

1 A bill to be entitled
 2 An act relating to restoration of rights; providing a
 3 short title; amending s. 944.292, F.S.; conforming
 4 provisions to changes made by the act; creating s.
 5 944.2925, F.S.; authorizing a person subject to a
 6 legal disability due to a criminal conviction to apply
 7 for relief from such disability; providing exceptions;
 8 providing requirements for such petition; providing
 9 requirements for hearings on such petitions;
 10 specifying requirements for a judgment; requiring a
 11 waiting period after denial of such a petition before
 12 a new petition may be filed; providing for judicial
 13 review; providing for taxation of costs; specifying
 14 that the court must grant or deny a petition in full;
 15 providing that relief from disability restores a
 16 petitioner's constitutional and civil rights;
 17 providing an effective date.

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

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 21 Section 1. This act may be cited as the "Economic
 22 Redemption and Restoration of Constitutional Rights Act."

23 Section 2. Subsection (1) of section 944.292, Florida
 24 Statutes, is amended to read:

25 944.292 Suspension of civil rights.—

26 (1) Upon conviction of a felony as defined in s. 10, Art.
27 X of the State Constitution, the civil rights of the person
28 convicted shall be suspended in Florida until such rights are
29 restored by a full pardon, conditional pardon, ~~or~~ restoration of
30 civil rights granted pursuant to s. 8, Art. IV of the State
31 Constitution, or as provided in s. 944.2925.

32 Section 3. Section 944.2925, Florida Statutes, is created
33 to read:

34 944.2925 Relief from legal disability.—

35 (1) A person subject to any legal disability, including
36 suspension of constitutional or civil rights, due to a criminal
37 conviction may petition the circuit court of the county in which
38 the person resides or the county in which the person was
39 convicted for relief from such disability. This section does not
40 apply to the requirements for registration as a sexual predator
41 under s. 775.21 or as a sexual offender under s. 943.0435.

42 (2) The petition must contain the following:

43 (a) Documentation showing the convictions or adjudications
44 upon which the petitioner's disability is based, the sentence
45 imposed and served, and any release granted or other disposition
46 of each case.

47 (b) Facts showing the petitioner is a fit subject for
48 relief under this section. At a minimum, the petitioner must
49 show that he or she has completed or fulfilled all court imposed
50 sanctions.

51 (3) (a) A copy of the petition shall be served on the state
52 attorney for the county in which the petition is filed.

53 (b) The state attorney may object to and present evidence
54 relevant to the relief sought by the petition.

55 (c) The petitioner may present evidence and subpoena
56 witnesses to appear at the hearing on the petition. The
57 petitioner may confront and cross-examine witnesses called by
58 the state attorney.

59 (d) A record of the hearing shall be made by a certified
60 court reporter or by court-approved electronic means.

61 (e) The court shall make written findings of fact and
62 conclusions of law on the issues before it and issue a final
63 order.

64 (4) The court shall grant the relief sought by the
65 petition if the court finds, based on the evidence presented
66 with respect to the petitioner's reputation and criminal history
67 record, the circumstances surrounding the disability, and any
68 other evidence in the record, that:

69 (a) The petitioner has led a law-abiding life since
70 discharge or release and appears likely to continue to do so.

71 (b) The petitioner is not likely to act in a manner that
72 is dangerous to public safety.

73 (c) Granting the relief is not contrary to the public
74 interest.

75 (5) If the final order denies relief, the petitioner may

76 | not petition again for relief until 1 year after the date of the
77 | final order.

78 | (6) The petitioner may seek judicial review of a final
79 | order denying relief in the district court of appeal having
80 | jurisdiction over the court that issued the order. The review
81 | shall be conducted de novo.

82 | (7) Costs of the proceeding shall be charged as in other
83 | civil cases and taxed to the petitioner.

84 | (8) The court must grant or deny the petition in full.

85 | (9) Relief from disability granted pursuant to this
86 | section restores the petitioner to all constitutional and civil
87 | rights to the full extent provided by law.

88 | Section 4. This act shall take effect July 1, 2018.