

# CONSTITUTIONAL AMENDMENT FULL TEXT

**Ballot Title:** Applications for Executive Clemency

**Ballot Summary:** Requires all clemency applications to be given individualized consideration and be voted on during the term in which they are filed and for governor to make annual public address concerning the total number of applications for executive clemency filed, the total number of each type of clemency requested, and the total number of applications granted and denied for each type of clemency, during the previous year.

**Article and Section Being Created or Amended:** Amends Article IV, Section 8

**Full Text of the Proposed Amendment:** SECTION 8. Clemency.-

(a)(1) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(2) Applications for pardon, restoration of civil rights, and commutation of sentence shall be considered by the governor and at least two members of the cabinet during the term in which an application is filed.

(3) Applications for commutation of sentence. Each application for commutation of sentence shall be given individualized consideration. The reason for granting or denying a request for commutation of sentence shall be made with consideration of the applicant's rehabilitation, the applicant's need for continued incarceration, and the public safety. The reason for granting or denying a request for commutation of sentence shall be in writing and copies thereof shall be provided to the applicant, the Florida Department of Corrections to be placed in the applicant's institutional file, and the Office of Executive Clemency to be kept on file for a minimum of ten years.

(4) A time limitation may be set for the filing of applications for executive clemency during each term of the cabinet to expedite the disposition of clemency applications. All pending applications for executive clemency shall be considered, as provided herein, within two years from the date this amendment takes effect.

(5) The governor shall annually make a public address concerning the total number of applications for executive clemency filed, the total number of each type of clemency requested, and the total number of applications granted and denied for each type of clemency, during the previous year.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

(d) This amendment shall take effect one year from the date it is voted into law.

## Initiative Information

**Date Approved** 9/15/2022

**Serial Number** 22-09

**Sponsor Name:** Floridians for Redeemable People

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