

Amendment No.

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WITHDRAWN	___	(Y/N)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:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

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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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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 or 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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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.