

1 A bill to be entitled
2 An act relating to voting rights restoration; amending
3 s. 97.052, F.S.; requiring the uniform statewide voter
4 registration application to be designed to elicit
5 specified information from an applicant so that
6 certain felons are not required to reveal certain
7 information; amending s. 97.053, F.S.; requiring a
8 complete voter registration application to include
9 specified information; amending s. 98.045, F.S.;
10 requiring the supervisor of elections to determine
11 whether a voter registration applicant is ineligible
12 based on specified circumstances; amending s. 98.075,
13 F.S.; providing for the termination of voting
14 disabilities arising from certain felony convictions;
15 providing definitions; requiring specified provisions
16 to be construed in favor of a voter registration
17 applicant; authorizing the Department of State to
18 adopt rules; requiring the department to identify
19 certain registered voters and take specified actions;
20 requiring a notice of a registered voter's potential
21 ineligibility to include specified information;
22 amending s. 104.011, F.S.; prohibiting a person from
23 being charged or convicted for certain violations;
24 amending s. 940.061, F.S.; requiring the Department of
25 Corrections to inform and educate certain individuals

26 about the termination of voting disqualification
27 arising from a felony conviction pursuant to the State
28 Constitution; requiring the department to
29 electronically transmit certain information to the
30 Florida Commission on Offender Review each month;
31 amending s. 944.292, F.S.; providing for the
32 termination of voting disqualification arising from
33 certain felony convictions upon the completion of all
34 terms of a sentence; amending s. 944.704, F.S.;
35 requiring transition assistance specialists to provide
36 certain information to inmates before their release;
37 amending s. 951.29, F.S.; requiring county detention
38 facility administrators to provide certain information
39 to specified inmates before their release; providing a
40 directive to the Division of Law Revision; providing
41 an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Paragraph (t) of subsection (2) of section
46 97.052, Florida Statutes, is amended to read:

47 97.052 Uniform statewide voter registration application.—

48 (2) The uniform statewide voter registration application
49 must be designed to elicit the following information from the
50 applicant:

51 (t) Whether the applicant has been convicted of a felony,
 52 and, if convicted, has had his or her voting ~~civil~~ rights
 53 restored by including the statement "I affirm I am not a
 54 convicted felon, or, if I am, my rights relating to voting have
 55 been restored." and providing a box for the applicant to check
 56 to affirm the statement.

57
 58 The registration application must be in plain language and
 59 designed so that convicted felons whose voting ~~civil~~ rights have
 60 been restored and persons who have been adjudicated mentally
 61 incapacitated and have had their voting rights restored are not
 62 required to reveal their prior conviction or adjudication.

63 Section 2. Paragraph (a) of subsection (5) of section
 64 97.053, Florida Statutes, is amended to read:

65 97.053 Acceptance of voter registration applications.—

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

- 69 1. The applicant's name.
- 70 2. The applicant's address of legal residence, including a
 71 distinguishing apartment, suite, lot, room, or dormitory room
 72 number or other identifier, if appropriate. Failure to include a
 73 distinguishing apartment, suite, lot, room, or dormitory room or
 74 other identifier on a voter registration application does not
 75 impact a voter's eligibility to register to vote or cast a

76 | ballot, and such an omission may not serve as the basis for a
 77 | challenge to a voter's eligibility or reason to not count a
 78 | ballot.

79 | 3. The applicant's date of birth.

80 | 4. A mark in the checkbox affirming that the applicant is
 81 | a citizen of the United States.

82 | 5.a. The applicant's current and valid Florida driver
 83 | license number or the identification number from a Florida
 84 | identification card issued under s. 322.051, or

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

88 |
 89 | In case an applicant has not been issued a current and valid
 90 | Florida driver license, Florida identification card, or social
 91 | security number, the applicant shall affirm this fact in the
 92 | manner prescribed in the uniform statewide voter registration
 93 | application.

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

97 | 7. A mark in the checkbox affirming that the applicant has
 98 | not been adjudicated mentally incapacitated with respect to
 99 | voting or that, if so adjudicated, has had his or her right to
 100 | vote restored.

101 8. The original signature or a digital signature
102 transmitted by the Department of Highway Safety and Motor
103 Vehicles of the applicant swearing or affirming under the
104 penalty for false swearing pursuant to s. 104.011 that the
105 information contained in the registration application is true
106 and subscribing to the oath required by s. 3, Art. VI of the
107 State Constitution and s. 97.051.

