

By Senator Perry

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1 A bill to be entitled
2 An act relating to the restoration of civil rights;
3 creating s. 947.131, F.S.; defining terms; requiring
4 an application for the restoration of civil rights
5 that has been submitted before a specified date which
6 qualifies as a priority application to be processed
7 and the investigation completed before certain other
8 applications; specifying deadlines to complete
9 investigations for certain priority applications;
10 requiring the Department of Law Enforcement to conduct
11 the portion of the investigation related to an
12 applicant's criminal history background screening
13 under certain circumstances; requiring the criminal
14 history background screening to provide specified
15 information; requiring the applicant to keep the
16 Florida Commission on Offender Review informed of his
17 or her correct address, including his or her e-mail
18 address, throughout the clemency process; requiring
19 the commission to provide annual written notification
20 to the applicant on the status of the application
21 review process; providing requirements for such
22 notification; requiring the commission to notify an
23 applicant within a specified period of time of any
24 incomplete portions of the application or any facts
25 that are determined in the prescreening review to deem
26 the applicant ineligible for restoration of civil
27 rights; requiring an applicant to be given a specified
28 period of time to remedy any incomplete portions or
29 discrepancies of the application; requiring a

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30 confidential case analysis report prepared by the
31 commission to be submitted to the applicant
32 immediately upon completion, subject to certain
33 requirements; requiring an applicant to be given a
34 specified period of time to dispute and remedy any
35 discrepancies in the confidential case analysis
36 report; providing that records maintained by the
37 commission related to a submitted application and such
38 application's status are public records; requiring the
39 commission to provide information on the status of an
40 application if a member of the Senate or the House of
41 Representatives submits any written request to the
42 commission for such information on behalf of the
43 member's constituent; providing rulemaking authority;
44 providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Section 947.131, Florida Statutes, is created to
49 read:

50 947.131 Restoration of civil rights; investigations
51 conducted by the commission.-

52 (1) For purposes of this section, the term:

53 (a) "Applicant" means a person applying to the commission
54 for the restoration of his or her civil rights.

55 (b) "Confidential case analysis report" means the final
56 report prepared by the commission which details the findings of
57 the restoration of civil rights investigation and the
58 commission's recommendation.

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59 (c) "Department" means the Department of Law Enforcement.

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

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

66 (f) "Violent felony offense" means any offense under s.
67 775.084(1)(d), excluding burglary as defined in s. 810.02(3)(b)
68 or (4).

69 (2)(a) An application that has been submitted before July
70 1, 2018, which qualifies as a priority application pursuant to
71 this section must be processed and the investigation completed
72 before an application that:

73 1. Is submitted on or after July 1, 2018, which qualifies
74 as a priority application; or

75 2. Does not qualify as a priority application, regardless
76 of the submission date.

77 (b) An investigation for a priority application that is
78 submitted before July 1, 2018, must be completed by July 1,
79 2022.

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

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

86 (e) Beginning July 1, 2023, the commission shall complete
87 the investigation for a priority application within 1 year after

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88 the submission of the application.

89 (3) Contingent upon appropriations and agreement between
90 the department and the commission, the department must conduct
91 the portion of the investigation related to an applicant's
92 criminal history background screening. A criminal history
93 background screening conducted by the department must provide
94 information on any felony conviction, the criminal history
95 record before and after the felony conviction that led to the
96 applicant's civil rights being removed, the traffic record, and
97 any domestic violence injunction or other injunction filed
98 against the applicant.

99 (4) (a) The applicant shall keep the commission informed of
100 his or her correct address, including his or her e-mail address,
101 throughout the clemency process.

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

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

109 (c) The commission shall notify an applicant within 30 days
110 after completion of the prescreening review of any incomplete
111 portions of the application or any facts that are determined in
112 the prescreening review to deem the applicant ineligible for
113 restoration of civil rights. An applicant shall be given 45 days
114 to remedy any incomplete portions or discrepancies of the
115 application.

116 (5) The confidential case analysis report prepared by the

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117 commission shall be submitted to the applicant immediately upon
118 completion, which must be no less than 45 days before the
119 commission is scheduled to submit the report to the Board of
120 Executive Clemency. An applicant shall be given 45 days to
121 dispute and remedy any discrepancies in the confidential case
122 analysis report before the commission submits the report to the
123 Board of Executive Clemency.

124 (6) Records maintained by the commission related to a
125 submitted application and such application's status are public
126 records in accordance with chapter 119 and are not confidential
127 and exempt unless otherwise deemed confidential and exempt by
128 law.

129 (7) If a member of the Senate or the House of
130 Representatives submits any written request to the commission
131 for the status of an application on behalf of his or her
132 constituent, the commission must provide such information.

133 (8) The commission may adopt rules pursuant to chapter 120
134 to implement this section.

135 Section 2. This act shall take effect July 1, 2018.