

Report by the Restoration of Voting Rights Work Group to the President of the Florida Senate and the Speaker of the Florida House of Representatives

Prepared by the Department of State pursuant to section 33 of Chapter 2019-162, *Laws of Florida*

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FLORIDA DEPARTMENT *of* STATE

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I. Executive Summary

The Florida Department of State submits this report on behalf of the Restoration of Voting Rights Work Group. The Florida Legislature established the eight-member Work Group during the 2019 Legislative Session. On June 28, 2019, Governor Ron DeSantis signed the underlying bill into law. (See Appendix A for Chapter 2019-162, Laws of Florida; Senate Bill 7066).

The Work Group is charged with studying the issues involving the restoration of voting rights. More specifically, the Work Group is to study:

- A. The consolidation of all relevant data necessary to verify the eligibility of a registered voter for the restoration of voting rights under s. 4, Art. VI of the State Constitution. If any entity is recommended to manage the consolidated relevant data, the recommendations must provide the feasibility of such entity to manage the consolidated relevant data and a timeline for implementation of such consolidation;
- B. The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility for restoration of voting rights under s. 4, Art. VI of the State Constitution; and
- C. Any other relevant policies or procedures for verifying the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.¹

The law requires the Work Group to submit a report, including its findings, conclusions, and recommendations, to the Senate President and the Speaker of the House of Representatives by November 1, 2019.

The Work Group held five publicly noticed, open meetings in Tallahassee, Florida, on August 19, 2019, September 16, 2019, October 1, 2019, October 15, 2019, and October 30, 2019, to discuss its charge and the specified issues, and formalize its findings and recommendations. The Work Group expires upon submission of its report.

The Work Group recognizes challenges associated with refining a consolidated records system including data integrity, security, technology, privacy, and cost. Nevertheless, as has been demonstrated through presentations to the Work Group, a number of opportunities are available to leverage existing technological infrastructures and to enhance and expand upon current procedures to facilitate data consolidation and further

¹ See section 33 of Chapter 2019-162, Laws of Florida.

refine implementation of the new law. The Work Group provides recommendations below as it relates to each of the statutory charges.

II. Background

A. Voter Registration

In Florida, a person is eligible to vote provided the person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered;
and
5. Registers pursuant to the Florida Election Code.

An otherwise qualified person may pre-register on or after the person's 16th birthday and vote in any election occurring on or after that person's 18th birthday. A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law, or a person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law is not eligible to be registered to vote.²

Prior to January 2006, each county operated its own voter registration system. Any move from one county to another constituted a new registration. In January 2006, the Department implemented the Florida Voter Registration System (FVRS) which serves as the official list of registered voters in the state flowing from the requirements of the Help America Vote Act.³ The Department of State maintains and operates the statewide system to which all Florida Supervisors of Elections (hereinafter, SOE, Supervisor, or Supervisor of Elections) have access and who are solely authorized by law to add and remove registered voters within their counties.⁴ Working in conjunction with each other, the Supervisors of Elections and the Department ensure that the system only contains eligible voters through voter registration and list maintenance activities governed by state and federal laws⁵ and rules conducted at the state and local level.⁶

² See sections 1, 2, and 3, Article VI, Fla Const., and section 97.041, Fla. Stat.

³ Help America Vote Act, subchapter III, Part, 52 U.S.C. s. 21083(a).

⁴ Section 98.035, Fla. Stat.

⁵ Chapters 97 and 98, Fla. Stat., Help America Vote Act, subchapter III, Part, 52 U.S.C. s. 21083(a)(2); National Voter Registration Act, chapter 205, 52 U.S.C. s. 20501 et seq.

⁶ Rules 1S-2.039 and 1S-2.041, Florida Administrative Code.

B. Voter Registration Methods

In October 2017, the Department of State launched the Online Voter Registration System (www.registertovoteflorida.gov) which allows persons to submit an online application or use the system to prepopulate, print, sign and deliver in person or by mail the statewide voter registration. The system tracks the statewide voter registration application. The application can be used for new registrants or to update voter information and/or replace a voter information card.⁷ Florida also accepts the national mail-in application form⁸ and the federal post-card application form⁹, the latter of which doubles as an application to request a vote-by-mail ballot only for military and overseas voters.

