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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 59 - 132

and insert:

(c) "Prescreening review" means the initial review to determine eligibility which is conducted by the commission upon receipt of an application for restoration of civil rights.

(d) "Priority application" means an application for the restoration of civil rights submitted by an applicant who has never been convicted of a violent felony offense.



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

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

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

3. An offense enumerated in s. 775.084(1)(d), excluding burglary as defined in s. 810.02(4);

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

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

6. False imprisonment in violation of s. 787.02;

7. Abuse, aggravated abuse, and neglect of an elderly person or disabled adult in violation of s. 825.102;

8. An offense in violation of chapter 847;

9. Poisoning of food or water in violation of s. 859.01;

10. Abuse of a dead human body in violation of s. 872.06;

11. A first or second degree felony in violation of chapter 893; or

12. An offense which requires a person to register as a sexual offender in accordance with s. 943.0435.

(2)(a) An application that has been submitted before July 1, 2018, which qualifies as a priority application pursuant to this section must be processed and the investigation completed before an application that:

1. Is submitted on or after July 1, 2018, which qualifies as a priority application; or



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2. Does not qualify as a priority application, regardless of the submission date.

(b) An investigation for a priority application that is submitted before July 1, 2018, must be completed by July 1, 2022.

(c) An investigation for a priority application that is submitted on or after July 1, 2018, but before July 1, 2021, must be completed by July 1, 2023.

(d) An investigation for a priority application that is submitted on or after July 1, 2021, but before July 1, 2023, must be completed by July 1, 2024.

(e) Beginning July 1, 2023, the commission shall complete the investigation for a priority application within 1 year after the submission of the application.

(3) (a) The applicant shall keep the commission informed of his or her correct address, including his or her e-mail address, throughout the clemency process.

(b) 1. The commission shall provide annual written notification to the applicant on the status of the application review process. Notification may be made by e-mail if such address is provided by the applicant.

2. The written notification must include the number of applications which are pending and which will be handled before the applicant's application will begin being reviewed.

(c) The commission shall notify an applicant within 30 days after completion of the prescreening review of any incomplete portions of the application or any facts that are determined in the prescreening review to deem the applicant ineligible for restoration of civil rights. An applicant shall be given 45 days



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to remedy any incomplete portions or discrepancies of the application.

(4) The confidential case analysis report prepared by the commission shall be submitted to the applicant immediately upon completion, which must be no less than 45 days before the commission is scheduled to submit the report to the Board of Executive Clemency. An applicant shall be given 45 days to dispute and remedy any discrepancies in the confidential case analysis report before the commission submits the report to the Board of Executive Clemency.

(5) If a member of the Senate or the House of Representatives submits any written request to the commission regarding the status of an application on behalf of his or her constituent, the commission must provide such information, including, but not limited to, whether submission of the application at issue is deemed complete or incomplete, how many applications are pending before the application at issue, whether the application at issue has been assigned to an investigator, and whether the investigative process has been initiated.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 10 - 38

and insert:

requiring the applicant to keep the Florida Commission on Offender Review informed of his or her correct address, including his or her e-mail address, throughout the clemency process; requiring the



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commission to provide annual written notification to the applicant on the status of the application review process; providing requirements for such notification; requiring the commission to notify an applicant within a specified period of time of any incomplete portions of the application or any facts that are determined in the prescreening review to deem the applicant ineligible for restoration of civil rights; requiring an applicant to be given a specified period of time to remedy any incomplete portions or discrepancies of the application; requiring a confidential case analysis report prepared by the commission to be submitted to the applicant immediately upon completion, subject to certain requirements; requiring an applicant to be given a specified period of time to dispute and remedy any discrepancies in the confidential case analysis report; requiring the