

FOR CONSIDERATION By the Committee on Criminal Justice

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1 A bill to be entitled
2 An act relating to voting rights restoration; amending
3 ss. 97.052, 97.053, and 98.045, F.S.; revising
4 terminology regarding voting rights restoration to
5 conform to the State Constitution; amending s. 98.075,
6 F.S.; revising terminology regarding voting rights
7 restoration to conform to the State Constitution;
8 requiring the supervisor of elections of the county in
9 which an ineligible voter is registered to notify the
10 voter of instructions for seeking restoration of
11 voting rights pursuant to s. 4, Art. VI of the State
12 Constitution, in addition to restoration of civil
13 rights pursuant to s. 8, Art. IV of the State
14 Constitution; creating s. 98.0751, F.S.; requiring the
15 voting disqualification of certain felons to be
16 removed and voting rights restored pursuant to s. 4,
17 Art. VI, of the State Constitution; providing that the
18 voting disqualification arising from specified felony
19 offenses is not removed unless a person's civil rights
20 are restored through the clemency process pursuant to
21 s. 8, Art. IV of the State Constitution; providing
22 definitions; authorizing the department to adopt rules
23 for certain purposes; amending s. 940.061, F.S.;
24 requiring the Department of Corrections to inform
25 inmates and offenders of voting rights restoration
26 pursuant to s. 4, Art. VI of the State Constitution,
27 in addition to executive clemency and civil rights
28 restoration; amending s. 944.292, F.S.; conforming a
29 provision regarding the suspension of civil rights;

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30 amending s. 944.705, F.S.; requiring the Department of
31 Corrections to include notification of all outstanding
32 terms of sentence in an inmate's release documents;
33 providing an exception to the notification requirement
34 for inmates who are released to any type of
35 supervision monitored by the department; creating s.
36 948.041, F.S.; requiring the department, upon the
37 termination of an offender's term of probation or
38 community control, to provide written notification to
39 the offender of all outstanding terms of sentence;
40 amending s. 951.29, F.S.; requiring each county
41 detention facility to provide information on the
42 restoration of voting rights pursuant to s. 4, Art. VI
43 of the State Constitution to certain prisoners;
44 requiring each county detention facility to provide
45 written notification to certain prisoners of all
46 outstanding terms of sentence upon release; providing
47 an effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Subsection (2) of section 97.052, Florida
52 Statutes, is amended to read:

53 97.052 Uniform statewide voter registration application.—

54 (2) The uniform statewide voter registration application
55 must be designed to elicit the following information from the
56 applicant:

57 (a) Last, first, and middle name, including any suffix.

58 (b) Date of birth.

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- 59 (c) Address of legal residence.
- 60 (d) Mailing address, if different.
- 61 (e) E-mail address and whether the applicant wishes to
62 receive sample ballots by e-mail.
- 63 (f) County of legal residence.
- 64 (g) Race or ethnicity that best describes the applicant:
- 65 1. American Indian or Alaskan Native.
- 66 2. Asian or Pacific Islander.
- 67 3. Black, not Hispanic.
- 68 4. White, not Hispanic.
- 69 5. Hispanic.
- 70 (h) State or country of birth.
- 71 (i) Sex.
- 72 (j) Party affiliation.
- 73 (k) Whether the applicant needs assistance in voting.
- 74 (l) Name and address where last registered.
- 75 (m) Last four digits of the applicant's social security
76 number.
- 77 (n) Florida driver license number or the identification
78 number from a Florida identification card issued under s.
79 322.051.
- 80 (o) An indication, if applicable, that the applicant has
81 not been issued a Florida driver license, a Florida
82 identification card, or a social security number.
- 83 (p) Telephone number (optional).
- 84 (q) Signature of applicant under penalty for false swearing
85 pursuant to s. 104.011, by which the person subscribes to the
86 oath required by s. 3, Art. VI of the State Constitution and s.
87 97.051, and swears or affirms that the information contained in

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88 the registration application is true.

89 (r) Whether the application is being used for initial
90 registration, to update a voter registration record, or to
91 request a replacement voter information card.