Eligible voters have other methods by which to register new or submit updated information, including:

1. Online submission through the Florida Department of Highway Safety and Motor Vehicles' (hereinafter Department of Highway Safety and Motor Vehicles or DHSMV) online program for driver license renewal (GoRenew and soon to be renamed ORION as part of its multi-year modernization effort);
2. In-person electronic intake through the tax collectors' offices and/or DHSMV's offices, which then forward the information to the Department and down to the Supervisors of Elections' offices; or
3. By paper as received through the mail or in person as a result of:
 - a. A Third-Party Voter Registration Organization (3PVRO) drive; or
 - b. A visit to a designated Voter Registration Agency (VRA).

Once a paper application is received, a Supervisor of Elections' Office has thirteen days to enter the information into the FVRS. Regardless of how the information is submitted, the information relating to a personal identifying number (Florida driver license number, Florida state identification card number, or last four digits of the person's social security number) must be verified. This is done in conjunction with the Florida Department of Highway Safety and Motor Vehicles. If submitted electronically online or as part of an electronic intake process, that verification occurs during the person's transaction with the system or office. If submitted on the paper application form, it must be submitted to DHSMV for verification.¹⁰ The verification of the personal identifying number constitutes

⁷ Section 97.052, Fla. Stat.; Rule 1S-2.040, Florida Administrative Code, DS-DE 39

⁸ https://www.eac.gov/assets/1/6/Federal_Voter_Registration_ENG.pdf

⁹ <https://www.fvap.gov/uploads/FVAP/Forms/fpca2013.pdf>

¹⁰ Section 97.053, Fla. Stat.

the final step of the application process before the Supervisor determines that the person is eligible to register.

If the personal identifying number is verified, the County Supervisor of Elections office makes the final call on completing the active voter registration, and the applicant becomes a registered voter.

If the personal identifying number could not be verified, and DOS could not manually verify, the SOE sends a notice to the voter requesting proof of verification. If the individual has not submitted proof, and he or she goes to cast a ballot, the voter can still vote a provisional ballot but will still need to provide proof of his or her personal identifying number by 5:00PM of the second day following the election in order to have his or her provisional ballot counted.¹¹

The statewide voter registration application is incorporated by reference into rule which is currently under rulemaking to codify new requirements in law. In the 2019 legislative session, the Legislature revised the statements that an applicant must affirm as to felony conviction(s).¹²

C. Voter Ineligibility

Prior to the implementation of FVRS in 2006, eligibility information potentially relating to a registered voter was provided directly to the Supervisors of Elections offices. The Department of Health (DOH) or county health offices sent deceased information to the Supervisors. The Clerk of the Court (hereinafter, Clerk of Court, Clerk, or COC) sent felony conviction and adjudications of mental incapacity information. Once the Supervisor of Elections linked the information to a registered voter, he or she removed the voter immediately. No notice or opportunity to contest findings existed in law, except that a voter removed for having listed a fictitious name or legal residence address was entitled to receive notice.

In 2005, the Florida Legislature added significant due process procedures to the law that became effective January 2006. The Department of State was then designated as the primary agency to identify potentially ineligible voters based on the information received from governmental agencies or any other credible and reliable sources. This coincided with implementation of FVRS for January 2006. Upon receipt of information indicating that a registered voter may be ineligible to be registered, the Department works to determine if the information is credible and reliable. Supervisors of Elections may likewise act independently upon information that they deem credible and reliable from sources other than from the Department of State.

At the state level, the process of comparing voter registration records against Florida felony conviction records to identify potentially ineligible registered voters begins within twenty-

¹¹ Section 101.49, Fla. Stat.

¹² s.21 of chapter 2019-162, Laws of Florida

four hours after a person is officially added to the rolls as a new voter, after a change to an existing registered voter's record that might trigger a match, or after a new felony conviction is added to criminal databases. The Clerk of Court records feed and supply the criminal records database.

