

Rights Restoration in Florida

By Roshawn Banks, ACLU Broward Chapter Board Member

As a criminal defense attorney and board member of the Broward County ACLU, I have been actively involved in civil rights restoration. The right to vote is a fundamental Constitutional right and should not permanently be taken from anyone.

In 2007, over one million Floridians were barred from voting because of felony convictions. It did not matter whether this felony conviction was from one year ago or from 25 years ago, all civil rights were suspended.

But the right to vote is not the only civil right lost upon conviction of a felony. Those convicted cannot serve on juries, hold public office, nor obtain state licenses for employment such as realtor, barber, hair stylist or locksmith. Additionally, once convicted, you cannot carry a firearm.

These rights were not automatically restored once an ex-offender completed their sentence. This is a staggering fact once you realize that approximately 98% of the one million convicted offenders in Florida have completely served their sentences.

Then in April 2007, Governor Charlie Crist issued an Executive Order that created a process to restore the rights of those felons convicted of non-violent criminal offenses who have completed their sentences. It is important to note that the right to carry a firearm is not included in the Governor's Executive Order. You have to petition the Clemency Board separately to restore the right to bear arms.

As long as an ex-offender has completed their sentence via jail, prison or probation, has paid restitution, and has no pending criminal charges, Governor Crist's new rules have streamlined the process for having their civil rights restored. All the rules to obtain your civil rights can be read on one sheet of paper, front and back.

An ex-offender may have their rights *automatically* restored if their prior offense is considered a Level I offense which are usually non-violent, third degree felonies. There is nothing a person with a Level I offense is *required* to do. However, because prior felony conviction could have occurred many years ago, chances are that person no longer lives where they lived upon conviction, or if they have married, their name is no longer the same. Thus, those at the Office of Executive Clemency have no way of notifying them that their civil rights have been restored.

To either determine or ensure that your rights are restored as a Level I offender, you should complete the Restoration of Civil Rights Data Worksheet and submit it to the Office of Executive Clemency. This worksheet is a one page form requesting the name when convicted, birth date, social security number and other biographical information. An address is needed if a Certificate is to be mailed.

If the rights are restored, then a Certificate of Restoration of Civil Rights will be mailed out. This Certificate is not needed as proof of restoration when registering to vote or taking advantage of other civil rights, but it sure does help.

Level II offenses are more severe than the Level I offenses but exclude murder and sex offenses. A hearing before the Clemency Board is not needed; just complete the Restoration of Civil Rights Data Worksheet and submit it to the Office of Executive Clemency. Again, if the rights are restored, then a Certificate of Restoration of Civil Rights will be mailed out.

Level III offenses require a full investigation and hearing before civil rights are restored. These are for those Ex-Offenders who have been convicted of murder or sexual predation.

Between April 2007 and January 28, 2009, close to 135,000 people had their civil rights restored. I applaud these first steps. But this is only 1% of those who have been disenfranchised by the previous laws.

Now is the time to restore your ability to vote, serve on a jury, hold public office or get your state occupational license – after all it is your right, even if you are a convicted felon.

It does not cost to have your civil rights restored. The Restoration of Civil Rights Data Worksheet can be completed and submitted online. If you don't have access to a computer, you can call the ACLU hotline at 1-877 U-Count-2 and it can be done over the phone.

For more information please contact attorney Roshawn Banks at The All Law Center, PA, 954-482-TALC (8252).