

MEMORANDUM

Agenda Item No. 11(A)(22)

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

**DATE:** June 5, 2012

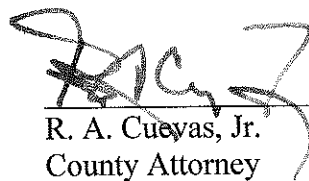
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**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

Resolution No. R-493-12

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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. R-493-12

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 **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

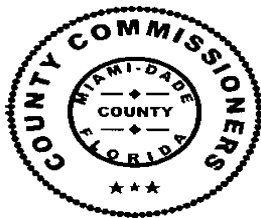
	Joe A. Martinez, Chairman	<b>absent</b>
	Audrey M. Edmonson, Vice Chairwoman	<b>aye</b>
Bruno A. Barreiro	<b>absent</b>	Lynda Bell <b>aye</b>
Esteban L. Bovo, Jr.	<b>aye</b>	Jose "Pepe" Diaz <b>absent</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>absent</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss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

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> 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: **Christopher Agrippa**  
Deputy Clerk



Approved by County Attorney as  
to form and legal sufficiency.

Jess M. McCarty