

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 elicit information on  
5           whether an applicant convicted of a felony has had his  
6           or her voting rights restored; requiring the  
7           application to be designed so that convicted felons  
8           whose voting rights have been restored are not  
9           required to reveal a prior conviction; amending s.  
10          97.053, F.S.; specifying that a complete voter  
11          registration application shall include a mark in the  
12          checkbox affirming that an applicant convicted of a  
13          felony has had his or her voting rights restored;  
14          amending s. 98.045, F.S.; requiring the supervisor of  
15          elections to determine whether a voter registration  
16          applicant is ineligible based on a felony conviction  
17          for which the applicant's voting rights have not been  
18          restored; amending s. 98.075, F.S.; requiring the  
19          Department of State to compare information received  
20          from specified sources to identify registered voters  
21          convicted of a felony whose voting rights have not  
22          been restored to make an initial ineligibility  
23          determination; defining the terms "murder", "felony  
24          sexual offense", "completion" and "term of sentence";  
25          authorizing the department to adopt rules to determine

26 voter ineligibility; requiring the notice of potential  
 27 ineligibility sent by the supervisor of elections to a  
 28 registered voter to explain the termination of voting  
 29 disqualification arising from a felony conviction  
 30 pursuant to the State Constitution, when applicable;  
 31 requiring the notice to include information on a  
 32 conviction from another jurisdiction that forms the  
 33 basis for an ineligibility determination; amending s.  
 34 940.061, F.S.; requiring the Department of Corrections  
 35 to inform and educate offenders on community  
 36 supervision about the termination of voting  
 37 disqualification arising from a felony conviction  
 38 pursuant to the State Constitution; requiring the  
 39 Department of Corrections to electronically transmit a  
 40 list of names of inmates and offenders who may be  
 41 eligible for the termination of voting  
 42 disqualification arising from a felony conviction  
 43 pursuant to the State Constitution to the Commission  
 44 on Offender Review; amending s. 944.292, F.S.;  
 45 specifying that the voting disqualification arising  
 46 from a conviction for a specified felony offense shall  
 47 terminate upon the completion of all terms of a  
 48 sentence; specifying that offenders convicted of  
 49 murder or felony sexual offenses are ineligible for  
 50 termination of voting disqualification; amending s.

51 944.704, F.S.; requiring transition assistance staff  
 52 to provide an accounting of outstanding financial  
 53 obligations to inmates prior to release; amending s.  
 54 951.29, F.S.; requiring the administrator of a county  
 55 detention facility to provide specified inmates with  
 56 information relating to the termination of voting  
 57 disqualification arising from a felony conviction  
 58 pursuant to the State Constitution; requiring the  
 59 administrator of a county detention facility to  
 60 provide specified inmates with an accounting of  
 61 outstanding financial obligations prior to release;  
 62 providing an effective date.

63  
 64 Be It Enacted by the Legislature of the State of Florida:

65  
 66 Section 1. Paragraph (t) of subsection (2) of section  
 67 97.052, Florida Statutes, is amended to read:

68 97.052 Uniform statewide voter registration application.-

69 (2) The uniform statewide voter registration application  
 70 must be designed to elicit the following information from the  
 71 applicant:

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

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

78 |  
 79 | The registration application must be in plain language and  
 80 | designed so that convicted felons whose voting ~~civil~~ rights have  
 81 | been restored and persons who have been adjudicated mentally  
 82 | incapacitated and have had their voting rights restored are not  
 83 | required to reveal their prior conviction or adjudication.

84 | Section 2. Paragraph (a) of subsection (5) of section  
 85 | 97.053, Florida Statutes, is amended to read:

86 | 97.053 Acceptance of voter registration applications.—

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

- 90 | 1. The applicant's name.
- 91 | 2. The applicant's address of legal residence, including a  
 92 | distinguishing apartment, suite, lot, room, or dormitory room  
 93 | number or other identifier, if appropriate. Failure to include a  
 94 | distinguishing apartment, suite, lot, room, or dormitory room or  
 95 | other identifier on a voter registration application does not  
 96 | impact a voter's eligibility to register to vote or cast a  
 97 | ballot, and such an omission may not serve as the basis for a  
 98 | challenge to a voter's eligibility or reason to not count a  
 99 | ballot.

100 | 3. The applicant's date of birth.

