

Restoration of Civil Rights

STATE OF FLORIDA

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RESTORATION OF CIVIL RIGHTS, PARDONS, PARDONS WITHOUT FIREARM AUTHORITY, FIREARM AUTHORITY, REMISSION OF FINES AND FORFEITURES

Effective March 9, 2011

UNDER THE FLORIDA CONSTITUTION, A CONVICTED FELON **CANNOT** VOTE, SERVE ON A JURY,
OR HOLD PUBLIC OFFICE UNTIL CIVIL RIGHTS HAVE BEEN RESTORED

This information pertains to Restoration of Civil Rights and all other forms of clemency with the exception of Commutation of Sentence requests. A Request for Review (Form 1502) must be completed for the Commutation of Sentence process. This application is available on our website, www.fcor.state.fl.us or you may request this application by calling our office at (850) 488-2952.

Restoration of Civil Rights cases are divided into two categories: Without a Hearing (Rule 9.A.) and With a Hearing (Rule 10.A.) You may visit our website for more detailed information regarding the list of offenses that determine which category your case will be processed.

RESTORATION OF CIVIL RIGHTS WITHOUT A HEARING CASES: This type of investigation is designed to process less serious offenses and requires **that 5 years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, and you must remain crime and arrest free for 5 years prior to being reviewed by the Florida Commission on Offender Review** (formerly Florida Parole Commission). You are also required to **provide certified court documents for EACH felony conviction** with the application before it will be entered into our system. A certified court document is a copy of the original document on file with the applicable agency (Clerk of Court, State Attorney's Office, Law Enforcement Agency, etc.) which bears the Clerk's original signature and seal attesting that the document is a true and

correct copy of the original. The court documents can be obtained from the Clerk of Court in the county where the offense occurred and consist of the charging document (often referred to as the State Attorney Information or Indictment), Judgment; and Sentence/Community Control/Probation Order.

RESTORATION OF CIVIL RIGHTS WITH A HEARING CASES: This type of investigation is designed to process the more serious offenses and requires that **7 years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions.** You are also required to **provide certified court documents for EACH felony conviction** with the application before it will be entered into our system. The court documents can be obtained from the Clerk of Court in the county where the offense occurred as stated above.

During the investigative phase, the Executive Clemency Board will consider, but not be limited to, the following factors when determining whether to grant an applicant restoration of civil rights or other form of clemency.

- The nature and circumstances of the offense,
- Prior and subsequent criminal record, including traffic offenses,
- Employment history
- Mental health, drug or alcohol issues
- Domestic violence issues
- Letters submitted in support of, or in opposition to, the granting of executive clemency

The information this agency requests from you is necessary to provide the basic facts needed by the Clemency Board to make an informed judgment as to whether or not you should be granted Restoration of Civil Rights or any other form of clemency. You are under no obligation to furnish any information. However, unless you do provide us with this information, we will be unable to provide complete information to the Clemency Board.

If your request requires a hearing, you will be scheduled to meet with an Examiner of the Florida Commission on Offender Review (formerly Florida Parole Commission), who is assigned the investigative phase by the Clemency Board for an interview. This Examiner may also speak with individuals who have written character or reference letters, employers, and other individuals who may be able to provide relevant information concerning you.

If you are granted Restoration of Civil Rights based on the Without a Hearing investigation, you will be sent a Certificate of Restoration of Civil Rights to the address on file.

If the Clemency Board grants an application regarding a With A Hearing case, an Executive Order will be prepared, signed by the Clemency Board members, and a copy mailed to you.

PARDON OR PARDON WITHOUT FIREARM AUTHORITY: The Rules require that you must have completed all sentences imposed and all conditions of supervision have expired or been completed, for a period of no less than 10 years. You may not have any outstanding detainers or pending charges, owe restitution, or have any pecuniary penalties or liabilities which total more than \$1,000 and result from any criminal conviction or traffic infraction. This form of clemency requires an in-depth interview with an Examiner of the Florida Commission on Offender Review. Individuals convicted in a federal, military, or out-of-state court are not eligible to apply. This form of clemency also requires certified copies of felony convictions for which you are requesting clemency. A certified court document is a copy of the original document on file with the applicable agency (Clerk of Court, State Attorney's Office, Law Enforcement Agency, etc.) which bears the Clerk's original signature and seal attesting that the document is a true and correct copy of the original. The court documents can be obtained from the Clerk of Court in the county where the offense occurred and consist of the charging document (often referred to as the State Attorney Information or Indictment), Judgment; and Sentence/Community Control/Probation Order.

FIREARM AUTHORITY: The Rules require that you must have completed all sentences imposed and all conditions of supervision have expired or been completed, for a period of no less than 8 years. You may not have any outstanding detainers or pending charges, owe restitution, or have any pecuniary penalties or liabilities which total more than \$1,000 and result from any criminal conviction or traffic infraction. This form of clemency requires an in-depth interview with an Examiner of the Florida Commission on Offender Review. Individuals convicted in a federal, military, or out-of-state court are not eligible to apply. This form of clemency also requires certified copies of felony convictions for which you are requesting clemency.

ADDITIONAL INFORMATION:

You will not be eligible for any form of clemency if: you owe restitution, have pending criminal charges, or outstanding detainers or warrants.

You are not required to appear with an attorney.

The fact that your rights have been granted is public record. Whether you have filed an application and the case is still pending investigation is not public information. Executive clemency files are maintained to provide for the exercise of the Governor and Cabinet's Constitutional clemency power and are routinely made available to them, members of their staff and other officials concerned with these proceedings. The Governor is the only person who can release information regarding an individual's clemency and can do so when required by law or to further the ends of justice.

All information submitted to the Office of Executive Clemency becomes the property of this office and **will not be returned**. Keep copies of any paperwork you may need in the future.

Any eligible person who has been **granted** or **denied** any form of executive clemency may not apply for further executive clemency for at least **2 years** from the date that such action became final. A Request for Review of a Commutation of Sentence requires a **5 year** waiting period before applying again.

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