92 (s) Whether the applicant is a citizen of the United States
93 by asking the question "Are you a citizen of the United States
94 of America?" and providing boxes for the applicant to check to
95 indicate whether the applicant is or is not a citizen of the
96 United States.

97 (t) Whether the applicant has been convicted of a felony,
98 and, if convicted, has had his or her voting ~~civil~~ rights
99 restored by including the statement "I affirm I am not a
100 convicted felon, or, if I am, my rights relating to voting have
101 been restored." and providing a box for the applicant to check
102 to affirm the statement.

103 (u) Whether the applicant has been adjudicated mentally
104 incapacitated with respect to voting or, if so adjudicated, has
105 had his or her right to vote restored by including the statement
106 "I affirm I have not been adjudicated mentally incapacitated
107 with respect to voting, or, if I have, my competency has been
108 restored." and providing a box for the applicant to check to
109 affirm the statement.

110
111 The registration application must be in plain language and
112 designed so that convicted felons whose voting ~~civil~~ rights have
113 been restored and persons who have been adjudicated mentally
114 incapacitated and have had their voting rights restored are not
115 required to reveal their prior conviction or adjudication.

116 Section 2. Paragraph (a) of subsection (5) of section

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117 97.053, Florida Statutes, is amended to read:

118 97.053 Acceptance of voter registration applications.—

119 (5) (a) A voter registration application is complete if it
120 contains the following information necessary to establish the
121 applicant's eligibility pursuant to s. 97.041, including:

122 1. The applicant's name.

123 2. The applicant's address of legal residence, including a
124 distinguishing apartment, suite, lot, room, or dormitory room
125 number or other identifier, if appropriate. Failure to include a
126 distinguishing apartment, suite, lot, room, or dormitory room or
127 other identifier on a voter registration application does not
128 impact a voter's eligibility to register to vote or cast a
129 ballot, and such an omission may not serve as the basis for a
130 challenge to a voter's eligibility or reason to not count a
131 ballot.

132 3. The applicant's date of birth.

133 4. A mark in the checkbox affirming that the applicant is a
134 citizen of the United States.

135 5.a. The applicant's current and valid Florida driver
136 license number or the identification number from a Florida
137 identification card issued under s. 322.051, or

138 b. If the applicant has not been issued a current and valid
139 Florida driver license or a Florida identification card, the
140 last four digits of the applicant's social security number.

141
142 In case an applicant has not been issued a current and valid
143 Florida driver license, Florida identification card, or social
144 security number, the applicant shall affirm this fact in the
145 manner prescribed in the uniform statewide voter registration

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146 application.

147 6. A mark in the checkbox affirming that the applicant has
148 not been convicted of a felony or that, if convicted, has had
149 his or her voting ~~civil~~ rights restored.

150 7. A mark in the checkbox affirming that the applicant has
151 not been adjudicated mentally incapacitated with respect to
152 voting or that, if so adjudicated, has had his or her right to
153 vote restored.

154 8. The original signature or a digital signature
155 transmitted by the Department of Highway Safety and Motor
156 Vehicles of the applicant swearing or affirming under the
157 penalty for false swearing pursuant to s. 104.011 that the
158 information contained in the registration application is true
159 and subscribing to the oath required by s. 3, Art. VI of the
160 State Constitution and s. 97.051.

161 Section 3. Paragraph (c) of subsection (1) of section
162 98.045, Florida Statutes, is amended to read:

163 98.045 Administration of voter registration.—

164 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
165 that any eligible applicant for voter registration is registered
166 to vote and that each application for voter registration is
167 processed in accordance with law. The supervisor shall determine
168 whether a voter registration applicant is ineligible based on
169 any of the following:

170 (c) The applicant has been convicted of a felony for which
171 his or her voting ~~civil~~ rights have not been restored.

