

1 reinforces their ties to the community and thus helps to
2 prevent recidivism.

3 (c) Under current law, the state permanently denies
4 the right to vote to all persons convicted of felonies unless
5 they receive discretionary executive clemency.

6 (d) The restoration of voting rights through the
7 clemency process is cumbersome and costly and produces long
8 delays. The clemency process imposes administrative burdens on
9 the state and economic burdens on state taxpayers, and it
10 should be reserved for extraordinary cases. Streamlining the
11 restoration process for the majority of former offenders will
12 advance administrative efficiency, fiscal responsibility,
13 fairness, and democracy.

14 (2) PURPOSE.--The purposes of this act are to
15 strengthen democratic institutions by increasing participation
16 in the voting process, to help felons who have completed their
17 sentences to become productive members of society, and to
18 streamline procedures for restoring the right to vote.

19 Section 3. Section 944.294, Florida Statutes, is
20 created to read:

21 944.294 Restoration of voting rights.--

22 (1) A person who has been convicted of a felony, other
23 than those set forth in subsection (3), shall be restored the
24 right to vote upon completion of his or her sentence.

25 (2) For purposes of this section, "completion of
26 sentence" occurs when a person is released from incarceration
27 upon expiration of his or her sentence and has completed all
28 other terms and conditions of the sentence or subsequent
29 supervision or, if the person has not been incarcerated for
30 the felony offense, has completed all terms and conditions of
31 supervision imposed on him or her.

1 (3)(a) Persons convicted of crimes defined by the
2 following statutes shall be ineligible for restoration of
3 voting rights under this section:

4 1. Section 782.04, relating to murder.

5 2. Section 782.07(3), relating to aggravated
6 manslaughter of a child.

7 3. Section 794.011, relating to sexual battery.

8 4. Section 796.03, relating to procuring a person
9 under 18 for prostitution.

10 5. Section 796.035, relating to selling or buying
11 minors into sex trafficking or prostitution.

12 6. Section 826.04, relating to incest.

13 7. Section 827.071, relating to sexual performance by
14 a child.

15 8. Section 847.0145, relating to selling or buying
16 minors.

17 (b) Persons convicted of treason or whose impeachment
18 has resulted in conviction, as referred to in s. 8, Art. IV of
19 the State Constitution, shall also be ineligible for
20 restoration of voting rights under this section.

21 (4) Nothing in this section shall be construed to
22 impair the ability of any person convicted of a felony to
23 apply for executive clemency under s. 8, Art. IV of the State
24 Constitution.

25 (5) A court shall, before accepting a plea of guilty
26 or nolo contendere to a felony without trial or, if a trial is
27 held, before imposing sentence for a felony, notify the
28 defendant as follows:

29 (a) If the felony is described in subsection (3), that
30 conviction will result in permanent loss of the right to vote
31

1 unless he or she receives executive clemency under s. 8, Art.
2 IV of the State Constitution.

3 (b) If the felony is not described in subsection (3),
4 that conviction will result in loss of the right to vote until
5 the defendant completes his or her sentence and that voting
6 rights will be restored thereafter.

7 (6) The Secretary of State shall ensure that persons
8 who become eligible to vote upon completion of sentence face
9 no continued barriers to registration or voting resulting from
10 their felony convictions.

11 (7) The Secretary of State shall develop and implement
12 a program to educate attorneys; judges; election officials;
13 corrections officials, including parole and probation
14 officers; and members of the public about the requirements of
15 this section, ensuring that:

16 (a) Judges are informed of their obligation to notify
17 criminal defendants of the potential loss and restoration of
18 their voting rights as required by subsection (5).

19 (b) The Department of Corrections, including offices
20 of probation and parole, is prepared to assist people with
21 registering to vote in anticipation of their completion of
22 sentence, including forwarding their completed voter
23 registration forms to the appropriate voter registration
24 official.

25 (c) Accurate and complete information about the voting
26 rights of people who have been charged with or convicted of
27 crimes, whether disenfranchising or not, is made available
28 through a single publication to government officials and the
29 public.

