

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7089 PCB CRJ 19-03 Voting Rights Restoration
SPONSOR(S): Criminal Justice Subcommittee; Grant, J.
TIED BILLS: **IDEN./SIM. BILLS:** SB 7086

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Criminal Justice Subcommittee	10 Y, 5 N	Hall	Hall
1) State Affairs Committee	15 Y, 6 N	Toliver	Williamson
2) Judiciary Committee		Hall <i>WH</i>	Poche <i>MP</i>

SUMMARY ANALYSIS

Prior to 2019, article VI, section 4 of the Florida Constitution disqualified a convicted felon from voting unless granted restoration of his or her civil rights through the executive clemency process. Executive clemency requires an offender to complete all sentences and conditions of supervision imposed, including, but not limited to, incarceration, probation, parole, and restitution payments. An offender must be arrest- and conviction-free for five to seven years to be eligible to apply. The Governor and two members of the Cabinet, sitting as the Board of Executive Clemency, may grant or deny clemency for any reason.

Florida voters approved Amendment 4 in 2018, amending the Constitution to provide that a felon's voting rights are automatically restored upon completion of all terms of sentence, including parole or probation. The amendment excludes a person convicted of murder or a felony sexual offense from being able to restore his or her voting rights except through the clemency process. However, because the amendment did not define essential terms, the qualifications for voting rights restoration are unclear.

The Department of State (DOS) and supervisors of elections, who are responsible for determining voter eligibility, have suspended the process for determining voter ineligibility following a felony conviction. As such, supervisors of elections have continued to register new voters without an initial eligibility determination from DOS.

HB 7089 provides standards for authenticating voting eligibility following a felony conviction by:

- Defining essential terms left undefined by the amendment, including "murder," "felony sexual offense," "completion," and "term of sentence;"
- Delegating rulemaking authority to DOS to implement a process for authenticating voter eligibility;
- Requiring the Department of Corrections and county detention facilities to provide inmates being released from incarceration with information on voting rights restoration and specified outstanding financial obligations; and
- Revising the voter registration laws to clarify that a person's voting rights, rather than all civil rights, must be restored prior to registering to vote.

The bill may have a negative indeterminate fiscal impact on state and local governments.

The bill provides an effective date of July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Voter Registration

The Florida Voter Registration Act (act)¹ governs the voter registration process, from the requirements necessary for registration to the operation and administration of the Florida Voter Registration System (FVRS).² The Secretary of State, as Florida's chief election officer, administers and maintains the FVRS.³ However, it is each county's supervisor of elections (supervisor) that is responsible for ensuring that each applicant is eligible to vote and is processed in accordance with the law.⁴ A person may be eligible to vote in Florida only if that person is:

- At least 18 years old;
- A United States citizen;
- A legal resident of Florida;
- A legal resident of the county in which the person seeks to register; and
- Registered pursuant to the Florida Election Code.⁵

A person may not register or vote if the person has been:

- Adjudicated mentally incapacitated with respect to voting in Florida or any other state and has not had his or her voting rights restored; or
- Convicted of a felony and not had his or her voting rights restored.⁶

The Department of State (DOS) developed a uniform statewide voter registration application for distribution to any person seeking to register to vote.⁷ The application elicits specified information from the applicant, including, but not limited to, the applicant's name, date of birth, address, county of residence, race or ethnicity, state or county of birth, sex, and party affiliation.⁸ An application must include the applicant's signature, swearing and affirming under oath that the information in the application is true, including whether the applicant:

- Is a United States citizen;
- Is a convicted felon, and if so, whether his or her civil rights are restored; and
- Has been adjudicated mentally incapacitated with respect to voting, and if so, whether his or her right to vote is restored.⁹

An applicant must check a box affirming the oath requirement to complete the application.¹⁰ If an applicant willfully swears or affirms falsely to the oath or willfully submits false voter registration information, he or she commits a third degree felony.¹¹ The application is only accepted as valid and complete if the applicant has provided all information necessary to ascertain his or her eligibility¹² and if DOS has verified the authenticity of the applicant's driver license number, identification number, or

¹ S. 97.032, F.S.

² The FVRS is a single, uniform, centralized, interactive, computerized statewide voter registration system that contains the name and registration information of every legally registered voter in the state. S. 98.035, F.S.

³ S. 97.012(11), F.S.

⁴ S. 98.045(1), F.S.

⁵ S. 97.041(1)(a), F.S.

⁶ S. 97.041(2), F.S.; *see also* art. VI, s. 4(a), Fla. Const.

⁷ S. 97.052(1)(b), F.S.

⁸ S. 97.052(2), F.S.

⁹ S. 97.052(2)(s)-(u), F.S.

¹⁰ S. 97.053(5)(a), F.S.; *see also* Art. VI, s. 3, Fla. Const.

¹¹ S. 104.011, F.S. A third degree felony is punishable by up to five years in prison and a \$5,000 fine. Ss. 775.082 and 775.083, F.S.

¹² S. 97.053(2), F.S.; *see also* s. 97.053(5)(a), F.S.

the last four digits of his or her social security number.¹³ The voter registration application is then entered into the FVRS and is immediately forwarded to the appropriate supervisor.¹⁴

Ineligibility Determination

A supervisor may not remove a voter from the statewide voter registration system unless the voter is deceased, has requested removal, is convicted of a felony or adjudicated as mentally incapacitated with respect to voting, or the removal is pursuant to specified list maintenance activities.¹⁵ DOS identifies ineligible registered voters who qualify for removal from the registration system and forwards that information to the appropriate supervisor for a final determination.¹⁶ To identify ineligibility because of a felony conviction, DOS compares information received from:

- A circuit court clerk;¹⁷
- The Board of Executive Clemency (Board);¹⁸
- The Department of Corrections;¹⁹
- The Department of Law Enforcement;²⁰ or
- A United States Attorney's Office.²¹

DOS reviews ineligibility information and makes an initial credibility and reliability determination.²² If DOS determines the information is credible and reliable, it notifies the appropriate supervisor and provides a copy of supporting documentation indicating the voter's potential ineligibility.²³ Once a supervisor receives notification from DOS, the supervisor must notify the registered voter of his or her potential ineligibility by mail within seven days. The notice must include:

- A statement regarding the basis for potential ineligibility and a copy of any supporting documentation;
- A statement that failing to respond within 30 days after receiving the notice may result in an ineligibility determination and removal from the statewide voter registration system;
- A return form requiring the registered voter to admit or deny the accuracy of the information used to make the initial ineligibility determination;
- Instructions for contacting the supervisor if the person requires assistance; and
- Instructions for seeking restoration of civil rights following a felony conviction, if applicable.²⁴

If a registered voter fails to respond to the notice, or responds without requesting a hearing, the supervisor makes a final ineligibility determination and may remove the voter from the statewide voter registration system and provide a notification of removal.²⁵

If the voter denies the accuracy of the information and requests a hearing, the supervisor must conduct a hearing at which the registered voter may present evidence prior to making an eligibility determination.²⁶ If the supervisor determines the voter is ineligible following a hearing, the supervisor may remove the voter from the statewide voter registration system and notify the voter of such action.²⁷

¹³ S. 97.053(6), F.S.

¹⁴ S. 97.053(7), F.S.

¹⁵ S. 98.045(2)(a), F.S.

¹⁶ Ss. 98.075(1)-(5), F.S.

¹⁷ S. 98.075(5), F.S.

¹⁸ This information, provided bimonthly by the Florida Commission on Offender Review, identifies persons granted clemency in the preceding month or any updates to prior records, which occurred in the preceding month. S. 98.093(1)(e), F.S.

¹⁹ Identifying persons convicted of a felony and committed to the department's custody or placed on community supervision. S. 98.093(1)(f), F.S.

²⁰ Identifying persons convicted of a felony whose name appears in the voter registration records. S. 98.093(1)(d), F.S.

²¹ Identifying persons convicted of a felony in federal court. S. 98.093(1)(c), F.S.

²² S. 98.075(5), F.S.

²³ *Id.*; The supervisor is also authorized to remove the name of an ineligible person from the statewide voter registration system based on information received from other sources and not provided by DOS. S. 98.093(3), F.S.

²⁴ S. 98.075(7), F.S.

²⁵ S. 98.075(7)(a)3., F.S.

²⁶ S. 98.075(7)(a)5., F.S.

²⁷ *Id.*

An eligibility determination must be supported by a preponderance of the evidence, and upon removal, a voter has the right to appeal the determination.²⁸

Executive Clemency

Article IV, section 8 of the Florida Constitution grants the Governor, with the approval of two Cabinet members, sitting as the Board, the power to restore civil rights.²⁹ The Board may grant, at any time, for any reason, any of the following types of clemency:

- Full pardon;
- Pardon without firearm authority;
- Pardon for a misdemeanor;
- Commutation of sentence;
- Remission of fines and forfeitures;
- Specific authority to own, possess, or use a firearm;
- Restoration of civil rights in Florida; and
- Restoration of alien status under Florida law.³⁰

Civil Rights Restoration

Restoration of civil rights restores to an applicant all the rights of citizenship in Florida that he or she enjoyed before a felony conviction, except the right to own, possess, or use a firearm. An applicant's civil rights may be restored without a hearing if the applicant has not committed or been arrested for any crime for five years from the date of completion of all sentences and conditions of supervision imposed and meets the following requirements:

- Has completed all sentences imposed and all conditions of supervision have expired or been completed, including but not limited to, imprisonment, parole, probation, community control, control release, and conditional release;
- Has no outstanding detainers or pending criminal charges;
- Owes no restitution pursuant to a court order, civil judgement, or ch. 960, F.S.;³¹ and
- Was not convicted for:
 - Murder, attempted murder, attempted felony murder, or manslaughter;³²
 - Driving under the influence (DUI) manslaughter or DUI causing serious bodily injury;³³
 - Leaving the scene of an accident involving injury or death;³⁴
 - Sexual battery, attempted sexual battery, unlawful sexual activity with a minor, or female genital mutilation;³⁵
 - Any violation of ch. 800, F.S.;
 - Lewd or lascivious offense on an elderly or disabled person;³⁶
 - Sexual performance by a child;³⁷
 - Aggravated child abuse;³⁸
 - Failure to register as a sexual predator or sexual offender;³⁹
 - Computer pornography, transmission of computer pornography, or any crime involving a minor in violation of ch. 847, F.S.;

²⁸ S. 98.075(7)(b), F.S.

