

By the Committee on Criminal Justice; and Senators Perry and Rouson

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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       that an application for the restoration of civil  
5       rights which has been submitted before a specified  
6       date and which qualifies as a priority application be  
7       processed and the investigation be completed before  
8       certain other applications; specifying deadlines to  
9       complete investigations for certain priority  
10      applications; requiring the applicant to keep the  
11      Florida Commission on Offender Review informed of his  
12      or her correct address, including his or her e-mail  
13      address, throughout the clemency process; requiring  
14      the commission to provide annual written notification  
15      to the applicant on the status of the application  
16      review process; providing requirements for such  
17      notification; requiring the commission to notify an  
18      applicant within a specified time of any incomplete  
19      portions of the application or any facts that are  
20      determined in the prescreening review to deem the  
21      applicant ineligible for restoration of civil rights;  
22      requiring an applicant to be given a specified time to  
23      remedy any incomplete portions or discrepancies in the  
24      application; requiring a confidential case analysis  
25      report prepared by the commission to be submitted to  
26      the applicant immediately upon completion, subject to  
27      certain requirements; requiring an applicant to be  
28      given a specified time to dispute and remedy any  
29      discrepancies in the confidential case analysis

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30 report; requiring the commission to provide  
31 information on the status of an application if a  
32 member of the Senate or the House of Representatives  
33 submits any written request to the commission for such  
34 information on behalf of the member's constituent;  
35 providing rulemaking authority; providing an effective  
36 date.

37  
38 Be It Enacted by the Legislature of the State of Florida:

39  
40 Section 1. Section 947.131, Florida Statutes, is created to  
41 read:

42 947.131 Restoration of civil rights; investigations  
43 conducted by the commission.-

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

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

47 (b) "Confidential case analysis report" means the final  
48 report prepared by the commission which details the findings of  
49 the restoration of civil rights investigation and the  
50 commission's recommendation.

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

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

57 (e) "Violent felony offense" means the commission of, an  
58 attempt to commit, or a conspiracy to commit any of the

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59 following:

60 1. Leaving the scene of a crash involving death or serious  
61 bodily injury in violation of s. 316.027;

62 2. Driving under the influence resulting in death or  
63 serious bodily injury in violation of s. 316.193;

64 3. An offense enumerated in s. 775.084(1)(d), excluding  
65 burglary as defined in s. 810.02(4);

66 4. Failure to register as a sexual predator in violation of  
67 s. 775.21 or as a sexual offender in violation of s. 943.0435;

68 5. Facilitating or furthering terrorism in violation of s.  
69 775.31;

70 6. False imprisonment in violation of s. 787.02;

71 7. Abuse, aggravated abuse, and neglect of an elderly  
72 person or disabled adult in violation of s. 825.102;

73 8. An offense in violation of chapter 847;

74 9. Poisoning of food or water in violation of s. 859.01;

75 10. Abuse of a dead human body in violation of s. 872.06;

76 11. A first or second degree felony in violation of chapter  
77 893; or

78 12. An offense which requires a person to register as a  
79 sexual offender in accordance with s. 943.0435.

80 (2)(a) An application that has been submitted before July  
81 1, 2018, which qualifies as a priority application pursuant to  
82 this section must be processed and the investigation completed  
83 before an application that:

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

86 2. Does not qualify as a priority application, regardless  
87 of the submission date.

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88       (b) An investigation for a priority application that is  
89 submitted before July 1, 2018, must be completed by July 1,  
90 2022.

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

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

97       (e) Beginning July 1, 2023, the commission shall complete  
98 the investigation for a priority application within 1 year after  
99 the submission of the application.

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

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

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

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

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

125       (5) If a member of the Senate or the House of  
126 Representatives submits any written request to the commission  
127 regarding the status of an application on behalf of his or her  
128 constituent, the commission must provide such information,  
129 including, but not limited to, whether submission of the  
130 application at issue is deemed complete or incomplete, how many  
131 applications are pending before the application at issue,  
132 whether the application at issue has been assigned to an  
133 investigator, and whether the investigative process has been  
134 initiated.

135       (6) The commission may adopt rules pursuant to chapter 120  
136 to implement this section.

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