108 Section 3. Paragraph (c) of subsection (1) of section
109 98.045, Florida Statutes, is amended to read:

110 98.045 Administration of voter registration.—

111 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
112 that any eligible applicant for voter registration is registered
113 to vote and that each application for voter registration is
114 processed in accordance with law. The supervisor shall determine
115 whether a voter registration applicant is ineligible based on
116 any of the following:

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

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

122 98.075 Registration records maintenance activities;
123 ineligibility determinations.—

124 (5) FELONY CONVICTION.—The department shall identify those
125 registered voters who have been convicted of a felony and whose

126 voting rights have not been restored. The voting disability
127 arising from a conviction for a felony offense, other than
128 murder or a felony sexual offense, terminates pursuant to s. 4,
129 Art. VI of the State Constitution upon completion of all terms
130 of sentence, including probation or parole. The voting
131 disability arising from a felony conviction for an offense
132 classified as murder or a felony sexual offense does not
133 terminate unless a voter's civil rights are restored pursuant to
134 s. 8, Art. IV of the State Constitution.

135 (a) As used in this section, the term:

136 1. "Completion of all terms of sentence" means:

137 a. Release from any term of incarceration ordered by the
138 court as part of the sentence;

139 b. Termination from any term of supervision ordered by the
140 court as part of the sentence, including, but not limited to,
141 probation or community control supervised by the Department of
142 Corrections or the Florida Commission on Offender Review;

143 c. Termination from any term of parole supervised by the
144 Florida Commission on Offender Review;

145 d. Termination of any other term imposed by the court as
146 part of the sentence; and

147 e. Full payment of any financial obligation ordered by the
148 court as part of the sentence, regardless of whether such
149 financial obligation is continued through a civil judgment under
150 s. 55.10 or s. 775.089(5), including:

151 (I) Restitution, whether ordered in an amount certain or
152 reserved by the court at sentencing;

153 (II) Costs of supervision as provided in s. 948.09; and

154 (III) Fines, fees, and court costs.

155
156 A court's waiver or a payee's waiver, including the Department
157 of Corrections' waiver under s. 948.09, of a financial
158 obligation shall substitute for full payment of the financial
159 obligation to satisfy the requirements of sub-subparagraph e.
160 For purposes of this subparagraph, unless specifically included
161 in sub-subparagraph e., a financial obligation does not include
162 any fine, fee, or cost that accrues after the date of the court-
163 imposed sentence. Such fines, fees, or costs include interest
164 charges, surcharges, collections fees, and administrative or use
165 fees incurred during a term of incarceration.

166 2. "Felony sexual offense" means any felony violation for
167 committing or attempting to commit any of the criminal offenses
168 described in the following statutes in this state or similar
169 offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2);
170 s. 491.0112(1) or (2); s. 775.0877(3); s. 784.049(3) (b); s.
171 787.01, s. 787.02, or s. 787.025(2) (c), where the victim is a
172 minor and the court makes a written finding that the offense
173 involved sexual intent or motive; s. 787.06(3) or (4); former s.
174 787.06(3) (h); s. 794.08; s. 794.011, excluding s. 794.011(10);
175 s. 794.05; former s. 796.03; former s. 796.035; s. 796.07; s.

176 796.08; s. 800.04; s. 800.09(2); s. 800.101(2); s. 810.145(6)-
177 (8); s. 825.1025; s. 826.04; s. 827.071; s. 847.011(1), (3), or
178 (4); s. 847.012; s. 847.0133; s. 847.0134(1); s. 847.0135,
179 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
180 s. 847.07(2) or (3); s. 872.06(2); s. 895.03, if the court makes
181 a written finding that the racketeering activity involved at
182 least one sexual offense listed in this subparagraph or at least
183 one offense listed in this subparagraph with sexual intent or
184 motive; s. 916.1075(2); s. 944.35(3)(b)2.; s. 951.221(1); or s.
185 985.701(1); or any similar offense committed in this state which
186 has been redesignated from a former statute number to one of
187 those listed in this subparagraph.

188 3. "Murder" means any violation of any of the criminal
189 offenses described in s. 782.04(1), (2), or (3) in this state or
190 similar offenses in another jurisdiction.

191 (b) For the purpose of determining a voter registration
192 applicant's eligibility, the provisions of this section shall be
193 strictly construed. If a provision is susceptible to differing
194 interpretations, it shall be construed in favor of the
195 applicant.

196 (c) The department is authorized to adopt rules to
197 implement this section for the purpose of determining those
198 registered voters convicted of a felony whose voting rights have
199 not been restored pursuant to s. 4, Art. VI of the State
200 Constitution.

