

By Senator Wilson

33-00045A-09

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1 Senate Joint Resolution

2 A joint resolution proposing amendments to Section 8
3 of Article IV and Section 9 of Article X of the State
4 Constitution, to authorize the Legislature to provide
5 by law for clemency in certain circumstances.
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7 Be It Resolved by the Legislature of the State of Florida:
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9 That the following amendment to Section 8 of Article IV of
10 the State Constitution is agreed to and shall be submitted to
11 the electors of this state for approval or rejection at the next
12 general election or at an earlier special election specifically
13 authorized by law for that purpose:

14 ARTICLE IV

15 EXECUTIVE

16 SECTION 8. Clemency.—

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

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

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

36 (d) Notwithstanding subsection (a), the legislature may
 37 enact laws to suspend or remit fines and forfeitures, grant
 38 reprieves not exceeding sixty days, restore civil rights, and
 39 commute punishments, except in cases of treason.

40 ARTICLE X

41 MISCELLANEOUS

42 SECTION 9. Repeal of criminal statutes.—The repeal or
 43 amendment of a criminal statute does ~~shall~~ not affect
 44 prosecution or punishment for any crime previously committed
 45 unless the legislature expressly provides otherwise.

46 BE IT FURTHER RESOLVED that the following statement be
 47 placed on the ballot:

48 CONSTITUTIONAL AMENDMENTS

49 ARTICLE IV, SECTION 8

50 ARTICLE X, SECTION 9

51 RESTORATION OF CIVIL RIGHTS.—This proposed amendment to the
 52 State Constitution authorizes the Legislature to enact laws to
 53 suspend or remit fines and forfeitures, grant reprieves not
 54 exceeding 60 days, restore civil rights, and commute
 55 punishments, except in cases of treason. Such laws may apply to
 56 previously committed crimes.