30 Section 4. Paragraph (s) of subsection (2) of section
31 97.052, Florida Statutes, is amended to read:

1 97.052 Uniform statewide voter registration
2 application.--

3 (2) The uniform statewide voter registration
4 application must be designed to elicit the following
5 information from the applicant:

6 (s) Whether the applicant has been convicted of a
7 felony, and, if convicted, has had his or her voting ~~civil~~
8 rights restored by including the statement "I affirm I am not
9 a convicted felon, or, if I am, my voting rights ~~relating to~~
10 ~~voting~~ have been restored." and providing a box for the
11 applicant to check to affirm the statement.

12
13 The registration application must be in plain language and
14 designed so that convicted felons whose civil rights have been
15 restored and persons who have been adjudicated mentally
16 incapacitated and have had their voting rights restored are
17 not required to reveal their prior conviction or adjudication.

18 Section 5. Paragraph (a) of subsection (5) of section
19 97.053, Florida Statutes, is amended to read:

20 97.053 Acceptance of voter registration
21 applications.--

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

- 25 1. The applicant's name.
26 2. The applicant's legal residence address.
27 3. The applicant's date of birth.
28 4. A mark in the checkbox affirming that the applicant
29 is a citizen of the United States.

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1 5.a. The applicant's current and valid Florida
2 driver's license number or the identification number from a
3 Florida identification card issued under s. 322.051, or

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

8
9 In case an applicant has not been issued a current and valid
10 Florida driver's license, Florida identification card, or
11 social security number, the applicant shall affirm this fact
12 in the manner prescribed in the uniform statewide voter
13 registration application.

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

17 7. A mark in the checkbox affirming that the applicant
18 has not been adjudicated mentally incapacitated with respect
19 to voting or that, if so adjudicated, has had his or her right
20 to vote restored.

21 8. The original signature or a digital signature
22 transmitted by the Department of Highway Safety and Motor
23 Vehicles of the applicant swearing or affirming under the
24 penalty for false swearing pursuant to s. 104.011 that the
25 information contained in the registration application is true
26 and subscribing to the oath required by s. 3, Art. VI of the
27 State Constitution and s. 97.051.

28 Section 6. Paragraph (c) of subsection (1) of section
29 98.045, Florida Statutes, is amended to read:

30 98.045 Administration of voter registration.--
31

1 (1) ELIGIBILITY OF APPLICANT.--The supervisor must
2 ensure that any eligible applicant for voter registration is
3 registered to vote and that each application for voter
4 registration is processed in accordance with law. The
5 supervisor shall determine whether a voter registration
6 applicant is ineligible based on any of the following:

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

9 Section 7. Paragraph (g) of subsection (2) of section
10 98.093, Florida Statutes, is redesignated as paragraph (h),
11 and a new paragraph (g) is added to that subsection to read:

12 98.093 Duty of officials to furnish lists of deceased
13 persons, persons adjudicated mentally incapacitated, and
14 persons convicted of a felony.--

15 (2) To the maximum extent feasible, state and local
16 government agencies shall facilitate provision of information
17 and access to data to the department, including, but not
18 limited to, databases that contain reliable criminal records
19 and records of deceased persons. State and local government
20 agencies that provide such data shall do so without charge if
21 the direct cost incurred by those agencies is not significant.

22 (g) The Department of Corrections shall furnish
23 monthly to the department a list of those persons who, in the
24 preceding month, have been released from incarceration upon
25 expiration of sentence and have completed all other terms and
26 conditions of the sentence or subsequent supervision, or who
27 were not incarcerated for the felony offense but have
28 completed all terms and conditions of supervision imposed upon
29 them. The Department of Corrections shall also furnish any
30 updates to prior records which have occurred in the preceding
31 month. The list shall contain the name, address, date of

1 birth, race, sex, social security number, Department of
2 Corrections record identification number, and associated
3 Department of Law Enforcement felony conviction record number
4 of each person.

