HB 6117 2022

1 A bill to be entitled 2 An act relating to restoration of voting rights; 3 amending s. 98.0751, F.S.; revising the definition of the term "completion of all terms of sentence" to 4 5 remove provisions requiring full payment of certain 6 fines and fees and providing that payment is not 7 deemed completed upon conversion of a financial 8 obligation to a civil lien, respectively; conforming 9 provisions to changes made by the act; providing an effective date. 10 11 12 13 14 Section 1. 15 16

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

Paragraph (a) of subsection (2) of section 98.0751, Florida Statutes, is amended to read:

98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.-

- For purposes of this section, the term:
- "Completion of all terms of sentence" means any (a) portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:
- Release from any term of imprisonment ordered by the court as a part of the sentence;
- Termination from any term of probation or community control ordered by the court as a part of the sentence;

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3. Fulfillment of any term ordered by the court as a part of the sentence;

- 4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and
- 5.a. Full payment of restitution ordered to a victim by the court as a part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.
- b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.
- <u>b.e.</u> The financial obligations required under subsubparagraph a. or sub-subparagraph b. include only the amount specifically ordered by the court as part of the sentence and do not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.
- c.d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph d. sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in

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the United States Constitution or the State Constitution.

<u>d.e.</u> Financial obligations required under sub-subparagraph a. or sub-subparagraph b. are considered completed in the following manner or in any combination thereof:

- (I) Actual payment of the obligation in full.
- (II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to a payee, including, but not limited to, a victim, or the court.
- (III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.

A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term. The requirement to pay any financial obligation specified in this paragraph is not deemed completed upon conversion to a civil lien.

Section 2. This act shall take effect July 1, 2022.

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