Initial automated felony information comes directly to DOS daily from the Florida Department of Law Enforcement (FDLE) as automated data and the Department of Corrections (DOC) as automated matches via a web service. Information about felony convictions may come in from other sources such as federal felony (FED) information or other states. Such information is received by fax, mail, or email and initiates a non-automated, manual receipt and review process until the point that an electronic case file is developed.¹³ In the daily automated electronic felon match process, the data is received and several criminal case records can be associated within a single match. Therefore, it is incumbent upon DOS staff to research each match thoroughly and confirm accuracy.

DOS has a designated bureau that conducts a manual review process to make sure files are credible and reliable. To complete the manual review process, the Bureau of Voter Registration Services (BVRS) obtains documents, verifies identity, and confirms the felon documents are reflective of what the court records show. A demographic review is conducted to confirm a felon and a voter are the same individual by comparing information with DHSMV, DOC, and the Comprehensive Case Information System (CCIS). If documents cannot be found online with CCIS, further outreach may be required to the local COC to obtain the appropriate documentation. This process can take some time depending on the county and age of the case being researched. The information is not produced in a certain time frame. BVRS also has access to PACER (Public Access to Court Electric Records) for FED court records and the Inmate Records Imaging System (IRIS) which is updated by DOC.

Once a credible and reliable match is determined based on the information available, the potentially ineligible felon file is sent electronically to the SOE to initiate notice and due process under the law.¹⁴ Throughout the research at the state level and the due process procedures, the registered voter remains on the voter registration rolls.

The Supervisor of Elections determines final eligibility based on the evidence provided from the record and the voter. If the individual is determined to be ineligible, the registered voter is removed. If the voter is determined to be eligible, the voter remains on the rolls. The entire process can take up to 120 days for final determination depending on whether actual notice is achieved or newspaper notice is required, and taking into account the thirty-day opportunity to respond thereto as well as the scheduled hearing if requested.

¹³ The County Clerk of the Court may also provide felony reports along with juror change of address reports and mentally incapacitated reports either to the DOS or the Supervisors of Elections directly. *See* s. 98.093, Fla. Stat.

¹⁴ Section 98.075(7), Fla. Stat.

D. Pre-Amendment 4

Prior to January 8, 2019, BVRS researched whether the conviction was an adjudication of guilt for the felony offense(s) and whether the person had rights restored. A person convicted of a Florida felony, regardless of the nature of the felony offense, could only have his or her civil rights restored, in which the right to vote is encompassed, by applying to the Executive Board of Clemency pursuant to section 8 of Article IV of the Florida Constitution. Therefore, the BVRS had only one source to research – the clemency database operated and maintained by the Florida Commission on Offender Review (hereinafter Florida Commission on Offender Review or FCOR).¹⁵

If rights were restored and the individual did not have a subsequent felony conviction, the individual remained on the voter registration rolls. If the voter was determined to not have clemency, the voter was deemed ineligible.

E. Post-Amendment 4

On November 8, 2018, the Florida voters passed, with a 64.5% vote, a ballot measure commonly referred to as *Amendment 4*. *Amendment 4* was based on a citizen initiative petition drive to amend section 4 of Article VI of the Florida Constitution. Section 4 of Article VI provides that a convicted felon is disqualified from voting or holding office until certain rights are restored. The following amendment (underline indicates new language) became effective January 8, 2019:

Article VI, Section 4. Disqualifications. — (a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation. (b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights. (b ϵ) No person may appear on the ballot for re-election to any of the following offices: (1) Florida representative, (2) Florida senator, (3) Florida Lieutenant governor, (4) any office of the Florida cabinet, (5) U.S. Representative from Florida, or (6) U.S. Senator from Florida if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

On and after January 8, 2019, a person convicted of a felony, other than murder or a felony sexual offense, shall have his or her voting rights restored upon completion of all terms of sentence including parole or probation. This would occur by operation of law. Those persons convicted of murder or a felony sexual offense would still have to apply to have their civil rights restored pursuant to section 8 of Article IV of the Florida Constitution. The

¹⁵ FCOR was previously known as the Florida Parole Commission.

terms relating to “murder,” and “felony sexual offense,” and the phrase “completion of all terms of sentence” were not explicitly defined within the constitutional amendment.

