

THE CIVIL RIGHTS RESTORATION PROCESS

INTRODUCTION

- If you have been convicted of a felony, you have lost your civil rights, which includes the right to vote, serve on a jury, hold public office, and obtain some occupational licenses. Before you can exercise these rights, your civil rights must be restored first.
- This means that you have not lost your civil rights and do not need to apply for civil rights restoration if you've never been convicted of a felony. For example, you don't need to apply if:
 - You only have *misdemeanor* convictions
 - You received a *withhold of adjudication* on all your felony charges
 - All your felony charges were *dropped* or you were *acquitted*

MAKE SURE YOU ARE ELIGIBLE

If you've determined that you need to get your civil rights restored, the first step is to determine your eligibility. To be eligible for civil rights restoration, you must meet all of the following requirements:

1. You have completed all forms of your sentence. This includes any form of supervision, such as imprisonment, parole, probation, community control, control release, and conditional release.
2. You do not have any outstanding detainers or pending criminal charges.
3. You have paid all restitution owed.

If you meet all 3 of these requirements, move on to the next section to determine what level you are in. If you do not meet one of these requirements, you are not eligible for civil rights restoration at this time. You can revisit the process once you've satisfied all 3 requirements. If you can't afford to pay your restitution, contact the Florida Justice Institute, and we may be able to assist you.

DETERMINE WHAT LEVEL YOU ARE IN

If you are eligible to apply for civil rights restoration, the next step is to determine what level you fall into.

Level I – Automatic Restoration

Eligibility: You qualify for Level I if:

1. You have never been convicted of any crime listed in List A, (attached), **and**
2. You have not been declared to be a Habitual Violent Felony Offender, Three-time Violent Offender, Violent Career Criminal, Prison Releasee Reoffender, or Sexual Predator.

Procedure: If you qualify for Level I, your civil rights will be **automatically restored**, and you **do not** have to submit an application. (If you do not qualify for Level I, proceed to Level II).

Contact Information. Once the Office of Executive Clemency (OEC) determines that you are eligible for automatic restoration, it will issue an order restoring your civil rights and send the order to your last known address. For this reason, although it is not required that you send anything in, it is recommended that you send in a Data Worksheet to update your contact information.

Checking Your Status. If more than 6 months have gone by since you completed all forms of your supervision, and you believe you are eligible for automatic restoration, you should check on the status of your application (see “CHECKING THE STATUS OF YOUR APPLICATION,” below).

Level II – Restoration Without a Hearing

Eligibility: You can qualify for Level II in 2 separate ways. **Either:**

A. *Specific Crimes:*

1. You have never been convicted of any crime listed in List B, (attached), and
2. You have not been declared to be a Sexual Predator.

OR

B. *15 Year Eligibility:* You have not been arrested or committed any crime within 15 years after completing all forms of your supervision.

Procedure: If you qualify for Level II, the Clemency Board will review your file and decide whether to restore your civil rights without a hearing. You **do not** have to submit an application for this initial step. (If you do not qualify for Level II, proceed to Level III).

Contact Information. If the Clemency Board decides to restore your civil rights without a hearing, they will issue an order and send it to your last known address. Again, although it is not required that you send anything in, it is recommended that you send in a Data Worksheet to update your contact information.

Checking Your Status. If more than 6 months have gone by since you completed all forms of your supervision, and you believe you qualify for restoration without a hearing, you should check on the status of your application (see “CHECKING THE STATUS OF YOUR APPLICATION,” below).

If Your Rights Are Not Restored. If the Clemency Board decides not to restore your civil rights without a hearing, they will notify you in writing. If this happens, you must apply for restoration by following the instructions in the “APPLICATION AND HEARING PROCESS” section below.

Level III – Investigation and Hearing

Eligibility: If you do not qualify for Levels I or II, then you are in Level III.

Procedure: For Level III applicants, you must submit an application to the OEC. Follow the instructions in the “APPLICATION AND HEARING PROCESS” section below.

THE APPLICATION AND HEARING PROCESS

If you are in Level III, or if you are in Level II but the Clemency Board decided not to restore your civil rights without a hearing, you must submit an application packet and have a hearing.

Submitting an Application Packet

The Application Form: The actual form can be submitted in 2 ways:

1. *Online.* You can apply online by going to <https://fpc.state.fl.us/Clemency.htm>, then clicking “Restore my Civil Rights,” then clicking “Request Restoration of Civil Rights Online.”
2. *By Mail.* Or, you can submit a paper application by mail. It is recommended that you send a paper application because it allows you to submit supporting documents. You can get a paper application by going to <https://fpc.state.fl.us/Clemency.htm>, then clicking “Download a form for a pardon, firearms, commutation of sentence, or restoration of civil rights,” then clicking “Restoration of Civil Rights Data Worksheet (Form 1501A).” Or, you can get a paper application by contacting the OEC and asking them to mail you one.

