

By the Committee on Criminal Justice

591-03458-19

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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; amending s. 940.061, F.S.; requiring the
23 Department of Corrections to inform inmates and
24 offenders of voting rights restoration pursuant to s.
25 4, Art. VI of the State Constitution, in addition to
26 executive clemency and civil rights restoration;
27 amending s. 944.292, F.S.; conforming a provision
28 regarding the suspension of civil rights; amending s.
29 944.705, F.S.; requiring the Department of Corrections

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30 to include notification of all outstanding terms of
31 sentence in an inmate's release documents; providing
32 an exception to the notification requirement for
33 inmates who are released to any type of supervision
34 monitored by the department; creating s. 948.041,
35 F.S.; requiring the department, upon the termination
36 of an offender's term of probation or community
37 control, to provide written notification to the
38 offender of all outstanding terms of sentence;
39 amending s. 951.29, F.S.; requiring each county
40 detention facility to provide information on the
41 restoration of voting rights pursuant to s. 4, Art. VI
42 of the State Constitution to certain prisoners;
43 requiring each county detention facility to provide
44 written notification to certain prisoners of all
45 outstanding terms of sentence upon release; creating
46 the Restoration of Voting Rights Work Group within the
47 Department of State; specifying membership of the work
48 group; establishing the manner of appointments and the
49 terms of membership; prescribing the duties of the
50 work group; requiring the work group to submit a
51 report to the Legislature by a specified date;
52 providing for staffing; authorizing reimbursement for
53 per diem and travel expenses; providing for expiration
54 of the work group; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Subsection (2) of section 97.052, Florida

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59 Statutes, is amended to read:

60 97.052 Uniform statewide voter registration application.—

61 (2) The uniform statewide voter registration application
62 must be designed to elicit the following information from the
63 applicant:

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

65 (b) Date of birth.

66 (c) Address of legal residence.

67 (d) Mailing address, if different.

68 (e) E-mail address and whether the applicant wishes to
69 receive sample ballots by e-mail.

70 (f) County of legal residence.

71 (g) Race or ethnicity that best describes the applicant:

72 1. American Indian or Alaskan Native.

73 2. Asian or Pacific Islander.

74 3. Black, not Hispanic.

75 4. White, not Hispanic.

76 5. Hispanic.

77 (h) State or country of birth.

78 (i) Sex.

79 (j) Party affiliation.

80 (k) Whether the applicant needs assistance in voting.

81 (l) Name and address where last registered.

82 (m) Last four digits of the applicant's social security
83 number.

84 (n) Florida driver license number or the identification
85 number from a Florida identification card issued under s.

86 322.051.

87 (o) An indication, if applicable, that the applicant has

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88 not been issued a Florida driver license, a Florida
89 identification card, or a social security number.

90 (p) Telephone number (optional).

91 (q) Signature of applicant under penalty for false swearing
92 pursuant to s. 104.011, by which the person subscribes to the
93 oath required by s. 3, Art. VI of the State Constitution and s.
94 97.051, and swears or affirms that the information contained in
95 the registration application is true.

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

99 (s) Whether the applicant is a citizen of the United States
100 by asking the question "Are you a citizen of the United States
101 of America?" and providing boxes for the applicant to check to
102 indicate whether the applicant is or is not a citizen of the
103 United States.

104 (t) Whether the applicant has been convicted of a felony,
105 and, if convicted, has had his or her voting ~~civil~~ rights
106 restored by including the statement "I affirm I am not a
107 convicted felon, or, if I am, my rights relating to voting have
108 been restored." and providing a box for the applicant to check
109 to affirm the statement.

110 (u) Whether the applicant has been adjudicated mentally
111 incapacitated with respect to voting or, if so adjudicated, has
112 had his or her right to vote restored by including the statement
113 "I affirm I have not been adjudicated mentally incapacitated
114 with respect to voting, or, if I have, my competency has been
115 restored." and providing a box for the applicant to check to
116 affirm the statement.

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117
118 The registration application must be in plain language and
119 designed so that convicted felons whose voting ~~civil~~ rights have
120 been restored and persons who have been adjudicated mentally
121 incapacitated and have had their voting rights restored are not
122 required to reveal their prior conviction or adjudication.

123 Section 2. Paragraph (a) of subsection (5) of section
124 97.053, Florida Statutes, is amended to read:

125 97.053 Acceptance of voter registration applications.—

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

129 1. The applicant's name.

130 2. The applicant's address of legal residence, including a
131 distinguishing apartment, suite, lot, room, or dormitory room
132 number or other identifier, if appropriate. Failure to include a
133 distinguishing apartment, suite, lot, room, or dormitory room or
134 other identifier on a voter registration application does not
135 impact a voter's eligibility to register to vote or cast a
136 ballot, and such an omission may not serve as the basis for a
137 challenge to a voter's eligibility or reason to not count a
138 ballot.

139 3. The applicant's date of birth.

