

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, following completion of his or her sentence  
 8           of incarceration and community supervision; providing  
 9           conditions for and exemptions from automatic  
 10          restoration; providing for education concerning the  
 11          civil rights of people who have felony convictions;  
 12          amending ss. 944.292 and 944.705, F.S.; conforming  
 13          provisions; providing retroactive applicability;  
 14          providing a contingent effective date.

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

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

20           Section 2. Findings and purpose.—

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

22           (a) The exercise of civil rights is a fundamental aspect  
 23 of citizenship. Among many things, restoring civil rights allows  
 24 former felons to participate in public service, serve on juries,  
 25 and pursue a chosen occupation.

26           (b) Restoring civil rights helps felons who have completed

27 their sentences to reintegrate into society. Their opportunity  
28 to fully participate in society reinforces their ties to the  
29 community and may help to prevent recidivism.

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

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

40 (2) PURPOSE.—The purposes of this act are to strengthen  
41 democratic institutions by enabling felons who have completed  
42 their sentences to become productive members of society, and to  
43 streamline procedures for restoring civil rights.

44 Section 3. Section 944.294, Florida Statutes, is created  
45 to read:

46 944.294 Restoration of civil rights.—

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

53 (2) For purposes of this section, "completion of sentence"  
 54 occurs when a person is released from incarceration upon  
 55 expiration of his or her sentence and has completed all other  
 56 terms and conditions of the sentence or subsequent supervision  
 57 or, if the person has not been incarcerated for the felony  
 58 offense, has completed all terms and conditions of supervision  
 59 imposed on him or her.

60 (3) (a) A person convicted of a crime defined by any of the  
 61 following statutes is ineligible for restoration of civil rights  
 62 under this section:

- 63 1. Section 782.04, relating to murder.
- 64 2. Section 782.07(3), relating to aggravated manslaughter  
 65 of a child.
- 66 3. Section 794.011, relating to sexual battery.
- 67 4. Section 826.04, relating to incest.
- 68 5. Section 827.071, relating to sexual performance by a  
 69 child.
- 70 6. Section 847.0145, relating to selling or buying minors,  
 71 otherwise transferring or obtaining custody or control of  
 72 minors, or offering to do the same.

73 (b) A person convicted of treason or whose impeachment has  
 74 resulted in conviction, as referred to in s. 8, Art. IV of the  
 75 State Constitution, is ineligible for restoration of civil  
 76 rights under this section.

77 (4) This section does not impair the ability of any person  
 78 convicted of a felony to apply for executive clemency under s.

79 8, Art. IV of the State Constitution.

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

84 (a) If the felony is described in subsection (3), that  
85 conviction will result in permanent loss of civil rights unless  
86 he or she receives executive clemency under s. 8, Art. IV of the  
87 State Constitution.

88 (b) If the felony is not described in subsection (3), that  
89 conviction will result in loss of civil rights until the  
90 defendant completes his or her sentence and that civil rights  
91 will be restored thereafter, except for the right to own,  
92 possess, or use firearms.

93 (6) The Secretary of State shall develop and implement a  
94 program to educate attorneys, judges, election officials,  
95 corrections officials, including parole and probation officers,  
96 and members of the public about the requirements of this  
97 section, ensuring that:

98 (a) Judges are informed of their obligation to notify  
99 criminal defendants of the potential loss and restoration of  
100 their civil rights as required by subsection (5).

101 (b) Accurate and complete information about the civil  
102 rights of people who have been charged with or convicted of  
103 crimes, whether disenfranchising or not, is made available  
104 through a single publication to government officials and the

105 public.

106 Section 4. Subsection (1) of section 944.292, Florida  
 107 Statutes, is amended to read:

108 944.292 Suspension of civil rights.—

109 (1) Upon conviction of a felony as defined in s. 10, Art.  
 110 X of the State Constitution, the civil rights of the person  
 111 convicted shall be suspended in Florida until such rights are  
 112 restored by a full pardon, conditional pardon, or restoration of  
 113 civil rights granted pursuant to s. 8, Art. IV of the State  
 114 Constitution or by restoration of civil rights pursuant to s.  
 115 944.294.

116 Section 5. Paragraph (g) of subsection (2) of section  
 117 944.705, Florida Statutes, is redesignated as paragraph (h), and  
 118 a new paragraph (g) is added to that subsection to read:

119 944.705 Release orientation program.—

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

122 (g) Restoration of civil rights.

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

127 Section 7. This act shall take effect on the effective  
 128 date of HJR 449 or another amendment to the State Constitution  
 129 that authorizes, or removes impediments to, enactment of this  
 130 act by the Legislature.