



FLORIDA RIGHTS RESTORATION COALITION

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FLORIDA CLEMENCY RULES

In Florida, persons with past felony convictions lose the right to vote, serve on a jury, and hold public office. The loss of these civil rights also disqualifies individuals from eligibility for many state occupational licenses. Florida is one of only three states with a constitution that permanently disfranchises people with past felony convictions.

The right to restore civil rights is vested in the sole discretion of the Governor and the Cabinet sitting as the Board of Executive Clemency. Rights are restored by an executive order signed by the Governor and two Cabinet members. On April 5, 2007, the Board of Executive Clemency adopted new Rules of Executive Clemency. Under these new rules, there are now three levels of approval for restoration of civil rights depending on the nature of the felony conviction.

Under all three levels, individuals must:

- Complete their sentence and supervision
- Have no pending charges or detainers
- Pay all court-ordered restitution

LEVEL I

Eligibility

- No violent offenses (see Level 1 list on side 2)
- Not declared a habitual violent felony offender, a 3-time violent felony offender, violent career criminal, prison releasee reoffender, sexual predator

Procedure

- Rights are restored without a hearing
- **Ex-offenders in Level I are not required to apply for rights restoration but we recommend that they submit an application (Data Worksheet) to update their contact information with the Office of Executive Clemency.**

LEVEL II

Eligibility

- Convicted of offenses more severe than Level 1 offenses, except murder and sex offenses (See list on side 2) **and**
- Not declared to be a sexual predator

-or-

- 15 years crime and arrest free

Procedure

- Rights may be restored without a hearing after a mid-level investigation. If civil rights are not restored without a hearing, then the case can be considered at a hearing after a full investigation, if you notify the Office of Executive Clemency that you want a hearing.

LEVEL III

Eligibility

- Convicted of murder or sex offenses, sexual predators and those not approved in Level I or II

Procedure Full investigation and hearing

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The information contained herein is intended for educational purposes only and does not constitute legal advice.

LEVEL I

Never been convicted of one of the following crimes (Disqualifying Offenses):

- Murder, attempted murder, attempted felony murder, manslaughter
- DUI manslaughter
- sexual battery, attempted sexual battery
- lewd or lascivious battery, attempted lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition
- lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person
- sexual performance by a child, attempted sexual performance by a child
- aggravated child abuse
- failure to register as a sexual predator or sexual offender
- computer pornography, transmission of computer pornography, buying or selling of minors
- kidnapping, attempted kidnapping, false imprisonment, or luring and enticing a child
- aggravated battery, attempted aggravated battery
- armed robbery, attempted armed robbery, carjacking, attempted carjacking, home invasion, attempted home invasion
- poisoning of food or water
- abuse of a dead human body
- first degree burglary or attempted first degree burglary
- arson or attempted arson
- aggravated assault
- aggravated stalking
- aggravated battery or aggravated assault on a law enforcement officer or other specified officer
- first degree trafficking in illegal substances aircraft piracy
- unlawful throwing, placing, or discharging of a destructive device or bomb
- facilitating or furthering terrorism
- treason
- any offense committed in another jurisdiction that would be an offense listed in above if that offense had been committed in Florida

Not declared to be: Habitual Violent Felony Offender, Three-time Violent Felony Offender, Violent Career Criminal, Prison Releasee Reoffender, Sexual Predator

LEVEL II

Never been convicted of one of the following crimes (Disqualifying Offenses):

- murder, attempted murder, attempted felony murder, manslaughter
- DUI manslaughter
- sexual battery, attempted sexual battery
- lewd or lascivious battery, attempted lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition
- lewd or lascivious offense upon or in the presence of an elderly or disabled person, attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person
- sexual performance by a child, attempted sexual performance by a child
- aggravated child abuse
- failure to register as a sexual predator or sexual offender
- facilitating or furthering terrorism
- treason
- any offense committed in another jurisdiction that would be an offense listed above if that offense had been committed in Florida.

Not declared to be: Sexual Predator

Level III

People convicted of murder, sex offenses and declared to be sexual predators and those not approved in Level I or II

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Form A-2 / Form V-4-Florida Clemency Rules Summary-03/18/09

Prepared by the ACLU Foundation of Florida for the FRRC