

By the Committees on Judiciary; and 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 of State to
23 verify whether a person who has been convicted of a
24 felony offense has completed all the terms of his or
25 her sentence; authorizing the Department of State to
26 adopt rules and prescribe forms; amending s. 940.061,
27 F.S.; requiring the Department of Corrections to
28 inform inmates and offenders of voting rights
29 restoration pursuant to s. 4, Art. VI of the State

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30 Constitution, in addition to executive clemency and
31 civil rights restoration; amending s. 944.292, F.S.;
32 conforming a provision regarding the suspension of
33 civil rights; amending s. 944.705, F.S.; requiring the
34 Department of Corrections to include notification of
35 all outstanding terms of sentence in an inmate's
36 release documents; providing an exception to the
37 notification requirement for inmates who are released
38 to any type of supervision monitored by the
39 department; creating s. 948.041, F.S.; requiring the
40 department, upon the termination of an offender's term
41 of probation or community control, to provide written
42 notification to the offender of all outstanding terms
43 of sentence; amending s. 951.29, F.S.; requiring each
44 county detention facility to provide information on
45 the restoration of voting rights pursuant to s. 4,
46 Art. VI of the State Constitution to certain
47 prisoners; requiring each county detention facility to
48 provide written notification to certain prisoners of
49 all outstanding terms of sentence upon release;
50 creating the Restoration of Voting Rights Work Group
51 within the Department of State; specifying membership
52 of the work group; establishing the manner of
53 appointments and the terms of membership; prescribing
54 the duties of the work group; requiring the work group
55 to submit a report to the Legislature by a specified
56 date; providing for staffing; authorizing
57 reimbursement for per diem and travel expenses;
58 providing for expiration of the work group; providing

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59 an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Subsection (2) of section 97.052, Florida
64 Statutes, is amended to read:

65 97.052 Uniform statewide voter registration application.—

66 (2) The uniform statewide voter registration application
67 must be designed to elicit the following information from the
68 applicant:

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

70 (b) Date of birth.

71 (c) Address of legal residence.

72 (d) Mailing address, if different.

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

75 (f) County of legal residence.

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

77 1. American Indian or Alaskan Native.

78 2. Asian or Pacific Islander.

79 3. Black, not Hispanic.

80 4. White, not Hispanic.

81 5. Hispanic.

82 (h) State or country of birth.

83 (i) Sex.

84 (j) Party affiliation.

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

86 (l) Name and address where last registered.

87 (m) Last four digits of the applicant's social security

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88 number.

89 (n) Florida driver license number or the identification
90 number from a Florida identification card issued under s.
91 322.051.

92 (o) An indication, if applicable, that the applicant has
93 not been issued a Florida driver license, a Florida
94 identification card, or a social security number.

95 (p) Telephone number (optional).

96 (q) Signature of applicant under penalty for false swearing
97 pursuant to s. 104.011, by which the person subscribes to the
98 oath required by s. 3, Art. VI of the State Constitution and s.
99 97.051, and swears or affirms that the information contained in
100 the registration application is true.

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

104 (s) Whether the applicant is a citizen of the United States
105 by asking the question "Are you a citizen of the United States
106 of America?" and providing boxes for the applicant to check to
107 indicate whether the applicant is or is not a citizen of the
108 United States.

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

115 (u) Whether the applicant has been adjudicated mentally
116 incapacitated with respect to voting or, if so adjudicated, has

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117 had his or her right to vote restored by including the statement
118 "I affirm I have not been adjudicated mentally incapacitated
119 with respect to voting, or, if I have, my competency has been
120 restored." and providing a box for the applicant to check to
121 affirm the statement.

122

123 The registration application must be in plain language and
124 designed so that convicted felons whose voting ~~civil~~ rights have
125 been restored and persons who have been adjudicated mentally
126 incapacitated and have had their voting rights restored are not
127 required to reveal their prior conviction or adjudication.

