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GRAHAM
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850-488-5394

CONTACT: AMY

Governor Scott and Florida Cabinet Discuss Amended Rules of Executive Clemency

Tallahassee, Fla. – Governor Rick Scott today convened a special meeting of the Florida Board of Executive Clemency to discuss and vote on amending the rules of clemency for ex-offenders.

Governor Scott's Remarks Prepared for Delivery March 9, 2011

We have Amended Rules of Executive Clemency for our consideration.

The proposed changes are intended to emphasize public safety and ensure that all applicants desire clemency, deserve clemency, and demonstrate they are unlikely to reoffend.

For Pardons, Firearm Authority, and Commutations:

Waiver of the 10-year waiting period for pardon applications and the 8-year waiting period for firearm authority applications will no longer be allowed.

In other words, felons will not be permitted to apply for a pardon or firearm rights until they have demonstrated their commitment to abide by the law for the time-period set forth in the rules.

Applicants for Commutation of Sentence will now submit a "Request for Review" instead of a "Request for Waiver," and must complete at least one-third of their sentence or, if serving a minimum mandatory sentence, one-half of their sentence, before being eligible to apply.

For Restoration of Civil Rights:

Felons seeking restoration of rights will also be required to demonstrate that they desire and deserve clemency by applying only after they have shown they are willing to abide by the law.

First, anyone seeking restoration of civil rights must submit an application.

Second, The Clemency Board will review each application individually before deciding whether to grant restoration of civil rights.

Restoration of civil rights will not be granted “automatically” for any offenses.

Third, there will be waiting periods before felons are eligible to apply.

There will be two categories of applicants: “With a Hearing” and “Without a Hearing.”

- Applicants whose crimes are serious enough to require them to attend a hearing will be eligible to apply after having no new felony convictions for a period of seven years after completion of their sentences.
- Applicants whose crimes do not require them to attend a hearing will be eligible to apply after they have been crime- and arrest-free for a period of five years after completion of their sentences.

If the Board denies restoration of civil rights “Without a Hearing,” applicants may choose to pursue their rights “With a Hearing.”

Additionally, a number of crimes will be added to the existing list of disqualifying offenses that make an applicant ineligible to receive restoration of civil rights “Without a Hearing.” For example, additional sexual crimes – including lewdness and indecent exposure – as well as all drug trafficking and all first- and second-degree drug offenses will disqualify an applicant from restoration of civil rights “Without a Hearing.”

Other examples include possession of a firearm by a felon, RICO, and public corruption crimes. It stands to reason that individuals who have committed serious violence or sexual offenses; abused the privilege of holding public office; endangered society with poisonous drugs; or carried a firearm after they have been convicted should be required to attend a hearing and explain why their rights should be restored.

The Restoration of Civil Rights can be a significant part of the rehabilitation of criminal offenders and can assist them in reentry into society. 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.