²⁹ Art. IV, s. 8, Fla. Const.; s. 940.01, F.S.

³⁰ Rules of Executive Clemency, r. 4, https://www.fcor.state.fl.us/docs/clemency/clemency_rules.pdf (last visited Apr. 4, 2019).

³¹ Chapter 960, F.S., provides compensation for crime victim assistance services including, but not limited to, mental health counseling, forensic physical examinations, and relocation assistance for specified crimes.

³² Ch. 782, F.S.

³³ S. 316.193, F.S.

³⁴ S. 316.027, F.S.

³⁵ Ch. 794, F.S.

³⁶ A conviction for attempt to commit the offense also disqualifies a person from eligibility. S. 825.1025, F.S.

³⁷ A conviction for attempt to commit the offense also disqualifies a person from eligibility. S. 827.071, F.S.

³⁸ S. 827.03, F.S.

³⁹ Ss. 775.21 and 943.0435, F.S.

- Kidnapping, false imprisonment, or luring or enticing a child;⁴⁰
- Aggravated battery;⁴¹
- Felony battery or domestic battery by strangulation;⁴²
- Robbery, carjacking, home invasion;⁴³
- Poisoning food or water;⁴⁴
- Abuse of a dead human body;⁴⁵
- Burglary of a dwelling or first degree burglary;⁴⁶
- Arson;⁴⁷
- Aggravated assault;⁴⁸
- Aggravated stalking;⁴⁹
- Battery, aggravated battery, or aggravated assault on an officer;⁵⁰
- Trafficking or conspiracy to traffic in a controlled substance or any other first or second degree felony violation of ch. 893, F.S.;
- Aircraft piracy;⁵¹
- Unlawful throwing, placing, or discharging of a destructive device or bomb;⁵²
- Facilitating or furthering terrorism;⁵³
- Treason;⁵⁴
- Possession of a firearm by a convicted felon or violent career criminal;⁵⁵
- Bribery, misuse of public office,⁵⁶ extortion by a state officer,⁵⁷ misappropriation of money by a commission to make a sale,⁵⁸ or any crime committed by an elected official while in office;
- Illegal use of explosives;⁵⁹
- Racketeering;⁶⁰
- Exploitation of an elderly person;⁶¹
- Public corruption;
- Any felony violation of election law;
- A "dangerous crime" as defined by s. 907.041, F.S.; or
- A similar offense committed in another jurisdiction.

Additionally, an applicant may not be previously declared a habitual felony offender,⁶² three-time violent felony offender,⁶³ violent career criminal,⁶⁴ Prison Releasee Reoffender,⁶⁵ or sexual predator.⁶⁶

⁴⁰ A conviction for attempt to commit any of these offenses also disqualifies a person from eligibility. Ch. 787, F.S.

⁴¹ A conviction for attempt to commit the offense also disqualifies a person from eligibility. S. 784.045, F.S.

⁴² S. 784.041, F.S.

⁴³ A conviction for attempt to commit any of these offenses also disqualifies a person from eligibility. Ch. 812, F.S.

⁴⁴ S. 859.01, F.S.

⁴⁵ S. 872.06, F.S.

⁴⁶ An attempt to commit these offenses also disqualifies a person from eligibility. S. 810.02, F.S.

⁴⁷ The attempt or conspiracy to commit such offense also disqualifies a person from eligibility. S. 806.01, F.S.

⁴⁸ S. 784.021, F.S.

⁴⁹ S. 784.048, F.S.

⁵⁰ S. 784.07, F.S.

⁵¹ S. 860.16, F.S.

⁵² S. 790.161, F.S.

⁵³ S. 775.31, F.S.

⁵⁴ S. 876.32, F.S.

⁵⁵ Ss. 790.23 and 790.235, F.S.

⁵⁶ Ch. 838, F.S.

⁵⁷ S. 839.11, F.S.

⁵⁸ S. 839.17, F.S.

⁵⁹ Ch. 552, F.S.

⁶⁰ Ch. 895, F.S.

⁶¹ S. 825.103, F.S.

⁶² S. 775.084(1)(b), F.S.

⁶³ S. 775.084(1)(c), F.S.

⁶⁴ S. 775.084, F.S.

⁶⁵ S. 775.082(9)(a), F.S.

⁶⁶ S. 775.21, F.S.

The Florida Commission on Offender Review (FCOR) reviews an applicant's eligibility for restoration of civil rights without a hearing, and if so qualified, the Board may restore civil rights. If approval is denied, FCOR notifies the applicant who may pursue a hearing to restore the applicant's civil rights.⁶⁷ To qualify for restoration of civil rights with a hearing, an applicant must:

- Not be convicted of a felony for seven years or more after completing all sentences imposed for the applicant's most recent felony conviction, and all conditions of supervision are expired or completed, including but not limited to, imprisonment, parole, community control, control release, and conditional release; and
- Pay all restitution pursuant to a court order, civil judgment, or ch. 960, F.S.⁶⁸

Clemency hearings occur four times a year. During the hearing, the Board allows an applicant to make a five-minute presentation. Following a hearing, the Board may issue an Executive Order restoring a person's civil rights. For each case, the applicant is entitled to a letter stating the official disposition of his or her case.⁶⁹ A person granted or denied any form of executive clemency may not apply for further relief for at least two years from the date of final action.⁷⁰

Amendment 4

Prior to 2019, article VI, section 4 of the Florida Constitution disqualified a person convicted of a felony from voting or holding office until the restoration of his or her civil rights.⁷¹ At that time, Florida was one of only four states, including Iowa, Kentucky, and Virginia, that did not restore voting rights to a convicted felon unless and until restored by a state officer or board.⁷²

In the 2018 general election, Florida voters approved Amendment 4 with 64 percent of the vote, amending the Constitution to provide "any disqualification arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation."⁷³ The amendment excludes a "person convicted of murder or a felony sexual offense" from restoration of voting rights unless and until his or her civil rights are restored.⁷⁴

Following the amendment's passage, advocates have asserted the amendment is self-executing and requires no legislative implementation.⁷⁵ However, officials responsible for determining voter eligibility have expressed considerable confusion and DOS, the entity responsible for reviewing criminal records for voting eligibility purposes, has suspended the process of sending such records to supervisors for ineligibility determinations.⁷⁶ In December 2018, the Secretary of State called for the Legislature to direct DOS as to "implementation, definitions, [and other ambiguities raised by the supervisors of elections]."⁷⁷ Amendment 4 took effect January 8, 2019, and while supervisors continue to register new voters, the supervisors are doing so without an initial eligibility verification from DOS.

⁶⁷ Rules of Executive Clemency, r. 9 (B), https://www.fcor.state.fl.us/docs/clemency_rules.pdf (last visited Apr. 4, 2019).

⁶⁸ *Id.* r. 10 (A).

⁶⁹ *Id.* r. 12 (D).

⁷⁰ *Id.* r. 14.

⁷¹ Art. VI, s. 4, Fla. Const.

⁷² Florida Association of Counties, *Amendment 4: Voting Rights Restoration for Felons Initiative*, <http://www.fl-counties.com/amendment-4> (last visited Apr. 4, 2019).

⁷³ *Id.* See also Alejandro De Le Garza, 'Our Voice Will Count.' Former Felon Praises Florida Passing Amendment 4, Which Will Restore Voting Rights to 1.4 Million People, *Time* (Nov. 7, 2018) <http://time.com/5447051/florida-amendment-4-felon-voting/> (last visited Apr. 4, 2019).

⁷⁴ Art. VI, s. 4, Fla. Const.

⁷⁵ Florida Rights Restoration Coalition, *Amendment 4 Implementation, Frequently Asked Questions*, <https://floridarrc.com/amendment-4-faq/> (last visited Mar. 15, 2019). This webpage has subsequently been removed; however, the Judiciary Committee retains a copy printed from the website on the referenced date.

⁷⁶ Zac Anderson, *Florida elections officials confused on how to give felons the vote*, *Herald Tribune* (Dec. 4, 2018), <https://www.heraldtribune.com/news/20181204/florida-elections-officials-confused-on-how-to-give-felons-vote> (last visited Apr. 4, 2019).

⁷⁷ Dara Kim, *Florida elections officials express confusion over restoring felon voting rights*, *Orlando Sentinel* (Dec. 4, 2018), <http://www.orlandosentinel.com/news/politics/political-pulse/os-ne-election-felon-voting-rights-20181204-story.html> (last visited Apr. 4, 2019).

Much of the confusion centers around ambiguity in the amendment's language including which crimes qualify as "murder" or a "felony sexual offense" and what it means for an offender to complete all terms of a sentence.⁷⁸ As recently as March 2019, the Florida Rights Restoration Coalition (FRRC), a grassroots organization that was instrumental in the passage of Amendment 4, stated on its website that "completion of all terms of sentence" includes any period of incarceration, probation, parole and financial obligations imposed as part of an individual's sentence.⁷⁹ The FRRC further stated, "these financial obligations may include restitution, fines, and fees imposed as part of a sentence or a condition of probation under existing Florida statute."⁸⁰ However, it stated that "fees not specifically identified as part of a sentence or a condition of probation are therefore not necessary for 'completion of sentence' and thus, do not need to be paid before an individual may register." The FRRC contends this interpretation is consistent with the policy FCOR uses to determine completion of a sentence; however, such language does not align to language used in the current clemency rules.⁸¹

Murder

Chapter 782, F.S., defines homicide and assigns penalties for an offense. First degree murder is a capital felony⁸² and is the unlawful killing of a human being when committed:

- With premeditation to cause the death of the person killed or any human being; or
- By a person engaged in perpetrating, or attempting to perpetrate, any:
 - Drug trafficking offense;⁸³
 - Arson;
 - Sexual battery;
 - Robbery or home-invasion robbery;
 - Burglary;
 - Kidnapping;
 - Escape;
 - Aggravated child abuse;
 - Aggravated abuse of an elderly person or disabled adult;
 - Aircraft piracy;
 - Unlawful throwing, placing, or discharging of a destructive device or bomb;
 - Carjacking;
 - Aggravated stalking;
 - Murder of a human being;
 - Resisting an officer with violence;
 - Aggravated fleeing or eluding with serious bodily injury or death;
 - A felony act of terrorism;⁸⁴
 - Human trafficking; or
 - Unlawful distribution of a specified controlled substance⁸⁵, which is the proximate cause of a user's death.⁸⁶

The unlawful killing of a human being, when perpetrated by an imminently dangerous act and demonstrating a depraved mind regardless of human life, is murder in the second degree;⁸⁷ a first

⁷⁸ Steven Lemongello, *Florida election supervisors will register ex-felons Jan. 8, despite confusion over amendment*, Orlando Sentinel (Dec. 20, 2018), <http://www.orlandosentinel.com/news/politics/political-pulse/os-ne-former-felons-register-vote-20181220-story.html> (last visited Apr. 4, 2019).