172 Section 4. Subsections (5) and (6) and paragraph (a) of
173 subsection (7) of section 98.075, Florida Statutes, are amended
174 to read:

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175 98.075 Registration records maintenance activities;
176 ineligibility determinations.—

177 (5) FELONY CONVICTION.—The department shall identify those
178 registered voters who have been convicted of a felony and whose
179 voting rights have not been restored by comparing information
180 received from, but not limited to, a clerk of the circuit court,
181 the Board of Executive Clemency, the Department of Corrections,
182 the Department of Law Enforcement, or a United States Attorney's
183 Office, as provided in s. 98.093. The department shall review
184 such information and make an initial determination as to whether
185 the information is credible and reliable. If the department
186 determines that the information is credible and reliable, the
187 department shall notify the supervisor and provide a copy of the
188 supporting documentation indicating the potential ineligibility
189 of the voter to be registered. Upon receipt of the notice that
190 the department has made a determination of initial credibility
191 and reliability, the supervisor shall adhere to the procedures
192 set forth in subsection (7) prior to the removal of a registered
193 voter's name from the statewide voter registration system.

194 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
195 supervisor receives information from sources other than those
196 identified in subsections (2)-(5) that a registered voter is
197 ineligible because he or she is deceased, adjudicated a
198 convicted felon without having had his or her voting ~~civil~~
199 rights restored, adjudicated mentally incapacitated without
200 having had his or her voting rights restored, does not meet the
201 age requirement pursuant to s. 97.041, is not a United States
202 citizen, is a fictitious person, or has listed a residence that
203 is not his or her legal residence, the supervisor must adhere to

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204 the procedures set forth in subsection (7) prior to the removal
205 of a registered voter's name from the statewide voter
206 registration system.

207 (7) PROCEDURES FOR REMOVAL.—

208 (a) If the supervisor receives notice or information
209 pursuant to subsections (4)-(6), the supervisor of the county in
210 which the voter is registered shall:

211 1. Notify the registered voter of his or her potential
212 ineligibility by mail within 7 days after receipt of notice or
213 information. The notice shall include:

214 a. A statement of the basis for the registered voter's
215 potential ineligibility and a copy of any documentation upon
216 which the potential ineligibility is based.

217 b. A statement that failure to respond within 30 days after
218 receipt of the notice may result in a determination of
219 ineligibility and in removal of the registered voter's name from
220 the statewide voter registration system.

221 c. A return form that requires the registered voter to
222 admit or deny the accuracy of the information underlying the
223 potential ineligibility for purposes of a final determination by
224 the supervisor.

225 d. A statement that, if the voter is denying the accuracy
226 of the information underlying the potential ineligibility, the
227 voter has a right to request a hearing for the purpose of
228 determining eligibility.

229 e. Instructions for the registered voter to contact the
230 supervisor of elections of the county in which the voter is
231 registered if assistance is needed in resolving the matter.

232 f. Instructions for seeking restoration of civil rights

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233 pursuant to s. 8, Art. IV of the State Constitution and
234 information explaining voting rights restoration pursuant to s.
235 4., Art. VI of the State Constitution following a felony
236 conviction, if applicable.

237 2. If the mailed notice is returned as undeliverable, the
238 supervisor shall publish notice once in a newspaper of general
239 circulation in the county in which the voter was last
240 registered. The notice shall contain the following:

241 a. The voter's name and address.

242 b. A statement that the voter is potentially ineligible to
243 be registered to vote.

244 c. A statement that failure to respond within 30 days after
245 the notice is published may result in a determination of
246 ineligibility by the supervisor and removal of the registered
247 voter's name from the statewide voter registration system.

248 d. An instruction for the voter to contact the supervisor
249 no later than 30 days after the date of the published notice to
250 receive information regarding the basis for the potential
251 ineligibility and the procedure to resolve the matter.

252 e. An instruction to the voter that, if further assistance
253 is needed, the voter should contact the supervisor of elections
254 of the county in which the voter is registered.

255 3. If a registered voter fails to respond to a notice
256 pursuant to subparagraph 1. or subparagraph 2., the supervisor
257 shall make a final determination of the voter's eligibility. If
258 the supervisor determines that the voter is ineligible, the
259 supervisor shall remove the name of the registered voter from
260 the statewide voter registration system. The supervisor shall
261 notify the registered voter of the supervisor's determination

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262 and action.

