

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Williams, A. offered the following:

Amendment (with title amendment)

Between lines 4130 and 4131, insert:

Section 77. Short title.—Sections 77-88 of this act may be cited as the "Restoration of Voting Rights Act."

Section 78. Findings and purpose.—

(1) FINDINGS.—The Legislature finds that:

(a) Voting is both a fundamental right and a civic duty.

Restoring the right to vote strengthens our democracy by increasing voter participation and ensuring fair representation of the diverse constituencies that make up our communities.

(b) Restoring the right to vote helps felons who have completed their sentences to reintegrate into society. Their participation in the most fundamental of democratic practices

631401

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Amendment No.

17 reinforces their ties to the community and thus helps to prevent
18 recidivism.

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

22 (d) The restoration of voting rights through the clemency
23 process is cumbersome and costly and produces long delays. The
24 clemency process imposes administrative burdens on the state and
25 economic burdens on state taxpayers, and it should be reserved
26 for extraordinary cases. Streamlining the restoration process
27 for the majority of former offenders will advance administrative
28 efficiency, fiscal responsibility, fairness, and democracy.

29 (2) PURPOSE.—The purposes of sections 77-88 of this act
30 are to strengthen democratic institutions by increasing
31 participation in the voting process, help felons who have
32 completed their sentences to become productive members of
33 society, and streamline procedures for restoring the right to
34 vote.

35 Section 79. Section 944.294, Florida Statutes, is created
36 to read:

37 944.294 Restoration of voting rights.—

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

41 (2) For purposes of this section, "completion of sentence"
42 occurs when a person is released from incarceration upon
43 expiration of his or her sentence and has completed all other
44 terms and conditions of the sentence or subsequent supervision

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

45 or, if the person has not been incarcerated for the felony
46 offense, has completed all terms and conditions of supervision
47 imposed on him or her.

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

51 1. Section 782.04, relating to murder.

52 2. Section 782.07(3), relating to aggravated manslaughter
53 of a child.

54 3. Section 794.011, relating to sexual battery.

55 4. Section 796.03, relating to procuring a person under 18
56 for prostitution.

57 5. Section 796.035, relating to selling or buying minors
58 into sex trafficking or prostitution.

59 6. Section 826.04, relating to incest.

60 7. Section 827.071, relating to sexual performance by a
61 child.

62 8. Section 847.0145, relating to selling or buying minors.

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

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

71 (5) A court shall, before accepting a plea of guilty or
72 nolo contendere to a felony without trial or, if a trial is

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

73 held, before imposing sentence for a felony, notify the
74 defendant as follows:

75 (a) If the felony is described in subsection (3), that
76 conviction will result in permanent loss of the right to vote
77 unless he or she receives executive clemency under s. 8, Art. IV
78 of the State Constitution.

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

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

87 (7) The Secretary of State shall develop and implement a
88 program to educate attorneys; judges; election officials;
89 corrections officials, including parole and probation officers;
90 and members of the public about the requirements of this
91 section, ensuring that:

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

95 (b) The Department of Corrections, including offices of
96 probation and parole, is prepared to assist people with
97 registering to vote in anticipation of their completion of
98 sentence, including forwarding their completed voter
99 registration forms to the appropriate voter registration
100 official.

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

101 (c) Accurate and complete information about the voting
102 rights of people who have been charged with or convicted of
103 crimes, whether disenfranchising or not, is made available
104 through a single publication to government officials and the
105 public.

106 Section 80. Subsection (2) of section 97.052, Florida
107 Statutes, is amended to read:

108 97.052 Uniform statewide voter registration application.-

109 (2) The uniform statewide voter registration application
110 must be designed to elicit the following information from the
111 applicant:

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

113 (b) Date of birth.

114 (c) Address of legal residence.

115 (d) Mailing address, if different.

116 (e) County of legal residence.

117 (f) Race or ethnicity that best describes the applicant:

118 1. American Indian or Alaskan Native.

119 2. Asian or Pacific Islander.

120 3. Black, not Hispanic.

121 4. White, not Hispanic.

122 5. Hispanic.

123 (g) State or country of birth.

124 (h) Sex.

125 (i) Party affiliation.

126 (j) Whether the applicant needs assistance in voting.

127 (k) Name and address where last registered.