⁷⁹ Florida Rights Restoration Coalition, *supra* n. 63.

⁸⁰ *Id.*

⁸¹ *Id.* See also Rules of Executive Clemency, https://www.fcwr.state.fl.us/docs/clemency_rules.pdf (last visited Apr. 4, 2019).

⁸² The offense is punishable by death or life imprisonment. S. 775.082, F.S.

⁸³ Specified in s. 893.135(1), F.S.

⁸⁴ Or an act in furtherance of terrorism, including a felony under ss. 775.30, 775.32, 775.33, 775.34, or 775.35, F.S.

⁸⁵ A substance controlled under s. 893.03(1), F.S., including cocaine; opium or any synthetic or natural salt, compound, derivative, or preparation of opium; methadone; alfentanil; carfentanil; fentanyl; sufentanil; or specified controlled substance analogs.

⁸⁶ S. 782.04, F.S.

⁸⁷ S. 782.04(2), F.S.

degree felony, punishable by a term of imprisonment not exceeding life.⁸⁸ If a person is killed during the commission of, or during the attempt to commit an enumerated felony,⁸⁹ by a person other than the person engaged in such felony, the person committing or attempting to commit such felony commits second degree murder,⁹⁰ a first degree felony punishable by imprisonment for a term of years not exceeding life.⁹¹

Lastly, third degree murder is the unlawful killing of a human being, without design to effect death, by a person engaged in the commission of, or the attempt to commit, any felony other than a felony⁹² enumerated by statute.

Other offenses included in ch. 782, F.S., but not specifically defined as murder, include:

- Attempted felony murder;⁹³
- Manslaughter and aggravated manslaughter;⁹⁴
- Vehicular homicide⁹⁵ and vessel homicide;⁹⁶
- Assisting self-murder⁹⁷ and commercial exploitation of self-murder;⁹⁸
- Killing of an unborn child by injury to its mother;⁹⁹
- Unnecessary killing to prevent an unlawful act;¹⁰⁰ and
- Partial-birth abortion.¹⁰¹

Felony Sexual Offenses

Florida law defines "sexual offense" in ch. 92, F.S., relating to special protections for witnesses,¹⁰² and defines the term as any offense for which a conviction requires an offender to register as a sexual predator¹⁰³ or sexual offender.¹⁰⁴ Additionally, ch. 90, F.S., defines "sexual offense" for determining the admissibility of prior acts when a defendant is charged with a sexual offense, and offers a narrower definition.¹⁰⁵

⁸⁸ Ss. 775.082, 775.083, and 775.084, F.S.

⁸⁹ Enumerated felonies include drug trafficking under s. 893.135(1), F.S.; arson; sexual battery; robbery or home-invasion robbery; burglary; kidnapping; escape; aggravated child abuse or aggravated abuse of an elderly person or disabled adult; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; carjacking; aggravated stalking; murder of another human being; aggravated fleeing or eluding with serious bodily injury or death; resisting an officer with violence; and a felony act of terrorism or act in furtherance of terrorism. S. 782.04(3), F.S.

⁹⁰ S. 782.04(3), F.S.

⁹¹ Ss. 775.082, 775.083, and 775.084, F.S.

⁹² Enumerated felonies include drug trafficking under s. 893.135(1), F.S.; arson; sexual battery; robbery or home-invasion robbery; burglary; kidnapping; escape; aggravated child abuse or aggravated abuse of an elderly person or disabled adult; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; carjacking; aggravated stalking; murder of another human being; aggravated fleeing or eluding with serious bodily injury or death; resisting an officer with violence; a felony act of terrorism or act in furtherance of terrorism; and drug distribution of a specified controlled substance when such drug is the proximate cause of a user's death. S. 782.04(3), F.S.

⁹³ S. 782.051, F.S.

⁹⁴ S. 782.07(1)-(4), F.S.

⁹⁵ S. 782.071, F.S.

⁹⁶ S. 782.072, F.S.

⁹⁷ S. 782.08, F.S.

⁹⁸ S. 782.081, F.S.

⁹⁹ S. 782.09, F.S.

¹⁰⁰ S. 782.11, F.S.

¹⁰¹ S. 782.34, F.S.

¹⁰² S. 92.55, F.S.

¹⁰³ S. 775.21(4)(a)1., F.S.

¹⁰⁴ S. 943.0435(1)(h)1.a.(I), F.S.

¹⁰⁵ For the purposes of s. 90.404, F.S., the term "sexual offense" means conduct proscribed by s. 787.025(2)(c), s. 787.06(3)(b), (d), (f), or (g), former s. 787.06(3)(h), s. 794.011, excluding s. 794.011(10), s. 794.05, former s. 796.03, former s. 796.035, s. 825.1025(2)(b), s. 827.071, s. 847.0135(5), s. 847.0145, or s. 985.701(1).

Sexual Offenders

Qualifying convictions for sexual offender designation in Florida include:

- Sexual misconduct with a person having a developmental disability;¹⁰⁶
- Sexual misconduct with a mental health patient by an employee;¹⁰⁷
- Kidnapping or falsely imprisoning a minor, with sexual intent or motive;¹⁰⁸
- Luring or enticing a child, by a person with a prior sexual conviction;¹⁰⁹
- Human trafficking for commercial sexual activity;¹¹⁰
- Sexual battery;¹¹¹
- Unlawful sexual activity with a minor;¹¹²
- Lewd or lascivious battery, molestation, conduct, or exhibition;¹¹³
- Video voyeurism, involving a minor victim;¹¹⁴
- Lewd or lascivious offense on an elderly or disabled person;¹¹⁵
- Sexual performance by a child;¹¹⁶
- Providing obscene materials to a minor;¹¹⁷
- Computer pornography involving a minor;¹¹⁸
- Soliciting a minor over the internet;¹¹⁹
- Traveling to meet a minor;¹²⁰
- Lewd or lascivious exhibition over the internet;¹²¹
- Transmitting child pornography by electronic device or equipment;¹²²
- Transmitting material harmful to a minor by electronic device;¹²³
- Selling or buying a minor to engage in sexually explicit conduct;¹²⁴
- Racketeering involving a sexual offense;¹²⁵
- Sexual misconduct with a forensic client;¹²⁶ and
- Sexual misconduct by an employee with a juvenile offender.¹²⁷

Felonies with a Sexual Element

Some felony offenses in Florida do not require a convicted person to register as a sexual offender; yet still contain a sexual element. Such offenses include:

- Prostitution or soliciting a prostitute, subsequent conviction;¹²⁸
- Video voyeurism;¹²⁹

¹⁰⁶ S. 393.135(2), F.S.

¹⁰⁷ S. 394.4593(2), F.S.

¹⁰⁸ Ss. 787.01 and 787.02, F.S.

¹⁰⁹ S. 787.025(2), F.S.

¹¹⁰ S. 787.06(3)(b), (d), (f), or (g), F.S.

¹¹¹ S. 794.011, excluding s. 794.011(10), F.S.

¹¹² S. 794.05, F.S.

¹¹³ S. 800.04, F.S.

¹¹⁴ S. 810.145(8), F.S.

¹¹⁵ S. 825.1025, F.S.

¹¹⁶ S. 827.071, F.S.

¹¹⁷ S. 847.0133, F.S.

¹¹⁸ S. 847.0135(2), F.S.

¹¹⁹ S. 847.0135(3), F.S.

¹²⁰ S. 847.0135(4), F.S.

¹²¹ S. 847.0135(5), F.S.

¹²² S. 847.0137, F.S.

¹²³ S. 847.0138, F.S.

¹²⁴ S. 847.0145, F.S.

¹²⁵ S. 895.03, F.S.

¹²⁶ S. 916.1075(2), F.S.

¹²⁷ S. 985.701(1), F.S.

¹²⁸ Ss. 796.07 and 796.08, F.S.

¹²⁹ When committed by a person 19 or older, or when the offense is a second or subsequent offense. S. 810.145(6) and (7), F.S.

- Incest;¹³⁰
- Lewd or lascivious exhibition in the presence of a correctional facility employee;¹³¹
- Sexual offenses against a student by an authority figure;¹³²
- Locating an adult entertainment store within 2,500 feet of a school;¹³³
- Committing an enumerated offense by a person who is HIV positive;¹³⁴
- Sexual cyberharassment, second or subsequent offense;¹³⁵
- Sexual misconduct between a detention facility employee and an inmate;¹³⁶
- Sexual misconduct by a psychotherapist with a client, or former client when the professional relationship was terminated primarily for the purpose of engaging in sexual contact;¹³⁷
- Sexually abusing a dead human body;¹³⁸
- Sexual misconduct by a correctional facility employee with an inmate;¹³⁹
- Committing specified acts with obscene, lewd, etc. materials, second or subsequent offense;¹⁴⁰
- Requiring as a condition to sale or delivery for resale of a publication that a purchaser or consignee receive for resale any other obscene publication;¹⁴¹
- Knowingly promoting, conducting, performing, or participating in an obscene show, second or subsequent offense;¹⁴²
- Sale or distribution to minors or using minors in production of harmful materials;¹⁴³ and
- Wholesale promotion of obscene materials.¹⁴⁴

Incarceration, Probation, and Parole

A court may sentence a defendant convicted of a felony offense to any term of incarceration authorized under s. 775.082, F.S.¹⁴⁵ As an alternative or in addition to incarceration, a court may sentence a person to probation or community control for a felony and the Department of Corrections (DOC) supervises and monitors compliance with such supervision. Standard terms and conditions of probation generally require a probationer or person on community control to:

- Report to a probation officer as directed;
- Permit a probation officer to visit his or her workplace or home;
- Maintain employment, if possible;
- Remain within a specified place;
- Live without violating the law;
- Make restitution to a victim, if applicable;
- Make payment of a debt due to a county or municipal detention facility for medical care;
- Support his or her legal dependents to the best of his or her ability;
- Pay the state any debt due for crime victim compensation;¹⁴⁶
- Pay specified application¹⁴⁷ and attorney fees;¹⁴⁸

¹³⁰ S. 826.04, F.S.

