



Clemency Information Sheet

Effective March 10, 2021

This document is designed to provide helpful information on how to apply for clemency and specific information on the details of each type of clemency. The complete Rules of Executive Clemency describing the entire process are located at https://www.fcor.state.fl.us/docs/clemency/clemency_rules.pdf. The clemency application is located at <https://www.fcor.state.fl.us/docs/clemency/Clemency%20Application.pdf>.

RIGHT TO VOTE:

The Voting Restoration Amendment restores voting rights to felony offenders, except those convicted of murder or a felony sexual offense, upon completion of all terms of sentence, including parole or probation. A clemency application is **not** required for the **restoration of voting rights** pursuant to the voting restoration amendment. Check with your local Supervisor of Elections and/or the Florida Division of Elections Voter Assistance for information on the steps to register to vote.

<https://dos.fl.gov/elections/for-voters/voter-registration/felon-voting-rights/>

Directions for How to Apply for Clemency:

1. You are required to **provide certified court documents for EACH conviction** with the application for clemency. See the "Required Court Document" section below for details.
2. Fill in each section of the clemency application in its entirety.
3. Sign and date the application.
4. Mail the application and court documents to this office at the address listed at the end of this sheet.
5. Keep copies of any paperwork as documents received by this office will not be returned.

You do not need an attorney for the clemency process; however, if you have chosen to be represented by an attorney, include the attorney's name and contact information on the clemency application.

Required Court Documents:

(1) a certified copy of the **charging instrument (indictment, information, or warrant with supporting affidavit)** for **EACH** felony conviction, felony charge for adjudication of guilt withheld, or misdemeanor conviction if seeking a pardon for a misdemeanor.

(2) a certified copy of the **judgment and sentence**, which may include an order of community control or order of probation, for **EACH** felony conviction, felony charge for adjudication of guilt withheld, or misdemeanor conviction if seeking a pardon for a misdemeanor.

Certified court documents must be obtained from the clerk of court in the county where your criminal case was processed. If you have multiple convictions in different counties, you will need to contact each separate clerk of court to obtain the required court documents. Florida Statute 940.04 states that certified court documents required for clemency are to be provided by the applicable clerk of court **free of charge and without delay**. For out-of-state or federal convictions, contact the court where your criminal case was handled.

Optional Supporting Documents:

Each application for clemency may include character references, letters of support, a statement, and any other documents that are relevant to the application for clemency. Documents not relevant to the application for clemency will not be retained or returned to you. Do not submit pictures.

Types of Clemency:

If adjudication was **Withheld** in your case(s), you did not lose your civil rights, which includes the right to vote, serve on a jury and hold public office. If adjudication was Withheld, you **cannot** apply for Restoration of Civil Rights. Please review your court documents to locate if adjudication was Withheld. This designation is usually located on the first page of the judgment and sentence document. If a violation of probation or community control was filed in your case(s), a review of the subsequent court order (modification or revocation order) should be made.

Full Pardon—including for Pardon for adjudication withheld & Pardon for misdemeanor

A Full Pardon unconditionally releases a person from punishment and forgives guilt for any Florida convictions. It restores to an applicant all the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms. Applicants are eligible to apply **10 years** after completion of all terms of sentence.

This type of clemency requires that the applicant must have completed all terms of sentences imposed and all conditions of supervision have expired or been completed for a period of no less than 10 years from the felony conviction, adjudication of guilt withheld, or misdemeanor conviction.

The applicant may **not**:

1. Have any outstanding detainers or pending criminal charges.
2. Owe any outstanding court ordered financial obligations for the cases for which they are requesting clemency.
3. Owe restitution for any case in the entire criminal record.
4. Owe more than \$1,000 in any misdemeanor, criminal traffic, or felony adjudication withheld case(s) in the entire criminal record.

Individuals convicted in a federal, military, or out-of-state court are not eligible to apply.