263 4. If a registered voter responds to the notice pursuant to
264 subparagraph 1. or subparagraph 2. and admits the accuracy of
265 the information underlying the potential ineligibility, the
266 supervisor shall make a final determination of ineligibility and
267 shall remove the voter's name from the statewide voter
268 registration system. The supervisor shall notify the registered
269 voter of the supervisor's determination and action.

270 5. If a registered voter responds to the notice issued
271 pursuant to subparagraph 1. or subparagraph 2. and denies the
272 accuracy of the information underlying the potential
273 ineligibility but does not request a hearing, the supervisor
274 shall review the evidence and make a final determination of
275 eligibility. If such registered voter requests a hearing, the
276 supervisor shall send notice to the registered voter to attend a
277 hearing at a time and place specified in the notice. Upon
278 hearing all evidence presented at the hearing, the supervisor
279 shall make a determination of eligibility. If the supervisor
280 determines that the registered voter is ineligible, the
281 supervisor shall remove the voter's name from the statewide
282 voter registration system and notify the registered voter of the
283 supervisor's determination and action.

284 Section 5. Section 98.0751, Florida Statutes, is created to
285 read:

286 98.0751 Restoration of voting rights; removal of
287 ineligibility subsequent to a felony conviction.-

288 (1) A person who has been disqualified from voting based on
289 a felony conviction for an offense other than murder or a felony
290 sexual offense must have such disqualification removed and his

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291 or her voting rights restored pursuant to s. 4, Art. VI of the
292 State Constitution upon the completion of all terms of his or
293 her sentence, including parole or probation. The voting
294 disqualification that arises from a felony conviction of murder
295 or a felony sexual offense as specified under subsection (2)
296 does not terminate unless a person's civil rights are restored
297 pursuant to s. 8, Art. IV of the State Constitution.

298 (2) For purposes of this section, the term:

299 (a) "Completion of all terms of sentence" means:

300 1. Release from any term of imprisonment ordered by the
301 court as a condition of the sentence;

302 2. Termination from any term of probation or community
303 control ordered by the court as a condition of the sentence;

304 3. Fulfillment of any term ordered by the court as a
305 condition of the sentence;

306 4. Termination from any term of parole supervision which is
307 monitored by the Florida Commission on Offender Review;

308 5. Payment of all restitution ordered by the court as a
309 condition of the sentence, regardless of whether such
310 restitution is converted to a civil lien;

311 6. Payment of all fees ordered by the court as part of the
312 sentence or that are ordered as a condition of probation,
313 community control, or parole, regardless of whether such fees
314 are converted to a civil lien; and

315 7. Payment of all fines ordered by the court as part of the
316 sentence or that are ordered as a part of probation, community
317 control, or parole, regardless of whether such fines are
318 converted to a civil lien.

319 (b) "Felony sexual offense" includes any of the following

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320 felonies:

321 1. An offense that serves as a predicate to registration as
322 a sexual offender in accordance with s. 943.0435;

323 2. Section 775.0877(3);

324 3. Section 800.09(2);

325 4. Section 800.101;

326 5. Section 810.145(6)(b) or (7);

327 6. Section 847.012;

328 7. Section 872.06(2);

329 8. Section 944.35(3)(b)2.;

330 9. Section 951.221(1); or

331 10. Any similar offense committed in another jurisdiction
332 which would be an offense listed in this paragraph if it had
333 been committed in this state.

334 (c) "Murder" means either of the following:

335 1. A violation of any of the following sections which
336 results in the actual killing of, or an attempt to kill, a human
337 being:

338 a. Section 782.04.

339 b. Section 782.07.

340 c. Section 782.09.

341 d. Section 782.11.

342 2. Any similar offense committed in another jurisdiction
343 which would be an offense listed in subparagraph 1. if it had
344 been committed in this state.

345 (3) The department may adopt rules to implement this
346 section for the purpose of determining those registered voters
347 convicted of a felony whose voting rights have not been restored
348 pursuant to s. 4, Art. VI of the State Constitution.

