending ss.  
 11          944.292, 944.293, and 944.705, F.S., to conform; providing  
 12          applicability; providing a contingent effective date.

13

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

15

16           Section 1. Short title.--This act may be cited as the  
 17 "Restoration of Civil Rights Act."

18           Section 2. Findings and purpose.--

19           (1) FINDINGS.--The Legislature finds that:

20           (a) The exercise of civil rights is a fundamental aspect  
 21 of citizenship. Among many things, restoring civil rights allows  
 22 former felons to participate in public service, serve on juries,  
 23 and pursue a chosen occupation.

24           (b) Restoring civil rights helps felons who have completed  
 25 their sentences to reintegrate into society. Their opportunity  
 26 to fully participate in society reinforces their ties to the  
 27 community and may help to prevent recidivism.

28           (c) Under current law, all persons convicted of felonies

HB 761

2007

29 permanently lose many civil rights unless they receive  
30 discretionary executive clemency.

31 (d) The restoration of civil rights through the clemency  
32 process is cumbersome and costly and produces long delays. The  
33 clemency process imposes administrative burdens on the state and  
34 economic burdens on state taxpayers, and it should be reserved  
35 for extraordinary cases. Streamlining the restoration process  
36 for the majority of former offenders will advance administrative  
37 efficiency, fiscal responsibility, fairness, and democracy.

38 (2) PURPOSE.--The purposes of this act are to strengthen  
39 democratic institutions by enabling felons who have completed  
40 their sentences to become productive members of society, and to  
41 streamline procedures for restoring civil rights.

42 Section 3. Section 944.294, Florida Statutes, is created  
43 to read:

44 944.294 Restoration of civil rights.--

45 (1) A person who has been convicted of a felony, other  
46 than those set forth in subsection (3), shall have those civil  
47 rights that are lost as a consequence of a conviction of that  
48 felony restored upon completion of his or her sentence. However,  
49 this provision does not apply to restoration of the right to  
50 own, possess, or use firearms.

51 (2) For purposes of this section, "completion of sentence"  
52 occurs when a person is released from incarceration upon  
53 expiration of his or her sentence and has completed all other  
54 terms and conditions of the sentence or subsequent supervision  
55 or, if the person has not been incarcerated for the felony  
56 offense, has completed all terms and conditions of supervision

57 imposed on him or her.

58 (3) (a) A person convicted of a crime defined by any of the  
 59 following statutes is ineligible for restoration of civil rights  
 60 under this section:

61 1. Section 782.04, relating to murder.

62 2. Section 782.07(3), relating to aggravated manslaughter  
 63 of a child.

64 3. Section 794.011, relating to sexual battery.

65 4. Section 796.03, relating to procuring a person under 18  
 66 for prostitution.

67 5. Section 796.035, relating to selling or buying minors  
 68 into sex trafficking or prostitution.

69 6. Section 826.04, relating to incest.

70 7. Section 827.071, relating to sexual performance by a  
 71 child.

72 8. Section 847.0145, relating to selling or buying minors.

73 (b) A person convicted of treason or whose impeachment has  
 74 resulted in conviction, as referred to in s. 8, Art. IV of the  
 75 State Constitution, is ineligible for restoration of civil  
 76 rights under this section.

77 (4) This section does not impair the ability of any person  
 78 convicted of a felony to apply for executive clemency under s.  
 79 8, Art. IV of the State Constitution.

80 (5) A court shall, before accepting a plea of guilty or  
 81 nolo contendere to a felony without trial or, if a trial is  
 82 held, before imposing sentence for a felony, notify the  
 83 defendant as follows:

84 (a) If the felony is described in subsection (3), that

85 conviction will result in permanent loss of civil rights unless  
 86 he or she receives executive clemency under s. 8, Art. IV of the  
 87 State Constitution.

88 (b) If the felony is not described in subsection (3), that  
 89 conviction will result in loss of civil rights until the  
 90 defendant completes his or her sentence and that civil rights  
 91 will be restored thereafter, except for the right to own,  
 92 possess, or use firearms.

93 (6) The Secretary of State shall develop and implement a  
 94 program to educate attorneys, judges, election officials,  
 95 corrections officials, including parole and probation officers,  
 96 and members of the public about the requirements of this  
 97 section, ensuring that:

98 (a) Judges are informed of their obligation to notify  
 99 criminal defendants of the potential loss and restoration of  
 100 their civil rights as required by subsection (5).

101 (b) Accurate and complete information about the civil  
 102 rights of people who have been charged with or convicted of  
 103 crimes, whether disenfranchising or not, is made available  
 104 through a single publication to government officials and the  
 105 public.

106 Section 4. Subsection (1) of section 944.292, Florida  
 107 Statutes, is amended to read:

108 944.292 Suspension of civil rights.--

109 (1) Upon conviction of a felony as defined in s. 10, Art.  
 110 X of the State Constitution, the civil rights of the person  
 111 convicted shall be suspended in Florida until such rights are  
 112 restored by a full pardon, conditional pardon, or restoration of

HB 761

2007

113 civil rights granted pursuant to s. 8, Art. IV of the State  
 114 Constitution or by restoration of civil rights pursuant to s.  
 115 944.294.

116 Section 5. Section 944.293, Florida Statutes, is amended  
 117 to read:

118 944.293 Initiation of restoration of civil rights.--With  
 119 respect to those persons convicted of a felony, the following  
 120 procedure shall apply: Prior to the time an offender who has  
 121 committed an offense enumerated in s. 944.294(3) is discharged  
 122 from the custody, control, or supervision of the department, an  
 123 authorized agent of the department shall obtain from the  
 124 Governor the necessary application and other forms required for  
 125 the restoration of civil rights. The authorized agent shall  
 126 assist the offender in completing these forms and shall ensure  
 127 that the application and all necessary material are forwarded to  
 128 the Governor before the offender is discharged from supervision.

129 Section 6. Present paragraph (g) of subsection (2) of  
 130 section 944.705, Florida Statutes, is redesignated as paragraph  
 131 (h), and a new paragraph (g) is added to that subsection to  
 132 read:

133 944.705 Release orientation program.--

134 (2) The release orientation program instruction must  
 135 include, but is not limited to:

136 (g) Restoration of civil rights.

137 Section 7. This act shall take effect on the effective  
 138 date of House Joint Resolution 705 or another amendment to the  
 139 State Constitution which authorizes, or removes impediments to,  
 140 enactment of this act by the Legislature and shall apply

HB 761

2007

141 | retroactively to all persons who are eligible for the  
142 | restoration of civil rights under its terms, regardless of  
143 | whether they were convicted or discharged from sentence prior to  
144 | its effective date.