

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. Subsection (2) of section 97.052, Florida  
46 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 (a) Last, first, and middle name, including any suffix.
- 52 (b) Date of birth.
- 53 (c) Address of legal residence.
- 54 (d) Mailing address, if different.
- 55 (e) E-mail address and whether the applicant wishes to
- 56 receive sample ballots by e-mail.
- 57 (f) County of legal residence.
- 58 (g) Race or ethnicity that best describes the applicant:
- 59 1. American Indian or Alaskan Native.
- 60 2. Asian or Pacific Islander.
- 61 3. Black, not Hispanic.
- 62 4. White, not Hispanic.
- 63 5. Hispanic.
- 64 (h) State or country of birth.
- 65 (i) Sex.
- 66 (j) Party affiliation.
- 67 (k) Whether the applicant needs assistance in voting.
- 68 (l) Name and address where last registered.
- 69 (m) Last four digits of the applicant's social security
- 70 number.
- 71 (n) Florida driver license number or the identification
- 72 number from a Florida identification card issued under s.
- 73 322.051.
- 74 (o) An indication, if applicable, that the applicant has
- 75 not been issued a Florida driver license, a Florida

76 | identification card, or a social security number.

77 |       (p) Telephone number (optional).

78 |       (q) Signature of applicant under penalty for false  
 79 | swearing pursuant to s. 104.011, by which the person subscribes  
 80 | to the oath required by s. 3, Art. VI of the State Constitution  
 81 | and s. 97.051, and swears or affirms that the information  
 82 | contained in the registration application is true.

83 |       (r) Whether the application is being used for initial  
 84 | registration, to update a voter registration record, or to  
 85 | request a replacement voter information card.

86 |       (s) Whether the applicant is a citizen of the United  
 87 | States by asking the question "Are you a citizen of the United  
 88 | States of America?" and providing boxes for the applicant to  
 89 | check to indicate whether the applicant is or is not a citizen  
 90 | of the United States.

91 |       (t) Whether the applicant has been convicted of a felony,  
 92 | and, if convicted, has had his or her voting ~~civil~~ rights  
 93 | restored by including the statement "I affirm I am not a  
 94 | convicted felon, or, if I am, my rights relating to voting have  
 95 | been restored." and providing a box for the applicant to check  
 96 | to affirm the statement.

97 |       (u) Whether the applicant has been adjudicated mentally  
 98 | incapacitated with respect to voting or, if so adjudicated, has  
 99 | had his or her right to vote restored by including the statement  
 100 | "I affirm I have not been adjudicated mentally incapacitated

101 with respect to voting, or, if I have, my competency has been  
102 restored." and providing a box for the applicant to check to  
103 affirm the statement.

104

105 The registration application must be in plain language and  
106 designed so that convicted felons whose voting ~~civil~~ rights have  
107 been restored and persons who have been adjudicated mentally  
108 incapacitated and have had their voting rights restored are not  
109 required to reveal their prior conviction or adjudication.

110 Section 2. Paragraph (a) of subsection (5) of section  
111 97.053, Florida Statutes, is amended to read:

112 97.053 Acceptance of voter registration applications.—

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

116 1. The applicant's name.

117 2. The applicant's address of legal residence, including a  
118 distinguishing apartment, suite, lot, room, or dormitory room  
119 number or other identifier, if appropriate. Failure to include a  
120 distinguishing apartment, suite, lot, room, or dormitory room or  
121 other identifier on a voter registration application does not  
122 impact a voter's eligibility to register to vote or cast a  
123 ballot, and such an omission may not serve as the basis for a  
124 challenge to a voter's eligibility or reason to not count a  
125 ballot.

126           3. The applicant's date of birth.  
 127           4. A mark in the checkbox affirming that the applicant is  
 128 a citizen of the United States.

129           5.a. The applicant's current and valid Florida driver  
 130 license number or the identification number from a Florida  
 131 identification card issued under s. 322.051, or

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

135  
 136 In case an applicant has not been issued a current and valid  
 137 Florida driver license, Florida identification card, or social  
 138 security number, the applicant shall affirm this fact in the  
 139 manner prescribed in the uniform statewide voter registration  
 140 application.