201 (d) The department shall identify those registered voters
202 convicted of a felony whose voting rights have not been restored
203 pursuant to s. 8, Art. IV of the State Constitution by comparing
204 information received from, but not limited to, a clerk of the
205 circuit court, the Board of Executive Clemency, the Department
206 of Corrections, the Department of Law Enforcement, or a United
207 States Attorney's Office, as provided in s. 98.093. The
208 department shall review such information and make an initial
209 determination as to whether the information is credible and
210 reliable. If the department determines that the information is
211 credible and reliable, the department shall notify the
212 supervisor and provide a copy of the supporting documentation
213 indicating the potential ineligibility of the voter to be
214 registered. Upon receipt of the notice that the department has
215 made a determination of initial credibility and reliability, the
216 supervisor shall adhere to the procedures set forth in
217 subsection (7) prior to the removal of a registered voter's name
218 from the statewide voter registration system.

219 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
220 supervisor receives information from sources other than those
221 identified in subsections (2)-(5) that a registered voter is
222 ineligible because he or she is deceased, adjudicated a
223 convicted felon without having had his or her voting ~~civil~~
224 rights restored, adjudicated mentally incapacitated without
225 having had his or her voting rights restored, does not meet the

226 | age requirement pursuant to s. 97.041, is not a United States
227 | citizen, is a fictitious person, or has listed a residence that
228 | is not his or her legal residence, the supervisor must adhere to
229 | the procedures set forth in subsection (7) prior to the removal
230 | of a registered voter's name from the statewide voter
231 | registration system.

232 | (7) PROCEDURES FOR REMOVAL.—

233 | (a) If the supervisor receives notice or information
234 | pursuant to subsections (4)-(6), the supervisor of the county in
235 | which the voter is registered shall:

236 | 1. Notify the registered voter of his or her potential
237 | ineligibility by mail within 7 days after receipt of notice or
238 | information. The notice shall include:

239 | a. A statement of the basis for the registered voter's
240 | potential ineligibility and a copy of any documentation upon
241 | which the potential ineligibility is based. Such documentation
242 | shall include any conviction from another jurisdiction
243 | determined to be a similar offense to murder or a felony sexual
244 | offense as defined in paragraph (5) (a).

245 | b. A statement that failure to respond within 30 days
246 | after receipt of the notice may result in a determination of
247 | ineligibility and in removal of the registered voter's name from
248 | the statewide voter registration system.

249 | c. A return form that requires the registered voter to
250 | admit or deny the accuracy of the information underlying the

251 potential ineligibility for purposes of a final determination by
252 the supervisor.

253 d. A statement that, if the voter is denying the accuracy
254 of the information underlying the potential ineligibility, the
255 voter has a right to request a hearing for the purpose of
256 determining eligibility.

257 e. Instructions for the registered voter to contact the
258 supervisor of elections of the county in which the voter is
259 registered if assistance is needed in resolving the matter.

260 f. Instructions for seeking restoration of civil rights
261 pursuant to s. 8, Art. IV of the State Constitution and
262 information explaining voting rights restoration pursuant to s.
263 4, Art. VI of the State Constitution following a felony
264 conviction, if applicable.

265 2. If the mailed notice is returned as undeliverable, the
266 supervisor shall publish notice once in a newspaper of general
267 circulation in the county in which the voter was last
268 registered. The notice shall contain the following:

269 a. The voter's name and address.

270 b. A statement that the voter is potentially ineligible to
271 be registered to vote.

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

276 d. An instruction for the voter to contact the supervisor
277 no later than 30 days after the date of the published notice to
278 receive information regarding the basis for the potential
279 ineligibility and the procedure to resolve the matter.

280 e. An instruction to the voter that, if further assistance
281 is needed, the voter should contact the supervisor of elections
282 of the county in which the voter is registered.

283 3. If a registered voter fails to respond to a notice
284 pursuant to subparagraph 1. or subparagraph 2., the supervisor
285 shall make a final determination of the voter's eligibility. If
286 the supervisor determines that the voter is ineligible, the
287 supervisor shall remove the name of the registered voter from
288 the statewide voter registration system. The supervisor shall
289 notify the registered voter of the supervisor's determination
290 and action.

291 4. If a registered voter responds to the notice pursuant
292 to subparagraph 1. or subparagraph 2. and admits the accuracy of
293 the information underlying the potential ineligibility, the
294 supervisor shall make a final determination of ineligibility and
295 shall remove the voter's name from the statewide voter
296 registration system. The supervisor shall notify the registered
297 voter of the supervisor's determination and action.

