



611208

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
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The Committee on Criminal Justice (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 59 - 132

and insert:

(c) "Prescreening review" means the initial review to determine eligibility which is conducted by the commission upon receipt of an application for restoration of civil rights.

(d) "Priority application" means an application for the restoration of civil rights submitted by an applicant who has never been convicted of a violent felony offense.



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11 (e) "Violent felony offense" means the commission of, an
12 attempt to commit, or a conspiracy to commit any of the
13 following:
14 1. Leaving the scene of a crash involving death or serious
15 bodily injury in violation of s. 316.027;
16 2. Driving under the influence resulting in death or
17 serious bodily injury in violation of s. 316.193;
18 3. An offense enumerated in s. 775.084(1)(d), excluding
19 burglary as defined in s. 810.02(4);
20 4. Failure to register as a sexual predator in violation of
21 s. 775.21 or as a sexual offender in violation of s. 943.0435;
22 5. Facilitating or furthering terrorism in violation of s.
23 775.31.
24 6. False imprisonment in violation of s. 787.02;
25 7. Abuse, aggravated abuse, and neglect of an elderly
26 person or disabled adult in violation of s. 825.102;
27 8. An offense in violation of chapter 847;
28 9. Poisoning of food or water in violation of s. 859.01;
29 10. Abuse of a dead human body in violation of s. 872.06;
30 11. A first or second degree felony in violation of chapter
31 893; or
32 12. An offense which requires a person to register as a
33 sexual offender in accordance with s. 943.0435.
34 (2) (a) An application that has been submitted before July
35 1, 2018, which qualifies as a priority application pursuant to
36 this section must be processed and the investigation completed
37 before an application that:
38 1. Is submitted on or after July 1, 2018, which qualifies
39 as a priority application; or



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40 2. Does not qualify as a priority application, regardless
41 of the submission date.

42 (b) An investigation for a priority application that is
43 submitted before July 1, 2018, must be completed by July 1,
44 2022.

45 (c) An investigation for a priority application that is
46 submitted on or after July 1, 2018, but before July 1, 2021,
47 must be completed by July 1, 2023.

48 (d) An investigation for a priority application that is
49 submitted on or after July 1, 2021, but before July 1, 2023,
50 must be completed by July 1, 2024.

51 (e) Beginning July 1, 2023, the commission shall complete
52 the investigation for a priority application within 1 year after
53 the submission of the application.

54 (3) (a) The applicant shall keep the commission informed of
55 his or her correct address, including his or her e-mail address,
56 throughout the clemency process.

57 (b) 1. The commission shall provide annual written
58 notification to the applicant on the status of the application
59 review process. Notification may be made by e-mail if such
60 address is provided by the applicant.

61 2. The written notification must include the number of
62 applications which are pending and which will be handled before
63 the applicant's application will begin being reviewed.

64 (c) The commission shall notify an applicant within 30 days
65 after completion of the prescreening review of any incomplete
66 portions of the application or any facts that are determined in
67 the prescreening review to deem the applicant ineligible for
68 restoration of civil rights. An applicant shall be given 45 days



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69 to remedy any incomplete portions or discrepancies of the
70 application.

71 (4) The confidential case analysis report prepared by the
72 commission shall be submitted to the applicant immediately upon
73 completion, which must be no less than 45 days before the
74 commission is scheduled to submit the report to the Board of
75 Executive Clemency. An applicant shall be given 45 days to
76 dispute and remedy any discrepancies in the confidential case
77 analysis report before the commission submits the report to the
78 Board of Executive Clemency.

79 (5) If a member of the Senate or the House of
80 Representatives submits any written request to the commission
81 regarding the status of an application on behalf of his or her
82 constituent, the commission must provide such information,
83 including, but not limited to, whether submission of the
84 application at issue is deemed complete or incomplete, how many
85 applications are pending before the application at issue,
86 whether the application at issue has been assigned to an
87 investigator, and whether the investigative process has been
88 initiated.

89
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete lines 10 - 38

93 and insert:

94 requiring the applicant to keep the Florida Commission
95 on Offender Review informed of his or her correct
96 address, including his or her e-mail address,
97 throughout the clemency process; requiring the



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98 commission to provide annual written notification to
99 the applicant on the status of the application review
100 process; providing requirements for such notification;
101 requiring the commission to notify an applicant within
102 a specified period of time of any incomplete portions
103 of the application or any facts that are determined in
104 the prescreening review to deem the applicant
105 ineligible for restoration of civil rights; requiring
106 an applicant to be given a specified period of time to
107 remedy any incomplete portions or discrepancies of the
108 application; requiring a confidential case analysis
109 report prepared by the commission to be submitted to
110 the applicant immediately upon completion, subject to
111 certain requirements; requiring an applicant to be
112 given a specified period of time to dispute and remedy
113 any discrepancies in the confidential case analysis
114 report; requiring the