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

144           7. A mark in the checkbox affirming that the applicant has  
 145 not been adjudicated mentally incapacitated with respect to  
 146 voting or that, if so adjudicated, has had his or her right to  
 147 vote restored.

148           8. The original signature or a digital signature  
 149 transmitted by the Department of Highway Safety and Motor  
 150 Vehicles of the applicant swearing or affirming under the

151 penalty for false swearing pursuant to s. 104.011 that the  
152 information contained in the registration application is true  
153 and subscribing to the oath required by s. 3, Art. VI of the  
154 State Constitution and s. 97.051.

155 Section 3. Paragraph (c) of subsection (1) of section  
156 98.045, Florida Statutes, is amended to read:

157 98.045 Administration of voter registration.—

158 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure  
159 that any eligible applicant for voter registration is registered  
160 to vote and that each application for voter registration is  
161 processed in accordance with law. The supervisor shall determine  
162 whether a voter registration applicant is ineligible based on  
163 any of the following:

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

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

169 98.075 Registration records maintenance activities;  
170 ineligibility determinations.—

171 (5) FELONY CONVICTION.—The department shall identify those  
172 registered voters who have been convicted of a felony and whose  
173 voting rights have not been restored. The voting disability  
174 arising from a conviction for a felony offense, other than  
175 murder or a felony sexual offense, terminates pursuant to s. 4,

176 Art. VI of the State Constitution upon completion of all terms  
177 of sentence, including probation or parole. The voting  
178 disability arising from a felony conviction for an offense  
179 classified as murder or a felony sexual offense does not  
180 terminate unless a voter's civil rights are restored pursuant to  
181 s. 8, Art. IV of the State Constitution.

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

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

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

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

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

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

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

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

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



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

202  
203 A court's waiver or a payee's waiver, including the Department  
204 of Corrections' waiver under s. 948.09, of a financial  
205 obligation shall substitute for full payment of the financial  
206 obligation to satisfy the requirements of sub-subparagraph e.  
207 For purposes of this subparagraph, unless specifically included  
208 in sub-subparagraph e., a financial obligation does not include  
209 any fine, fee, or cost that accrues after the date of the court-  
210 imposed sentence. Such fines, fees, or costs include interest  
211 charges, surcharges, collections fees, and administrative or use  
212 fees incurred during a term of incarceration.

213 2. "Felony sexual offense" means any felony violation for  
214 committing or attempting to commit any of the criminal offenses  
215 described in the following statutes in this state or similar  
216 offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2);  
217 s. 491.0112(1) or (2); s. 775.0877(3); s. 784.049(3)(b); s.  
218 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a  
219 minor and the court makes a written finding that the offense  
220 involved sexual intent or motive; s. 787.06(3) or (4); former s.  
221 787.06(3)(h); s. 794.08; s. 794.011, excluding s. 794.011(10);  
222 s. 794.05; former s. 796.03; former s. 796.035; s. 796.07; s.  
223 796.08; s. 800.04; s. 800.09(2); s. 800.101(2); s. 810.145(6)-  
224 (8); s. 825.1025; s. 826.04; s. 827.071; s. 847.011(1), (3), or  
225 (4); s. 847.012; s. 847.0133; s. 847.0134(1); s. 847.0135,

226 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;  
227 s. 847.07(2) or (3); s. 872.06(2); s. 895.03, if the court makes  
228 a written finding that the racketeering activity involved at  
229 least one sexual offense listed in this subparagraph or at least  
230 one offense listed in this subparagraph with sexual intent or  
231 motive; s. 916.1075(2); s. 944.35(3)(b)2.; s. 951.221(1); or s.  
232 985.701(1); or any similar offense committed in this state which  
233 has been redesignated from a former statute number to one of  
234 those listed in this subparagraph.

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

238 (b) For the purpose of determining a voter registration  
239 applicant's eligibility, the provisions of this section shall be  
240 strictly construed. If a provision is susceptible to differing  
241 interpretations, it shall be construed in favor of the  
242 applicant.