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

103 5.a. The applicant's current and valid Florida driver  
 104 license number or the identification number from a Florida  
 105 identification card issued under s. 322.051, or

106 b. If the applicant has not been issued a current and  
 107 valid Florida driver license or a Florida identification card,  
 108 the last four digits of the applicant's social security number.  
 109

110 In case an applicant has not been issued a current and valid  
 111 Florida driver license, Florida identification card, or social  
 112 security number, the applicant shall affirm this fact in the  
 113 manner prescribed in the uniform statewide voter registration  
 114 application.

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

118 7. A mark in the checkbox affirming that the applicant has  
 119 not been adjudicated mentally incapacitated with respect to  
 120 voting or that, if so adjudicated, has had his or her right to  
 121 vote restored.

122 8. The original signature or a digital signature  
 123 transmitted by the Department of Highway Safety and Motor  
 124 Vehicles of the applicant swearing or affirming under the  
 125 penalty for false swearing pursuant to s. 104.011 that the

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

129 Section 3. Paragraph (c) of subsection (1) of section  
 130 98.045, Florida Statutes, is amended to read:

131 98.045 Administration of voter registration.—

132 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure  
 133 that any eligible applicant for voter registration is registered  
 134 to vote and that each application for voter registration is  
 135 processed in accordance with law. The supervisor shall determine  
 136 whether a voter registration applicant is ineligible based on  
 137 any of the following:

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

140 Section 4. New paragraphs (a) through (c) are added to  
 141 subsection (5) and section (6) and paragraph (a) of subsection  
 142 (7) of section 98.075, Florida Statutes, are amended to read:

143 98.075 Registration records maintenance activities;  
 144 ineligibility determinations.—

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

151 of sentence, including probation and parole. The voting  
 152 disability arising from a felony conviction for an offense  
 153 classified as murder or a felony sexual offense does not  
 154 terminate unless a voter's civil rights are restored pursuant to  
 155 s. 8, Art. IV of the State Constitution.

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

157 1. "Murder" means any violation of any of the criminal  
 158 offenses described in the following statutes in this state or  
 159 similar offenses in another jurisdiction: s. 782.04(1); s.  
 160 782.04(2); or s. 782.04(3).

161 2. "Felony sexual offense" means any felony violation of  
 162 any of the criminal offenses described in the following statutes  
 163 in this state or similar offenses in another jurisdiction: s.  
 164 393.135(2); s. 394.4593(2); s. 491.0112(1) or (2); s.  
 165 775.0877(3); s. 784.049(3)(b); s. 787.01, s. 787.02, or s.  
 166 787.025(2)(c), where the victim is a minor and the court makes a  
 167 written finding that the offense involved sexual intent or  
 168 motive; s. 787.06(3) or (4); former s. 787.06(3)(h); s. 794.011,  
 169 excluding s. 794.011(10); s. 794.05; former s. 796.03; former s.  
 170 796.035; s. 796.07; s. 796.08; s. 800.04; s. 800.09(2); s.  
 171 800.101(2); s. 810.145(6)-(8); s. 825.1025; s. 826.04; s.  
 172 827.071; s. 828.126; s. 847.011(1), (3), or (4); s. 847.012; s.  
 173 847.0133; s. 847.0134(1); s. 847.0135, excluding s. 847.0135(6);  
 174 s. 847.0137; s. 847.0138; s. 847.0141; s. 847.0145; s. 847.07(2)  
 175 or (3); s. 872.06(2); s. 895.03, if the court makes a written

176 finding that the racqueteeing activity involved at least one  
 177 sexual offense listed in this subparagraph or at least one  
 178 offense listed in this subparagraph with sexual intent or  
 179 motive; s. 916.1075(2); s. 944.35(3)(b)2.; s. 951.221(1); or s.  
 180 985.701(1); or any similar offense committed in this state which  
 181 has been redesignated from a former statute number to one of  
 182 those listed in this subparagraph.

183 3. "Completion" means:

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

185 b. For a term of supervision, successful termination in  
 186 which all conditions of supervision were fulfilled, or  
 187 unsuccessful termination for which a court, the Department of  
 188 Corrections, or the Florida Commission on Offender Review waived  
 189 completion of any unfulfilled condition.

190 c. For a financial obligation arising from a felony  
 191 conviction, full payment of the financial obligation or waiver  
 192 of the financial obligation with the consent of the payee. Any  
 193 financial obligation continued through the civil judgement  
 194 provision described in s. 775.089(5) or s. 55.10 constitutes an  
 195 outstanding obligation for the purposes of this section.

