

By Senator Taddeo

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1 A bill to be entitled
2 An act relating to voting rights restoration; amending
3 s. 98.0751, F.S.; revising conditions under which the
4 voting disqualification for a person's conviction of a
5 felony, other than murder or a felony sexual offense,
6 terminates; requiring certain entities to provide
7 certain notification to the Department of State
8 following a convicted felon's release or discharge
9 from state prison, county jail, parole supervision,
10 release supervision, probation, or community control;
11 requiring the department to send such felons a notice
12 regarding the amount of outstanding fines or fines
13 owed in order to be eligible to register to vote;
14 requiring additional information to be included in
15 such notices; providing that the full amount of fines
16 or fees owed is waived if the department does not
17 provide timely notice; providing that such felons are
18 eligible for voting rights restoration, provided all
19 other requirements are met; amending s. 106.23, F.S.;
20 authorizing a person to request an advisory opinion
21 from the Division of Elections to determine his or her
22 eligibility to vote following a felony conviction;
23 requiring the advisory opinion to include certain
24 information; providing that the full amount of fines
25 or fees owed is waived if the division does not timely
26 respond to a request; providing that such persons are
27 eligible for voting rights restoration, provided all
28 other requirements are met; requiring the division to
29 develop a form for advisory opinion requests by rule;

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30 providing an effective date.

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32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsections (1) and (3) of section 98.0751,
35 Florida Statutes, are amended to read:

36 98.0751 Restoration of voting rights; termination of
37 ineligibility subsequent to a felony conviction.—

38 (1) A person who has been disqualified from voting based on
39 a felony conviction for an offense other than murder or a felony
40 sexual offense must have such disqualification terminated and
41 his or her voting rights restored pursuant to s. 4, Art. VI of
42 the State Constitution upon the completion of all terms of his
43 or her sentence, including parole or probation. Additionally,
44 the disqualification terminates if the person's outstanding
45 finances or fees described in sub-subparagraph (2)(a)5.b. are
46 waived due to the department's failure to provide a timely
47 notification or advisory opinion under either paragraph (3)(a)
48 or s. 106.23(2)(b), as applicable, so long as the person has
49 otherwise completed all other terms of sentence. The voting
50 disqualification does not terminate unless a person's civil
51 rights are restored pursuant to s. 8, Art. IV of the State
52 Constitution if the disqualification arises from a felony
53 conviction of murder or a felony sexual offense, or if the
54 person has not completed all terms of sentence, as specified in
55 subsection (2).

56 (3)(a) 1. The appropriate issuing authority shall notify the
57 department when a person who has been disqualified from voting
58 based on a felony conviction is notified as required under s.

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59 944.705(7)(a), s. 947.24(3), s. 948.041, or s. 951.29, as
60 applicable. If none of those sections apply, the sentencing
61 court must notify the department of any outstanding terms of the
62 person's sentence.

63 2. Following receipt of the notification required under
64 subparagraph 1., the department shall provide an additional
65 written notice to the person which identifies the full amount of
66 outstanding fines or fees described under sub-subparagraph
67 (2)(a)5.b. which the person owes as a part of his or her
68 sentence. The notice also must inform the person as to how to
69 pay the fines or fees, how to establish a payment plan, and how
70 to convert the financial obligation to community service. If the
71 department does not provide the notice required under this
72 subparagraph within 30 business days after its receipt of the
73 notification, the full amount of any outstanding fines or fees
74 described under sub-subparagraph (2)(a)5.b. is deemed to be
75 waived and the person is eligible to have his or her voting
76 rights restored so long as he or she has completed all other
77 terms of sentence and he or she meets any other requirements
78 established under s. 4, Art. VI of the State Constitution and
79 this code. A person who was convicted of murder or a felony
80 sexual offense is not eligible for the waiver of fines or fees
81 provided under this subparagraph.

82 (b) The department shall obtain and review information
83 pursuant to s. 98.075(5) related to a person who registers to
84 vote and make an initial determination on whether such
85 information is credible and reliable regarding whether the
86 person is eligible pursuant to s. 4, Art. VI of the State
87 Constitution and this section. Upon making an initial

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88 determination of the credibility and reliability of such
89 information, the department shall forward such information to
90 the supervisor of elections pursuant to s. 98.075.

91 (c)~~(b)~~ A local supervisor of elections shall verify and
92 make a final determination pursuant to s. 98.075 regarding
93 whether the person who registers to vote is eligible pursuant to
94 s. 4, Art. VI of the State Constitution and this section.

95 (d)~~(e)~~ The supervisor of elections may request additional
96 assistance from the department in making the final
97 determination, if necessary.

98 Section 2. Subsection (2) of section 106.23, Florida
99 Statutes, is amended to read:

100 106.23 Powers of the Division of Elections.—

101 (2) (a) The division ~~of Elections~~ shall provide advisory
102 opinions when requested by any supervisor of elections,
103 candidate, local officer having election-related duties,
104 political party, affiliated party committee, political
105 committee, or other person or organization engaged in political
106 activity, relating to any provisions or possible violations of
107 Florida election laws with respect to actions such supervisor,
108 candidate, local officer having election-related duties,
109 political party, affiliated party committee, committee, person,
110 or organization has taken or proposes to take. Requests for
111 advisory opinions must be submitted in accordance with
112 department rule ~~rules adopted by the Department of State~~. A
113 written record of all such opinions issued by the division,
114 sequentially numbered, dated, and indexed by subject matter,
115 shall be retained. A copy shall be sent to said person or
116 organization upon request. Any such person or organization,

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117 acting in good faith upon such an advisory opinion, is ~~shall~~ not
118 ~~be~~ subject to any criminal penalty provided for in this chapter.
119 The opinion, until amended or revoked, is ~~shall be~~ binding on
120 any person or organization who sought the opinion or with
121 reference to whom the opinion was sought, unless material facts
122 were omitted or misstated in the request for the advisory
123 opinion.

124 (b)1. A person who has previously been convicted of a
125 felony, other than murder or a felony sexual offense, and who is
126 not subject to the procedure in s. 98.0751(3) (a) may request an
127 advisory opinion pursuant to paragraph (a) to determine whether
128 he or she is eligible for voting rights restoration under the
129 requirements of s. 4, Art. VI of the State Constitution and s.
130 98.0751. The advisory opinion must identify the full amount of
131 outstanding fines or fees described under s. 98.0751(2) (a)5.b.
132 which the person owes as a part of his or her sentence.
133 Additionally, the advisory opinion must contain information on
134 how to pay the fines or fees, how to establish a payment plan,
135 and how to convert the financial obligation to community
136 service. If the division does not respond to the request within
137 30 business days, the full amount of any outstanding fines or
138 fees described under s. 98.0751(2) (a)5.b. is deemed to be waived
139 and the person is eligible to have his or her voting rights
140 restored so long as he or she has completed all other terms of
141 sentence and meets any other requirements established under s.
142 4, Art. VI of the State Constitution and this code.

143 2. The division shall prescribe by rule a form for use by
144 persons requesting an advisory opinion on voting rights
145 restoration pursuant to subparagraph 1.

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Section 3. This act shall take effect July 1, 2021.