5 Section 8. Section 940.061, Florida Statutes, is
6 amended to read:

7 940.061 Informing persons about executive clemency and
8 restoration of ~~civil~~ rights.--The Department of Corrections
9 shall inform and educate inmates and offenders on community
10 supervision about:

11 (1) The restoration of voting rights and assist
12 eligible inmates and offenders on community supervision with
13 the completion of a voter registration application, unless the
14 inmate or offender on community supervision declines such
15 assistance.

16 (2) The restoration of civil rights and assist
17 eligible inmates and offenders on community supervision with
18 the completion of the application for the restoration of civil
19 rights.

20 Section 9. Subsection (1) of section 944.292, Florida
21 Statutes, is amended to read:

22 944.292 Suspension of civil rights.--

23 (1) Upon conviction of a felony as defined in s. 10,
24 Art. X of the State Constitution, the civil rights of the
25 person convicted shall be suspended in Florida until such
26 rights are restored by a full pardon, conditional pardon, or
27 restoration of civil rights granted pursuant to s. 8, Art. IV
28 of the State Constitution or, as to voting rights, until
29 restoration of voting rights pursuant to s. 944.294.

30 Section 10. Section 944.293, Florida Statutes, is
31 amended to read:

1 944.293 Initiation of restoration of ~~civil~~
2 rights.--With respect to those persons convicted of a felony,
3 the following ~~procedures~~ procedure shall apply:

4 (1) Prior to the time an eligible offender is
5 discharged from supervision, an authorized agent of the
6 department shall obtain from the Department of State the
7 necessary application for registering to vote. An authorized
8 agent shall provide this application to the eligible offender
9 and inform him or her that the decision whether to register to
10 vote is voluntary and that applying to register or declining
11 to register to vote will not affect any term or condition of
12 the offender's supervision.

13 (2) The authorized agent shall inform the eligible
14 offender of the opportunity to file a complaint with the
15 Secretary of State on the belief that someone has interfered
16 with the offender's right to register or to decline to
17 register to vote, the right to privacy in deciding whether to
18 register or in applying to register to vote, or the right to
19 choose a political party or other political preference. The
20 authorized agent shall provide the address and telephone
21 number of the appropriate office in the Department of State
22 where a complaint may be filed.

23 (3) The authorized agent shall offer the eligible
24 offender assistance with the voter registration application
25 but shall make clear that the offender may fill out the
26 application in private. Unless the offender declines
27 assistance, the authorized agent shall assist the offender in
28 completing the application and shall ensure that the completed
29 application is forwarded to the appropriate voter registration
30 official before the eligible offender is discharged from
31 supervision.

1 ~~(4)~~ Prior to the time an offender is discharged from
2 supervision, an authorized agent of the department shall
3 obtain from the Governor the necessary application and other
4 forms required for the restoration of civil rights. The
5 authorized agent shall assist the offender in completing these
6 forms and shall ensure that the application and all necessary
7 material are forwarded to the Governor before the offender is
8 discharged from supervision.

9 Section 11. Paragraph (g) of subsection (2) of section
10 944.705, Florida Statutes, is redesignated as paragraph (h),
11 and a new paragraph (g) is added to that subsection to read:

12 944.705 Release orientation program.--

13 (2) The release orientation program instruction must
14 include, but is not limited to:

15 (g) Restoration of voting rights and restoration of
16 civil rights.

17 Section 12. This act shall take effect on the
18 effective date of House Joint Resolution ___ or another
19 amendment to the State Constitution which authorizes, or
20 removes impediments to, enactment of this act by the
21 Legislature and shall apply retroactively to all persons who
22 are eligible to vote under its terms, regardless of whether
23 they were convicted or discharged from sentence prior to its
24 effective date.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2230

The committee substitute differs from the original bill in that it: requires as a condition of automatic restoration of voting rights that former felons complete all the terms and conditions of their sentences, both monetary (i.e., victim's restitution) and nonmonetary; and removes findings relating to the number of disenfranchised felons in Florida and the corresponding disproportionate impact on minority communities.