196 4. A "term of sentence" means:

197 a. Incarceration;

198 b. A standard condition of probation described in s.  
 199 948.03;

200 c. Community service described in s. 948.031;



- 201 d. Restitution ordered under s. 779.089;
- 202 e. Residential treatment described in s. 948.035;
- 203 f. A work program described in s. 948.036;
- 204 g. Education described in s. 948.037;
- 205 h. Batterer's intervention program described in s. 948.038;
- 206 i. Any court ordered special condition of probation
- 207 authorized in s. 948.039; and
- 208 j. Any cost of supervision or other monetary obligation
- 209 described in s. 948.09.

210 (b) The department is authorized to adopt rules to  
 211 implement this section for the purpose of determining those  
 212 registered voters convicted of a felony whose voting rights have  
 213 not been restored pursuant to s. 4, Art. VI of the State  
 214 Constitution.

215 (c) The department shall identify those registered voters  
 216 convicted of a felony whose voting rights have not been restored  
 217 pursuant to s. 8, Art. IV of the State Constitution by comparing  
 218 information received from, but not limited to, a clerk of the  
 219 circuit court, the Board of Executive Clemency, the Department  
 220 of Corrections, the Department of Law Enforcement, or a United  
 221 States Attorney's Office, as provided in s. 98.093. The  
 222 department shall review such information and make an initial  
 223 determination as to whether the information is credible and  
 224 reliable. If the department determines that the information is  
 225 credible and reliable, the department shall notify the

226 supervisor and provide a copy of the supporting documentation  
 227 indicating the potential ineligibility of the voter to be  
 228 registered. Upon receipt of the notice that the department has  
 229 made a determination of initial credibility and reliability, the  
 230 supervisor shall adhere to the procedures set forth in  
 231 subsection (7) prior to the removal of a registered voter's name  
 232 from the statewide voter registration system.

233 (6) OTHER BASES FOR INELIGIBILITY.—If the department or  
 234 supervisor receives information from sources other than those  
 235 identified in subsections (2)-(5) that a registered voter is  
 236 ineligible because he or she is deceased, adjudicated a  
 237 convicted felon without having had his or her voting civil  
 238 rights restored, adjudicated mentally incapacitated without  
 239 having had his or her voting rights restored, does not meet the  
 240 age requirement pursuant to s. 97.041, is not a United States  
 241 citizen, is a fictitious person, or has listed a residence that  
 242 is not his or her legal residence, the supervisor must adhere to  
 243 the procedures set forth in subsection (7) prior to the removal  
 244 of a registered voter's name from the statewide voter  
 245 registration system.

246 (7) PROCEDURES FOR REMOVAL.—

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

250 1. Notify the registered voter of his or her potential

251 | ineligibility by mail within 7 days after receipt of notice or  
 252 | information. The notice shall include:

253 |       a. A statement of the basis for the registered voter's  
 254 | potential ineligibility and a copy of any documentation upon  
 255 | which the potential ineligibility is based. Such documentation  
 256 | shall include any conviction from another jurisdiction  
 257 | determined to be a similar offense to murder or a felony sexual  
 258 | offense defined in paragraph (a) of subsection (5).

259 |       b. A statement that failure to respond within 30 days  
 260 | after receipt of the notice may result in a determination of  
 261 | ineligibility and in removal of the registered voter's name from  
 262 | the statewide voter registration system.

263 |       c. A return form that requires the registered voter to  
 264 | admit or deny the accuracy of the information underlying the  
 265 | potential ineligibility for purposes of a final determination by  
 266 | the supervisor.

267 |       d. A statement that, if the voter is denying the accuracy  
 268 | of the information underlying the potential ineligibility, the  
 269 | voter has a right to request a hearing for the purpose of  
 270 | determining eligibility.

271 |       e. Instructions for the registered voter to contact the  
 272 | supervisor of elections of the county in which the voter is  
 273 | registered if assistance is needed in resolving the matter.

274 |       f. Instructions for seeking restoration of civil rights  
 275 | pursuant to s. 8, Art. IV of the State Constitution and

276 information explaining voting rights restoration pursuant to s.  
 277 4, Art. VI of the State Constitution following a felony  
 278 conviction, if applicable.

279 2. If the mailed notice is returned as undeliverable, the  
 280 supervisor shall publish notice once in a newspaper of general  
 281 circulation in the county in which the voter was last  
 282 registered. The notice shall contain the following:

283 a. The voter's name and address.

284 b. A statement that the voter is potentially ineligible to  
 285 be registered to vote.

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

290 d. An instruction for the voter to contact the supervisor  
 291 no later than 30 days after the date of the published notice to  
 292 receive information regarding the basis for the potential  
 293 ineligibility and the procedure to resolve the matter.