Pardon Without Firearm Authority—including for Pardon for adjudication withheld & Pardon for misdemeanor

A Pardon Without Firearm Authority releases a person from punishment and forgives guilt for any Florida convictions. It entitles an applicant to all the rights of citizenship enjoyed by the person before his or her conviction, except the specific authority to own, possess, or use firearms. Applicants are eligible to apply 10 years after completion of all terms of sentence.

This type of clemency requires that the applicant must have completed all terms of sentences imposed and all conditions of supervision have expired or been completed for a period of no less than 10 years from the felony conviction, adjudication of guilt withheld, or misdemeanor conviction.

The applicant may **not**:

1. Have any outstanding detainers or pending criminal charges.

2. Owe any outstanding court ordered financial obligations for the cases for which they are requesting clemency.
3. Owe restitution for any case in the entire criminal record.
4. Owe more than \$1,000 in any misdemeanor, criminal traffic, or felony adjudication withheld case(s) in the entire criminal record.

Individuals convicted in a federal, military, or out-of-state court are not eligible to apply.

Specific Authority to Own, Possess, or Use Firearms (Firearm Authority)

The Specific Authority to Own, Possess, or Use Firearms (Firearm Authority) restores to an applicant the right to own, possess, or use firearms, which were lost as a result of a felony conviction. Due to federal firearms laws, the Clemency Board will not consider requests for firearm authority from individuals convicted in federal or out-of-state courts. In order to comply with federal law, a Presidential Pardon or a Relief of Disability from the Bureau of Alcohol, Tobacco and Firearms must be issued in cases involving federal court convictions. A Pardon or Restoration of Civil Rights with no restrictions on firearms must be issued by the state where the conviction occurred. Applicants are eligible to apply 8 years after completion of all terms of sentence.

This type of clemency requires that the applicant must have completed all terms of sentences imposed and all conditions of supervision have expired or been completed, for a period of no less than 8 years from the felony conviction, adjudication of guilt withheld, or misdemeanor conviction.

The person may **not**:

1. Have any outstanding detainers or pending criminal charges.
2. Owe any outstanding court ordered financial obligations for the cases for which they are requesting clemency.
3. Owe restitution for any case in the entire criminal record.
4. Owe more than \$1,000 in any misdemeanor, criminal traffic, or felony adjudication withheld case(s) in the entire criminal record.

Individuals convicted in a federal, military, or out-of-state court are not eligible to apply.

Restoration of Civil Rights for Florida/Federal/Military/Out-of-State conviction(s)

The Restoration of Civil Rights restores to an applicant all the rights of citizenship in the state of Florida enjoyed before the felony conviction—including the right to vote if not already restored by the voting restoration amendment, the right to serve on a jury, and the right to hold public office—except the specific authority to own, possess, or use firearms. Such restoration shall not relieve an applicant from the registration and notification requirements, or any other obligations and restrictions imposed by law upon sexual predators or sexual offenders. Applicants are eligible to apply after completion of all terms of sentence other than any legal financial obligations.

The applicant may **not**:

1. Have any outstanding detainers or pending criminal charges.

For applicants with out-of-state, Federal or Military convictions, you must be a resident of the state of Florida to apply.

Remission of Fines or Forfeitures

A Remission of Fines or Forfeitures suspends, reduces, or removes fines or forfeitures. Remission of Fines or Forfeitures does not apply to restitution, court costs, and/or fees. The Sentencing Order will specifically indicate if the court imposed a fine or forfeiture. Applicants are eligible to apply after completion of all terms of sentence other than any legal financial obligations.

Steps in the clemency process once an application is accepted by this office:

Applications are generally processed in the order received. Applications that meet the requirements of the Rules of Executive Clemency may be referred to the Florida Commission on Offender Review for an investigation, report, and/or recommendation.

