

By Senator Jones

34-01139-24

2024856__

1 A bill to be entitled
 2 An act relating to restoration of voting rights
 3 information on sentencing scoresheets; amending s.
 4 921.0024, F.S.; specifying information to be provided
 5 on sentencing scoresheets concerning restoration of
 6 voting rights; requiring that a scoresheet be provided
 7 to a defendant before a sentence is imposed; providing
 8 an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraphs (c) and (d) are added to subsection
 13 (1) of section 921.0024, Florida Statutes, to read:

14 921.0024 Criminal Punishment Code; worksheet computations;
 15 scoresheets.—

16 (1)

17 (c) NOTICE CONCERNING VOTING RIGHTS:

18 Article VI, s. 4(a) and (b) of the Florida Constitution
 19 provide the following concerning voting rights:

20 SECTION 4. Disqualifications.—

21 (a) No person convicted of a felony, or adjudicated in this
 22 or any other state to be mentally incompetent, shall be
 23 qualified to vote or hold office until restoration of civil
 24 rights or removal of disability. Except as provided in
 25 subsection (b) of this section, any disqualification from voting
 26 arising from a felony conviction shall terminate and voting
 27 rights shall be restored upon completion of all terms of
 28 sentence including parole or probation.

29 (b) No person convicted of murder or a felony sexual

34-01139-24

2024856__

30 offense shall be qualified to vote until restoration of civil
31 rights.

32
33 Section 98.0751 of the Florida Statutes provides the
34 following concerning restoration of voting rights:

35 98.0751 Restoration of voting rights; termination of
36 ineligibility subsequent to a felony conviction.-

37 (1) A person who has been disqualified from voting based on
38 a felony conviction for an offense other than murder or a felony
39 sexual offense must have such disqualification terminated and
40 his or her voting rights restored pursuant to s. 4, Art. VI of
41 the State Constitution upon the completion of all terms of his
42 or her sentence, including parole or probation. The voting
43 disqualification does not terminate unless a person's civil
44 rights are restored pursuant to s. 8, Art. IV of the State
45 Constitution if the disqualification arises from a felony
46 conviction of murder or a felony sexual offense, or if the
47 person has not completed all terms of sentence, as specified in
48 subsection (2).

49 (2) For purposes of this section, the term:

50 (a) "Completion of all terms of sentence" means any portion
51 of a sentence that is contained in the four corners of the
52 sentencing document, including, but not limited to:

53 1. Release from any term of imprisonment ordered by the
54 court as a part of the sentence;

55 2. Termination from any term of probation or community
56 control ordered by the court as a part of the sentence;

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

34-01139-24

2024856__

59 4. Termination from any term of any supervision, which is
60 monitored by the Florida Commission on Offender Review,
61 including, but not limited to, parole; and

62 5.a. Full payment of restitution ordered to a victim by the
63 court as a part of the sentence. A victim includes, but is not
64 limited to, a person or persons, the estate or estates thereof,
65 an entity, the state, or the Federal Government.

66 b. Full payment of fines or fees ordered by the court as a
67 part of the sentence or that are ordered by the court as a
68 condition of any form of supervision, including, but not limited
69 to, probation, community control, or parole.

70 c. The financial obligations required under sub-
71 subparagraph a. or sub-subparagraph b. include only the amount
72 specifically ordered by the court as part of the sentence and do
73 not include any fines, fees, or costs that accrue after the date
74 the obligation is ordered as a part of the sentence.

75 d. For the limited purpose of addressing a plea for relief
76 pursuant to sub-subparagraph e. and notwithstanding any other
77 statute, rule, or provision of law, a court may not be
78 prohibited from modifying the financial obligations of an
79 original sentence required under sub-subparagraph a. or sub-
80 subparagraph b. Such modification shall not infringe on a
81 defendant's or a victim's rights provided in the United States
82 Constitution or the State Constitution.

83 e. Financial obligations required under sub-subparagraph a.
84 or sub-subparagraph b. are considered completed in the following
85 manner or in any combination thereof:

86 (I) Actual payment of the obligation in full.

87 (II) Upon the payee's approval, either through appearance

34-01139-24

2024856__

88 in open court or through the production of a notarized consent
89 by the payee, the termination by the court of any financial
90 obligation to a payee, including, but not limited to, a victim,
91 or the court.

92 (III) Completion of all community service hours, if the
93 court, unless otherwise prohibited by law or the State
94 Constitution, converts the financial obligation to community
95 service.

96
97 A term required to be completed in accordance with this
98 paragraph shall be deemed completed if the court modifies the
99 original sentencing order to no longer require completion of
100 such term. The requirement to pay any financial obligation
101 specified in this paragraph is not deemed completed upon
102 conversion to a civil lien.

103 (b) "Felony sexual offense" means any of the following:

104 1. Any felony offense that serves as a predicate to
105 registration as a sexual offender in accordance with s.
106 943.0435;

107 2. Section 491.0112 [sexual misconduct by a
108 psychotherapist];

109 3. Section 784.049(3)(b) [sexual cyberharassment by someone
110 with one prior conviction];

111 4. Section 794.08 [female genital mutilation];

112 5. Section 796.08 [criminal transmission of HIV];

113 6. Section 800.101 [offenses against students by authority
114 figures];

115 7. Section 826.04 [incest];

116 8. Section 847.012 [sale or distribution of material

34-01139-24

2024856__

117 harmful to minors or using minors in production];

118 9. Section 872.06(2) [abuse of a dead human body];

119 10. Section 944.35(3)(b)2. [sexual misconduct with inmate
120 or supervised offender];

121 11. Section 951.221(1) [sexual misconduct between detention
122 facility employees and inmates]; or

123 12. Any similar offense committed in another jurisdiction
124 which would be an offense listed in this paragraph if it had
125 been committed in violation of the laws of this state.

126 (c) "Murder" means either of the following:

127 1. A violation of any of the following sections which
128 results in the actual killing of a human being:

129 a. Section 775.33(4) [terrorism resulting in death].

130 b. Section 782.04(1), (2), or (3) [murder].

131 c. Section 782.09 [killing of unborn child by injury to
132 mother].

133 2. Any similar offense committed in another jurisdiction
134 which would be an offense listed in this paragraph if it had
135 been committed in violation of the laws of this state.

136 (3)(a) The department [of State] shall obtain and review
137 information pursuant to s. 98.075(5) related to a person who
138 registers to vote and make an initial determination on whether
139 such information is credible and reliable regarding whether the
140 person is eligible pursuant to s. 4, Art. VI of the State
141 Constitution and this section. Upon making an initial
142 determination of the credibility and reliability of such
143 information, the department [of State] shall forward such
144 information to the supervisor of elections pursuant to s.
145 98.075.

34-01139-24

2024856__

146 (b) A local supervisor of elections shall verify and make a
147 final determination pursuant to s. 98.075 regarding whether the
148 person who registers to vote is eligible pursuant to s. 4, Art.
149 VI of the State Constitution and this section.

150 (c) The supervisor of elections may request additional
151 assistance from the department [of State] in making the final
152 determination, if necessary.

153 (4) For the purpose of determining a voter registrant's
154 eligibility, the provisions of this section shall be strictly
155 construed. If a provision is susceptible to differing
156 interpretations, it shall be construed in favor of the
157 registrant.

158
159 (d) DEFENDANT RECEIPT OF SCORESHEET NOTICE: In order for a
160 defendant to receive notice of the impact of his or her sentence
161 on voter eligibility, each defendant must receive a copy of the
162 scoresheet containing the notice in paragraph (c) before a
163 sentence is imposed.

164 Section 2. This act shall take effect July 1, 2024.