A bill to be entitled
An act relating to voting rights restoration; amending
s. 97.052, F.S.; requiring the uniform statewide voter
registration application to elicit information on
whether an applicant convicted of a felony has had his
or her voting rights restored; requiring the
application to be designed so that convicted felons
whose voting rights have been restored are not
required to reveal a prior conviction; amending s.
97.053, F.S.; specifying that a complete voter
registration application shall include a mark in the
checkbox affirming that an applicant convicted of a
felony has had his or her voting rights restored;
amending s. 98.045, F.S.; requiring the supervisor of
elections to determine whether a voter registration
applicant is ineligible based on a felony conviction
for which the applicant's voting rights have not been
restored; amending s. 98.075, F.S.; requiring the
Department of State to compare information received
from specified sources to identify registered voters
convicted of a felony whose voting rights have not
been restored to make an initial ineligibility
determination; defining the terms "murder", "felony
sexual offense", "completion" and "term of sentence";
authorizing the department to adopt rules to determine
voter ineligibility; requiring the notice of potential
ineligibility sent by the supervisor of elections to a
registered voter to explain the termination of voting
disqualification arising from a felony conviction
pursuant to the State Constitution, when applicable;
requiring the notice to include information on a
conviction from another jurisdiction that forms the
basis for an ineligibility determination; amending s.
940.061, F.S.; requiring the Department of Corrections
to inform and educate offenders on community
supervision about the termination of voting
disqualification arising from a felony conviction
pursuant to the State Constitution; requiring the
Department of Corrections to electronically transmit a
list of names of inmates and offenders who may be
eligible for the termination of voting
disqualification arising from a felony conviction
pursuant to the State Constitution to the Commission
on Offender Review; amending s. 944.292, F.S.;
specifying that the voting disqualification arising
from a conviction for a specified felony offense shall
terminate upon the completion of all terms of a
sentence; specifying that offenders convicted of
murder or felony sexual offenses are ineligible for
termination of voting disqualification; amending s.
944.704, F.S.; requiring transition assistance staff
to provide an accounting of outstanding financial
obligations to inmates prior to release; amending s.
951.29, F.S.; requiring the administrator of a county
detention facility to provide specified inmates with
information relating to the termination of voting
disqualification arising from a felony conviction
pursuant to the State Constitution; requiring the
administrator of a county detention facility to
provide specified inmates with an accounting of
outstanding financial obligations prior to release;
providing an effective date.

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

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

97.052 Uniform statewide voter registration application.—
(2) The uniform statewide voter registration application
must be designed to elicit the following information from the
applicant:

(t) Whether the applicant has been convicted of a felony,
and, if convicted, has had his or her voting civil rights
restored by including the statement "I affirm I am not a
convicted felon, or, if I am, my rights relating to voting have
been restored." and providing a box for the applicant to check to affirm the statement.

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

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

97.053 Acceptance of voter registration applications.—
(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:

1. The applicant's name.

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

3. The applicant's date of birth.
4. A mark in the checkbox affirming that the applicant is a citizen of the United States.

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

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

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

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

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

8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the
information contained in the registration application is true
and subscribing to the oath required by s. 3, Art. VI of the
State Constitution and s. 97.051.

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

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

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

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

98.075 Registration records maintenance activities;
ineligibility determinations.—
(5) FELONY CONVICTION.—The department shall identify those
registered voters who have been convicted of a felony and whose
voting rights have not been restored. The voting disability
arising from a conviction for a felony offense, other than
murder or a felony sexual offense, terminates pursuant to s. 4,
Art. VI of the State Constitution upon completion of all terms
of sentence, including probation and parole. The voting
disability arising from a felony conviction for an offense
classified as murder or a felony sexual offense does not
terminate unless a voter's civil rights are restored pursuant to
s. 8, Art. IV of the State Constitution.

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

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

2. "Felony sexual offense" means any felony violation of
any of the criminal offenses described in the following statutes
in this state or similar offenses in another jurisdiction: s.
393.135(2); s. 394.4593(2); s. 491.0112(1) or (2); s.
775.0877(3); s. 784.049(3)(b); s. 787.01, s. 787.02, or s.
787.025(2)(c), where the victim is a minor and the court makes a
written finding that the offense involved sexual intent or
motive; s. 787.06(3) or (4); 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. 796.07; s. 796.08; s. 800.04; s. 800.09(2); s.
800.101(2); s. 810.145(6)-(8); s. 825.1025; s. 826.04; s.
827.071; s. 828.126; s. 847.011(1), (3), or (4); s. 847.012; s.
847.0133; s. 847.0134(1); s. 847.0135, excluding s. 847.0135(6);
s. 847.0137; s. 847.0138; s. 847.0141; s. 847.0145; s. 847.07(2)
or (3); s. 872.06(2); s. 895.03, if the court makes a written
finding that the racqueteering activity involved at least one sexual offense listed in this subparagraph or at least one offense listed in this subparagraph with sexual intent or motive; s. 916.1075(2); s. 944.35(3)(b)2.; s. 951.221(1); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subparagraph.

3. "Completion" means:
   a. For a term of incarceration, release from custody.
   b. For a term of supervision, successful termination in which all conditions of supervision were fulfilled, or unsuccessful termination for which a court, the Department of Corrections, or the Florida Commission on Offender Review waived completion of any unfulfilled condition.
   c. For a financial obligation arising from a felony conviction, full payment of the financial obligation or waiver of the financial obligation with the consent of the payee. Any financial obligation continued through the civil judgement provision described in s. 775.089(5) or s. 55.10 constitutes an outstanding obligation for the purposes of this section.

4. A "term of sentence" means:
   a. Incarceration;
   b. A standard condition of probation described in s. 948.03;
   c. Community service described in s. 948.031;
d. Restitution ordered under s. 779.089;
e. Residential treatment described in s. 948.035;
f. A work program described in s. 948.036;
g. Education described in s. 948.037;
h. Batterer's intervention program described in s. 948.038;
i. Any court ordered special condition of probation authorized in s. 948.039; and
j. Any cost of supervision or other monetary obligation described in s. 948.09.

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

(c) The department shall identify those registered voters convicted of a felony whose voting rights have not been restored pursuant to s. 8, Art. IV of the State Constitution by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the
supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

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

(7) PROCEDURES FOR REMOVAL.—

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

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

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

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

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

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

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

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

2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:
   a. The voter's name and address.
   b. A statement that the voter is potentially ineligible to be registered to vote.
   c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.
   d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.
   e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

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

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

5. If a registered voter responds to the notice issued
pursuant to subparagraph 1. or subparagraph 2. and denies the
accuracy of the information underlying the potential
ineligibility but does not request a hearing, the supervisor
shall review the evidence and make a final determination of
eligibility. If such registered voter requests a hearing, the
supervisor shall send notice to the registered voter to attend a
hearing at a time and place specified in the notice. Upon
hearing all evidence presented at the hearing, the supervisor
shall make a determination of eligibility. If the supervisor
determines that the registered voter is ineligible, the
supervisor shall remove the voter's name from the statewide
voter registration system and notify the registered voter of the
supervisor's determination and action.
Section 5. Section 940.061, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

951.29 Procedure for requesting restoration of civil rights or voting rights of county prisoners convicted of felonies.—
(1) With respect to a person who has been convicted of a felony and is serving a sentence in a county detention facility, the administrator of the county detention facility shall provide to the prisoner, at least 2 weeks before discharge, if possible:

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

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

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

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