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

142 5.a. The applicant's current and valid Florida driver
143 license number or the identification number from a Florida
144 identification card issued under s. 322.051, or

145 b. If the applicant has not been issued a current and valid

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146 Florida driver license or a Florida identification card, the
147 last four digits of the applicant's social security number.

148
149 In case an applicant has not been issued a current and valid
150 Florida driver license, Florida identification card, or social
151 security number, the applicant shall affirm this fact in the
152 manner prescribed in the uniform statewide voter registration
153 application.

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

157 7. A mark in the checkbox affirming that the applicant has
158 not been adjudicated mentally incapacitated with respect to
159 voting or that, if so adjudicated, has had his or her right to
160 vote restored.

161 8. The original signature or a digital signature
162 transmitted by the Department of Highway Safety and Motor
163 Vehicles of the applicant swearing or affirming under the
164 penalty for false swearing pursuant to s. 104.011 that the
165 information contained in the registration application is true
166 and subscribing to the oath required by s. 3, Art. VI of the
167 State Constitution and s. 97.051.

168 Section 3. Paragraph (c) of subsection (1) of section
169 98.045, Florida Statutes, is amended to read:

170 98.045 Administration of voter registration.—

171 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
172 that any eligible applicant for voter registration is registered
173 to vote and that each application for voter registration is
174 processed in accordance with law. The supervisor shall determine

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175 whether a voter registration applicant is ineligible based on
176 any of the following:

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

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

182 98.075 Registration records maintenance activities;
183 ineligibility determinations.—

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

201 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
202 supervisor receives information from sources other than those
203 identified in subsections (2)-(5) that a registered voter is

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204 ineligible because he or she is deceased, adjudicated a
205 convicted felon without having had his or her voting ~~civil~~
206 rights restored, adjudicated mentally incapacitated without
207 having had his or her voting rights restored, does not meet the
208 age requirement pursuant to s. 97.041, is not a United States
209 citizen, is a fictitious person, or has listed a residence that
210 is not his or her legal residence, the supervisor must adhere to
211 the procedures set forth in subsection (7) prior to the removal
212 of a registered voter's name from the statewide voter
213 registration system.

214 (7) PROCEDURES FOR REMOVAL.—

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

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

221 a. A statement of the basis for the registered voter's
222 potential ineligibility and a copy of any documentation upon
223 which the potential ineligibility is based.

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

228 c. A return form that requires the registered voter to
229 admit or deny the accuracy of the information underlying the
230 potential ineligibility for purposes of a final determination by
231 the supervisor.

232 d. A statement that, if the voter is denying the accuracy

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233 of the information underlying the potential ineligibility, the
234 voter has a right to request a hearing for the purpose of
235 determining eligibility.

236 e. Instructions for the registered voter to contact the
237 supervisor of elections of the county in which the voter is
238 registered if assistance is needed in resolving the matter.

239 f. Instructions for seeking restoration of civil rights
240 pursuant to s. 8, Art. IV of the State Constitution and
241 information explaining voting rights restoration pursuant to s.
242 4., Art. VI of the State Constitution following a felony
243 conviction, if applicable.

244 2. If the mailed notice is returned as undeliverable, the
245 supervisor shall publish notice once in a newspaper of general
246 circulation in the county in which the voter was last
247 registered. The notice shall contain the following:

248 a. The voter's name and address.

249 b. A statement that the voter is potentially ineligible to
250 be registered to vote.

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

255 d. An instruction for the voter to contact the supervisor
256 no later than 30 days after the date of the published notice to
257 receive information regarding the basis for the potential
258 ineligibility and the procedure to resolve the matter.

259 e. An instruction to the voter that, if further assistance
260 is needed, the voter should contact the supervisor of elections
261 of the county in which the voter is registered.

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

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

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

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291 Section 5. Section 98.0751, Florida Statutes, is created to
292 read:

293 98.0751 Restoration of voting rights; removal of
294 ineligibility subsequent to a felony conviction.—

295 (1) A person who has been disqualified from voting based on
296 a felony conviction for an offense other than murder or a felony
297 sexual offense must have such disqualification removed and his
298 or her voting rights restored pursuant to s. 4, Art. VI of the
299 State Constitution upon the completion of all terms of his or
300 her sentence, including parole or probation. The voting
301 disqualification that arises from a felony conviction of murder
302 or a felony sexual offense as specified under subsection (2)
303 does not terminate unless a person's civil rights are restored
304 pursuant to s. 8, Art. IV of the State Constitution.

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

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

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

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

311 3. Fulfillment of any term ordered by the court as a
312 condition of the sentence;

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

315 5. Payment of all:

316 a. Restitution ordered by the court as a condition of the
317 sentence, regardless of whether such restitution is converted to
318 a civil lien;

319 b. Fees ordered by the court as part of the sentence or

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320 that are ordered as a condition of probation, community control,
321 or parole; and

322 c. Fines ordered by the court as part of the sentence or
323 that are ordered as a part of probation, community control, or
324 parole.