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

248 (d) The department shall identify those registered voters  
249 convicted of a felony whose voting rights have not been restored  
250 pursuant to s. 8, Art. IV of the State Constitution by comparing

251 information received from, but not limited to, a clerk of the  
252 circuit court, the Board of Executive Clemency, the Department  
253 of Corrections, the Department of Law Enforcement, or a United  
254 States Attorney's Office, as provided in s. 98.093. The  
255 department shall review such information and make an initial  
256 determination as to whether the information is credible and  
257 reliable. If the department determines that the information is  
258 credible and reliable, the department shall notify the  
259 supervisor and provide a copy of the supporting documentation  
260 indicating the potential ineligibility of the voter to be  
261 registered. Upon receipt of the notice that the department has  
262 made a determination of initial credibility and reliability, the  
263 supervisor shall adhere to the procedures set forth in  
264 subsection (7) prior to the removal of a registered voter's name  
265 from the statewide voter registration system.

266 (6) OTHER BASES FOR INELIGIBILITY.—If the department or  
267 supervisor receives information from sources other than those  
268 identified in subsections (2)-(5) that a registered voter is  
269 ineligible because he or she is deceased, adjudicated a  
270 convicted felon without having had his or her voting ~~civil~~  
271 rights restored, adjudicated mentally incapacitated without  
272 having had his or her voting rights restored, does not meet the  
273 age requirement pursuant to s. 97.041, is not a United States  
274 citizen, is a fictitious person, or has listed a residence that  
275 is not his or her legal residence, the supervisor must adhere to

276 the procedures set forth in subsection (7) prior to the removal  
277 of a registered voter's name from the statewide voter  
278 registration system.

279 (7) PROCEDURES FOR REMOVAL.—

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

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

286 a. A statement of the basis for the registered voter's  
287 potential ineligibility and a copy of any documentation upon  
288 which the potential ineligibility is based. Such documentation  
289 shall include any conviction from another jurisdiction  
290 determined to be a similar offense to murder or a felony sexual  
291 offense as defined in paragraph (5) (a).

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

296 c. A return form that requires the registered voter to  
297 admit or deny the accuracy of the information underlying the  
298 potential ineligibility for purposes of a final determination by  
299 the supervisor.

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

301 of the information underlying the potential ineligibility, the  
302 voter has a right to request a hearing for the purpose of  
303 determining eligibility.

304 e. Instructions for the registered voter to contact the  
305 supervisor of elections of the county in which the voter is  
306 registered if assistance is needed in resolving the matter.

307 f. Instructions for seeking restoration of civil rights  
308 pursuant to s. 8, Art. IV of the State Constitution and  
309 information explaining voting rights restoration pursuant to s.  
310 4, Art. VI of the State Constitution following a felony  
311 conviction, if applicable.

312 2. If the mailed notice is returned as undeliverable, the  
313 supervisor shall publish notice once in a newspaper of general  
314 circulation in the county in which the voter was last  
315 registered. The notice shall contain the following:

316 a. The voter's name and address.

317 b. A statement that the voter is potentially ineligible to  
318 be registered to vote.

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

323 d. An instruction for the voter to contact the supervisor  
324 no later than 30 days after the date of the published notice to  
325 receive information regarding the basis for the potential

326 | ineligibility and the procedure to resolve the matter.

327 |       e. An instruction to the voter that, if further assistance  
328 | is needed, the voter should contact the supervisor of elections  
329 | of the county in which the voter is registered.

330 |       3. If a registered voter fails to respond to a notice  
331 | pursuant to subparagraph 1. or subparagraph 2., the supervisor  
332 | shall make a final determination of the voter's eligibility. If  
333 | the supervisor determines that the voter is ineligible, the  
334 | supervisor shall remove the name of the registered voter from  
335 | the statewide voter registration system. The supervisor shall  
336 | notify the registered voter of the supervisor's determination  
337 | and action.

338 |       4. If a registered voter responds to the notice pursuant  
339 | to subparagraph 1. or subparagraph 2. and admits the accuracy of  
340 | the information underlying the potential ineligibility, the  
341 | supervisor shall make a final determination of ineligibility and  
342 | shall remove the voter's name from the statewide voter  
343 | registration system. The supervisor shall notify the registered  
344 | voter of the supervisor's determination and action.

