

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 748

INTRODUCER: Senator Bracy Davis

SUBJECT: Notice of Restoration of Voting Rights Information on Sentencing Scoresheets

DATE: February 16, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vaughan</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Roberts</u>	<u>Roberts</u>	<u>EE</u>	Favorable
3.	<u>Vaughan</u>	<u>Kruse</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 748 amends s. 921.0024, F.S., to require that sentencing scoresheets include a notice informing defendants about the impact of their sentence on voting rights.

Defendants must receive a copy of the scoresheet containing this notice before sentencing.

The bill takes effect July 1, 2026.

II. Present Situation:

In November 2018, nearly 65% of Florida voters approved Amendment 4, a constitutional amendment that automatically restored voting rights to most Floridians with past convictions who had completed the terms of their sentence. In June 2019, Governor DeSantis signed SB 7066 into law, prohibiting such people from voting until they pay off certain legal financial obligations imposed by a court.¹

In August 2019, the Governor sought an advisory opinion regarding the meaning of “upon completion of all terms of sentence” asking whether the phrase “all terms of sentence” encompasses legal financial obligations such as fines, restitution, court costs and fees. The Supreme Court of Florida issued an opinion that the phrase “all terms of sentence” has an ordinary meaning that the voters would have understood to refer not only to durational periods but also to all legal financial obligations imposed in conjunction with an adjudication of guilt.²

¹ The Brennan Center for Justice, Voting Rights Restoration Efforts in Florida, updated Nov. 18, 2024, available at: <https://www.brennancenter.org/our-work/research-reports/voting-rights-restoration-efforts-florida> (last visited January 30, 2026).

² Advisory Opinion to the Governor re Implementation of Amendment 4, The Voting Restoration Amendment, 288 So. 3d 1070 (Fla. 2020).

A person has the option to petition a court to terminate, upon consent of the person or entity owed, a financial obligation or to convert such obligation to community service. If converted, the terms of the sentence are deemed complete when the person completes the community service.³

The State Constitution provides that no person convicted of a felony or adjudicated in this or any other state to be mentally incompetent, is qualified to vote or hold office until restoration of civil rights or removal of disability. Any disqualification from voting arising from a felony conviction must be terminated and voting rights must be restored upon completion of all terms of sentence including parole or probation. However, a person convicted of murder or a felony sexual offense is not qualified to vote until restoration of civil rights.⁴

The uniform statewide voter registration application⁵ must contain a question as to whether the applicant has been convicted of a felony, and, if convicted, has had his or her civil rights restored. The convicted felon who has gained his or her rights back must not be made to divulge the existence of such a conviction when filling out an application. The affirmative statement required to be included in the application is: "I affirm I am not a convicted felon, or, if I am, my rights relating to voting have been restored."⁶

The Department of State (DOS) will apply the standards in s. 98.075(5), F.S.,⁷ to determine whether a felon is eligible to register or vote. The Supervisors of Elections are responsible for removing the name of any registered voter from the statewide voter registration system.⁸

Beginning November 28, 2024, people with felony convictions who are unsure about their eligibility may request an advisory opinion from the Division of Elections (Division) in the DOS. The Division must respond within 90 days to indicate whether a person is eligible or ineligible to register and to vote. Individuals can submit a form as a .PDF attachment by email to dos.generalcounsel@dos.myflorida.com or by mail or in person. When issuing an advisory opinion, the Division will apply the standards in s. 98.075(5), F.S., to determine whether a felon is eligible to register or vote. Therefore, if the felon has provided the required information and if the Division finds no credible and reliable information to indicate the felon is ineligible to

³ Section 98.0751(2)(a)5 e., F.S.

⁴ Section 4, Art. VI, the Florida Constitution.

⁵ Section 97.052, F.S. provides the DOS with the authority to prescribe by rule a uniform state voter registration application for use in this state.

