By Senator Thompson

	12-01298-14 20141222
1	A bill to be entitled
2	An act relating to restoration of civil rights;
3	providing a short title; providing findings and
4	purpose; creating s. 944.294, F.S.; providing for
5	automatic restoration of a former felon's civil rights
6	under certain circumstances; providing conditions for
7	and exemptions from automatic restoration; providing
8	for education concerning the civil rights of persons
9	who have felony convictions; amending ss. 944.292 and
10	944.705, F.S.; conforming provisions; providing for
11	retroactive applicability; providing a contingent
12	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. Legislative findings and purpose
19	(1) FINDINGSThe Legislature finds that:
20	(a) Exercising civil rights is a fundamental aspect of
21	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 reintegrate into society. The opportunity to
26	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
29	permanently lose many civil rights unless they receive

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30	discretionary executive clemency.
31	(d) Restoring civil rights through the clemency process is
32	cumbersome, costly, and produces long delays. The clemency
33	process imposes administrative burdens on the state and economic
34	burdens on state taxpayers, and it should be reserved for
35	extraordinary cases. Streamlining the restoration process for
36	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 to
43	read:
44	944.294 Restoration of civil rights
45	(1) A person who has been convicted of a felony, other than
46	those set forth in subsection (3), shall have his or her 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 pursuant to s. 790.23.
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

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CODING: Words stricken are deletions; words underlined are additions.

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59 following is ineligible for restoration of civil rights under this section: 1. Section 782.04, relating to murder. 2. Section 782.07(3), relating to aggravated manslaughter of a child. 3. Section 794.011, relating to sexual battery. 4. Section 796.03, relating to procuring a person under 18 for prostitution. 5. Section 796.035, relating to selling or buying minors into prostitution. 69 6. Section 826.04, relating to incest. 7. Section 827.071, relating to selling or buying minors, otherwise obtaining custody or control of minors, or offering to do the same. 7. Section does not impair the ability of any person 6. Section does not impair the ability of any person 6. Section does not impair the ability of any person 6. Section section. 7. Solution. 6. Section does not impair the ability of any person 6. Section section. 7. Solution. 7. Section does not impair the ability of any person 6. Section section does not impair the ability of any person 6. Section section does not impair the ability of any person 6. Soluted of a felony to apply for executive clemency under s. 8. Art. IV of the State Constitution. 6. Solute this section. 6. Section section does not impair the ability of any person 7. Solute do fa felony to apply for executive clemency under s. 8. Art. IV of the State Constitution. 6. Solute do felony to apply for a felony, notify the 7. Section a felony without trial or, if a trial is 7. held, before imposing sentence for a felony, notify the 7. Section will result in permanent loss of civil rights unless 7. Section will result in permanent loss of civil rights unless 7. Section will result in permanent loss of civil rights unless 7. Section will result in permanent loss of civil rights unless 7. Section will result in permanent loss of civil rights unless	I	12-01298-14 20141222
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87 conviction will result in permanent loss of civil rights unless	86	(a) The felony is described in subsection (3), that
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88	he or she receives executive clemency under s. 8, Art. IV of the
89	State Constitution.
90	(b) The felony is not described in subsection (3), that
91	conviction will result in loss of civil rights until the
92	defendant completes his or her sentence and that civil rights
93	will be restored thereafter, except for the right to own,
94	possess, or use firearms pursuant to s. 790.23.
95	(6) The Secretary of State shall develop and implement a
96	program to educate attorneys, judges, election officials,
97	corrections officials, including parole and probation officers,
98	and members of the public about the requirements of this
99	section, ensuring that:
100	(a) Judges are informed of their obligation to notify
101	criminal defendants of the potential loss and restoration of
102	their civil rights as required by subsection (5).
103	(b) Accurate and complete information about the civil
104	rights for persons who have been charged with or convicted of
105	crimes, whether disenfranchising or not, is made available
106	through a single publication to government officials and the
107	public.
108	Section 4. Subsection (1) of section 944.292, Florida
109	Statutes, is amended to read:
110	944.292 Suspension of civil rights
111	(1) Upon conviction of a felony as defined in s. 10, Art. X
112	of the State Constitution, the civil rights of the person
113	convicted shall be suspended in Florida until such rights are
114	restored by a full pardon, conditional pardon, or restoration of
115	civil rights granted pursuant to s. 8, Art. IV of the State
116	Constitution or by restoration of civil rights pursuant to s.

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117	<u>944.294</u> .
118	Section 5. Present paragraph (g) of subsection (2) of
119	section 944.705, Florida Statutes, is redesignated as paragraph
120	(h), and a new paragraph (g) is added to that subsection, to
121	read:
122	944.705 Release orientation program
123	(2) The release orientation program instruction must
124	include, but is not limited to:
125	(g) Restoration of civil rights.
126	Section 6. This act applies retroactively to all persons
127	who are eligible for restoration of civil rights under the terms
128	of this act, regardless of whether such persons were convicted
129	or discharged from sentence before the effective date of this
130	act.
131	Section 7. This act shall take effect on the effective date
132	of or another amendment to the State Constitution that
133	authorizes, or removes impediments to, enactment of this act by
134	the Legislature.

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