¹³¹ S. 800.09(2), F.S.

¹³² S. 800.101(2), F.S.

¹³³ S. 847.0134(1), F.S.

¹³⁴ S. 775.0877, F.S.

¹³⁵ S. 784.049(3)(b), F.S.

¹³⁶ S. 951.221(1), F.S.

¹³⁷ S. 491.0112(1) and (2), F.S.

¹³⁸ S. 872.06(2), F.S.

¹³⁹ S. 944.35(3)(b)2., F.S.

¹⁴⁰ S. 847.011(1), F.S.

¹⁴¹ S. 847.011(3), F.S.

¹⁴² S. 847.011(4), F.S.

¹⁴³ S. 847.012, F.S.

¹⁴⁴ S. 847.07(2) and (3), F.S.

¹⁴⁵ For example, a third degree felony is punishable by up to five years in prison; a second degree felony is punishable by up to 15 years in prison; and a first degree felony is punishable by up to 30 years in prison. S. 775.082, F.S.

¹⁴⁶ S. 960.17, F.S.

¹⁴⁷ S. 27.52(1)(b), F.S.

¹⁴⁸ S. 938.29, F.S.

- Not associate with persons engaging in criminal activity;
- Submit to random drug or alcohol testing;
- Be prohibited from possessing, carrying, or owning a firearm;¹⁴⁹
- Not use intoxicants to excess;
- Submit to drawing of blood or other biological specimens, for specified reasons; and
- Take a digitized photograph.¹⁵⁰

In addition to standard conditions of probation, a court may order an offender to complete specific terms of supervision, including:

- Community service;¹⁵¹
- Restitution;¹⁵²
- Residential treatment;¹⁵³
- A work program;¹⁵⁴
- An educational program;¹⁵⁵
- A batterer's intervention program;¹⁵⁶ or
- Any other special term or condition of probation reasonably related to the circumstances of the offense and appropriate for the offender.¹⁵⁷

Prior to 1983, Florida law authorized a defendant sentenced for certain felonies to be released onto parole supervision prior to the expiration of the inmate's court ordered sentence. Parole is a period of supervision during which a parolee must comply with conditions and terms of a release agreement ordered by FCOR. Currently, an inmate who committed a crime prior to October 1, 1983, may be considered for release on parole. Among other conditions,¹⁵⁸ FCOR must require a parolee to pay fines, fees, restitution, and other court-ordered costs as a condition of parole unless the commission states on the record the reasons for not ordering such payments.¹⁵⁹ FCOR may discharge a parolee from supervision following satisfactory rehabilitation, cooperation, and a finding that release is in the best interests of the person and society.¹⁶⁰

Financial Obligations

Court Costs, Fines, and Supervision Fees

A person convicted of a felony offense is assessed court costs and fines upon the disposition of a case.¹⁶¹ The clerk of court collects and deposits fines into the clerk's fines and forfeiture fund.¹⁶² In addition to standard court costs and fines, a person ordered to supervision must pay DOC monthly supervision fees and may be subject to fees for additional conditions such as electronic monitoring or urinalysis. Failure to pay supervision fees may result in revocation of probation; however, DOC can exempt a person from payment of supervision fees if it makes specified findings related to the offender's financial or employment status.¹⁶³

¹⁴⁹ S. 948.03(1)(m)2., F.S. The prohibition also includes "weapons" generally, unless the consent of the probation officer is obtained.

¹⁵⁰ S. 948.03, F.S.

¹⁵¹ S. 948.031, F.S.

¹⁵² S. 948.032, F.S.

¹⁵³ S. 948.035, F.S.

¹⁵⁴ S. 948.036, F.S.

¹⁵⁵ S. 948.037, F.S.

¹⁵⁶ S. 948.038, F.S.

¹⁵⁷ S. 948.039, F.S.

¹⁵⁸ S. 947.18, F.S.

¹⁵⁹ S. 947.181, F.S.

¹⁶⁰ S. 947.24, F.S.

¹⁶¹ S. 775.083, F.S.

¹⁶² *Id.*

¹⁶³ S. 948.09, F.S.

Restitution

A court must order restitution as a condition of an offender's probation when a crime results in direct or indirect damage or loss to a victim.¹⁶⁴ A court may require an offender to make restitution payments within a specified period or in installments. An offender must pay restitution no later than:

- The end of the period of probation, if probation is ordered;
- Five years after the end of the term of imprisonment, if the court does not order probation; or
- Five years after the sentencing date in any other case.¹⁶⁵

A court may order the clerk to collect and dispense restitution payments in any case or DOC to collect and dispense restitution and other payments from a person remanded to its custody or supervision.¹⁶⁶ A court may also order an income deduction order related to restitution.¹⁶⁷ The clerk of court receives a payment made pursuant to an income deduction order.¹⁶⁸

If an offender does not pay within the specified time, a court may continue a restitution order through a civil judgement, by which the state or a victim can enforce an order in the same manner as a judgment in a civil action.¹⁶⁹ The outstanding unpaid amount accrues interest, and when properly recorded, becomes a lien on real estate owned by the defendant.¹⁷⁰

Effect of Proposed Changes

HB 7089 delegates rulemaking authority to DOS to implement a process to authenticate voter eligibility under article VI, section 4 of the Florida Constitution. If DOS makes an initial ineligibility determination based upon an applicant's felony conviction, DOS must forward the information to the appropriate supervisor, who must provide the voter registration applicant information on voting rights restoration under article VI, section 4 of the Florida Constitution. If the basis for ineligibility is a felony conviction from another jurisdiction, the supervisor must include information on the conviction in the notice of ineligibility mailed to the applicant. A person whom the supervisor determines is ineligible to vote may request a hearing, at which he or she may present evidence, as under current law.

The bill defines the amendment's undefined and ambiguous terms to provide consistency and accuracy in voter eligibility authentications.

The term "murder" is defined as a conviction for any of the following crimes or a similar offense from another jurisdiction:

- First degree murder; and
- Second degree murder.¹⁷¹

The term "felony sexual offense" is defined as any felony violation for the following crimes or a similar offense from another jurisdiction:

- Sexual misconduct with a person having a developmental disability;¹⁷²
- Sexual misconduct with a mental health patient by an employee;¹⁷³
- Kidnapping or false imprisonment of a minor, involving sexual intent or motive;¹⁷⁴
- Luring or enticing a child, by a person with a prior sexual conviction;¹⁷⁵

¹⁶⁴ S. 775.089(1), F.S.

¹⁶⁵ S. 775.089(3)(b), F.S.

¹⁶⁶ S. 775.089(11)(a) and (b), F.S.

¹⁶⁷ S. 775.089(12)(a), F.S.

¹⁶⁸ S. 775.089(12)(b)4., F.S.

¹⁶⁹ S. 775.089(5), F.S.

¹⁷⁰ *Id.*

¹⁷¹ S. 782.04 (1)-(3), F.S.

¹⁷² S. 393.135(2), F.S.

¹⁷³ S. 394.4593(2), F.S.

¹⁷⁴ Ss. 787.01 and 787.02, F.S.

¹⁷⁵ S. 787.025(2)(c), F.S.

- Human trafficking for commercial sexual activity or forced labor;¹⁷⁶
- Sexual battery;¹⁷⁷
- Unlawful sexual activity with a minor;¹⁷⁸
- Lewd or lascivious battery, molestation, conduct, or exhibition;¹⁷⁹
- Video voyeurism;¹⁸⁰
- Lewd or lascivious offense on an elderly or disabled person;¹⁸¹
- Sexual performance by a child;¹⁸²
- Providing obscene material to a minor;¹⁸³
- Computer pornography involving a minor or traveling to meet a minor;¹⁸⁴
- Transmitting child pornography by electronic device;¹⁸⁵
- Transmitting material harmful to a minor by electronic device;¹⁸⁶
- Selling or buying a minor to engage in sexually explicit conduct;¹⁸⁷
- Racketeering, involving a sexual offense;¹⁸⁸
- Sexual misconduct with a forensic client;¹⁸⁹
- Sexual misconduct by an employee with a juvenile offender;¹⁹⁰
- Prostitution or soliciting prostitution, subsequent offense;¹⁹¹
- Incest;¹⁹²
- Lewd or lascivious exhibition in the presence of a correctional facility employee;¹⁹³
- Sexual offenses against a student by an authority figure;¹⁹⁴
- Locating an adult entertainment store within 2,500 feet of a school;¹⁹⁵
- Committing an enumerated offense by a person who is HIV positive;¹⁹⁶
- Sexual cyberharassment, second or subsequent offense;¹⁹⁷
- Sexual misconduct between a detention facility employee and an inmate;¹⁹⁸
- Sexual misconduct by a psychotherapist with a client, or former client when the professional relationship was terminated primarily for the purpose of engaging in sexual contact;¹⁹⁹
- Sexually abusing a dead human body;²⁰⁰
- Sexual misconduct by a correctional facility employee with an inmate;²⁰¹
- Committing certain acts with obscene, lewd, etc. materials, second or subsequent offense;²⁰²

¹⁷⁶ S. 787.06(3) and (4), F.S.

¹⁷⁷ S. 794.011, F.S., excluding falsely accusing another person of sexual battery under subsection (10).

¹⁷⁸ S. 794.05, F.S.

¹⁷⁹ S. 800.04, F.S.

¹⁸⁰ When the victim is a minor (s. 810.145(8), F.S.); when the offender is 19 or older (s. 810.145(6), F.S.); or when conviction is for a second or subsequent offense (s. 810.145(7), F.S.).

¹⁸¹ S. 825.1025, F.S.

¹⁸² S. 827.071, F.S.

¹⁸³ S. 847.0133, F.S.

¹⁸⁴ Excluding owners or operators of computer services under subsection (6). S. 847.0135, F.S.

¹⁸⁵ S. 847.0137, F.S.

¹⁸⁶ S. 847.0138, F.S.

¹⁸⁷ S. 847.0145(8), F.S.

¹⁸⁸ S. 895.03, F.S.