128 Section 2. Paragraph (a) of subsection (5) of section
129 97.053, Florida Statutes, is amended to read:

130 97.053 Acceptance of voter registration applications.-

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

134 1. The applicant's name.

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

144 3. The applicant's date of birth.

145 4. A mark in the checkbox affirming that the applicant is a

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146 citizen of the United States.

147 5.a. The applicant's current and valid Florida driver
148 license number or the identification number from a Florida
149 identification card issued under s. 322.051, or

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

153

154 In case an applicant has not been issued a current and valid
155 Florida driver license, Florida identification card, or social
156 security number, the applicant shall affirm this fact in the
157 manner prescribed in the uniform statewide voter registration
158 application.

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

162 7. A mark in the checkbox affirming that the applicant has
163 not been adjudicated mentally incapacitated with respect to
164 voting or that, if so adjudicated, has had his or her right to
165 vote restored.

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

173 Section 3. Paragraph (c) of subsection (1) of section
174 98.045, Florida Statutes, is amended to read:

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175 98.045 Administration of voter registration.—

176 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
177 that any eligible applicant for voter registration is registered
178 to vote and that each application for voter registration is
179 processed in accordance with law. The supervisor shall determine
180 whether a voter registration applicant is ineligible based on
181 any of the following:

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

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

187 98.075 Registration records maintenance activities;
188 ineligibility determinations.—

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

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

206 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
207 supervisor receives information from sources other than those
208 identified in subsections (2)-(5) that a registered voter is
209 ineligible because he or she is deceased, adjudicated a
210 convicted felon without having had his or her voting ~~civil~~
211 rights restored, adjudicated mentally incapacitated without
212 having had his or her voting rights restored, does not meet the
213 age requirement pursuant to s. 97.041, is not a United States
214 citizen, is a fictitious person, or has listed a residence that
215 is not his or her legal residence, the supervisor must adhere to
216 the procedures set forth in subsection (7) prior to the removal
217 of a registered voter's name from the statewide voter
218 registration system.

219 (7) PROCEDURES FOR REMOVAL.—

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

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

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

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

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

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

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

244 f. Instructions for seeking restoration of civil rights
245 pursuant to s. 8, Art. IV of the State Constitution and
246 information explaining voting rights restoration pursuant to s.
247 4., Art. VI of the State Constitution following a felony
248 conviction, if applicable.

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

253 a. The voter's name and address.

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

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

260 d. An instruction for the voter to contact the supervisor
261 no later than 30 days after the date of the published notice to

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262 receive information regarding the basis for the potential
263 ineligibility and the procedure to resolve the matter.

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

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

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

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

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291 shall make a determination of eligibility. If the supervisor
292 determines that the registered voter is ineligible, the
293 supervisor shall remove the voter's name from the statewide
294 voter registration system and notify the registered voter of the
295 supervisor's determination and action.

296 Section 5. Section 98.0751, Florida Statutes, is created to
297 read:

298 98.0751 Restoration of voting rights; removal of
299 ineligibility subsequent to a felony conviction.-

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

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

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

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

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

316 3. Fulfillment of any term ordered by the court as a
317 condition of the sentence;

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

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320 5. Payment of all:

321 a. Restitution ordered by the court as a part of the
322 sentence, regardless of whether such restitution is converted to
323 a civil lien; and

324 b. Fees or fines ordered by the court as part of the
325 sentence or that are ordered as a condition of probation,
326 community control, or parole.

327
328 Except as provided in subparagraph 5., a financial obligation of
329 a person who has been convicted of a felony offense is deemed to
330 have been completed to the extent that the financial obligation
331 has been converted to a civil lien.

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

333 1. Any felony offense that serves as a predicate to
334 registration as a sexual offender in accordance with s.
335 943.0435; or

336 2. Any similar offense committed in another jurisdiction
337 which would be an offense under subparagraph 1. if it had been
338 committed in this state.

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

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

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

343 b. Section 782.09.