⁶ Sections 97.052(2)(t), and 97.053(5)(a)6., F.S., further provide that this requirement is satisfied in the application with a mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

⁷ Section 98.075, F.S. requires the DOS to ensure the maintenance of accurate and current voter registration records through the implementation of uniform, nondiscriminatory voter list maintenance in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department is required to adopt by rule uniform standards and procedures to interpret and administer this section. This section details the methodology for determining whether a voter registration applicant is ineligible to vote by identifying duplicate registrations; deceased persons; adjudications of mental incapacity; felony convictions; and other bases for ineligibility. Section 97.075(7), F.S., further provides the procedures for removal of the voter from the voter registration rolls by providing notice to the voter of his or her potential ineligibility and affording the voter the opportunity to respond. All determinations of eligibility must be based on a preponderance of the evidence.

⁸ Section 98.035, F.S., provides for the implementation, operation, and maintenance of the statewide voter registration system, otherwise known as the Florida Voter Registration System (FVRS), by the Secretary of State as required by HAVA.

register or to vote, the Division will issue an opinion stating that the felon is eligible to register or to vote.⁹

Upon a felony conviction, the civil rights of such person must be suspended in Florida until such rights are restored by a full pardon,¹⁰ conditional pardon,¹¹ or restoration of civil rights¹² granted pursuant to s. 8, Art. IV of the State Constitution and s. 98.0751, F.S.¹³

Any person who has been convicted of a felony may be entitled to the restoration of all the rights of citizenship if the person has:¹⁴

- Received a full pardon from the Board of Executive Clemency;
- Served the maximum term of the sentence imposed upon him or her; or
- Been granted his or her final release by the Florida Commission on Offender Review.

Sentence Scoresheets

The Criminal Punishment Code (CPC)¹⁵ requires the use of scoresheets to determine sentencing points for felony offenses. The scoresheet calculates points based on factors such as the primary offense, additional offenses, victim injury, prior record, and other enhancements. These points establish the lowest permissible sentence under the CPC. Currently, the Department of Corrections is responsible for preparing scoresheets, which are reviewed by the court before sentencing. The CPC and scoresheet process aim to ensure uniformity and proportionality in sentencing across the state.

Sentencing scoresheets do not currently include any notice regarding voting rights restoration.

III. Effect of Proposed Changes:

SB 748 amends s. 921.0024, F.S., to require that sentencing scoresheets include a notice informing defendants about the impact of their sentence on voting rights by referencing the provisions of section 98.0751, F.S. (Restoration of voting rights; termination of ineligibility subsequent to a felony conviction).

⁹ Florida Department of State, Division of Elections, *Felon Voting Rights*, updated July 10, 2024, available at: <https://dos.fl.gov/elections/for-voters/voter-registration/felon-voting-rights/> (last visited January 30, 2026).

¹⁰ A Full Pardon unconditionally releases a person from punishment and forgives guilt for any Florida convictions. It restores to an applicant all of the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms. Florida Commission on Offender Review, *Types of Clemency*, available at: <https://www.fcor.state.fl.us/clemency> (last visited January 16, 2026).

¹¹ An example of a conditional pardon is a pardon without firearm authority which releases a person from punishment and forgives guilty. It entitles an applicant all of the rights of citizen enjoyed prior to a conviction except the specific authority to own, possess, or use firearms. *Id.*

¹² The restoration of civil rights restores to an applicant all of the rights of citizenship in the State of Florida enjoyed prior to the felony conviction, except the specific authority to own, possess, or use firearms. Such restoration shall not relieve an applicant from the registration and notification requirement or any other obligations and restrictions imposed by law upon sexual predators or sexual offenders. *Id.*

¹³ Section 944.292, F.S.

¹⁴ Section 940.05, F.S.

¹⁵ Sections 921.002-921.0027, F.S. See chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.

The bill provides that defendants must receive a copy of the scoresheet containing this notice before sentencing.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 921.0024.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