¹⁸⁹ S. 916.1075(2), F.S.

¹⁹⁰ S. 985.701(1), F.S.

¹⁹¹ Ss. 796.07 and 796.08, F.S.

¹⁹² S. 826.04, F.S.

¹⁹³ S. 800.09(2), F.S.

¹⁹⁴ S. 800.101(2), F.S.

¹⁹⁵ S. 847.0134(1), F.S.

¹⁹⁶ S. 775.0877, F.S.

¹⁹⁷ S. 784.049(3)(b), F.S.

¹⁹⁸ S. 951.221(1), F.S.

¹⁹⁹ S. 491.0112(1) and (2), F.S.

²⁰⁰ S. 872.06(2), F.S.

²⁰¹ S. 944.35(3)(b)2., F.S.

²⁰² S. 847.011(1), F.S.

- Requiring as a condition to sale or delivery for resale of a publication that a purchaser or consignee receive for resale any other obscene publication;²⁰³
- Knowingly promoting, conducting, performing, or participating in obscene show, second or subsequent offense;²⁰⁴
- Selling or distributing to minors or using minors to produce harmful materials;²⁰⁵ and
- Wholesale promotion of obscene materials.²⁰⁶

The term "completion" means:

- For a term of incarceration, release from custody.
- For a term of supervision, successful termination when all supervision conditions are completed, or unsuccessful termination for which a court, DOC, or FCOR waives any incomplete condition.
- For a financial obligation arising from a felony conviction, full payment of the financial obligation or waiver of the obligation with the consent of the payee. A financial obligation continued through a civil judgment remains an outstanding financial obligation for authenticating voter eligibility.

The phrase "term of sentence" is defined as:

- Incarceration;
- Standard conditions of probation;
- Community service;
- Restitution;
- Residential treatment;
- A work program;
- An educational program;
- A batterer's intervention program;
- Any court ordered special condition of probation;
- Any cost of supervision or other monetary obligation; and
- Any court imposed fine or fee.

The bill also requires DOC and county detention facilities to inform an inmate or probationer about voting rights restoration following a felony conviction under article VI, section 4 of the Florida Constitution and to provide an accounting of all outstanding financial obligations imposed by a court, DOC, or FCOR for each felony for which an inmate is being released from incarceration. A person released from incarceration may use the information to determine his or her eligibility for voting rights restoration.

Finally, the bill codifies eligibility requirements for restoration of voting rights in s. 944.292, F.S. The bill updates references to restoration of "civil rights" in voter registration laws to "voting rights" to reflect that a voter is no longer required to obtain executive clemency restoring all civil rights to be eligible to vote.

The bill provides an effective date of July 1, 2019.

B. SECTION DIRECTORY:

Section 1: Amends s. 97.052, F.S., relating to the uniform statewide voter registration application.

Section 2: Amends s. 97.053, F.S., relating to acceptance of voter registration applications.

Section 3: Amends s. 98.045, F.S., relating to the administration of voter registration.

Section 4: Amends s. 98.075, F.S., relating to registration records maintenance activities; ineligibility determinations.

²⁰³ S. 847.011(3), F.S.

²⁰⁴ S. 847.011(4), F.S.

²⁰⁵ S. 847.012, F.S.

²⁰⁶ S. 847.07(2) and (3), F.S.

Section 5: Amends s. 940.061, F.S., relating to informing persons about executive clemency and restoration of civil rights.

Section 6: Amends s. 944.292, F.S., relating to the suspension of civil rights.

Section 7: Amends s. 944.704, F.S., relating to staff who provides transition assistance; duties.

Section 8: Amends s. 951.29, F.S., relating to procedure for requesting restoration of civil rights of county prisoners convicted of felonies.

Section 9: Provides an effective date of July 1, 2019.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill may have a negative indeterminate fiscal impact on state government by requiring DOC to provide an inmate information on any outstanding financial obligation imposed for a felony conviction for which he or she is being released from incarceration. Additionally, to the extent that the bill results in an increased workload to entities such as DOS, the bill will likely result in a negative fiscal impact, however, it is not expected to increase DOS's workload more than the passage of Amendment 4 has already done.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have a negative indeterminate fiscal impact on local governments by requiring a county detention facility to provide an inmate information on any outstanding financial obligation imposed for a felony conviction for which he or she is being released from incarceration.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of article VII, section 18 of the Florida Constitution because it concerns election laws and criminal laws.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants DOS rulemaking authority to implement the provisions of the bill concerning the determination of whether a voter with a felony conviction has not had his or her voting rights restored under Amendment 4. The bill grants DOS sufficient rulemaking authority for implementation of the provision and provides DOS with sufficient direction to guide the department in the creation of the rules.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 19, 2019, the Criminal Justice Subcommittee adopted one amendment and reported the bill favorably. The amendment:

- Removed the offenses of sexting by minors and sexual activity involving animals from the definition of "felony sexual offense"; and
- Clarified that a "term of sentence" includes any court imposed fine or fee.

This analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

1 A bill to be entitled
2 An act relating to voting rights restoration; amending
3 s. 97.052, F.S.; requiring the uniform statewide voter
4 registration application to be designed to elicit
5 specified information from an applicant so that
6 certain felons are not required to reveal certain
7 information; amending s. 97.053, F.S.; requiring a
8 complete voter registration application to include
9 specified information; amending s. 98.045, F.S.;
10 requiring the supervisor of elections to determine
11 whether a voter registration applicant is ineligible
12 based on specified circumstances; amending s. 98.075,
13 F.S.; providing for the termination of voting
14 disabilities arising from certain felony convictions;
15 providing definitions; authorizing the Department of
16 State to adopt rules; requiring the department to
17 identify certain registered voters and take specified
18 actions; requiring a notice of a registered voter's
19 potential ineligibility to include specified
20 information; amending s. 940.061, F.S.; requiring the
21 Department of Corrections to inform and educate
22 certain individuals about the termination of voting
23 disqualification arising from a felony conviction
24 pursuant to the State Constitution; requiring the
25 department to electronically transmit certain

26 information to the Florida Commission on Offender
 27 Review each month; amending s. 944.292, F.S.;
 28 providing for the termination of voting
 29 disqualification arising from certain felony
 30 convictions upon the completion of all terms of a
 31 sentence; amending s. 944.704, F.S.; requiring
 32 transition assistance specialists to provide certain
 33 information to inmates before their release; amending
 34 s. 951.29, F.S.; requiring county detention facility
 35 administrators to provide certain information to
 36 specified inmates before their release; providing an
 37 effective date.

38
 39 Be It Enacted by the Legislature of the State of Florida:

40
 41 Section 1. Paragraph (t) of subsection (2) of section
 42 97.052, Florida Statutes, is amended to read:

43 97.052 Uniform statewide voter registration application.—

44 (2) The uniform statewide voter registration application
 45 must be designed to elicit the following information from the
 46 applicant:

47 (t) Whether the applicant has been convicted of a felony,
 48 and, if convicted, has had his or her voting ~~civil~~ rights
 49 restored by including the statement "I affirm I am not a
 50 convicted felon, or, if I am, my rights relating to voting have

51 | been restored." and providing a box for the applicant to check
 52 | to affirm the statement.

53 |
 54 | The registration application must be in plain language and
 55 | designed so that convicted felons whose voting ~~civil~~ rights have
 56 | been restored and persons who have been adjudicated mentally
 57 | incapacitated and have had their voting rights restored are not
 58 | required to reveal their prior conviction or adjudication.

59 | Section 2. Paragraph (a) of subsection (5) of section
 60 | 97.053, Florida Statutes, is amended to read:

61 | 97.053 Acceptance of voter registration applications.—

62 | (5) (a) A voter registration application is complete if it
 63 | contains the following information necessary to establish the
 64 | applicant's eligibility pursuant to s. 97.041, including:

- 65 | 1. The applicant's name.
- 66 | 2. The applicant's address of legal residence, including a
 67 | distinguishing apartment, suite, lot, room, or dormitory room
 68 | number or other identifier, if appropriate. Failure to include a
 69 | distinguishing apartment, suite, lot, room, or dormitory room or
 70 | other identifier on a voter registration application does not
 71 | impact a voter's eligibility to register to vote or cast a
 72 | ballot, and such an omission may not serve as the basis for a
 73 | challenge to a voter's eligibility or reason to not count a
 74 | ballot.
- 75 | 3. The applicant's date of birth.

76 4. A mark in the checkbox affirming that the applicant is
77 a citizen of the United States.

78 5.a. The applicant's current and valid Florida driver
79 license number or the identification number from a Florida
80 identification card issued under s. 322.051, or

81 b. If the applicant has not been issued a current and
82 valid Florida driver license or a Florida identification card,
83 the last four digits of the applicant's social security number.
84

85 In case an applicant has not been issued a current and valid
86 Florida driver license, Florida identification card, or social
87 security number, the applicant shall affirm this fact in the
88 manner prescribed in the uniform statewide voter registration
89 application.

90 6. A mark in the checkbox affirming that the applicant has
91 not been convicted of a felony or that, if convicted, has had
92 his or her voting ~~civil~~ rights restored.

93 7. A mark in the checkbox affirming that the applicant has
94 not been adjudicated mentally incapacitated with respect to
95 voting or that, if so adjudicated, has had his or her right to
96 vote restored.

97 8. The original signature or a digital signature
98 transmitted by the Department of Highway Safety and Motor
99 Vehicles of the applicant swearing or affirming under the
100 penalty for false swearing pursuant to s. 104.011 that the

101 information contained in the registration application is true
 102 and subscribing to the oath required by s. 3, Art. VI of the
 103 State Constitution and s. 97.051.

104 Section 3. Paragraph (c) of subsection (1) of section
 105 98.045, Florida Statutes, is amended to read:

106 98.045 Administration of voter registration.—

107 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
 108 that any eligible applicant for voter registration is registered
 109 to vote and that each application for voter registration is
 110 processed in accordance with law. The supervisor shall determine
 111 whether a voter registration applicant is ineligible based on
 112 any of the following:

113 (c) The applicant has been convicted of a felony for which
 114 his or her voting ~~civil~~ rights have not been restored.

