

FELONIES. MAJOR COLLATERAL CONSEQUENCES FROM FELONY CONVICTIONS AND WITHHOLDS

The purpose of this bench card is to highlight significant collateral consequences, which may impose unexpected but substantial additional punishments, enduring long after the court-imposed sentence is completed.

GENERAL

Withhold-of-adjudication. May serve as a felony conviction for federal purposes, under specific Florida statutes, and in other states.

Sentencing. A withhold may be counted in calculating federal and Florida sentencing guidelines.

Immigration. A withhold is a conviction for immigration purposes.

Sex offenders. A conviction or a withhold requires registration as a sexual offender or predator for certain offenses.

CTS. Credit for time served is a conviction.

LIVING

Consequences of a felony conviction or withhold:

Subsidized housing. Defendants may not qualify to live in affordable or subsidized housing.

Private housing. Defendants may be unable to obtain rental housing from private landlords.

Eviction. Defendants and their entire families may be evicted from rental housing, especially affordable or subsidized housing.

Assistance. Defendants may no longer qualify under state and federal programs for housing, food, medical, home loan, or cash assistance.

Driving. Defendants may have their driving privileges suspended.

Immigration. Defendants may be unable to adjust their immigration status and may face deportation.

EMPLOYMENT

Consequences of a felony conviction or withhold:

General. Defendants may be required to report their status on applications and may be unable to obtain private or public employment.

Military. Defendants may be unable to join the military.

Government. Defendants may be unable to work for the state, a county, or a municipality.

Public safety. Defendants may be unable to work for law enforcement or corrections, or for a seaport or an airport if the job is critical to security or public safety.

Children, elderly. Defendants may be unable to work in school systems or other agencies that work with children or the elderly.

Licenses. Defendants may lose or be unable to obtain professional licenses, even when unrelated to their charges. With respect to certain licenses, they must self report within 30 days.

Associations. Defendants may be barred from memberships necessary for employment, such as the Florida Bar, real estate associations, and medical boards.

Business. Defendants may be unable to obtain business loans from the Small Business Administration.

EDUCATION

Consequences of a felony conviction or withhold:

Admission. Defendants may be denied or delayed admittance into private or public universities or colleges.

Financial aid. Defendants may not qualify for state or federal financial aid, such as grants, loans, and work assistance.

Housing. Defendants may be denied or removed from student housing.

Discipline. Defendants may be expelled, suspended, or subjected to academic discipline.

CIVIL RIGHTS

Consequences of a felony conviction:

Jury service. Defendants lose their right to be a juror.

Firearms. Defendants lose their right to bear arms.

Public office. Defendants lose their right to hold public office.

Voting. Defendants lose their right to vote, unless and until restored.

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2022 EDITION



MISDEMEANORS. MAJOR COLLATERAL CONSEQUENCES FROM MISDEMEANOR CONVICTIONS AND WITHHOLDS

The purpose of this bench card is to highlight significant collateral consequences, which may impose unexpected but substantial additional punishments, enduring long after the court-imposed sentence is completed.

GENERAL

Withhold-of-adjudication. May serve as a misdemeanor conviction for federal purposes, under specific Florida statutes, and in other states.

Sentencing. A withhold may be counted in calculating federal and Florida sentencing guidelines.

Immigration. A withhold is a conviction for immigration purposes.

CTS. Credit for time served is a conviction.

LIVING

Consequences of a misdemeanor conviction or withhold:

Subsidized housing. Defendants may not qualify to live in affordable or subsidized housing.

Private housing. Defendants may be unable to obtain rental housing from private landlords.

Eviction. Defendants and their entire families may be evicted from rental housing, especially affordable or subsidized housing.

Driving. Defendants may have their driving privileges suspended.

Immigration. Defendants may be unable to adjust their immigration status and may face deportation.

EMPLOYMENT

Consequences of a misdemeanor conviction or withhold:

General. Defendants may be required to report their status on applications and may be unable to obtain private or public employment.

Military. Defendants may be unable to join the military.

Government. Defendants may be unable to work for the state, a county, or a municipality, if convicted of a first-degree misdemeanor directly related to the job.

Public safety. Defendants may be unable to work for law enforcement or corrections, or for a seaport or an airport if the job is critical to security or public safety.

Children, elderly. Defendants may be unable to work in school systems or other agencies that work with children or the elderly.

Licenses. Defendants may lose or be unable to obtain professional licenses, even when unrelated to their charges.

Associations. Defendants may be barred from memberships necessary for employment, such as the Florida Bar, real estate associations, and medical boards.

Business. Defendants may be unable to obtain business loans from the Small Business Administration.

EDUCATION

Consequences of a misdemeanor conviction or withhold:

Admission. Defendants may be denied or delayed admittance into private or public universities or colleges.

Financial aid. Defendants may not qualify for financial aid for a period of time if a conviction is for possession of a controlled substance while receiving financial aid.

Housing. Defendants may be denied or removed from student housing.

Discipline. Defendants may be expelled, suspended, or subjected to academic discipline.

CIVIL RIGHTS

As a consequence of domestic violence misdemeanor convictions, defendants lose the right to bear arms.

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JUVENILES. MAJOR COLLATERAL CONSEQUENCES FROM JUVENILE CONVICTIONS AND WITHHOLDS

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TERMS

Respondent: The juvenile defendant charged with a crime.

Petition: The charging document, called the information in a felony case.

Department of Juvenile Justice (DJJ): The corrections department in juvenile court.

Plea to the petition (PtP): Pleading guilty to the crimes as charged.

GENERAL

Withhold-of-adjudication. May serve as a delinquency adjudication for federal purposes, under specific Florida statutes, and in other states.

Sentencing. A withhold may be counted in calculating federal and Florida sentencing guidelines.

Immigration. A withhold is treated as a conviction for immigration purposes.

Records. Juvenile records do not disappear when a juvenile turns 18 and are *not* confidential.

LIVING

Consequences of a delinquency adjudication or withhold:

Subsidized housing. Respondents may not qualify to live with someone in affordable or subsidized housing.

Private housing. Respondents may be unable to obtain rental housing from private landlords.

Eviction. Respondents and their entire families may be evicted from rental housing, especially affordable or subsidized housing.

Driving. Respondents may have their driving privileges suspended.

Immigration. Respondents may be unable to adjust their immigration status and may face deportation.

EMPLOYMENT

Consequences of a delinquency adjudication or withhold:

General. Respondents may be required to report adjudications on applications and may be unable to obtain private or public employment.

Military. Respondents may be unable to serve in the military.

Government. Respondents may be unable to work for the state, a county, or a municipality.

Public safety. Respondents may be unable to work for law enforcement or corrections, or for a seaport or an airport if the job is critical to security or public safety.

Children, elderly. Respondents may be unable to work in school systems or other agencies that work with children or the elderly.

Licenses. Respondents may lose or be unable to obtain professional licenses, even when unrelated to their charges.

Associations. Respondents may be barred from memberships necessary for employment, such as the Florida Bar, real estate associations, and medical boards.

Business. Respondents may be unable to obtain business loans from the Small Business Administration.

EDUCATION

Consequences of a delinquency adjudication or withhold:

Admission. Respondents may be denied or delayed admittance into private or public universities or colleges.

Financial aid. Respondents may not qualify for financial aid.

Scholarships. Respondents may lose existing scholarships.

Housing. Respondents may be denied or removed from student housing.

Discipline. Respondents may be suspended, expelled, or subjected to academic discipline.

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