F. Florida Statutory Overview

During the 2019 Legislative Session, the Florida Legislature passed an omnibus elections bill. The bill included provisions to further implement *Amendment 4*. On June 28, 2019, Governor Ron DeSantis signed the bill into law. *See* Chapter 2019-162, *Laws of Florida*. Specifically, as to the subject of voting rights restoration for convicted felons, the law¹⁶:

- Modifies the statewide voter registration application to require affirmation statements in which the voter affirms he or she has not been convicted of a felony, and/or if so, the applicant has obtained his or her right to vote pursuant to executive clemency or Art. VI, s. 4, of the State Constitution;
- Defines which offenses constitute “murder” and “felony sexual offenses” under the new constitutional provision;
- Provides what constitutes “completion of all terms of sentence” including financial obligations (restitution, fines, and fees) for purposes of restoring one’s right to vote, if convicted of a felony offense other than murder or felony sexual offense;
- Authorizes the court to modify legal financial obligations to provide relief, including waiver of such obligations and/or conversion to community service hours, provided the modifications do not infringe on a defendant’s or victim’s constitutional rights;
- Provides that the Department of State makes the initial determination on whether the information is credible and reliable regarding whether a person is eligible to vote under Art. VI, s. 4, of the State Constitution, and forwards such to the Supervisor of Elections, wherein the Supervisor of Elections verifies and makes the final determination whether a person who registers to vote is eligible under Art. VI, s. 4, of the State Constitution. The Supervisor may request additional assistance from the DOS in making the final determination;
- Grants registrants immunity from prosecution for submitting false voter registration information regarding their eligibility following a felony conviction on registration applications submitted from January 8, 2019 (effective date of Amendment 4) to July 1, 2019 (effective date of the bill); and
- Mandates that the state and county notify convicted felons of the outstanding terms of their sentence with respect to voting eligibility, upon release from custody/supervision.

(*See* Appendix A(1) for excerpted relevant sections).

¹⁶ SB 7066 Election Administration, [Senate Summary](#).

Section 33 of the bill also establishes the Restoration of Voting Rights Work Group, the statutory mandate of which is further detailed below.

III. Restoration of Voting Rights Work Group: Overview

Section 33 of Chapter 2019-162, Laws of Florida, also establishes the Restoration of Voting Rights Work Group. While the bill took effect July 1, 2019, the Work Group came into existence on August 1, 2019. (See Appendix A(2)).

A. Membership

The Work Group is composed of eight members. Each member was designated or appointed by an authority prescribed by the law. Work Group members and their appointing officials included:

Member	Description	Appointing Official/Organization
Laurel M. Lee	Secretary of State; Work Group Chair	Legislation
Kenneth Steely	General Counsel, Florida Department of Corrections	Appointee of Secretary of Department of Corrections, Mark Inch
Kate Holmes	Assistant General Counsel, Florida Department of Law Enforcement	Appointee of Executive Director of Department of Law Enforcement, Rick Swearingen
Melinda Coonrod	Chairman of Florida Commission on Offender Review	Legislation
Hon. JD Peacock	Clerk of the Circuit Court, Okaloosa County	Appointee of Governor of Florida, Ron DeSantis
Hon. Doug Chorvat	Clerk of the Circuit Court, Hernando County	Appointee of Governor of Florida, Ron DeSantis
Hon. Chris Anderson	Supervisor of Elections, Seminole County	Appointee of Governor of Florida, Ron DeSantis
Hon. Vicki Cannon	Supervisor of Elections, Nassau County	Appointee of Governor of Florida, Ron DeSantis

B. Responsibilities

The Work Group's purpose is to conduct a comprehensive review of the Department of State's process of verifying registered voters who have been convicted of a felony but who may be eligible for restoration of rights under section 4, Article VI of the State Constitution. More specifically, as set out in subsection (3) of section 33 of Chapter 2019-162, Laws of Florida:

. . . The work group is authorized and directed to study, evaluate, analyze, and undertake a comprehensive review of the Department of State's process of verifying registered voters who have been convicted of a felony, but who may be eligible for restoration of voting rights under s. 4, Art. VI of the State Constitution, to develop recommendations for the Legislature, related to:

- (a) The consolidation of all relevant data necessary to verify the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution. If any entity is recommended to manage the consolidated relevant data, the recommendations must provide the feasibility of such entity to manage the consolidated relevant data and a timeline for implementation of such consolidation.*
- (b) The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility for restoration of voting rights under s. 4, Art. VI of the State Constitution.*
- (c) Any other relevant policies or procedures for verifying the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.*

C. Public Meetings

The Department of State, Division of Elections staff facilitated five, publicly noticed, open meetings in Tallahassee, Florida, held on August 19, 2019, September 16, 2019, October 1, 2019, October 15, 2019, and October 30, 2019. A meeting scheduled originally for September 6, 2019, was cancelled due to Hurricane Dorian. Secretary of State Laurel Lee served as the designated chair for the meetings. (See Appendix C for Work Group Meeting Agendas and Appendix D for Work Group Meeting Sign-in Sheets).

The Work Group meetings were publicly noticed in the Florida Administrative Register and on the Department of State, Division of Elections website, and were open to the public. Members of the public wishing to speak or provide recommendations to the Restoration of Voting Rights Work Group were given the opportunity to speak directly to the Work Group at the meetings. The Work Group also established a dedicated email box for receipt of public comment. (See Appendix G for written public comments submitted).

The following persons were formally invited to speak before the Work Group to lend their expertise and knowledge for the purpose of obtaining background information, current

procedures, perspective, and other information relevant to identifying the issues and formulating recommendations, given the Work Group's legislative charge:

- Maria Matthews, Director, Division of Elections
- The Honorable Senator Jason Pizzo
- The Honorable Representative James "J.W." Grant
- Florida Department of Corrections:
Michelle Palmer, Bureau Chief
Joe Winkler, Assistant Secretary of Community Corrections
- Florida Association of Court Clerks and Comptrollers:
The Honorable Ken Burke, Clerk of the Circuit Court and Comptroller for Pinellas County
The Honorable Karen Rushing, Clerk of the Circuit Court and County Comptroller for Sarasota County
Melvin Cox, Director of Information Technology, Florida Association of Court Clerks and Comptrollers
- Stephen Hebert, Director of Clemency, Florida Commission on Offender Review
- Ann Coffin, Child Support Program Director, Florida Department of Revenue
- The Honorable Steven Scott Stephens, 13th Judicial Circuit
- The Honorable Angela Cote Dempsey, 2nd Judicial Circuit
- Neil Volz, Deputy Director of the Florida Rights Restoration Coalition

D. Presentations

Maria Matthews, Director, Division of Elections

Maria Matthews, Director for the Division of Elections, spoke about the process for voter registration. (See Transcript, Appendix H, pp.227-32; Workflow for Voter Registration, Appendix E). Director Matthews also spoke about the process for identifying potentially ineligible registered voters based on a felony conviction without voting rights restored, the primary roles that the Division and the Supervisors of Elections have in those processes, and the various data and records sources from governmental agencies relied upon, including, but not limited to: the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Commission on Offender Review, the Clerks of Court, and the U.S. Attorneys Offices. (See Workflow for Identifying Potentially Ineligible Felons – Registered Voters, Appendix E).

The Honorable Senator Jason Pizzo

The Honorable Senator Jason Pizzo, a former prosecutor in Miami-Dade County, discussed Miami-Dade's format of judgments and sentences, as well as the approach Miami-Dade has taken to the statutory waiver process introduced in Senate Bill 7066 and set forth in section 98.0751, Florida Statutes. Senator Pizzo discussed some concerns he has regarding interpretation of the law and approaches to the statutory waiver process differing from circuit to circuit. Senator Pizzo discussed a number of additional questions and concerns he has regarding the ability of courts to waive debts sent to collection, federal courts

implementing Florida law, and other matters. Senator Pizzo advised the Work Group that he was ready, willing, and able, along with the Honorable Representative James “J.W.” Grant, also present at the Work Group Meeting, to draft further legislation to assist. (*See* Transcript, Appendix H, pp. 243-47; 261-64).