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

347 (3) The department may verify whether a person who has been
348 convicted of a felony offense and subsequently registers or

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349 applies register to vote has completed all the terms of his or
350 her sentence as required by this section.

351 (4) The department is authorized to adopt rules and
352 prescribe forms to carry out the purposes of this section.

353 Section 6. Section 940.061, Florida Statutes, is amended to
354 read:

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

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

369 944.292 Suspension of civil rights.-

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

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378 Constitution and s. 98.0751.

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

381 944.705 Release orientation program.—

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

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

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

396 (b) ~~Nothing in~~ This section does not preclude ~~precludes~~ the
397 sentencing of a person pursuant to s. 775.082(9), and nor shall
398 evidence that the department failed to provide this notice does
399 not prohibit a person from being sentenced pursuant to s.
400 775.082(9). The state is ~~shall~~ not ~~be~~ required to demonstrate
401 that a person received any notice from the department in order
402 for the court to impose a sentence pursuant to s. 775.082(9).

403 Section 9. Section 948.041, Florida Statutes, is created to
404 read:

405 948.041 Notification of outstanding terms of sentence upon
406 termination of probation or community control.—Upon the

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407 termination of an offender's term of probation or community
408 control, the department must notify the offender in writing of
409 all outstanding terms at the time of termination to assist the
410 offender in determining his or her status with regard to the
411 completion of all terms of sentence, as that term is defined in
412 s. 98.0751.

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

415 951.29 Procedure for requesting restoration of civil rights
416 of county prisoners convicted of felonies.—

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

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

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

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

433 Section 11. Restoration of Voting Rights Work Group.—The
434 Restoration of Voting Rights Work Group is created within the
435 Department of State for the purpose of conducting a

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436 comprehensive review of the department's process of verifying
437 registered voters, applicants, or potential applicants who have
438 been convicted of a felony, but who may be eligible for
439 restoration of voting rights under s. 4, Article VI of the State
440 Constitution.

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

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

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

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

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

450 (e) Two clerks of the circuit court appointed by the
451 Governor.

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

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

458 (3) DUTIES.—The work group is authorized and directed to
459 study, evaluate, analyze, and undertake a comprehensive review
460 of the Department of State's process of verifying registered
461 voters, applicants, or potential applicants who have been
462 convicted of a felony, but who may be eligible for restoration
463 of voting rights under s. 4, Article VI of the State
464 Constitution, to develop recommendations for the Legislature,

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465 related to:

466 (a) The consolidation of all relevant data necessary to
467 verify the eligibility of a registered voter, applicant, or
468 potential applicant for restoration of voting rights under s. 4,
469 Article VI of the State Constitution. If any entity is
470 recommended to manage the consolidated relevant data, the
471 recommendations must provide the feasibility of such entity to
472 manage the consolidated relevant data and a timeline for
473 implementation of such consolidation.

474 (b) The process of informing a registered voter, applicant,
475 or potential applicant of the entity or entities that are
476 custodians of the relevant data necessary for verifying his or
477 her eligibility for restoration of voting rights under s. 4,
478 Article VI of the State Constitution.

479 (c) Any other relevant policies or procedures for verifying
480 the eligibility of a registered voter, applicant, or potential
481 applicant for restoration of voting rights under s. 4, Article
482 VI of the State Constitution.

483 (4) REPORT.—The work group shall submit a report of its
484 findings, conclusions, and recommendations for the Legislature
485 to the President of the Senate and the Speaker of the House of
486 Representatives by November 1, 2019. Upon submission of the
487 report, the work group is dissolved and discharged of further
488 duties.

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

491 (6) PER DIEM AND TRAVEL EXPENSES.—Work group members shall
492 serve without compensation but are entitled to receive
493 reimbursement for per diem and travel expenses as provided in s.

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494 112.061, Florida Statutes.

495 (7) EXPIRATION.—This section expires January 31, 2020.

496 Section 12. This act shall take effect upon becoming a law.