

By Senator Thurston

33-00627-18

2018430\_\_

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  
6       rights, other than the right to own, possess, or use  
7       firearms, after completion of his or her sentence of  
8       incarceration and supervision; providing conditions  
9       for and exemptions from automatic restoration;  
10      providing for education concerning the civil rights of  
11      people who have felony convictions; amending s.  
12      944.292, F.S.; conforming provisions; amending s.  
13      944.705, F.S.; requiring release orientation program  
14      instructions to include restoration of civil rights;  
15      providing retroactive applicability; providing a  
16      contingent effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20       Section 1. Short title.—This act may be cited as the  
21 "Restoration of Civil Rights Act."

22       Section 2. Findings and purpose.—

23       (1) FINDINGS.—The Legislature finds that:

24       (a) The exercise of civil rights is a fundamental aspect of  
25 citizenship. Restoring civil rights allows former felons to  
26 participate in public service, serve on juries, and pursue  
27 chosen occupations.

28       (b) Restoring civil rights helps felons who have completed  
29 their sentences to reintegrate into society. Their opportunities

33-00627-18

2018430\_\_

30 to fully participate in society reinforce their ties to their  
31 communities and may help to prevent recidivism.

32 (c) Under current law, all persons convicted of felonies  
33 permanently lose many civil rights unless they receive  
34 discretionary executive clemency.

35 (d) The restoration of civil rights through the clemency  
36 process is cumbersome, costly, and produces long delays. The  
37 clemency process imposes administrative burdens on the state and  
38 economic burdens on state taxpayers and should be reserved for  
39 extraordinary cases. Streamlining the restoration process for  
40 the majority of former felons will advance administrative  
41 efficiency, fiscal responsibility, fairness, and democracy.

42 (2) PURPOSE.—The purpose of this act is to strengthen  
43 democratic institutions by enabling persons who have completed  
44 their felony sentences to become productive members of society  
45 and to streamline procedures for restoring civil rights.

46 Section 3. Section 944.294, Florida Statutes, is created to  
47 read:

48 944.294 Restoration of civil rights.—

49 (1) A person who has been convicted of a felony, other than  
50 a felony specified in subsection (3), shall have his or her  
51 civil rights that are lost as a consequence of a conviction of  
52 that felony restored upon completion of his or her sentence.  
53 However, this subsection does not apply to restoration of the  
54 right to own, possess, or use firearms.

55 (2) For purposes of this section, completion of sentence  
56 occurs when a person is released from incarceration upon  
57 expiration of his or her sentence and has fulfilled all other  
58 terms and conditions of the sentence or subsequent supervision

33-00627-18

2018430\_\_

59 or, if the person has not been incarcerated for the felony  
60 offense, has fulfilled all terms and conditions of supervision  
61 imposed on him or her.

62 (3) (a) A person is ineligible for restoration of civil  
63 rights under this section if he or she was convicted of a crime  
64 defined by any of the following:

65 1. Section 782.04, relating to murder.

66 2. Section 782.07(3), relating to aggravated manslaughter  
67 of a child.

68 3. Section 794.011, relating to sexual battery.

69 4. Section 826.04, relating to incest.

70 5. Section 827.071, relating to sexual performance by a  
71 child.

72 6. Section 847.0145, relating to selling or buying of  
73 minors, otherwise transferring or obtaining custody or control  
74 of minors, or offering to do the same.

75 (b) A person is ineligible for restoration of civil rights  
76 under this section if he or she was convicted of treason or if  
77 his or her impeachment has resulted in conviction, as referred  
78 to in s. 8, Art. IV of the State Constitution.

79 (4) This section does not impair the ability of a person  
80 convicted of a felony to apply for executive clemency under s.  
81 8, Art. IV of the State Constitution.

82 (5) A court shall, before accepting a plea of guilty or  
83 nolo contendere to a felony without trial or, if a trial is  
84 held, before imposing sentence for a felony, notify the  
85 defendant as follows:

86 (a) If the felony is specified in subsection (3), that  
87 conviction will result in permanent loss of civil rights unless

33-00627-18

2018430\_\_

88 he or she receives executive clemency under s. 8, Art. IV of the  
89 State Constitution.

90 (b) If the felony is not specified 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.

95 (6) The Secretary of State shall develop and implement a  
96 program to educate members of the public, attorneys, judges,  
97 election officials, and corrections officials, including parole  
98 and probation officers, about the requirements of this section,  
99 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 of people 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.

33-00627-18

2018430\_\_

117 944.294.

118 Section 5. Paragraph (g) of subsection (2) of section  
119 944.705, Florida Statutes, is redesignated as paragraph (h), and  
120 a new paragraph (g) is added to that subsection, to read:

121 944.705 Release orientation program.—

122 (2) The release orientation program instruction must  
123 include, but is not limited to:

124 (g) Restoration of civil rights.

125 Section 6. This act applies retroactively to all persons  
126 who are eligible for restoration of civil rights under the terms  
127 of the act, regardless of whether such persons were convicted or  
128 discharged from sentence before the effective date of this act.

129 Section 7. This act shall take effect on the effective date  
130 of SJR \_\_ or another amendment to the State Constitution which  
131 authorizes, or removes impediments to, enactment of this act by  
132 the Legislature.