115 Section 4. Subsections (5) and (6) and paragraph (a) of
 116 subsection (7) of section 98.075, Florida Statutes, are amended
 117 to read:

118 98.075 Registration records maintenance activities;
 119 ineligibility determinations.—

120 (5) FELONY CONVICTION.—The department shall identify those
 121 registered voters who have been convicted of a felony and whose
 122 voting rights have not been restored. The voting disability
 123 arising from a conviction for a felony offense, other than
 124 murder or a felony sexual offense, terminates pursuant to s. 4,
 125 Art. VI of the State Constitution upon completion of all terms

126 of sentence, including probation or parole. The voting
 127 disability arising from a felony conviction for an offense
 128 classified as murder or a felony sexual offense does not
 129 terminate unless a voter's civil rights are restored pursuant to
 130 s. 8, Art. IV of the State Constitution.

131 (a) As used in this section, the term:

132 1. "Completion" means:

133 a. For a term of incarceration, release from custody.

134 b. For a term of supervision, successful termination in
 135 which all conditions of supervision were fulfilled, or
 136 unsuccessful termination for which a court, the Department of
 137 Corrections, or the Florida Commission on Offender Review waived
 138 completion of any unfulfilled condition.

139 c. For a financial obligation arising from a felony
 140 conviction, full payment of the financial obligation or waiver
 141 of the financial obligation with the consent of the payee. For
 142 purposes of this section, any financial obligation continued
 143 through civil judgment as described in s. 55.10 or s. 775.089(5)
 144 constitutes an outstanding obligation.

145 2. "Felony sexual offense" means any felony violation of
 146 any of the criminal offenses described in the following statutes
 147 in this state or similar offenses in another jurisdiction: s.
 148 393.135(2); s. 394.4593(2); s. 491.0112(1) or (2); s.
 149 775.0877(3); s. 784.049(3)(b); s. 787.01, s. 787.02, or s.
 150 787.025(2)(c), where the victim is a minor and the court makes a

151 written finding that the offense involved sexual intent or
 152 motive; s. 787.06(3) or (4); former s. 787.06(3)(h); s. 794.011,
 153 excluding s. 794.011(10); s. 794.05; former s. 796.03; former s.
 154 796.035; s. 796.07; s. 796.08; s. 800.04; s. 800.09(2); s.
 155 800.101(2); s. 810.145(6)-(8); s. 825.1025; s. 826.04; s.
 156 827.071; s. 847.011(1), (3), or (4); s. 847.012; s. 847.0133; s.
 157 847.0134(1); s. 847.0135, excluding s. 847.0135(6); s. 847.0137;
 158 s. 847.0138; s. 847.0145; s. 847.07(2) or (3); s. 872.06(2); s.
 159 895.03, if the court makes a written finding that the
 160 racketeering activity involved at least one sexual offense
 161 listed in this subparagraph or at least one offense listed in
 162 this subparagraph with sexual intent or motive; s. 916.1075(2);
 163 s. 944.35(3)(b)2.; s. 951.221(1); or s. 985.701(1); or any
 164 similar offense committed in this state which has been
 165 redesignated from a former statute number to one of those listed
 166 in this subparagraph.

167 3. "Murder" means any violation of any of the criminal
 168 offenses described in s. 782.04(1), (2), or (3) in this state or
 169 similar offenses in another jurisdiction.

170 4. "Term of sentence" means:

171 a. Incarceration;

172 b. A standard condition of probation described in s.
 173 948.03;

174 c. Community service described in s. 948.031;

175 d. Restitution ordered under s. 775.089;

176 e. Residential treatment described in s. 948.035;
 177 f. A work program described in s. 948.036;
 178 g. Education described in s. 948.037;
 179 h. A batterers' intervention program described in s.
 180 948.038;
 181 i. Any court-ordered special condition of probation
 182 authorized under s. 948.039;
 183 j. Any cost of supervision or other monetary obligation
 184 described in s. 948.09; and
 185 k. Any court-imposed fine or fee described in s. 775.083.
 186 (b) The department is authorized to adopt rules to
 187 implement this section for the purpose of determining those
 188 registered voters convicted of a felony whose voting rights have
 189 not been restored pursuant to s. 4, Art. VI of the State
 190 Constitution.
 191 (c) The department shall identify those registered voters
 192 convicted of a felony whose voting rights have not been restored
 193 pursuant to s. 8, Art. IV of the State Constitution by comparing
 194 information received from, but not limited to, a clerk of the
 195 circuit court, the Board of Executive Clemency, the Department
 196 of Corrections, the Department of Law Enforcement, or a United
 197 States Attorney's Office, as provided in s. 98.093. The
 198 department shall review such information and make an initial
 199 determination as to whether the information is credible and
 200 reliable. If the department determines that the information is

201 credible and reliable, the department shall notify the
 202 supervisor and provide a copy of the supporting documentation
 203 indicating the potential ineligibility of the voter to be
 204 registered. Upon receipt of the notice that the department has
 205 made a determination of initial credibility and reliability, the
 206 supervisor shall adhere to the procedures set forth in
 207 subsection (7) prior to the removal of a registered voter's name
 208 from the statewide voter registration system.

209 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
 210 supervisor receives information from sources other than those
 211 identified in subsections (2)-(5) that a registered voter is
 212 ineligible because he or she is deceased, adjudicated a
 213 convicted felon without having had his or her voting ~~civil~~
 214 rights restored, adjudicated mentally incapacitated without
 215 having had his or her voting rights restored, does not meet the
 216 age requirement pursuant to s. 97.041, is not a United States
 217 citizen, is a fictitious person, or has listed a residence that
 218 is not his or her legal residence, the supervisor must adhere to
 219 the procedures set forth in subsection (7) prior to the removal
 220 of a registered voter's name from the statewide voter
 221 registration system.

222 (7) PROCEDURES FOR REMOVAL.—

223 (a) If the supervisor receives notice or information
 224 pursuant to subsections (4)-(6), the supervisor of the county in
 225 which the voter is registered shall:

226 1. Notify the registered voter of his or her potential
 227 ineligibility by mail within 7 days after receipt of notice or
 228 information. The notice shall include:

229 a. A statement of the basis for the registered voter's
 230 potential ineligibility and a copy of any documentation upon
 231 which the potential ineligibility is based. Such documentation
 232 shall include any conviction from another jurisdiction
 233 determined to be a similar offense to murder or a felony sexual
 234 offense as defined in paragraph (5) (a).

235 b. A statement that failure to respond within 30 days
 236 after receipt of the notice may result in a determination of
 237 ineligibility and in removal of the registered voter's name from
 238 the statewide voter registration system.

239 c. A return form that requires the registered voter to
 240 admit or deny the accuracy of the information underlying the
 241 potential ineligibility for purposes of a final determination by
 242 the supervisor.

243 d. A statement that, if the voter is denying the accuracy
 244 of the information underlying the potential ineligibility, the
 245 voter has a right to request a hearing for the purpose of
 246 determining eligibility.

247 e. Instructions for the registered voter to contact the
 248 supervisor of elections of the county in which the voter is
 249 registered if assistance is needed in resolving the matter.

250 f. Instructions for seeking restoration of civil rights

251 pursuant to s. 8, Art. IV of the State Constitution and
 252 information explaining voting rights restoration pursuant to s.
 253 4, Art. VI of the State Constitution following a felony
 254 conviction, if applicable.

255 2. If the mailed notice is returned as undeliverable, the
 256 supervisor shall publish notice once in a newspaper of general
 257 circulation in the county in which the voter was last
 258 registered. The notice shall contain the following:

259 a. The voter's name and address.

260 b. A statement that the voter is potentially ineligible to
 261 be registered to vote.

262 c. A statement that failure to respond within 30 days
 263 after the notice is published may result in a determination of
 264 ineligibility by the supervisor and removal of the registered
 265 voter's name from the statewide voter registration system.

266 d. An instruction for the voter to contact the supervisor
 267 no later than 30 days after the date of the published notice to
 268 receive information regarding the basis for the potential
 269 ineligibility and the procedure to resolve the matter.

270 e. An instruction to the voter that, if further assistance
 271 is needed, the voter should contact the supervisor of elections
 272 of the county in which the voter is registered.

273 3. If a registered voter fails to respond to a notice
 274 pursuant to subparagraph 1. or subparagraph 2., the supervisor
 275 shall make a final determination of the voter's eligibility. If

276 the supervisor determines that the voter is ineligible, the
277 supervisor shall remove the name of the registered voter from
278 the statewide voter registration system. The supervisor shall
279 notify the registered voter of the supervisor's determination
280 and action.

281 4. If a registered voter responds to the notice pursuant
282 to subparagraph 1. or subparagraph 2. and admits the accuracy of
283 the information underlying the potential ineligibility, the
284 supervisor shall make a final determination of ineligibility and
285 shall remove the voter's name from the statewide voter
286 registration system. The supervisor shall notify the registered
287 voter of the supervisor's determination and action.

288 5. If a registered voter responds to the notice issued
289 pursuant to subparagraph 1. or subparagraph 2. and denies the
290 accuracy of the information underlying the potential
291 ineligibility but does not request a hearing, the supervisor
292 shall review the evidence and make a final determination of
293 eligibility. If such registered voter requests a hearing, the
294 supervisor shall send notice to the registered voter to attend a
295 hearing at a time and place specified in the notice. Upon
296 hearing all evidence presented at the hearing, the supervisor
297 shall make a determination of eligibility. If the supervisor
298 determines that the registered voter is ineligible, the
299 supervisor shall remove the voter's name from the statewide
300 voter registration system and notify the registered voter of the

301 supervisor's determination and action.

302 Section 5. Section 940.061, Florida Statutes, is amended
303 to read:

304 940.061 Informing persons about executive clemency, and
305 restoration of civil rights, and voting rights restoration.—The
306 Department of Corrections shall inform and educate inmates and
307 offenders on community supervision about the restoration of
308 civil rights and the termination of voting disqualification
309 arising from a felony conviction pursuant to s. 4, Art. VI of
310 the State Constitution. Each month the Department of Corrections
311 shall send to the Florida Commission on Offender Review by
312 electronic means a list of the names of inmates who have been
313 released from incarceration and offenders who have been
314 terminated from supervision who may be eligible for restoration
315 of civil rights or the termination of voting disqualification
316 arising from a felony conviction pursuant to s. 4, Art. VI of
317 the State Constitution.