Restoration of Civil Rights applications are processed through two categories noted below:

1. Restoration of Civil Rights Without a Hearing (Rule 9).

- a. To qualify for without a hearing the following requirements must be met:
 - All durational terms of sentences imposed have expired or been completed.
 - All court ordered financial obligations must be paid in full for the convictions/cases for which you are requesting clemency.
 - There are no outstanding detainers or pending criminal charges.
 - All restitution in the entire criminal record must be paid in full.
 - Never been convicted of one of the following crimes:
 1. Murder as defined in § 98.0751(2)(c), Fla. Stat. (2020);
 2. A felony sexual offense as defined in § 98.0751(2)(b), Fla. Stat. (2020);
 3. Any offense committed in another jurisdiction or under Federal law that would constitute one of the foregoing offenses if committed within the criminal jurisdiction of Florida; and the person must be a citizen of the United States; and if convicted in a court other than a Florida court, the person must be a legal resident of Florida.
- b. Once an application has been determined eligible and accepted for the **without a hearing** process:
 - The application will be placed in pending status; applications are generally processed in the order received.
 - Information will be gathered on each application and subsequently submitted to the Clemency Board on a list of applicants to be granted without a hearing.
 - Upon being granted by the Clemency Board, a certificate will be issued. This certificate will be mailed to the address on file with this office.

2. Restoration of Civil Rights With a Hearing (Rule 10)

- a. Applicants who are not eligible for the *without a hearing* process, including indigent felons and applicants removed from the *without a hearing* process by the Governor, may continue to be processed **with a hearing**.
- b. To qualify for the **with a hearing** process, the following requirements must be met:
 - All durational terms of sentences imposed have expired or been completed.
 - There are no pending outstanding detainers or pending criminal charges.
- c. This process continues with the Investigation Process as detailed below.

If Restoration of Civil Rights have previously been granted and a subsequent felony conviction occurs, there is a seven (7) year waiting period before you can reapply. As detailed in Rule 5(E), an individual who has previously had his or her civil rights restored and is subsequently convicted of another felony offense shall be

ineligible for restoration of civil rights for a period of no less than seven (7) years after completing all non-financial terms of sentence.

Investigation Process for Pardons, Specific Authority to Own, Possess, or Use Firearms, Restoration of Civil Rights With A Hearing and Remission of Fines and Forfeitures:

These types of applications require an investigation be conducted, including a personal interview with a Commission Investigator.

Upon an application being identified to begin the investigation process, the applicant will be contacted and scheduled to meet with a Commission Investigator with the Florida Commission on Offender Review (FCOR) who is assigned to conduct the investigation.

FCOR 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 the applicant's request for clemency. The information FCOR requests is necessary to provide the basic facts needed by the Clemency Board.

Applications Will Be Processed in Two Categories:

Favorable Recommendations to Grant Clemency:

After a full investigation is completed by FCOR, upon the Commission recommending that an application be granted, the applicant may be placed on an agenda for an in-person hearing before the Clemency Board.

Applicants will be notified once placed on an agenda and be permitted to present to the Clemency Board during a clemency meeting at the Capitol. If an applicant is granted clemency by the Clemency Board, an executive order granting clemency will be prepared. After the executive order is signed by the Clemency Board and fully executed, a copy will be mailed to the applicant to the address on file.

Unfavorable Recommendations to Deny Clemency:

Upon the Commission recommending that an application be denied, the application will be submitted to the Clemency Board on a list of applicants to be denied without a hearing. If no member of the Clemency Board objects to the denial of an applicant's application without a hearing, the application will be summarily denied, and the applicant will be notified of the denial via a written letter to the address on file.

Additional Information:

All information submitted to the Office of Executive Clemency becomes the property of this office and **may 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 clemency, except applying for Restoration of Civil Rights, must wait for at least **2 years** from the date that such action became final to reapply. A Request for Review of a Commutation of Sentence requires a **5-year** waiting period before reapplying.

Executive Clemency files are maintained for the Governor and Cabinet and are routinely made available to them, members of their staff, and other officials concerned with these proceedings. Pursuant to Florida Statute 14.28 and Rule 16 of the Rules of Executive Clemency, all records generated and received in the executive clemency process are confidential and exempt from public records disclosure and may not be released absent the express permission of the Governor.

