

MEMORANDUM

Agenda Item No. 11(A)(22)

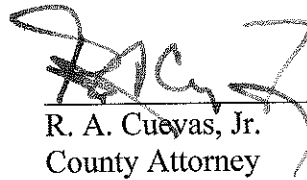
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Governor
and Cabinet to reinstate the
automatic restoration of voting
rights for citizens convicted of
non-violent felonies who have
completed their sentences

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 5, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A) (22)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(22)
6-5-12

RESOLUTION NO. _____

RESOLUTION URGING THE GOVERNOR AND CABINET TO
REINSTATE THE AUTOMATIC RESTORATION OF VOTING
RIGHTS FOR CITIZENS CONVICTED OF NON-VIOLENT
FELONIES WHO HAVE COMPLETED THEIR SENTENCES

WHEREAS, the Florida Constitution currently prohibits a person who is convicted of a felony from voting until the person's civil rights are restored, Article VI, Section 4, Florida Constitution; and

WHEREAS, a person who is convicted of a felony in Florida loses civil rights permanently unless and until he or she successfully completes a lengthy clemency application process and is granted restoration of civil rights by the Governor, Cabinet and the Board of Executive Clemency; and

WHEREAS, Florida is one of only a few states in the U.S. that bans citizens with felony convictions from being able to vote even after such citizens have completed their sentences and paid their debt to society, unless civil rights are restored; and

WHEREAS, the Florida ban dates back over a century to the Jim Crow era; and

WHEREAS, it is estimated that more than 628,000 Floridians with felony convictions who have completed their sentences cannot vote; and

WHEREAS, prior to 2007, a citizen with a felony conviction could not vote unless he or she went through a lengthy clemency process to have his or her civil rights restored; and

WHEREAS, in 2007, then-Governor Charlie Crist and the Cabinet changed the process to allow for automatic restoration of voting rights to certain nonviolent felons once they had completed their sentences; and

WHEREAS, last year, Governor Rick Scott and the current Cabinet reversed the prior policy and imposed a policy providing that a person convicted of a nonviolent felony has to wait five years after completing his or her sentence and a person convicted of a violent felony has to wait seven years before beginning the lengthy clemency application process; and

WHEREAS, state budget cuts have also significantly increased the delay of clemency applications getting reviewed, such that it can take years for an application to be reviewed even after the five- or seven-year waiting period has ended; and

WHEREAS, restoring civil rights to certain felons may help to reduce repeat offenders; and

WHEREAS, a report by the Florida Parole Commission shows that a released felon whose civil rights are restored is less likely to commit a new crime than other released felons; and

WHEREAS, the Governor and Cabinet should revisit their decision last year to repeal the 2007 automatic restoration of civil rights and impose additional waiting periods,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Governor and Cabinet to reinstate the 2007 criteria for automatic restoration of voting rights for citizens convicted of non-violent felonies who have completed their sentences.

Section 2. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, and Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. This Board directs the County's state lobbyists to advocate for the passage of the legislation and action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------|-------------------------------------|
| | Joe A. Martinez, Chairman |
| | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

