



# FLORIDA COMMISSION ON OFFENDER REVIEW

SERVING THE CITIZENS OF FLORIDA SINCE 1941

## FREQUENTLY ASKED QUESTIONS – CLEMENCY

### 1. What is clemency?

Clemency is the constitutionally authorized process that provides the means through which convicted felons may be considered for relief from punishment and seek restoration of their civil rights. The clemency function is an act of mercy that absolves an individual from all, or any part, of the punishment that the law imposes. This is a power to grant full or conditional pardons, or commute punishment. If an individual was adjudicated delinquent of an offense as a juvenile and not adjudicated guilty in adult court, that person is not eligible for any form of clemency.

### 2. What are the different types of clemency?

- **Full Pardon** – A Full Pardon unconditionally releases a person from punishment and forgives guilt for any Florida convictions. It restores to an applicant all of the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms.
- **Pardon Without Firearm Authority** – A Pardon Without Firearm Authority releases a person from punishment and forgives guilt. It entitles an applicant to all of the rights of citizenship enjoyed by the person before his or her conviction, except the specific authority to own, possess, or use firearms.
- **Pardon for Misdemeanor** – A Pardon for Misdemeanor conviction releases a person from punishment and forgives guilt.
- **Commutation of Sentence** – A Commutation of Sentence may adjust an applicant's penalty to one less severe but does not restore any civil rights, and it does not restore the authority to own, possess, or use firearms.
- **Remission of Fines and Forfeitures** – A Remission of Fines or Forfeitures suspends, reduces, or removes fines or forfeitures.
- **Specific Authority to Own, Possess, or Use Firearms** – The Specific Authority to Own, Possess, or Use Firearms 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 the federal laws, 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.
- **Restoration of Civil Rights (RCR) in Florida** - The Restoration of Civil Rights restores to an applicant all of the rights of citizenship in the State of Florida enjoyed before the felony conviction, 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.
- **Restoration of Alien Status under Florida Law** - The Restoration of Alien Status Under Florida Law restores to an applicant who is not a citizen of the United States such rights enjoyed by him or her, under the authority of the State of Florida, which were lost as a result of a conviction of any crime that is a felony or would be a felony under Florida law, except the specific authority to own, possess, or use firearms. However, restoration of these rights shall not affect the immigration status of the applicant (i.e., a certificate evidencing Restoration of Alien Status Under Florida Law shall not be a ground for relief from removal proceedings initiated by the United States Immigration and Naturalization Service).



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## FREQUENTLY ASKED QUESTIONS – CLEMENCY (cont'd)

### 3. Who determines clemency?

The Governor and members of the Cabinet sit as the Board of Executive Clemency and establish the Rules of Executive Clemency [https://www.fcor.state.fl.us/docs/clemency/clemency\\_rules.pdf](https://www.fcor.state.fl.us/docs/clemency/clemency_rules.pdf) by mutual consent. The powers to grant clemency are vested in the Governor with the agreement of two cabinet members who are also statewide elected officials. The Governor also has the sole power to deny clemency.

### 4. What is the difference between RCR cases *With a Hearing* and *Without a Hearing*?

*With a Hearing* investigations are those where offenders are eligible for consideration after seven (7) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions. *Without a Hearing* cases are those where offenders are eligible for consideration only after five (5) years have passed since the date of completion of all sentences and conditions of supervision imposed for all felony convictions, if no crimes have been committed and if the applicant has not been arrested for a misdemeanor or felony for the five (5) years prior to the date the application is being reviewed.

### 5. What role does the Florida Commission on Offender Review (FCOR) have in the clemency process?

The Commission operates as the administrative and investigative arm of the Clemency Board and reports directly to the Governor and Cabinet. The Coordinator is appointed by the Board, is the official custodian of records, provides verification of eligibility and Board actions, and prepares agenda, orders & certificates. The Office of Clemency Investigations conducts comprehensive, confidential investigations for the Board on clemency applicants.

### 6. Who qualifies for clemency?

An offender must have completed their sentence including the terms of supervision, must not have any pending criminal charges or outstanding detainers/warrants, have paid all victim restitution, and must meet the timeframes established by the Board of Executive Clemency.

### 7. How does an individual apply for clemency?

Individuals seeking any form of clemency must submit an application and required court documents to the Office of Executive Clemency. Applications and additional Information is available at [www.fcor.state.fl.us](http://www.fcor.state.fl.us).

### 8. How can an offender determine if they have been granted clemency?

Individuals may visit <https://fpcweb.fpc.state.fl.us/> to determine whether their rights have been granted. If granted, a copy of the certificate may be printed.

For additional information regarding clemency visit [www.fcor.state.fl.us/clemencyOverview.shtml](http://www.fcor.state.fl.us/clemencyOverview.shtml).