

By Senator Thurston

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1 A bill to be entitled
2 An act relating to restoration of civil rights;
3 providing a short title; providing legislative
4 findings and purpose; creating s. 944.294, F.S.;
5 defining the term "completion of sentence"; providing
6 for automatic restoration of a former felon's civil
7 rights, other than the right to own, possess, or use
8 firearms, after completion of his or her sentence of
9 incarceration and conditions of supervision; providing
10 conditions for and exemptions from automatic
11 restoration; requiring a court to notify a defendant
12 of specified information under certain circumstances;
13 requiring the Secretary of State to develop and
14 implement a program to educate the public about the
15 civil rights of people who have felony convictions;
16 amending ss. 944.292 and 944.705, F.S.; conforming
17 provisions; providing retroactive applicability;
18 providing a contingent effective date.

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

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

24 Section 2. Findings and purpose.—

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

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

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30 (b) Restoring civil rights helps felons who have completed
31 their sentences to reintegrate into society. Having
32 opportunities to fully participate in society reinforces their
33 ties to their communities and may help to prevent recidivism.

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

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

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

48 Section 3. Section 944.294, Florida Statutes, is created to
49 read:

50 944.294 Restoration of civil rights.—

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

57 (2) For purposes of this section, "completion of sentence"
58 occurs when a person is released from incarceration upon

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59 expiration of his or her sentence and has completed all other
60 terms and conditions of the sentence or subsequent supervision
61 or, if the person has not been incarcerated for the felony
62 offense, has completed all terms and conditions of supervision
63 imposed on him or her.

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

67 1. Section 782.04, relating to murder.

68 2. Section 782.07(3), relating to aggravated manslaughter
69 of a child.

70 3. Section 794.011, relating to sexual battery.

71 4. Section 826.04, relating to incest.

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

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

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

81 (4) This section does not impair the ability of a 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:

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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 members of the public, attorneys, judges,
99 election officials, and corrections officials, including parole
100 and probation officers, about the requirements of this section,
101 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. X
114 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

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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.

131 Section 7. This act shall take effect on the effective date
132 of SJR 270 or another amendment to the State Constitution which
133 authorizes, or removes impediments to, enactment of this act by
134 the Legislature.