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

- 128 (l) Last four digits of the applicant's social security
129 number.
- 130 (m) Florida driver's license number or the identification
131 number from a Florida identification card issued under s.
132 322.051.
- 133 (n) An indication, if applicable, that the applicant has
134 not been issued a Florida driver's license, a Florida
135 identification card, or a social security number.
- 136 (o) Telephone number (optional).
- 137 (p) Signature of applicant under penalty for false
138 swearing pursuant to s. 104.011, by which the person subscribes
139 to the oath required by s. 3, Art. VI of the State Constitution
140 and s. 97.051, and swears or affirms that the information
141 contained in the registration application is true.
- 142 (q) Whether the application is being used for initial
143 registration, to update a voter registration record, or to
144 request a replacement voter information card.
- 145 (r) Whether the applicant is a citizen of the United
146 States by asking the question "Are you a citizen of the United
147 States of America?" and providing boxes for the applicant to
148 check to indicate whether the applicant is or is not a citizen
149 of the United States.
- 150 (s) Whether the applicant has been convicted of a felony,
151 and, if convicted, has had his or her voting ~~civil~~ rights
152 restored by including the statement "I affirm I am not a
153 convicted felon, or, if I am, my voting rights ~~relating to~~
154 ~~voting~~ have been restored." and providing a box for the
155 applicant to check to affirm the statement.

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

156 (t) Whether the applicant has been adjudicated mentally
157 incapacitated with respect to voting or, if so adjudicated, has
158 had his or her right to vote restored by including the statement
159 "I affirm I have not been adjudicated mentally incapacitated
160 with respect to voting, or, if I have, my competency has been
161 restored." and providing a box for the applicant to check to
162 affirm the statement.

163
164 The registration application must be in plain language and
165 designed so that convicted felons whose voting ~~civil~~ rights have
166 been restored and persons who have been adjudicated mentally
167 incapacitated and have had their voting rights restored are not
168 required to reveal their prior conviction or adjudication.

169 Section 81. Paragraph (a) of subsection (5) of section
170 97.053, Florida Statutes, is amended to read:

171 97.053 Acceptance of voter registration applications.—

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

- 175 1. The applicant's name.
- 176 2. The applicant's legal residence address.
- 177 3. The applicant's date of birth.
- 178 4. A mark in the checkbox affirming that the applicant is
179 a citizen of the United States.

180 5.a. The applicant's current and valid Florida driver's
181 license number or the identification number from a Florida
182 identification card issued under s. 322.051, or

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

183 b. If the applicant has not been issued a current and
184 valid Florida driver's license or a Florida identification card,
185 the last four digits of the applicant's social security number.
186

187 In case an applicant has not been issued a current and valid
188 Florida driver's license, Florida identification card, or social
189 security number, the applicant shall affirm this fact in the
190 manner prescribed in the uniform statewide voter registration
191 application.

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

195 7. A mark in the checkbox affirming that the applicant has
196 not been adjudicated mentally incapacitated with respect to
197 voting or that, if so adjudicated, has had his or her right to
198 vote restored.

199 8. The original signature or a digital signature
200 transmitted by the Department of Highway Safety and Motor
201 Vehicles of the applicant swearing or affirming under the
202 penalty for false swearing pursuant to s. 104.011 that the
203 information contained in the registration application is true
204 and subscribing to the oath required by s. 3, Art. VI of the
205 State Constitution and s. 97.051.

206 Section 82. Paragraph (c) of subsection (1) of section
207 98.045, Florida Statutes, is amended to read:

208 98.045 Administration of voter registration.—

209 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
210 that any eligible applicant for voter registration is registered
631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

211 to vote and that each application for voter registration is
212 processed in accordance with law. The supervisor shall determine
213 whether a voter registration applicant is ineligible based on
214 any of the following:

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

217 Section 83. Paragraph (a) of subsection (7) of section
218 98.075, Florida Statutes, is amended to read:

219 98.075 Registration records maintenance activities;
220 ineligibility determinations.—

221 (7) PROCEDURES FOR REMOVAL.—

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

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

228 a. A statement of the basis for the registered voter's
229 potential ineligibility and a copy of any documentation upon
230 which the potential ineligibility is based.