345 |       5. If a registered voter responds to the notice issued  
346 | pursuant to subparagraph 1. or subparagraph 2. and denies the  
347 | accuracy of the information underlying the potential  
348 | ineligibility but does not request a hearing, the supervisor  
349 | shall review the evidence and make a final determination of  
350 | eligibility. If such registered voter requests a hearing, the

351 supervisor shall send notice to the registered voter to attend a  
 352 hearing at a time and place specified in the notice. Upon  
 353 hearing all evidence presented at the hearing, the supervisor  
 354 shall make a determination of eligibility. If the supervisor  
 355 determines that the registered voter is ineligible, the  
 356 supervisor shall remove the voter's name from the statewide  
 357 voter registration system and notify the registered voter of the  
 358 supervisor's determination and action.

359 Section 5. Subsection (3) is added to section 104.011,  
 360 Florida Statutes, to read:

361 104.011 False swearing; submission of false voter  
 362 registration information; prosecution prohibited.—

363 (3) A person may not be charged or convicted for a  
 364 violation of this section for affirming that he or she has not  
 365 been convicted of a felony or that, if convicted, he or she has  
 366 had voting rights restored, if such violation is alleged to have  
 367 occurred on or after January 8, 2019, but before the effective  
 368 date of this act.

369 Section 6. Section 940.061, Florida Statutes, is amended  
 370 to read:

371 940.061 Informing persons about executive clemency, ~~and~~  
 372 restoration of civil rights, and voting rights restoration.—The  
 373 Department of Corrections shall inform and educate inmates and  
 374 offenders on community supervision about the restoration of  
 375 civil rights and the termination of voting disqualification

376 arising from a felony conviction pursuant to s. 4, Art. VI of  
377 the State Constitution. Each month the Department of Corrections  
378 shall send to the Florida Commission on Offender Review by  
379 electronic means a list of the names of inmates who have been  
380 released from incarceration and offenders who have been  
381 terminated from supervision who may be eligible for restoration  
382 of civil rights or the termination of voting disqualification  
383 arising from a felony conviction pursuant to s. 4, Art. VI of  
384 the State Constitution.

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

387 944.292 Suspension of civil rights and eligibility for  
388 voting rights restoration.—

389 (1) Upon conviction of a felony as defined in s. 10, Art.  
390 X of the State Constitution, the civil rights of the person  
391 convicted shall be suspended in Florida until such rights are  
392 restored by a full pardon, conditional pardon, or restoration of  
393 civil rights granted pursuant to s. 8, Art. IV of the State  
394 Constitution. Upon completion of all terms of sentence including  
395 parole or probation, the disqualification from voting arising  
396 from a felony conviction, other than a disqualification arising  
397 from a conviction for murder or a felony sexual offense as those  
398 terms are defined in s. 98.075(5), shall terminate pursuant to  
399 s. 4, Art. VI of the State Constitution.

400 Section 8. Subsection (8) is added to section 944.704,



401 Florida Statutes, to read:

402 944.704 Staff who provide transition assistance; duties.—

403 The department shall provide a transition assistance specialist

404 at each of the major institutions whose duties include, but are

405 not limited to:

406 (8) Providing an accounting of all outstanding financial

407 obligations imposed by a court, the department, or the Florida

408 Commission on Offender Review for each felony conviction for

409 which the inmate is being released from incarceration.

410

411 The transition assistance specialist may not be a correctional

412 officer or correctional probation officer as defined in s.

413 943.10.

414 Section 9. Subsection (1) of section 951.29, Florida

415 Statutes, is amended to read:

416 951.29 Procedure for requesting restoration of civil

417 rights or voting rights of county prisoners convicted of

418 felonies.—

419 (1) With respect to a person who has been convicted of a

420 felony and is serving a sentence in a county detention facility,

421 the administrator of the county detention facility shall provide

422 to the prisoner, at least 2 weeks before discharge, if

423 possible:—

424 (a) An application form obtained from the Florida

425 Commission on Offender Review which the prisoner must complete

426 | in order to begin the process of having his or her civil rights  
427 | restored;

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

430 |       (c) An accounting of all outstanding financial obligations  
431 | imposed by a court or the Department of Corrections for each  
432 | felony conviction for which the prisoner is being released from  
433 | incarceration.

434 |       Section 10. The Division of Law Revision is directed to  
435 | replace the phrase "the effective date of this act" wherever it  
436 | occurs in this act with the date this act becomes a law.

437 |       Section 11. This act shall take effect upon becoming a  
438 | law.