298 5. If a registered voter responds to the notice issued
299 pursuant to subparagraph 1. or subparagraph 2. and denies the
300 accuracy of the information underlying the potential

301 | ineligible but does not request a hearing, the supervisor
302 | shall review the evidence and make a final determination of
303 | eligibility. If such registered voter requests a hearing, the
304 | supervisor shall send notice to the registered voter to attend a
305 | hearing at a time and place specified in the notice. Upon
306 | hearing all evidence presented at the hearing, the supervisor
307 | shall make a determination of eligibility. If the supervisor
308 | determines that the registered voter is ineligible, the
309 | supervisor shall remove the voter's name from the statewide
310 | voter registration system and notify the registered voter of the
311 | supervisor's determination and action.

312 | Section 5. Subsection (3) is added to section 104.011,
313 | Florida Statutes, to read:

314 | 104.011 False swearing; submission of false voter
315 | registration information; prosecution prohibited.—

316 | (3) A person may not be charged or convicted for a
317 | violation of this section for affirming that he or she has not
318 | been convicted of a felony or that, if convicted, he or she has
319 | had voting rights restored, if such violation is alleged to have
320 | occurred on or after January 8, 2019, but before the effective
321 | date of this act.

322 | Section 6. Section 940.061, Florida Statutes, is amended
323 | to read:

324 | 940.061 Informing persons about executive clemency, and
325 | restoration of civil rights, and voting rights restoration.—The

326 Department of Corrections shall inform and educate inmates and
 327 offenders on community supervision about the restoration of
 328 civil rights and the termination of voting disqualification
 329 arising from a felony conviction pursuant to s. 4, Art. VI of
 330 the State Constitution. Each month the Department of Corrections
 331 shall send to the Florida Commission on Offender Review by
 332 electronic means a list of the names of inmates who have been
 333 released from incarceration and offenders who have been
 334 terminated from supervision who may be eligible for restoration
 335 of civil rights or the termination of voting disqualification
 336 arising from a felony conviction pursuant to s. 4, Art. VI of
 337 the State Constitution.

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

340 944.292 Suspension of civil rights and eligibility for
 341 voting rights restoration.-

342 (1) Upon conviction of a felony as defined in s. 10, Art.
 343 X of the State Constitution, the civil rights of the person
 344 convicted shall be suspended in Florida until such rights are
 345 restored by a full pardon, conditional pardon, or restoration of
 346 civil rights granted pursuant to s. 8, Art. IV of the State
 347 Constitution. Upon completion of all terms of sentence including
 348 parole or probation, the disqualification from voting arising
 349 from a felony conviction, other than a disqualification arising
 350 from a conviction for murder or a felony sexual offense as those

351 terms are defined in s. 98.075(5), shall terminate pursuant to
352 s. 4, Art. VI of the State Constitution.

353 Section 8. Subsection (8) is added to section 944.704,
354 Florida Statutes, to read:

355 944.704 Staff who provide transition assistance; duties.—
356 The department shall provide a transition assistance specialist
357 at each of the major institutions whose duties include, but are
358 not limited to:

359 (8) Providing an accounting of all outstanding financial
360 obligations imposed by a court, the department, or the Florida
361 Commission on Offender Review for each felony conviction for
362 which the inmate is being released from incarceration.

363
364 The transition assistance specialist may not be a correctional
365 officer or correctional probation officer as defined in s.
366 943.10.

367 Section 9. Subsection (1) of section 951.29, Florida
368 Statutes, is amended to read:

369 951.29 Procedure for requesting restoration of civil
370 rights or voting rights of county prisoners convicted of
371 felonies.—

372 (1) With respect to a person who has been convicted of a
373 felony and is serving a sentence in a county detention facility,
374 the administrator of the county detention facility shall provide
375 to the prisoner, at least 2 weeks before discharge, if

376 possible:~~τ~~

377 (a) An application form obtained from the Florida
 378 Commission on Offender Review which the prisoner must complete
 379 in order to begin the process of having his or her civil rights
 380 restored;

381 (b) Information on voting rights restoration pursuant to
 382 s. 4, Art. VI of the State Constitution; and

383 (c) An accounting of all outstanding financial obligations
 384 imposed by a court or the Department of Corrections for each
 385 felony conviction for which the prisoner is being released from
 386 incarceration.

387 Section 10. The Division of Law Revision is directed to
 388 replace the phrase "the effective date of this act" wherever it
 389 occurs in this act with the date this act becomes a law.

390 Section 11. This act shall take effect upon becoming a
 391 law.