325
326 Unless expressly stated to the contrary, a financial obligation
327 required to be paid in accordance with subparagraph 5. is deemed
328 completed if such obligation has been converted to a civil lien.

329 (b) "Felony sexual offense" means either of the following:

330 1. Any felony offense that serves as a predicate to
331 registration as a sexual offender in accordance with s.
332 943.0435; or

333 2. Any similar offense committed in another jurisdiction
334 which would be an offense listed in this paragraph if it had
335 been committed in this state.

336 (c) "Murder" means any of the following:

337 1. A violation of any of the following sections which
338 results in the actual killing of a human being:

339 a. Section 782.04(1) or (2).

340 b. Section 782.09.

341 2. An attempt to kill a human being in violation of s.
342 782.04(1) or (2).

343 3. Any similar offense committed in another jurisdiction
344 which would be an offense listed in this paragraph if it had
345 been committed in this state.

346 Section 6. Section 940.061, Florida Statutes, is amended to
347 read:

348 940.061 Informing persons about executive clemency, ~~and~~

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

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

362 944.292 Suspension of civil rights.-

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

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

374 944.705 Release orientation program.-

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

377 1. Of all outstanding terms of the inmate's sentence at the

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

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

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

396 Section 9. Section 948.041, Florida Statutes, is created to
397 read:

398 948.041 Notification of outstanding terms of sentence upon
399 termination of probation or community control.—Upon the
400 termination of an offender's term of probation or community
401 control, the department must notify the offender in writing of
402 all outstanding terms at the time of termination to assist the
403 offender in determining his or her status with regard to the
404 completion of all terms of sentence, as that term is defined in
405 s. 98.0751.

406 Section 10. Subsection (1) of section 951.29, Florida

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407 Statutes, is amended to read:

408 951.29 Procedure for requesting restoration of civil rights
409 of county prisoners convicted of felonies.—

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

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

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

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

426 Section 11. Restoration of Voting Rights Work Group.—The
427 Restoration of Voting Rights Work Group is created within the
428 Department of State for the purpose of conducting a
429 comprehensive review of the department's process of verifying
430 registered voters, applicants, or potential applicants who have
431 been convicted of a felony, but who may be eligible for
432 restoration of voting rights under s. 4, Article VI of the State
433 Constitution.

434 (1) MEMBERSHIP.—The work group is comprised of the
435 following members:

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436 (a) The Secretary of State or his or her designee, who
437 shall serve as chair for the work group.

438 (b) The Secretary of Corrections or his or her designee.

439 (c) The executive director of the Department of Law
440 Enforcement or his or her designee.

441 (d) The Chairman of the Florida Commission on Offender
442 Review or his or her designee.

443 (e) Two clerks of the circuit court appointed by the
444 Governor.

445 (f) Two supervisors of elections appointed by the Governor.

446 (2) TERMS OF MEMBERSHIP.—Appointments to the work group
447 shall be made within 30 days of the effective date of this act.
448 All members shall serve for the duration of the work group. Any
449 vacancy shall be filled by the original appointing authority for
450 the remainder of the work group's existence.

451 (3) DUTIES.—The work group is authorized and directed to
452 study, evaluate, analyze, and undertake a comprehensive review
453 of the Department of State's process of verifying registered
454 voters, applicants, or potential applicants who have been
455 convicted of a felony, but who may be eligible for restoration
456 of voting rights under s. 4, Article VI of the State
457 Constitution, to develop recommendations for the Legislature,
458 related to:

459 (a) The consolidation of all relevant data necessary to
460 verify the eligibility of a registered voter, applicant, or
461 potential applicant for restoration of voting rights under s. 4,
462 Article VI of the State Constitution. If any entity is
463 recommended to manage the consolidated relevant data, the
464 recommendations must provide the feasibility of such entity to

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465 manage the consolidated relevant data and a timeline for
466 implementation of such consolidation.

467 (b) The process of informing a registered voter, applicant,
468 or potential applicant of the entity or entities that are
469 custodians of the relevant data necessary for verifying his or
470 her eligibility for restoration of voting rights under s. 4,
471 Article VI of the State Constitution.

472 (c) Any other relevant policies or procedures for verifying
473 the eligibility of a registered voter, applicant, or potential
474 applicant for restoration of voting rights under s. 4, Article
475 VI of the State Constitution.

476 (4) REPORT.—The work group shall submit a report of its
477 findings, conclusions, and recommendations for the Legislature
478 to the President of the Senate and the Speaker of the House of
479 Representatives by November 1, 2019. Upon submission of the
480 report, the work group is dissolved and discharged of further
481 duties.

482 (5) STAFFING.—The Department of State shall provide support
483 for the work group in performing its duties.

484 (6) PER DIEM AND TRAVEL EXPENSES.—Work group members shall
485 serve without compensation but are entitled to receive
486 reimbursement for per diem and travel expenses as provided in s.
487 112.061, Florida Statutes.

488 (7) EXPIRATION.—This section expires January 31, 2020.
489 Section 12. This act shall take effect upon becoming a law.