

By Senator Lee

20-00921B-18

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1 A bill to be entitled
2 An act relating to restoration of rights; providing a
3 short title; amending s. 944.292, F.S.; conforming
4 provisions to changes made by the act; creating s.
5 944.2925, F.S.; authorizing a person subject to a
6 legal disability due to a criminal conviction to
7 petition a certain court for relief from such
8 disability; specifying that a habitual felony offender
9 and a person convicted of a violent or sexual crime
10 are not eligible to petition the court for relief from
11 legal disability; providing applicability; providing
12 that a person's civil rights may not be restored until
13 certain requirements are met; providing requirements
14 for the petition; requiring the court to schedule a
15 hearing if the petition meets such requirements;
16 providing requirements for the hearing; prohibiting
17 the petitioner from petitioning again for relief
18 within a specified period if the final order denies
19 relief; authorizing the petitioner to seek judicial
20 review of a final order denying relief in a certain
21 district court of appeal; requiring the reason for
22 overturning a ruling on appeal to be based on abuse of
23 discretion by the court; requiring all filing and
24 court costs to be set by the State Courts
25 Administrator subject to certain requirements and
26 collected by a certain clerk of court; specifying that
27 the court must grant or deny a petition in full;
28 providing that relief from disability restores a
29 petitioner's constitutional and civil rights;

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30 providing an effective date.

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32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. This act may be cited as the "Economic
 35 Redemption and Relief From Criminal Conviction Disabilities
 36 Act."

37 Section 2. Subsection (1) of section 944.292, Florida
 38 Statutes, is amended to read:

39 944.292 Suspension of civil rights.—

40 (1) Upon conviction of a felony as defined in s. 10, Art. X
 41 of the State Constitution, the civil rights of the person
 42 convicted shall be suspended in Florida until such rights are
 43 restored by a full pardon, conditional pardon, ~~or~~ restoration of
 44 civil rights granted pursuant to s. 8, Art. IV of the State
 45 Constitution, or as provided in s. 944.2925.

46 Section 3. Section 944.2925, Florida Statutes, is created
 47 to read:

48 944.2925 Relief from legal disability.—

49 (1) A person subject to any legal disability, including
 50 suspension of constitutional or civil rights due to a criminal
 51 conviction, may petition the circuit court of the county in
 52 which he or she resides or the circuit court in the county where
 53 the person was convicted for relief from such disability. A
 54 habitual felony offender as defined in s. 775.084 and a person
 55 convicted of a violent or sexual crime are not eligible to
 56 petition the court for relief from legal disability under this
 57 section. This section does not apply to the requirements for
 58 registration as a sexual predator under s. 775.21 or as a sexual

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59 offender under s. 943.0435.

60 (2) A person's civil rights may not be restored until all
61 sentences or supervision periods are completed; all restitution
62 owed to a current or prior victim is paid in full, including
63 judgments or liens; all delinquent child support obligations are
64 current and up to date; there are no pending criminal charges,
65 warrants, or detainers; and 7 years have elapsed since the
66 completion of all court-ordered sanctions.

67 (3) The petition must contain the following:

68 (a) Documentation showing the convictions or adjudications
69 upon which the petitioner's disability is based, the sentence
70 imposed and served, and any release granted or other disposition
71 of each case.

72 (b) Facts demonstrating that the petitioner may qualify for
73 relief under this section and that he or she meets the criteria
74 in subsection (2).

75 (c) A request for relief, seeking the petitioner's
76 indefinitely suspended civil rights be restored.

77 (4) (a) If the petition meets the form requirements in
78 subsection (3), the court must schedule a hearing.

79 (b) At the hearing, the petitioner must present clear and
80 convincing evidence that:

81 1. The petitioner has not engaged in felonious, violent,
82 fraudulent, or ongoing criminal acts since completing all court-
83 ordered sanctions;

84 2. The petitioner has taken proactive rehabilitative
85 actions, such as volunteering in the community or enrolling in
86 educational courses, since the completion of all court-ordered
87 sanctions;

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88 3. The petitioner presents no danger to public health,
89 safety, or welfare;

90 4. The petitioner has met all the criteria for relief in
91 subsection (2);

92 5. Restoration of the petitioner's civil rights would not
93 be contrary to the public interest;

94 6. The petitioner has not committed any new criminal
95 violations; and

96 7. The petitioner has assumed full responsibility for the
97 criminal conduct giving rise to the legal disability.

98 (c) A record of the hearing shall be made by a certified
99 court reporter or by court-approved electronic means.

100 (d) The court shall make written findings of fact and
101 conclusions of law on the issues before it and issue a final
102 order.

103 (5) If the final order denies relief, the petitioner may
104 not petition again for relief until 1 year after the date of the
105 final order.

106 (6) The petitioner may seek judicial review of a final
107 order denying relief in the district court of appeal having
108 jurisdiction over the court that issued the order. The reason
109 for overturning a ruling on appeal must be based on abuse of
110 discretion by the court.

111 (7) All filing and court costs shall be set by the State
112 Courts Administrator in proportion to the cost of rendering
113 court services under this section and shall be collected by the
114 clerk of court in the county in which the petition is to be
115 filed.

116 (8) The court must grant or deny the petition in full.

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117 (9) Relief from disability granted pursuant to this section
118 restores to the petitioner all constitutional and civil rights
119 as if the petitioner were never convicted of a felony.

120 Section 4. This act shall take effect July 1, 2018.