The Honorable Representative James “J.W.” Grant

The Honorable Representative James “J.W.” Grant, one of the drafters of the House Companion Bill to Senate Bill 7066, discussed the statutory waiver process for legal financial obligations set forth in section 98.0751, Florida Statutes, as well as possible solutions for data consolidation and making data available to stakeholders (*See* Transcript, Appendix H, pp. 247-50). Representative Grant discussed the intent of the drafters of Senate Bill 7066 in providing statutory authority and flexibility to local officials to enable them to implement a circuit-specific waiver process and in creating a process that lifts financial obligations off citizens. Representative Grant also discussed offenses being treated consistently across the state as being of critical importance to the drafters. In the area of data consolidation, Representative Grant shared some specific technological infrastructure recommendations, such as the use of Application Program Interfaces (APIs) as an information-sharing translation layer for each stakeholder. He also discussed recommendations for formulating workflow questions and then designating the sources of truth necessary for all stakeholders to be able to query information and receive a reliable answer. Representative Grant discussed the history of Florida agencies operating within individualized data governance standards, and his hope and anticipation for more robust and uniform data governance policies in the near future to more readily enable important collaboration and information sharing, not only in the area of restoration of voting rights, but in other areas of significance such as child welfare.

Florida Department of Corrections

Representatives from the Florida Department of Corrections, Bureau Chief Michelle Palmer and Assistant Secretary of Community Corrections Joe Winkler, discussed the role of DOC in the restoration of voting rights process. (*See* Transcript, Appendix H, pp. 250-53). DOC has a statutory responsibility under section 948.041, Florida Statutes, to notify offenders at the time of termination of probation or community control of all outstanding terms of the sentence, to assist the offender in determining his or her status with regarding to restoration of voting rights. DOC also has information-sharing duties with the Department of State under section 98.093, Florida Statutes. DOC representatives discussed the work DOC has been doing to establish restoration of voting rights educational programs for offenders upon entry into DOC custody, prior to release, and upon release, such that the offender receives consistent information, enabling the offender to become familiar with the restoration of voting rights process and to ask questions along the way. DOC representatives also discussed the work being emphasized internally on the front end to ensure accuracy in capturing terms of sentences such that the information provided to back-end data recipients such as the Department of State is likewise accurate. Additionally, DOC representatives discussed the collaboration that has occurred and will continue to occur with the Clerks of Court, the Department of State, the Florida Department of Law Enforcement, the Florida Commission on Offender Review, and others.

Florida Clerks of Circuit Court and Comptrollers

The Honorable Ken Burke, Clerk of the Circuit Court and Comptroller for Pinellas County, the Honorable Karen Rushing, Clerk of the Circuit Court and County Comptroller for Sarasota County, and Melvin Cox, Director of Information Technology for the Florida Association of Court Clerks and Comptrollers, presented on behalf of the Florida Association of Court Clerks and Comptrollers (collectively in this summary, “The Clerks”). (See Transcript, Appendix H, pp. 254-59). The Clerks described the wide-ranging statutory record-keeping functions of Clerks of Court and discussed the extent of historical case information publicly available online through most Clerks of Courts’ websites, with older cases being available upon request in paper copy or other forms. The Clerks presented an overview of local Clerks of Courts’ case maintenance systems, as well as the statewide Comprehensive Case Information System (CCIS), which pulls from case maintenance systems on a real-time basis and provides access to a large number of government users. As it further relates to the Clerks of Courts’ roles in the restoration of voting rights, the Clerks discussed efforts on a regular basis to assist members of the public in locating and ascertaining information about outstanding fines, fees, costs, and restitution. The Clerks also discussed efforts to approve, among their association membership, a statewide form that members of the public can use to obtain statewide legal financial obligation information, and efforts to move toward a statewide payment system, such that a member of the public could satisfy statewide legal financial obligations through a single online portal or upon presenting in person to any local Clerk of Court.

Florida Commission on Offender Review

Stephen Hebert, the Director of Clemency with the Florida Commission on Offender Review, provided an overview of FCOR’s functions in considering clemency applications. (See Transcript, Appendix H, pp. 284-91). Director Hebert discussed the sources of information that FCOR uses to research outstanding legal financial obligations, including interviews with the offender and victims. Director Hebert recognized FCOR’s experience with reviewing court records and ascertaining legal financial obligations as being beneficial to the stakeholders involved in the restoration of voting rights process and offered FCOR’s assistance, to the extent feasible with resources, in ascertaining outstanding legal fines, fees, costs, and restitution.

