

FLORIDA

Collateral Punishments for Marijuana Offenses

COLLATERAL PUNISHMENTS THAT HINDER FAMILY LIFE

Eligibility to Adopt a Child, or to Become a Foster Parent

Any marijuana conviction (felony or misdemeanor) results in a five-year ban on adoption or foster parent eligibility, and after the five-year ban special review by an adoption review committee is required. Fla. Stat. §§ 65c-16.007(4), 435.045(1).

Eligibility for Public Housing

According to the Legal Action Center, a drug-related conviction results in a three-year bar. The Miami-Dade housing authority does not consider arrests in determining an applicant's eligibility. LEGAL ACTION CENTER, AFTER PRISON: ROADBLOCKS TO REENTRY at <http://www.lac.org/lac/index.php>.

Eligibility for Food Stamps and other Public Assistance

Florida has modified the federal ban so as not to apply to marijuana offenses unless the offense involved twenty-five pounds or more of marijuana or 300 or more cannabis plants. Fla. Stat. §§ 414.095, 893.135 (2005).)

COLLATERAL PUNISHMENTS THAT HINDER PROFESSIONAL SUCCESS

Employment and Professional Licensing

A felony conviction for selling marijuana results in ineligibility for public employment and for any license, permit, or certificate required by any government-issued license while serving the sentence or while on probation or parole. One exception is to enroll in a drug treatment program. Fla. Stat. § 775.16 (2005). See Notes for relevant 2006 Executive Order and 2007 change to Rules of Executive Clemency.

Eligibility for Educational Loans

Florida follows federal guidelines and denies state financial aid to students with a drug conviction. Students convicted of a felony marijuana offense are ineligible for the Florida Bright Futures Scholarship Program. CHRIS MULLIGAN ET AL., FALLING THROUGH THE CRACKS: LOSS OF STATE-BASED FINANCIAL AID ELIGIBILITY FOR STUDENTS AFFECTED BY THE FEDERAL HIGHER EDUCATION ACT DRUG PROVISION (Coalition for Higher Educ. Reform 2006), at <http://www.raiseyourvoice.com/statereport/fallingthrough.pdf> (last modified February 7, 2006).

Driver's License

A conviction (felony or misdemeanor) for marijuana possession or sales results in *minimum* 6-month revocation of the person's driving privilege. The revocation can be for up to 2 years, but may be lifted after 6 months if the person is evaluated for and, if deemed necessary by the evaluating agency, completes an approved drug treatment and rehabilitation program. Fla. Stat. Ann. § 322.055, see also § 322.056 [for defendant's under 18 years of age].

COLLATERAL PUNISHMENTS THAT HINDER CIVIC PARTICIPATION

Right to Vote

A felony marijuana conviction results in a loss of voting rights until completion of probation or parole, at which time it is automatically restored if certain criteria are met. See "Notes" below; See also, Rule 6, Florida Governor's Rules of Executive Clemency, *Sullivan v. Askew* (1977) 348 So.2d 312, 321, Fla. Stat. §§ 940.05, 98.093 (2005).

Right to Sit on a Jury

A felony marijuana conviction results in a loss of right to sit on a jury until completing of probation or parole, at which time it is automatically restored. See "Notes" below; See also, Rule 6, Florida Governor's Rules of Executive Clemency, *Sullivan v. Askew* (1977) 348 So.2d 312, 321, Fla. Stat. §§ 940.05, 98.093 (2005).

Right to Possess a Firearm

A felony marijuana conviction results in a lifetime bar on possession of a firearm. Fla. Stat. § 790.23 (2005).

NOTES

- **In April 2006, former Governor, Jeb Bush, issued an Executive Order** intended to "facilitate the re-entry of ex-offenders into our communities and reduce the incidence of recidivism," and encouraging all state agencies and licensing boards to narrowly tailor denials of employment and licenses to only those criminal convictions necessary to protect public safety. The order also encourages private employers "to review their own employment policies and provide employment opportunities to individuals with criminal records." (Fl. Executive Order 06-89, April 26, 2006).
- **On April 4, 2007, Florida's Board of Executive Clemency** changed its Rules of Executive Clemency to restore civil rights to certain non-violent felons, including those convicted of marijuana-related felonies. (See Governor Crist's Press Release, "Governor Crist announces Clemency Board's Vote to Restore Civil Rights" (April 5, 2007) Online at: <http://www.flgov.com/release/8776>.)

Under the new rule, voting rights, jury service rights, the right to apply for occupational licenses, and the right to hold public office, are all restored to a felony marijuana offender if the following criteria are satisfied:

- The complete sentence must be completed, including parole or probation;
- The person must not be facing any new criminal charges;
- The person must have paid any victim restitution ordered by the court;