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Florida felons will have civil rights back sooner after vote

By DAVID ROYSE

Associated Press Writer

TALLAHASSEE, Fla. (AP) -- Florida moved Thursday to allow felons to more easily get their civil rights back after they serve their sentences, moving a step away from what some called an unfair remnant of a darker past.

Republican Gov. Charlie Crist pushed the change, saying the rights to vote, hold office and serve on a jury were fundamental to being part of a democratic society.

With 3-1 vote by Crist and the other members of the state's clemency board, state officials will automatically begin the restoration process for felons once they complete their sentences.

Until Thursday, many had to go before the clemency board for a hearing, which only happens a few times a year and has a large backlog of people waiting to be heard.

The change, which takes effect immediately, doesn't include the right to have a gun, which still isn't restored automatically for people with felony convictions. It does, however, make it easier for ex-felons to get occupational licenses, which are denied to people who haven't had their civil rights restored.

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The lone opponent on the board was Attorney General Bill McCollum, also a Republican, who said that many felons aren't reformed and don't deserve the right to immediately return as full members of society, but should have to earn the right back by staying crime free for a certain time.

Few have accused Crist of being too lenient on criminals. When he served in the state Senate he was known as "Chain Gang Charlie" and one of his high priority initiatives this year aims to put violent probation violators back in prison in most cases.

McCollum didn't directly accuse Crist of being soft on crime, but said the new rule was.

"We're putting a lot of felons back into the voting booth, back into the jury room, and back into your home, and I just think that's a very terrible thing to do," McCollum said.

Crist rejected that, saying that once people have served the sentence a judge or jury imposed, they should be considered as having fulfilled their obligation.

"When somebody has paid their debt to society, it is paid in full," said Crist. "There's a time to move on, a time to give them an opportunity to have redemption, to have a chance to become productive citizens again."

Bowing to concerns from other board members about going too easy on dangerous criminals, the Crist plan was a compromise. The 20 percent of felons finishing their sentence who have committed any one of a number of serious crimes will still need the clemency board to sign off on their case to get their rights back.

Those who have committed the worst crimes, such as murder or attempted murder, will still have to get on a waiting list to go before the clemency board for a hearing.

But Crist said the process for restoring civil rights was a vestige of a time that was better left in the past - and that he didn't want Florida to be among a minority of states still clinging to it.

"Like Florida, many Southern states struggled through the Jim Crow era, resisting calls to change laws, continuing to deny the restoration of civil rights," Crist said. "Since then, most states have realized the historical underpinning for not repealing these unjust, unfair laws.

"It is time for Florida to make the same realization and leave the ranks of this offensive minority," Crist said. "Justice delayed, is justice denied. And people are waiting."

In the black community, Florida's refusal to erase the prohibition, has been seen by many as an unfair effort to limit the number of blacks from taking their place as full participants in the state's civil affairs.

"We have had a bad history," said lawyer Reggie Mitchell, with the civil rights group People for the American Way. Slowly, Southern states are moving to erase the holdovers of that history, he said, and Thursday's move was another step in that direction.

"It says we are going to stop being this hurtful, oppressive kind of state that takes away people's rights forever," Mitchell said.

Civil rights activist, the Rev. Jesse Jackson, who frequently criticized Crist's predecessor, Gov. Jeb Bush, praised the new rule, but said it shouldn't even require the wait time for the certificate to be mailed.

"I think that this is a major step in the right direction," Jackson said. "But the operative term is more quickly. And really, full voting rights acts should be automatically restored unless someone is guilty of the most heinous of crimes."

State Rep. Joyce Cusack, who is black, called it a "historic time."

"A new day is upon us where we encourage our ex-offenders to be active participants in our democracy by voting and seizing opportunities of employment for a new life," said Cusack, D-DeLand.

Joining Crist in voting to make the change were Democratic state Chief Financial Officer Alex Sink and Republican Agriculture Commissioner Charles Bronson. Bronson did persuade the panel to preclude people who get their rights back but then commit a second violent crime from getting a second automatic restoration for at least 10 years after they're released.

Some advocacy groups said the new rule doesn't go far enough because it stops short of full automatic restoration of civil rights. Ex-offenders must still wait for the clemency board to send them a notice that their rights are restored.



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That will be an easy thing for those leaving prison from now on, but the state may not be able to track down all the already released felons who are eligible.

There isn't even agreement as to how many of those are out there - although it's definitely more than a half million people.

State Corrections Secretary Jim McDonough said the agency would do what it could to find those people and tell them they can now easily have their rights restored quickly.

Most advocates praised the change, however.

"It's good news that certainly more people will have their civil rights restored much faster and with less expense," said Reggie Garcia, a lawyer who represents felons in clemency cases.

The issue of voting rights drew attention after the disputed 2000 presidential election, when many non-convicts were purged from voter rolls because the state's felons database was plagued with errors.

Crist said during his campaign for governor last year that he was struck as he asked people to vote for him how many of them replied that they weren't allowed to. Since, he's said several times that the process for getting rights back remains too cumbersome.

Florida was one of three U.S. states along with Kentucky and Virginia that require ex-felons to take action to restore their civil rights no matter how long they've been out of prison. Other states have waiting periods before restoration, most restore rights automatically when felons complete their sentence.

Associated Press Writer Sarah Larimer in Miami contributed to this report.

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