

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

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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

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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.