Supporting Documents: Even though you are only required to submit the application form, it is strongly recommended that you submit supporting documentation, such as:

1. A personal letter explaining your remorse for your actions and your desire to become a full member of society.
2. Letters from employers, family members, church leaders, or representatives of social organizations you belong to.
3. Copies of certificates of achievement, such as an employment certification.
4. Letters from the victim or victim’s family, if applicable.

Once you fill out your application and gather all your supporting documents, send the complete package to:

Coordinator, Office of Executive Clemency
4070 Esplande Way
Tallahassee, Florida 32399-2450

The Hearing Process

After your application is received, an investigation will be conducted, and eventually the OEC will notify you of your hearing date, which will be in Tallahassee. Be patient—this process can take several years). You are strongly encouraged to attend the hearing. You may address the Clemency Board on your behalf if you want.

Contact Information. After the hearing, the Clemency Board will decide whether to restore your civil rights, and mail you a copy of their decision. Again, make sure the OEC has your correct contact information.

Checking Your Status. If more than 6 months have gone by and you haven't heard anything, you should check the status of your application (see below).

CHECKING THE STATUS OF YOUR APPLICATION

You can check on the status of your civil rights restoration application in several ways:

1. **Online.** Visit <https://fpc.state.fl.us/Clemency.htm>, click on "Restore my Civil Rights," then click on "Search Online and Print Certificate." You can then enter your information and see if your civil rights have been restored. If they have not, then you should contact the OEC using a method below to find out more information.
2. **Call.** The number is 1-800-435-8286.
3. **Fax.** The number is 850-488-0695. Fax a signed letter describing the steps you have taken so far and ask for an update on the status of your application. Be sure to include all relevant information, including your name, date of birth, DC number, and an address and phone number where you can be contacted with a response.
4. **Mail.** Send a letter to the address where you submitted the application. See the faxing instructions for what to include.

FOR MORE INFORMATION OR ASSISTANCE

If you would like more information or assistance, contact the Florida Justice Institute at:

100 SE 2nd Street, Suite 3750
Miami, FL 33131
(305) 358-2081

List A

Murder, attempted murder, attempted felony murder, or manslaughter (Ch. 782)
DUI manslaughter (316.193(3))
Sexual battery or attempted sexual battery (794.011)
Lewd or lascivious battery, attempted lewd or lascivious battery (Ch. 800)
Lewd or lascivious molestation, conduct, or exhibition (Ch. 800)
Lewd or lascivious offense upon or in the presence of an elderly or disabled person, or attempted (825.1025)
Sexual performance by a child or attempted sexual performance by a child (827.071)
Aggravated child abuse (827.03)
Failure to register as a sexual predator (Ch. 775) or sexual offender (943.0435)
Computer pornography, transmission of computer pornography (Ch 847)
Buying or selling of minors (Ch. 847)
Kidnapping, attempted kidnapping, false imprisonment, or luring/enticing a child (Ch. 847)
Aggravated battery or attempted aggravated battery (784.045)
Armed robbery or attempted armed robbery (Ch. 812)
Carjacking or attempted carjacking (Ch. 812)
Home invasion or attempted home invasion (Ch. 812)
Poisoning of food or water (859.01)
Abuse of a dead human body (872.06)
First degree burglary or attempted first degree burglary (810.02)
Arson or attempted arson (806.01)
Aggravated assault (784.021)
Aggravated stalking (784.048)
Aggravated battery/assault on a law enforcement or other specified officer (784.07)

First degree trafficking in illegal substances (893.135)
Aircraft piracy (860.16)
Unlawful throwing, placing, or discharging of destructive device or bomb (790.161)
Facilitating or further terrorism (775.31)
Treason (876.32)
Any offense committed in another state that would be an offense listed here if committed in Florida

List B

Murder, attempted murder, attempted felony murder, or manslaughter (Ch. 782)
DUI manslaughter (316.193(3))
Sexual battery or attempted sexual battery (794.011)
Lewd or lascivious battery, attempted lewd or lascivious battery (Ch. 800)
Lewd or lascivious molestation, conduct, or exhibition (Ch. 800)
Lewd or lascivious offense upon or in the presence of an elderly or disabled person, or attempted (825.1025)
Sexual performance by a child or attempted sexual performance by a child (827.071)
Aggravated child abuse (827.03)
Failure to register as a sexual predator (Ch. 775) or sexual offender (943.0435)
Facilitating or further terrorism (775.31)
Treason (876.32)
Any offense committed in another state that would be an offense listed here if committed in Florida

Note: The statute numbers that define the crimes are listed in parenthesis.