

By Senator Perry

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1 A bill to be entitled
2 An act relating to restoration of civil and firearm
3 rights; amending s. 98.0751, F.S.; requiring that a
4 person who has lost his or her civil rights and rights
5 to purchase, own, transfer, or use firearms or
6 ammunition based on a felony conviction for an offense
7 other than murder, attempted murder, a violent felony
8 offense, or a felony sexual offense have such
9 disqualifications terminated upon the completion of
10 all terms of his or her sentence; defining the term
11 "violent felony offense"; conforming provisions to
12 changes made by the act; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 98.0751, Florida Statutes, is amended to
17 read:

18 98.0751 Restoration of civil ~~voting~~ rights and firearm and
19 ammunition rights; termination of ineligibility subsequent to a
20 felony conviction.-

21 (1) A person who has lost his or her civil rights and
22 rights to purchase, own, transfer, or use a firearm or
23 ammunition ~~been disqualified from voting~~ based on a felony
24 conviction for an offense other than murder, attempted murder, a
25 violent felony offense, or a felony sexual offense must have
26 such disqualifications ~~disqualification~~ terminated and his or
27 her ~~voting~~ rights restored pursuant to s. 4, Art. VI of the
28 State Constitution upon the completion of all terms of his or
29 her sentence, including parole or probation. The civil rights

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30 and firearm and ammunition disqualifications do ~~voting~~
31 ~~disqualification does~~ not terminate unless a person's civil
32 rights are restored pursuant to s. 8, Art. IV of the State
33 Constitution if the disqualification arises from a felony
34 conviction of murder, attempted murder, a violent felony
35 offense, or a felony sexual offense, or if the person has not
36 completed all terms of sentence, as specified in subsection (2).

37 (2) For purposes of this section, the term:

38 (a) "Completion of all terms of sentence" means any portion
39 of a sentence that is contained in the four corners of the
40 sentencing document, including, but not limited to:

41 1. Release from any term of imprisonment ordered by the
42 court as a part of the sentence;

43 2. Termination from any term of probation or community
44 control ordered by the court as a part of the sentence;

45 3. Fulfillment of any term ordered by the court as a part
46 of the sentence;

47 4. Termination from any term of any supervision, which is
48 monitored by the Florida Commission on Offender Review,
49 including, but not limited to, parole; and

50 5.a. Full payment of restitution ordered to a victim by the
51 court as a part of the sentence. A victim includes, but is not
52 limited to, a person or persons, the estate or estates thereof,
53 an entity, the state, or the Federal Government.

54 b. Full payment of fines or fees ordered by the court as a
55 part of the sentence or that are ordered by the court as a
56 condition of any form of supervision, including, but not limited
57 to, probation, community control, or parole.

58 c. The financial obligations required under sub-

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59 subparagraph a. or sub-subparagraph b. include only the amount
60 specifically ordered by the court as part of the sentence and do
61 not include any fines, fees, or costs that accrue after the date
62 the obligation is ordered as a part of the sentence.

63 d. For the limited purpose of addressing a plea for relief
64 pursuant to sub-subparagraph e. and notwithstanding any other
65 statute, rule, or provision of law, a court may not be
66 prohibited from modifying the financial obligations of an
67 original sentence required under sub-subparagraph a. or sub-
68 subparagraph b. Such modification shall not infringe on a
69 defendant's or a victim's rights provided in the United States
70 Constitution or the State Constitution.

71 e. Financial obligations required under sub-subparagraph a.
72 or sub-subparagraph b. are considered completed in the following
73 manner or in any combination thereof:

74 (I) Actual payment of the obligation in full.

75 (II) Upon the payee's approval, either through appearance
76 in open court or through the production of a notarized consent
77 by the payee, the termination by the court of any financial
78 obligation to a payee, including, but not limited to, a victim,
79 or the court.

80 (III) Completion of all community service hours, if the
81 court, unless otherwise prohibited by law or the State
82 Constitution, converts the financial obligation to community
83 service.

84
85 A term required to be completed in accordance with this
86 paragraph shall be deemed completed if the court modifies the
87 original sentencing order to no longer require completion of

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88 such term. The requirement to pay any financial obligation
89 specified in this paragraph is not deemed completed upon
90 conversion to a civil lien.

91 (b) "Felony sexual offense" means any of the following:

- 92 1. Any felony offense that serves as a predicate to
93 registration as a sexual offender in accordance with s.
94 943.0435;
- 95 2. Section 491.0112;
- 96 3. Section 784.049(3)(b);
- 97 4. Section 794.08;
- 98 5. Section 796.08;
- 99 6. Section 800.101;
- 100 7. Section 826.04;
- 101 8. Section 847.012;
- 102 9. Section 872.06(2);
- 103 10. Section 944.35(3)(b)2.;
- 104 11. Section 951.221(1); or
- 105 12. Any similar offense committed in another jurisdiction
106 which would be an offense listed in this paragraph if it had
107 been committed in violation of the laws of this state.

108 (c) "Murder" means either of the following:

- 109 1. A violation of any of the following sections which
110 results in the actual killing of a human being:
 - 111 a. Section 775.33(4).
 - 112 b. Section 782.04(1), (2), or (3).
 - 113 c. Section 782.09.
- 114 2. Any similar offense committed in another jurisdiction
115 which would be an offense listed in this paragraph if it had
116 been committed in violation of the laws of this state.

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117 (d) "Violent felony offense" means the commission of, an
118 attempt to commit, or a conspiracy to commit any of the
119 following:

120 1. Leaving the scene of a crash involving death or serious
121 bodily injury in violation of s. 316.027.

122 2. Driving under the influence resulting in death or
123 serious bodily injury in violation of s. 316.193.

124 3. An offense enumerated in s. 775.084(1)(c).

125 4. Failure to register as a sexual predator in violation of
126 s. 775.21 or as a sexual offender in violation of s. 943.0435.

127 5. Facilitating or furthering terrorism in violation of s.
128 775.31.

129 6. A forcible felony, as defined in s. 776.08.

130 7. False imprisonment in violation of s. 787.02.

131 8. Abuse, aggravated abuse, and neglect of an elderly
132 person or disabled adult in violation of s. 825.102.

133 9. An offense in violation of chapter 847.

134 10. Poisoning of food or water in violation of s. 859.01.

135 11. Abuse of a dead human body in violation of s. 872.06.

136 12. A first or second degree felony in violation of chapter
137 893.

138 13. An offense that requires a person to register as a
139 sexual offender in accordance with s. 943.0435.

140 (3) (a) The department shall obtain and review information
141 pursuant to s. 98.075(5) related to a person who registers to
142 vote and make an initial determination on whether such
143 information is credible and reliable regarding whether the
144 person is eligible pursuant to s. 4, Art. VI of the State
145 Constitution and this section. Upon making an initial

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146 determination of the credibility and reliability of such
147 information, the department shall forward such information to
148 the supervisor of elections pursuant to s. 98.075.

149 (b) A local supervisor of elections shall verify and make a
150 final determination pursuant to s. 98.075 regarding whether the
151 person who registers to vote is eligible pursuant to s. 4, Art.
152 VI of the State Constitution and this section.

153 (c) The supervisor of elections may request additional
154 assistance from the department in making the final
155 determination, if necessary.

156 (4) For the purpose of determining a voter registrant's
157 eligibility, the provisions of this section shall be strictly
158 construed. If a provision is susceptible to differing
159 interpretations, it shall be construed in favor of the
160 registrant.

161 Section 2. This act shall take effect July 1, 2021.