318 Section 6. Subsection (1) of section 944.292, Florida
319 Statutes, is amended to read:

320 944.292 Suspension of civil rights and eligibility for
321 voting rights restoration.—

322 (1) Upon conviction of a felony as defined in s. 10, Art.
323 X of the State Constitution, the civil rights of the person
324 convicted shall be suspended in Florida until such rights are
325 restored by a full pardon, conditional pardon, or restoration of

326 civil rights granted pursuant to s. 8, Art. IV of the State
 327 Constitution. Upon completion of all terms of sentence including
 328 parole or probation, the disqualification from voting arising
 329 from a felony conviction, other than a disqualification arising
 330 from a conviction for murder or a felony sexual offense as those
 331 terms are defined in s. 98.075(5), shall terminate pursuant to
 332 s. 4, Art. VI of the State Constitution.

333 Section 7. Subsection (8) is added to section 944.704,
 334 Florida Statutes, to read:

335 944.704 Staff who provide transition assistance; duties.—
 336 The department shall provide a transition assistance specialist
 337 at each of the major institutions whose duties include, but are
 338 not limited to:

339 (8) Providing an accounting of all outstanding financial
 340 obligations imposed by a court, the department, or the Florida
 341 Commission on Offender Review for each felony conviction for
 342 which the inmate is being released from incarceration.

343
 344 The transition assistance specialist may not be a correctional
 345 officer or correctional probation officer as defined in s.
 346 943.10.

347 Section 8. Subsection (1) of section 951.29, Florida
 348 Statutes, is amended to read:

349 951.29 Procedure for requesting restoration of civil
 350 rights or voting rights of county prisoners convicted of

351 felonies.—

352 (1) With respect to a person who has been convicted of a
 353 felony and is serving a sentence in a county detention facility,
 354 the administrator of the county detention facility shall provide
 355 to the prisoner, at least 2 weeks before discharge, if
 356 possible;~~7~~

357 (a) An application form obtained from the Florida
 358 Commission on Offender Review which the prisoner must complete
 359 in order to begin the process of having his or her civil rights
 360 restored;

361 (b) Information on voting rights restoration pursuant to
 362 s. 4, Art. VI of the State Constitution; and

363 (c) An accounting of all outstanding financial obligations
 364 imposed by a court or the Department of Corrections for each
 365 felony conviction for which the prisoner is being released from
 366 incarceration.

367 Section 9. This act shall take effect July 1, 2019.

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Judiciary Committee

2 Representative Grant, J. offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (t) of subsection (2) of section

7 97.052, Florida Statutes, is amended to read:

8 97.052 Uniform statewide voter registration application.-

9 (2) The uniform statewide voter registration application
10 must be designed to elicit the following information from the
11 applicant:

12 (t) Whether the applicant has been convicted of a felony,
13 and, if convicted, has had his or her voting ~~civil~~ rights
14 restored by including the statement "I affirm I am not a
15 convicted felon, or, if I am, my rights relating to voting have

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16 been restored." and providing a box for the applicant to check
17 to affirm the statement.

18
19 The registration application must be in plain language and
20 designed so that convicted felons whose voting ~~civil~~ rights have
21 been restored and persons who have been adjudicated mentally
22 incapacitated and have had their voting rights restored are not
23 required to reveal their prior conviction or adjudication.

24 Section 2. Paragraph (a) of subsection (5) of section
25 97.053, Florida Statutes, is amended to read:

26 97.053 Acceptance of voter registration applications.—

27 (5) (a) A voter registration application is complete if it
28 contains the following information necessary to establish the
29 applicant's eligibility pursuant to s. 97.041, including:

30 1. The applicant's name.

31 2. The applicant's address of legal residence, including a
32 distinguishing apartment, suite, lot, room, or dormitory room
33 number or other identifier, if appropriate. Failure to include a
34 distinguishing apartment, suite, lot, room, or dormitory room or
35 other identifier on a voter registration application does not
36 impact a voter's eligibility to register to vote or cast a
37 ballot, and such an omission may not serve as the basis for a
38 challenge to a voter's eligibility or reason to not count a
39 ballot.

40 3. The applicant's date of birth.

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41 4. A mark in the checkbox affirming that the applicant is
42 a citizen of the United States.

43 5.a. The applicant's current and valid Florida driver
44 license number or the identification number from a Florida
45 identification card issued under s. 322.051, or

46 b. If the applicant has not been issued a current and
47 valid Florida driver license or a Florida identification card,
48 the last four digits of the applicant's social security number.
49

50 In case an applicant has not been issued a current and valid
51 Florida driver license, Florida identification card, or social
52 security number, the applicant shall affirm this fact in the
53 manner prescribed in the uniform statewide voter registration
54 application.

55 6. A mark in the checkbox affirming that the applicant has
56 not been convicted of a felony or that, if convicted, has had
57 his or her voting ~~civil~~ rights restored.

58 7. A mark in the checkbox affirming that the applicant has
59 not been adjudicated mentally incapacitated with respect to
60 voting or that, if so adjudicated, has had his or her right to
61 vote restored.

62 8. The original signature or a digital signature
63 transmitted by the Department of Highway Safety and Motor
64 Vehicles of the applicant swearing or affirming under the
65 penalty for false swearing pursuant to s. 104.011 that the

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66 information contained in the registration application is true
67 and subscribing to the oath required by s. 3, Art. VI of the
68 State Constitution and s. 97.051.

69 Section 3. Paragraph (c) of subsection (1) of section
70 98.045, Florida Statutes, is amended to read:

71 98.045 Administration of voter registration.—

72 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
73 that any eligible applicant for voter registration is registered
74 to vote and that each application for voter registration is
75 processed in accordance with law. The supervisor shall determine
76 whether a voter registration applicant is ineligible based on
77 any of the following:

78 (c) The applicant has been convicted of a felony for which
79 his or her voting ~~civil~~ rights have not been restored.

80 Section 4. Subsections (5) and (6) and paragraph (a) of
81 subsection (7) of section 98.075, Florida Statutes, are amended
82 to read:

83 98.075 Registration records maintenance activities;
84 ineligibility determinations.—

85 (5) FELONY CONVICTION.—The department shall identify those
86 registered voters who have been convicted of a felony and whose
87 voting rights have not been restored. The voting disability
88 arising from a conviction for a felony offense, other than
89 murder or a felony sexual offense, terminates pursuant to s. 4,
90 Art. VI of the State Constitution upon completion of all terms

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91 of sentence, including probation or parole. The voting
92 disability arising from a felony conviction for an offense
93 classified as murder or a felony sexual offense does not
94 terminate unless a voter's civil rights are restored pursuant to
95 s. 8, Art. IV of the State Constitution.

96 (a) As used in this section, the term:

97 1. "Completion of all terms of sentence" means:

98 a. Release from any term of incarceration ordered by a
99 court as part of the sentence;

100 b. Termination from any term of supervision ordered by the
101 court as part of the sentence, including, but not limited to,
102 probation or community control supervised by the Department of
103 Corrections or the Florida Commission on Offender Review;

104 c. Termination from any term of parole supervised by the
105 Florida Commission on Offender Review;

106 d. Termination of any other term imposed by the court as
107 part of the sentence; and

108 e. Full payment of any financial obligation ordered by a
109 court as part of the sentence, regardless of whether such
110 financial obligation is continued through a civil judgment under
111 s. 55.10 or s. 775.089(5), including:

112 (I) Restitution, whether ordered in an amount certain or
113 reserved by the court at sentencing;

114 (II) Costs of supervision in s. 948.09; and

115 (III) Fines, fees, and court costs.

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116
117 A court's waiver or a payee's waiver, including the Department
118 of Corrections' waiver under s. 948.09, of a financial
119 obligation shall substitute for full payment of the financial
120 obligation to satisfy the requirements of sub-subparagraph e.
121 For the purpose of this paragraph, unless specifically included
122 in sub-subparagraph e., a financial obligation does not include
123 any fine, fee, or cost that accrues after the date of the court
124 imposed sentence. Such fines, fees, or costs include interest
125 charges, surcharges, collections fees, and administrative or use
126 fees incurred during a term of incarceration.

127 (b) "Murder" means any violation of any of the criminal
128 offenses described in s. 782.04(1), (2), or (3) in this state or
129 similar offenses in another jurisdiction.

130 (c) "Felony sexual offense" means any felony violation for
131 committing or attempting to commit any of the criminal offenses
132 described in the following statutes in this state or similar
133 offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2);
134 s. 491.0112(1) or (2); s. 775.0877(3); s. 784.049(3)(b); s.
135 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a
136 minor and the court makes a written finding that the offense
137 involved sexual intent or motive; s. 787.06(3) or (4); former s.
138 787.06(3)(h); s. 794.08; s. 794.011, excluding s. 794.011(10);
139 s. 794.05; former s. 796.03; former s. 796.035; s. 796.07; s.
140 796.08; s. 800.04; s. 800.09(2); s. 800.101(2); s. 810.145(6)-

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141 (8); s. 825.1025; s. 826.04; s. 827.071; s. 847.011(1), (3), or
142 (4); s. 847.012; s. 847.0133; s. 847.0134(1); s. 847.0135,
143 excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145;
144 s. 847.07(2) or (3); s. 872.06(2); s. 895.03, if the court makes
145 a written finding that the racketeering activity involved at
146 least one sexual offense listed in this subparagraph or at least
147 one offense listed in this subparagraph with sexual intent or
148 motive; s. 916.1075(2); s. 944.35(3)(b)2.; s. 951.221(1); or s.
149 985.701(1); or any similar offense committed in this state which
150 has been redesignated from a former statute number to one of
151 those listed in this subparagraph.

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

157 (e) The department is authorized to adopt rules to
158 implement this section for the purpose of determining those
159 registered voters convicted of a felony whose voting rights have
160 not been restored pursuant to s. 4, Art. VI of the State
161 Constitution.

162 (f) The department shall identify those registered voters
163 convicted of a felony whose voting rights have not been restored
164 pursuant to s. 8, Art. IV of the State Constitution by comparing
165 information received from, but not limited to, a clerk of the

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166 circuit court, the Board of Executive Clemency, the Department
167 of Corrections, the Department of Law Enforcement, or a United
168 States Attorney's Office, as provided in s. 98.093. The
169 department shall review such information and make an initial
170 determination as to whether the information is credible and
171 reliable. If the department determines that the information is
172 credible and reliable, the department shall notify the
173 supervisor and provide a copy of the supporting documentation
174 indicating the potential ineligibility of the voter to be
175 registered. Upon receipt of the notice that the department has
176 made a determination of initial credibility and reliability, the
177 supervisor shall adhere to the procedures set forth in
178 subsection (7) prior to the removal of a registered voter's name
179 from the statewide voter registration system.

