

THE MIAMI HERALD | MiamiHerald.com

TALLAHASSEE

State imposes stricter clemency rules

Gov. Rick Scott and the clemency board issued strict regulations on when felons can regain the right to vote.

BY STEVE BOUSQUET

Herald/Times Tallahassee Bureau

TALLAHASSEE — With uncommon speed that infuriated opponents, Gov. Rick Scott and the Cabinet imposed strict new barriers Wednesday on felons who want to regain the right to vote, including a five-year waiting period to apply for clemency.

The action wipes out a streamlined policy adopted in 2007 by former Gov. Charlie Crist and a different Cabinet in an effort to help ex-offenders become productive citizens and reduce the chance they would commit new crimes.

TESTIMONY LIMITED

Adding to the objections of opponents was the fact that copies of the rule change were not made available to the public until after the meeting began and public testimony was then limited to two minutes per person, for a total of 30 minutes. The four statewide elected officials received the new policy Tuesday night. Agriculture Commission-

out a time-consuming application and hearing process. The new policy requires felons to apply for civil rights at least five years after completing their sentences, during which time they can't be arrested. Certain classes of violent felons will have to wait seven years to apply.

"The restoration of civil rights can be a significant part of the rehabilitation of criminal offenders and can assist them to re-enter into society," Scott said. "It is important that this form of clemency be granted in a deliberate, thoughtful manner that prioritizes public safety and creates incentives to avoid criminal activity."

Prosecutors, police chiefs and sheriffs all showed up to testify in support of the decision. "Convicted felons should be required to demonstrate their desire to have their rights restored," said Seminole County Sheriff Don Eslinger, speaking for the Florida Sheriffs Association. "The application process ensures accountability."

IN SUPPORT

State Attorney Brad King

State Attorney Brad King

of Ocala said: "Convicted felons should show a willingness to abide by the law before they have their privileges of citizenship returned."

Leon County Supervisor of Elections Ion Sancho said the restrictive civil rights process — "a stain on Florida," he called it — has its origins in the post-Civil War Reconstruction era, in an effort to prevent freed slaves from voting.

The new policy will ensure "a permanent underclass of underemployed individuals," Sancho said.

Civil rights advocates said Florida joins two other states, Kentucky and Virginia, that also require waiting periods and hearings before felons can regain their civil rights, which also include being able to serve on a jury, run for office and hold dozens of professional licenses.

Joining Scott in the 4-0 vote were Putnam, Chief Financial Officer Jeff Atwater and Attorney General Pam Bondi, a former Hillsborough prosecutor who proposed the change last month.

"I believe if you are convicted of a felony, there should be an appropriate

New clemency rules

Highlights of the amended clemency rule; approved Wednesday:

Nonviolent felons must be crime-free for five years after completion of their sentences before they can apply for restoration of civil rights.

More serious and violent felons must be crime-free for seven years after completion of their sentences before they can apply for restoration of civil rights.

The classes of crimes considered more serious and violent are expanded to include public corruption and crimes involving minors.

Completion of sentence includes probation, community control and payment of all fine and restitution.

waiting time before you have your rights restored, and I firmly believe that someone should have to ask... That is a privilege," Bondi

said. Even the streamlined civil rights process required felons to wait years for a decision because the Florida Parole Commission, the agency that handles clemency cases, is now hobbled by a lack of personnel and has a backlog of more than 100,000 cases.

The state grants five forms of clemency: restoration of civil rights, pardon, the right to carry a gun, commutation of sentence and restoration of alien status.

CRITICS WEIGH IN

Critics said the change would worsen Florida's high rate of recidivism because ex-offenders will now face new barriers in trying to become productive citizens. Scott supports a revamping of prison policies to reduce the state's notoriously high rate of recidivism.

"Once a person has paid their debt, they should be fully and quickly integrated back into the community," said Danielle Prendergast, director of public policy of the ACLU of Florida.

Steve Busquet can be reached at busquet@sp4times.com