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

235 c. A return form that requires the registered voter to
236 admit or deny the accuracy of the information underlying the
237 potential ineligibility for purposes of a final determination by
238 the supervisor.

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

239 d. A statement that, if the voter is denying the accuracy
240 of the information underlying the potential ineligibility, the
241 voter has a right to request a hearing for the purpose of
242 determining eligibility.

243 e. Instructions for the registered voter to contact the
244 supervisor of elections of the county in which the voter is
245 registered if assistance is needed in resolving the matter.

246 f. Instructions for seeking restoration of voting ~~civil~~
247 rights following a felony conviction, if applicable.

248 2. If the mailed notice is returned as undeliverable, the
249 supervisor shall publish notice once in a newspaper of general
250 circulation in the county in which the voter was last
251 registered. The notice shall contain the following:

252 a. The voter's name and address.

253 b. A statement that the voter is potentially ineligible to
254 be registered to vote.

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

259 d. An instruction for the voter to contact the supervisor
260 no later than 30 days after the date of the published notice to
261 receive information regarding the basis for the potential
262 ineligibility and the procedure to resolve the matter.

263 e. An instruction to the voter that, if further assistance
264 is needed, the voter should contact the supervisor of elections
265 of the county in which the voter is registered.

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

266 3. If a registered voter fails to respond to a notice
267 pursuant to subparagraph 1. or subparagraph 2., the supervisor
268 shall make a final determination of the voter's eligibility. If
269 the supervisor determines that the voter is ineligible, the
270 supervisor shall remove the name of the registered voter from
271 the statewide voter registration system. The supervisor shall
272 notify the registered voter of the supervisor's determination
273 and action.

274 4. If a registered voter responds to the notice pursuant
275 to subparagraph 1. or subparagraph 2. and admits the accuracy of
276 the information underlying the potential ineligibility, the
277 supervisor shall make a final determination of ineligibility and
278 shall remove the voter's name from the statewide voter
279 registration system. The supervisor shall notify the registered
280 voter of the supervisor's determination and action.

281 5. If a registered voter responds to the notice issued
282 pursuant to subparagraph 1. or subparagraph 2. and denies the
283 accuracy of the information underlying the potential
284 ineligibility but does not request a hearing, the supervisor
285 shall review the evidence and make a final determination of
286 eligibility. If such registered voter requests a hearing, the
287 supervisor shall send notice to the registered voter to attend a
288 hearing at a time and place specified in the notice. Upon
289 hearing all evidence presented at the hearing, the supervisor
290 shall make a determination of eligibility. If the supervisor
291 determines that the registered voter is ineligible, the
292 supervisor shall remove the voter's name from the statewide

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

293 voter registration system and notify the registered voter of the
294 supervisor's determination and action.

295 Section 84. Paragraph (g) of subsection (2) of section
296 98.093, Florida Statutes, is redesignated as paragraph (h), and
297 a new paragraph (g) is added to that subsection to read:

298 98.093 Duty of officials to furnish lists of deceased
299 persons, persons adjudicated mentally incapacitated, and persons
300 convicted of a felony.—

301 (2) To the maximum extent feasible, state and local
302 government agencies shall facilitate provision of information
303 and access to data to the department, including, but not limited
304 to, databases that contain reliable criminal records and records
305 of deceased persons. State and local government agencies that
306 provide such data shall do so without charge if the direct cost
307 incurred by those agencies is not significant.

308 (g) The Department of Corrections shall furnish monthly to
309 the department a list of those persons who, in the previous
310 month, have been released from incarceration upon expiration of
311 sentence and have completed all other terms and conditions of
312 the sentence or subsequent supervision, or who were not
313 incarcerated for the felony offense but have completed all terms
314 and conditions of supervision imposed upon them. The Department
315 of Corrections shall also furnish to the department any updates
316 to prior records that have occurred in the previous month. The
317 list shall contain the name, address, date of birth, race, sex,
318 social security number, Department of Corrections record
319 identification number, and associated Department of Law
320 Enforcement felony conviction record number of each person.

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

321 Section 85. Section 940.061, Florida Statutes, is amended
322 to read:

323 940.061 Informing persons about executive clemency and
324 restoration of ~~civil~~ rights.—The Department of Corrections shall
325 inform and educate inmates and offenders on community
326 supervision about:

327 (1) The restoration of voting rights and assist eligible
328 inmates and offenders on community supervision with the
329 completion of a voter registration application, unless the
330 inmate or offender on community supervision declines such
331 assistance.

