

By Senator Davis

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1 A bill to be entitled
2 An act relating to restoration of voting rights;
3 creating s. 98.094, F.S.; requiring the Department of
4 State to adopt procedures by a specified date to
5 ensure that certain information is reviewed and
6 provided, within a specified timeframe, to supervisors
7 of elections; requiring the department to notify
8 ineligible voters after a supervisor of elections
9 makes a determination that a person is ineligible to
10 vote and removes that person from the statewide voter
11 registration system; requiring the department to
12 provide persons who are the subject of such a
13 determination with specified information; requiring
14 that notification be made through specified means;
15 creating s. 104.47, F.S.; providing an affirmative
16 defense for individuals charged with specified crimes;
17 providing an effective date.

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

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21 Section 1. Section 98.094, Florida Statutes, is created to
22 read:

23 98.094 Schedule for the Department of State to furnish and
24 publish information relating to deceased persons, persons
25 adjudicated mentally incapacitated, persons convicted of a
26 felony, and persons who are not United States citizens.-

27 (1) In order for supervisors to timely identify ineligible
28 registered voters and maintain accurate and current voter
29 registration records in the statewide voter registration system

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30 pursuant to the procedures in ss. 98.065 and 98.075, the
31 department shall adopt procedures by January 31, 2024, to ensure
32 that it will review the information provided or made accessible
33 by federal or state officials pursuant to s. 98.093 and provide
34 all such information to supervisors pursuant to s. 98.075 as
35 soon as practicable, but no later than 1 month after receipt.

36 (2) Once a supervisor makes a final determination pursuant
37 to s. 98.075 that a person who registered to vote is ineligible
38 pursuant to s. 4, Art. VI of the State Constitution and s.
39 98.0751 and has removed the person from the statewide voter
40 registration system pursuant to s. 98.075(7), the department
41 shall immediately notify the ineligible voter of his or her
42 ineligibility and the basis for that determination and provide
43 him or her with information regarding any outstanding terms of
44 sentence as provided in s. 948.041, information explaining
45 voting rights restoration pursuant to s. 4, Art. VI of the State
46 Constitution following a felony conviction, and instructions for
47 seeking restoration of civil rights pursuant to s. 8, Art. IV of
48 the State Constitution. The department must also provide the
49 person with contact information for a person designated by the
50 department to address questions regarding the restoration of
51 civil and voting rights. Such notification must be made by e-
52 mail, text message, telephone, and certified mail.

53 Section 2. Section 104.47, Florida Statutes, is created to
54 read:

55 104.47 Affirmative defense to voting fraud crimes.—In a
56 criminal action pursuant to any statute that imposes criminal
57 liability related to voting or registering to vote, including,
58 but not limited to, s. 104.011, s. 104.041, s. 104.15, or s.

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59 104.16, a person who registers to vote or casts a ballot which
60 was authorized by the department, a supervisor, or a state
61 agency that had access to information indicating the person's
62 potential ineligibility to vote, or the provision of a voter
63 information card by the department, is an affirmative defense.

64 Section 3. This act shall take effect July 1, 2023.