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349 Section 6. Section 940.061, Florida Statutes, is amended to
350 read:

351 940.061 Informing persons about executive clemency, ~~and~~
352 restoration of civil rights, and restoration of voting rights.—
353 The Department of Corrections shall inform and educate inmates
354 and offenders on community supervision about the restoration of
355 civil rights and the restoration of voting rights resulting from
356 the removal of the disqualification to vote pursuant to s. 4,
357 Art. VI of the State Constitution. Each month, the Department of
358 Corrections shall send to the Florida Commission on Offender
359 Review by electronic means a list of the names of inmates who
360 have been released from incarceration and offenders who have
361 been terminated from supervision who may be eligible for
362 restoration of civil rights.

363 Section 7. Subsection (1) of section 944.292, Florida
364 Statutes, is amended to read:

365 944.292 Suspension of civil rights.—

366 (1) Upon conviction of a felony as defined in s. 10, Art. X
367 of the State Constitution, the civil rights of the person
368 convicted shall be suspended in Florida until such rights are
369 restored by a full pardon, conditional pardon, or restoration of
370 civil rights granted pursuant to s. 8, Art. IV of the State
371 Constitution. Notwithstanding the suspension of civil rights,
372 such a convicted person may obtain restoration of his or her
373 voting rights pursuant to s. 4, Art. VI of the State
374 Constitution and s. 98.0751.

375 Section 8. Subsection (6) of section 944.705, Florida
376 Statutes, is amended to read:

377 944.705 Release orientation program.—

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378 (6) (a) The department shall notify every inmate, ~~in no less~~
379 ~~than 18-point type~~ in the inmate's release documents:7

380 1. Of all outstanding terms of the inmate's sentence at the
381 time of release to assist the inmate in determining his or her
382 status with regard to the completion of all terms of his or her
383 sentence, as that term is defined in s. 98.0751. This
384 subparagraph does not apply to inmates who are being released
385 from the custody of the department to any type of supervision
386 monitored by the department; and

387 2. In not less than 18-point type, that the inmate may be
388 sentenced pursuant to s. 775.082(9) if the inmate commits any
389 felony offense described in s. 775.082(9) within 3 years after
390 the inmate's release. This notice must be prefaced by the word
391 "WARNING" in boldfaced type.

392 (b) ~~Nothing in~~ This section does not preclude ~~precludes~~ the
393 sentencing of a person pursuant to s. 775.082(9), and ~~nor shall~~
394 evidence that the department failed to provide this notice does
395 not prohibit a person from being sentenced pursuant to s.
396 775.082(9). The state is ~~shall~~ not ~~be~~ required to demonstrate
397 that a person received any notice from the department in order
398 for the court to impose a sentence pursuant to s. 775.082(9).

399 Section 9. Section 948.041, Florida Statutes, is created to
400 read:

401 948.041 Notification of outstanding terms of sentence upon
402 termination of probation or community control.-Upon the
403 termination of an offender's term of probation or community
404 control, the department must notify the offender in writing of
405 all outstanding terms at the time of termination to assist the
406 offender in determining his or her status with regard to the

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407 completion of all terms of his or her sentence, as that term is
408 defined in s. 98.0751.

409 Section 10. Subsection (1) of section 951.29, Florida
410 Statutes, is amended to read:

411 951.29 Procedure for requesting restoration of civil rights
412 of county prisoners convicted of felonies.—

413 (1) With respect to a person who has been convicted of a
414 felony and is serving a sentence in a county detention facility,
415 the administrator of the county detention facility shall provide
416 the following to the prisoner, at least 2 weeks before
417 discharge, if possible:—

418 (a) An application form obtained from the Florida
419 Commission on Offender Review which the prisoner must complete
420 in order to begin the process of having his or her civil rights
421 restored;—

422 (b) Information explaining voting rights restoration
423 pursuant to s. 4, Art. VI of the State Constitution; and

424 (c) Written notification of all outstanding terms of the
425 prisoner's sentence at the time of release to assist the
426 prisoner in determining his or her status with regard to the
427 completion of all terms of his or her sentence, as that term is
428 defined in s. 98.0751.

429 Section 11. This act shall take effect upon becoming law.