294 e. An instruction to the voter that, if further assistance  
 295 is needed, the voter should contact the supervisor of elections  
 296 of the county in which the voter is registered.

297 3. If a registered voter fails to respond to a notice  
 298 pursuant to subparagraph 1. or subparagraph 2., the supervisor  
 299 shall make a final determination of the voter's eligibility. If  
 300 the supervisor determines that the voter is ineligible, the

301 supervisor shall remove the name of the registered voter from  
302 the statewide voter registration system. The supervisor shall  
303 notify the registered voter of the supervisor's determination  
304 and action.

305 4. If a registered voter responds to the notice pursuant  
306 to subparagraph 1. or subparagraph 2. and admits the accuracy of  
307 the information underlying the potential ineligibility, the  
308 supervisor shall make a final determination of ineligibility and  
309 shall remove the voter's name from the statewide voter  
310 registration system. The supervisor shall notify the registered  
311 voter of the supervisor's determination and action.

312 5. If a registered voter responds to the notice issued  
313 pursuant to subparagraph 1. or subparagraph 2. and denies the  
314 accuracy of the information underlying the potential  
315 ineligibility but does not request a hearing, the supervisor  
316 shall review the evidence and make a final determination of  
317 eligibility. If such registered voter requests a hearing, the  
318 supervisor shall send notice to the registered voter to attend a  
319 hearing at a time and place specified in the notice. Upon  
320 hearing all evidence presented at the hearing, the supervisor  
321 shall make a determination of eligibility. If the supervisor  
322 determines that the registered voter is ineligible, the  
323 supervisor shall remove the voter's name from the statewide  
324 voter registration system and notify the registered voter of the  
325 supervisor's determination and action.

326 Section 5. Section 940.061, Florida Statutes, is amended  
 327 to read:

328 940.061 Informing persons about executive clemency, ~~and~~  
 329 restoration of civil rights, and restoration of voting rights.—  
 330 The Department of Corrections shall inform and educate inmates  
 331 and offenders on community supervision about the restoration of  
 332 civil rights and the termination of voting disqualification  
 333 arising from a felony conviction pursuant to s. 4, Art. VI of  
 334 the State Constitution. Each month the Department of Corrections  
 335 shall send to the Florida Commission on Offender Review by  
 336 electronic means a list of the names of inmates who have been  
 337 released from incarceration and offenders who have been  
 338 terminated from supervision who may be eligible for restoration  
 339 of civil rights or the termination of voting disqualification  
 340 arising from a felony conviction pursuant to s. 4, Art. VI of  
 341 the State Constitution.

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

344 944.292 Suspension of civil rights and eligibility for  
 345 voting rights restoration.—

346 (1) Upon conviction of a felony as defined in s. 10, Art.  
 347 X of the State Constitution, the civil rights of the person  
 348 convicted shall be suspended in Florida until such rights are  
 349 restored by a full pardon, conditional pardon, or restoration of  
 350 civil rights granted pursuant to s. 8, Art. IV of the State

351 Constitution. Upon completion of all terms of sentence including  
352 parole or probation, the disqualification from voting arising  
353 from a felony conviction, other than a disqualification arising  
354 from a conviction for murder or a felony sexual offense as those  
355 terms are defined in s. 98.075(5), shall terminate pursuant to  
356 s. 4, Art. VI of the State Constitution.

357 Section 7. New subsection (8) is added to section 944.704,  
358 Florida Statutes, to read:

359 944.704 Staff who provide transition assistance; duties.—  
360 The department shall provide a transition assistance specialist  
361 at each of the major institutions whose duties include, but are  
362 not limited to:

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

367  
368 The transition assistance specialist may not be a correctional  
369 officer or correctional probation officer as defined in s.  
370 943.10.

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

373 951.29 Procedure for requesting restoration of civil  
374 rights or voting rights of county prisoners convicted of  
375 felonies.—

376 (1) With respect to a person who has been convicted of a  
 377 felony and is serving a sentence in a county detention facility,  
 378 the administrator of the county detention facility shall provide  
 379 to the prisoner, at least 2 weeks before discharge, if  
 380 possible:~~7~~

381 (a) An application form obtained from the Florida  
 382 Commission on Offender Review which the prisoner must complete  
 383 in order to begin the process of having his or her civil rights  
 384 restored,~~7~~

385 (b) Information on voting rights restoration pursuant to s.  
 386 4, Art. VI of the State Constitution, and

387 (c) An accounting of all outstanding financial obligations  
 388 imposed by a court or the Department of Corrections for each  
 389 felony conviction for which the prisoner is being released from  
 390 incarceration.

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