332 (2) The restoration of civil rights and assist eligible
333 inmates and offenders on community supervision with the
334 completion of the application for the restoration of civil
335 rights. Each month the Department of Corrections shall send to
336 the Parole Commission by electronic means a list of the names of
337 inmates who have been released from incarceration and offenders
338 who have been terminated from supervision who may be eligible
339 for restoration of civil rights.

340 Section 86. Subsection (1) of section 944.292, Florida
341 Statutes, is amended to read:

342 944.292 Suspension of ~~civil~~ rights.—

343 (1) Upon conviction of a felony as defined in s. 10, Art.
344 X of the State Constitution, the civil rights of the person
345 convicted shall be suspended in Florida until such rights are
346 restored by a full pardon, conditional pardon, or restoration of
347 civil rights granted pursuant to s. 8, Art. IV of the State

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

348 Constitution or, as to voting rights, until restoration of
349 voting rights pursuant to s. 944.294.

350 Section 87. Section 944.2931, Florida Statutes, is created
351 to read:

352 944.2931 Initiation of restoration of rights.—With respect
353 to those persons convicted of a felony, the following procedures
354 shall apply:

355 (1) Prior to the time an eligible offender is discharged
356 from supervision, an authorized agent of the department shall
357 obtain from the Department of State the necessary application
358 for registering to vote. An authorized agent shall provide this
359 application to the eligible offender and inform him or her that
360 the decision to register to vote is voluntary and that applying
361 to register or declining to register to vote will not affect any
362 term or condition of the offender's supervision.

363 (2) The authorized agent shall inform the eligible
364 offender of the opportunity to file a complaint with the
365 Secretary of State on the belief that someone has interfered
366 with the offender's right to register or to decline to register
367 to vote, the right to privacy in deciding whether to register or
368 in applying to register to vote, or the right to choose a
369 political party or other political preference. The authorized
370 agent shall provide the address and telephone number of the
371 appropriate office in the Department of State where a complaint
372 may be filed.

373 (3) The authorized agent shall offer the eligible offender
374 assistance with the voter registration application but shall
375 make clear that the offender may fill out the application in

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

376 private. Unless the offender declines assistance, the authorized
377 agent shall assist the offender in completing the application
378 and shall ensure that the completed application is forwarded to
379 the appropriate voter registration official before the eligible
380 offender is discharged from supervision.

381 (4) Prior to the time an offender is discharged from
382 supervision, an authorized agent of the department shall obtain
383 from the Governor the necessary application and other forms
384 required for the restoration of civil rights. The authorized
385 agent shall assist the offender in completing these forms and
386 shall ensure that the application and all necessary material are
387 forwarded to the Governor before the offender is discharged from
388 supervision.

389 Section 88. Paragraph (g) of subsection (2) of section
390 944.705, Florida Statutes, is redesignated as paragraph (h), and
391 a new paragraph (g) is added to that subsection to read:

392 944.705 Release orientation program.—

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

395 (g) Restoration of voting rights and restoration of civil
396 rights.

397 Section 89. Sections 77-88 of this act shall take effect
398 on the effective date of an amendment to the State Constitution
399 which authorizes, or removes impediments to, enactment of
400 sections 77-88 of this act by the Legislature and shall apply
401 retroactively to all persons who are eligible to vote under its
402 terms, regardless of whether they were convicted or discharged
403 from sentence prior to its effective date.

631401

Approved For Filing: 4/19/2011 1:49:52 PM

Amendment No.

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T I T L E A M E N D M E N T

Between lines 426 and 427, insert:

providing a short title; providing findings and purpose;
creating s. 944.294, F.S.; providing for automatic restoration
of a former felon's right to vote after completion of his or her
sentence of incarceration and community supervision; providing
conditions for and exemptions from automatic restoration;
providing for education on the voting rights of people with
felony convictions; creating s. 944.2931, F.S.; providing
requirements for initiation of restoration of rights; amending
ss. 97.052, 97.053, 98.045, 98.075, 98.093, 940.061, 944.292,
and 944.705, F.S., to conform; providing applicability;
providing a contingent effective date;