

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, IN SUPPORT OF THE PASSAGE OF AMENDMENT TO ARTICLE VI, SECTION 4, FLORIDA CONSTITUTION – VOTING RIGHTS RESTORATION FOR FELONS INITIATIVE (2018); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an estimated 1.6 million ex-felons in the state are eligible to seek the restoration of their voting rights, leading to a significant backlog in cases awaiting to have their voting rights restored; and

WHEREAS, Article VI, Section 4 of the Florida Constitution establishes and describes the disqualification of certain individuals from voting, where such automatic disenfranchisement from voting arises from a felony conviction. FLA. CONST. A. VI § 4(A); FLA. STAT. ANN. § 97.041(2)(b); and

WHEREAS, under the current vote-restoration scheme, of the nearly 155,000 individuals who completed felony sentences from 2012 through October 5, 2017, only 2,807 individuals have regained their civil right to vote; and

WHEREAS, under the current vote-restoration scheme, the State of Florida strips the right to vote from every man and woman who commits a felony, and to vote again, these citizens must file a petition and appear before the Florida Clemency Board, which presently has unfettered discretion in restoring voting rights; and

WHEREAS, Florida is one of only four states where convicted felons do not regain the right to vote until and unless a state officer or board restores an individual's voting rights; and

WHEREAS, on February 1, 2018, a federal Florida Northern District opinion, *Hand, et al. v. Rick Scott, et al.*, Case No.: 4:17cv128-MW/CAS was filed, in which the Court found that “Florida’s [current] vote-restoration scheme violates two First Amendment rights, free association and free expression.” Hand at 9; and

WHEREAS, in the *Hand* decision, the Court further found that “Florida’s vote restoration scheme crumbles under strict scrutiny because it risks – if not covertly authorizes the practice of – arbitrary and discriminatory vote-restoration.” Hand at 21; and

WHEREAS, on April 25, 2018, the Federal 11th Circuit Court of Appeals overturned the *Hand* decision and blocked the lower court's order to immediately replace the existing process for restoring civil rights to felons; and

WHEREAS, if Amendment Four, entitled the ***Voting Rights Restoration for Felons Initiative***, is approved by 60% of the electorate in the November 2018 election, approximately 1.5 million individuals would likely be eligible to have their civil right to vote restored in the State of Florida; and

WHEREAS, passage of Amendment Four will automatically restore the right to vote for people with prior felony convictions, except those convicted of murder or a felony sexual offense, upon completion of their sentences, including prison, parole and probation; and

WHEREAS, there is a direct positive correlation between civil rights restoration and felon eligibility to apply for various state occupational licenses, which will reduce unemployment or poverty levels and increase civic participation in all Florida municipalities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA:

Section 1. That the City of Riviera Beach fully supports the passage of Florida Constitutional Amendment Four, called the Voting Rights Restoration for Felons Initiative (2018), which amends Article VI, Section 4 of the Florida Constitution.

Section 2. That this resolution shall become effective upon adoption and remain in effect until repealed and hereby repeals all conflicting resolutions.

Section 3. That a copy of this resolution be provided to Governor Rick Scott, Florida House Speaker-designate Jose Oliva; Florida Senate President-designate Bill Galvano; and the Officers of the Florida League of Cities, Inc.

PASSED AND ADOPTED by the City of Riviera Beach, Florida, on this _____ day of October, 2018.

APPROVED:

THOMAS A. MASTERS
MAYOR

TONYA DAVIS JOHNSON
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

LYNNE L. HUBBARD
CHAIR PRO TEM

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

JULIA A. BOTEL
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

J. BOTEL _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT, CITY ATTORNEY

DATE: _____