

A bill to be entitled

An act relating to restoration of civil rights; providing a short title; providing findings and purpose; creating s. 944.294, F.S.; providing for automatic restoration of a former felon's civil rights, other than the right to own, possess, or use firearms, following completion of his or her sentence of incarceration and community supervision; providing conditions for and exemptions from automatic restoration; providing for education concerning the civil rights of people who have felony convictions; amending ss. 944.292 and 944.705, F.S.; conforming provisions; providing for retroactive applicability; providing a contingent effective date.

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

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

Section 2. Findings and purpose.—

(1) FINDINGS.—The Legislature finds that:

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

(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 those civil
49 rights that are lost as a consequence of a conviction of that
50 felony restored upon completion of his or her sentence. However,
51 this provision does not apply to restoration of the right to
52 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 796.03, relating to procuring a person under 18
68 for prostitution.

69 5. Section 796.035, relating to selling or buying minors
70 into prostitution.

71 6. Section 826.04, relating to incest.

72 7. Section 827.071, relating to sexual performance by a
73 child.

74 8. Section 847.0145, relating to selling or buying minors,
75 otherwise obtains custody or control of minors, or offering to
76 do the same.

77 (b) A person convicted of treason or whose impeachment has
78 resulted in conviction, as referred to in s. 8, Art. IV of the

79 State Constitution, is ineligible for restoration of civil
 80 rights under this section.

81 (4) This section does not impair the ability of any person
 82 convicted of a felony to apply for executive clemency under s.
 83 8, Art. IV of the State Constitution.

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

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

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

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

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

105 (b) Accurate and complete information about the civil
 106 rights of people who have been charged with or convicted of
 107 crimes, whether disenfranchising or not, is made available
 108 through a single publication to government officials and the
 109 public.

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

112 944.292 Suspension of civil rights.—

113 (1) Upon conviction of a felony as defined in s. 10, Art.
 114 X of the State Constitution, the civil rights of the person
 115 convicted shall be suspended in Florida until such rights are
 116 restored by a full pardon, conditional pardon, or restoration of
 117 civil rights granted pursuant to s. 8, Art. IV of the State
 118 Constitution or by restoration of civil rights pursuant to s.
 119 944.294.

120 Section 5. Paragraph (g) of subsection (2) of section
 121 944.705, Florida Statutes, is redesignated as paragraph (h), and
 122 a new paragraph (g) is added to that subsection to read:

123 944.705 Release orientation program.—

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

126 (g) Restoration of civil rights.

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

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131 Section 7. This act shall take effect on the effective
132 date of HJR 327 or another amendment to the State Constitution
133 that authorizes, or removes impediments to, enactment of this
134 act by the Legislature.