180 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
181 supervisor receives information from sources other than those
182 identified in subsections (2)-(5) that a registered voter is
183 ineligible because he or she is deceased, adjudicated a
184 convicted felon without having had his or her voting ~~civil~~
185 rights restored, adjudicated mentally incapacitated without
186 having had his or her voting rights restored, does not meet the
187 age requirement pursuant to s. 97.041, is not a United States
188 citizen, is a fictitious person, or has listed a residence that
189 is not his or her legal residence, the supervisor must adhere to
190 the procedures set forth in subsection (7) prior to the removal

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191 of a registered voter's name from the statewide voter
192 registration system.

193 (7) PROCEDURES FOR REMOVAL.—

194 (a) If the supervisor receives notice or information
195 pursuant to subsections (4)-(6), the supervisor of the county in
196 which the voter is registered shall:

197 1. Notify the registered voter of his or her potential
198 ineligibility by mail within 7 days after receipt of notice or
199 information. The notice shall include:

200 a. A statement of the basis for the registered voter's
201 potential ineligibility and a copy of any documentation upon
202 which the potential ineligibility is based. Such documentation
203 shall include any conviction from another jurisdiction
204 determined to be a similar offense to murder or a felony sexual
205 offense as defined in paragraph (5)(b) or (c).

206 b. A statement that failure to respond within 30 days
207 after receipt of the notice may result in a determination of
208 ineligibility and in removal of the registered voter's name from
209 the statewide voter registration system.

210 c. A return form that requires the registered voter to
211 admit or deny the accuracy of the information underlying the
212 potential ineligibility for purposes of a final determination by
213 the supervisor.

214 d. A statement that, if the voter is denying the accuracy
215 of the information underlying the potential ineligibility, the

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216 voter has a right to request a hearing for the purpose of
217 determining eligibility.

218 e. Instructions for the registered voter to contact the
219 supervisor of elections of the county in which the voter is
220 registered if assistance is needed in resolving the matter.

221 f. Instructions for seeking restoration of civil rights
222 pursuant to s. 8, Art. IV of the State Constitution and
223 information explaining voting rights restoration pursuant to s.
224 4, Art. VI of the State Constitution following a felony
225 conviction, if applicable.

226 2. If the mailed notice is returned as undeliverable, the
227 supervisor shall publish notice once in a newspaper of general
228 circulation in the county in which the voter was last
229 registered. The notice shall contain the following:

230 a. The voter's name and address.

231 b. A statement that the voter is potentially ineligible to
232 be registered to vote.

233 c. A statement that failure to respond within 30 days
234 after the notice is published may result in a determination of
235 ineligibility by the supervisor and removal of the registered
236 voter's name from the statewide voter registration system.

237 d. An instruction for the voter to contact the supervisor
238 no later than 30 days after the date of the published notice to
239 receive information regarding the basis for the potential
240 ineligibility and the procedure to resolve the matter.

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241 e. An instruction to the voter that, if further assistance
242 is needed, the voter should contact the supervisor of elections
243 of the county in which the voter is registered.

244 3. If a registered voter fails to respond to a notice
245 pursuant to subparagraph 1. or subparagraph 2., the supervisor
246 shall make a final determination of the voter's eligibility. If
247 the supervisor determines that the voter is ineligible, the
248 supervisor shall remove the name of the registered voter from
249 the statewide voter registration system. The supervisor shall
250 notify the registered voter of the supervisor's determination
251 and action.

252 4. If a registered voter responds to the notice pursuant
253 to subparagraph 1. or subparagraph 2. and admits the accuracy of
254 the information underlying the potential ineligibility, the
255 supervisor shall make a final determination of ineligibility and
256 shall remove the voter's name from the statewide voter
257 registration system. The supervisor shall notify the registered
258 voter of the supervisor's determination and action.

259 5. If a registered voter responds to the notice issued
260 pursuant to subparagraph 1. or subparagraph 2. and denies the
261 accuracy of the information underlying the potential
262 ineligibility but does not request a hearing, the supervisor
263 shall review the evidence and make a final determination of
264 eligibility. If such registered voter requests a hearing, the
265 supervisor shall send notice to the registered voter to attend a

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266 hearing at a time and place specified in the notice. Upon
267 hearing all evidence presented at the hearing, the supervisor
268 shall make a determination of eligibility. If the supervisor
269 determines that the registered voter is ineligible, the
270 supervisor shall remove the voter's name from the statewide
271 voter registration system and notify the registered voter of the
272 supervisor's determination and action.

273 Section 5. Subsection (2) of section 104.011, Florida
274 Statutes, is amended to read:

275 104.011 False swearing; submission of false voter
276 registration information; prosecution prohibited.—

277 (3) No person shall be charged or convicted for a violation
278 of this section for affirming that he or she has not been
279 convicted of a felony or that, if convicted, he or she has had
280 voting rights restored, if such violation is alleged to have
281 occurred on or after January 8, 2019, but before the effective
282 date of this act.

283 Section 6. Section 940.061, Florida Statutes, is amended
284 to read:

285 940.061 Informing persons about executive clemency, and
286 restoration of civil rights, and voting rights restoration.—The
287 Department of Corrections shall inform and educate inmates and
288 offenders on community supervision about the restoration of
289 civil rights and the termination of voting disqualification
290 arising from a felony conviction pursuant to s. 4, Art. VI of

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291 the State Constitution. Each month the Department of Corrections
292 shall send to the Florida Commission on Offender Review by
293 electronic means a list of the names of inmates who have been
294 released from incarceration and offenders who have been
295 terminated from supervision who may be eligible for restoration
296 of civil rights or the termination of voting disqualification
297 arising from a felony conviction pursuant to s. 4, Art. VI of
298 the State Constitution.

299 Section 7. Subsection (1) of section 944.292, Florida
300 Statutes, is amended to read:

301 944.292 Suspension of civil rights and eligibility for
302 voting rights restoration.-

303 (1) Upon conviction of a felony as defined in s. 10, Art.
304 X of the State Constitution, the civil rights of the person
305 convicted shall be suspended in Florida until such rights are
306 restored by a full pardon, conditional pardon, or restoration of
307 civil rights granted pursuant to s. 8, Art. IV of the State
308 Constitution. Upon completion of all terms of sentence including
309 parole or probation, the disqualification from voting arising
310 from a felony conviction, other than a disqualification arising
311 from a conviction for murder or a felony sexual offense as those
312 terms are defined in s. 98.075(5), shall terminate pursuant to
313 s. 4, Art. VI of the State Constitution.

314 Section 8. Subsection (8) is added to section 944.704,
315 Florida Statutes, to read:

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316 944.704 Staff who provide transition assistance; duties.-
317 The department shall provide a transition assistance specialist
318 at each of the major institutions whose duties include, but are
319 not limited to:

320 (8) Providing an accounting of all outstanding financial
321 obligations imposed by a court, the department, or the Florida
322 Commission on Offender Review for each felony conviction for
323 which the inmate is being released from incarceration.
324

325 The transition assistance specialist may not be a correctional
326 officer or correctional probation officer as defined in s.
327 943.10.

328 Section 9. Subsection (1) of section 951.29, Florida
329 Statutes, is amended to read:

330 951.29 Procedure for requesting restoration of civil
331 rights or voting rights of county prisoners convicted of
332 felonies.-

333 (1) With respect to a person who has been convicted of a
334 felony and is serving a sentence in a county detention facility,
335 the administrator of the county detention facility shall provide
336 to the prisoner, at least 2 weeks before discharge, if
337 possible:7

338 (a) An application form obtained from the Florida
339 Commission on Offender Review which the prisoner must complete

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340 in order to begin the process of having his or her civil rights
341 restored;

342 (b) Information on voting rights restoration pursuant to
343 s. 4, Art. VI of the State Constitution; and

344 (c) An accounting of all outstanding financial obligations
345 imposed by a court or the Department of Corrections for each
346 felony conviction for which the prisoner is being released from
347 incarceration.

348 Section 10. The Division of Law Revision and Information
349 is directed to replace the phrase "the effective date of this
350 act" wherever it occurs in this act with the date this act
351 becomes a law.

352 Section 11. This act shall take effect upon becoming a
353 law.

354 -----

355 **T I T L E A M E N D M E N T**

356 Remove everything before the enacting clause and insert:
357 An act relating to voting rights restoration; amending
358 s. 97.052, F.S.; requiring the uniform statewide voter
359 registration application to be designed to elicit
360 specified information from an applicant so that
361 certain felons are not required to reveal certain
362 information; amending s. 97.053, F.S.; requiring a
363 complete voter registration application to include
364 specified information; amending s. 98.045, F.S.;

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365 requiring the supervisor of elections to determine
366 whether a voter registration applicant is ineligible
367 based on specified circumstances; amending s. 98.075,
368 F.S.; providing for the termination of voting
369 disabilities arising from certain felony convictions;
370 providing definitions; requiring specified provisions
371 to be construed in favor of an applicant; authorizing
372 the Department of State to adopt rules; requiring the
373 department to identify certain registered voters and
374 take specified actions; requiring a notice of a
375 registered voter's potential ineligibility to include
376 specified information; amending s. 104.011, F.S.;
377 prohibiting a person from being charged or convicted
378 for a certain violation alleged to have occurred
379 during a specified time period; amending s. 940.061,
380 F.S.; requiring the Department of Corrections to
381 inform and educate certain individuals about the
382 termination of voting disqualification arising from a
383 felony conviction pursuant to the State Constitution;
384 requiring the department to electronically transmit
385 certain information to the Florida Commission on
386 Offender Review each month; amending s. 944.292, F.S.;
387 providing for the termination of voting
388 disqualification arising from certain felony
389 convictions upon the completion of all terms of a

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Amendment No.

390 sentence; amending s. 944.704, F.S.; requiring
391 transition assistance specialists to provide certain
392 information to inmates before their release; amending
393 s. 951.29, F.S.; requiring county detention facility
394 administrators to provide certain information to
395 specified inmates before their release; providing a
396 directive to the Division of Law Revision and
397 Information; providing an effective date.