Florida Department of Revenue

Ann Coffin, the Child Support Program Director for the Florida Department of Revenue (DOR), discussed DOR’s automated and interconnected system for tracking child support payments. (See Transcript, Appendix H, pp. 291-93). Director Coffin discussed key components of the system and described the flow of information between and among the various governmental entities involved. Director Coffin described, among other features and components, a single statewide remittance location for child support receipts, automatic action triggers upon non-receipt, and a user portal for payors and payees to track payment history and amounts owed. Director Coffin provided a brief overview of substantial costs for the system and federal funding associated therewith.

The Honorable Steven Scott Stephens

The Honorable Steven Scott Stephens, a circuit court judge for the Thirteenth Judicial Circuit, presented on the sentencing process. (*See* Transcript, Appendix H, pp. 315-19). Judge Stephens discussed paths that criminal cases take to include a guilty plea or trial, and to include negotiated and open pleas. Judge Stephens discussed the general timing and procedure of sentencing, as well as the judgment and sentence documents. Judge Stephens touched upon the various legal financial obligations associated with sentencing and gave a judicial perspective of the records system available to the court for review. Having served as a judge in a unified family division as well as a criminal division, Judge Stephens additionally described the general process for ordering child support payments to be paid by income deduction order and such payments being tracked accordingly.

The Honorable Angela Cote Dempsey

The Honorable Angela Cote Dempsey, a circuit court judge for the Second Judicial Circuit, who, like Judge Stephens, also previously served in a criminal division, provided additional insight into the sentencing process and legal financial obligations associated therewith. (*See* Transcript, Appendix H, pp. 319-22). Judge Dempsey discussed possible non-monetary conditions of probation and described her experience with conversion of legal financial obligations to civil judgment liens. Judge Dempsey discussed the work of the Florida Bar Rules of Criminal Procedure Committee, of which she is the Vice Chair, and also provided information about the Criminal Court Steering Committee, established by the Florida Supreme Court to develop expedited recommendations to the Florida Supreme Court. Judge Dempsey responded to inquiries from members regarding possible recommendations relating to pursuing greater uniformity in judgment and sentence documents and payment of restitution, in particular.

Neil Volz, Deputy Director of the Florida Rights Restoration Coalition

Neil Volz, the Deputy Director of the Florida Rights Restoration Coalition (FRRC), presented to the group on his perspectives working with returning citizens and efforts to assist such citizens in restoring their voting rights. (*See* Transcript, Appendix H, pp. 323-26). Mr. Volz discussed engagement by FRRC in the constitutional amendment and legislative process and the desire to continue such engagement during all stages of implementation and operation. Mr. Volz described information and assistance efforts by FRRC to include a voter hotline and referrals to attorneys to assist individuals with obtaining information related to their unique circumstances. Mr. Volz touched upon concerns of returning citizens related to the additional check boxes mandated to be included by Senate Bill 7066 on the Uniform Statewide Voter Registration Application. He described the concerns as being that the citizens would be recorded in a separate felon database, but also noted that concerns were alleviated when citizens utilized the prior and still accepted form that contains a single non-differentiating affirmation statement. As he did during his public comments made at a prior meeting, Mr. Volz offered the continued relationship and engagement of FRRC to assist the Work Group and stakeholders in healthy implementation of restoration of rights efforts.

IV. Restoration of Voting Rights Work Group: Findings & Recommendations

During and after the presentations, Work Group members discussed the various issues they were tasked with studying. Tracking the statutory mandate, the following key points were identified:

A. The consolidation of all relevant data necessary to verify the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.

Findings:

Information detailing financial obligations as part of a person's sentence, such as fines, fees, court costs, and restitution is available, but there is no single source where the information is captured, and the payment of any financial obligations is not tracked in a uniform manner by a single entity. Data and information exists across a handful of different agencies and is maintained in varying formats. For example, the Department of Corrections maintains records of payments, if paid through the Department, made while an individual is incarcerated or under supervision. Local state attorneys may, in some instances, have records about restitution payments made either at the time of or after sentencing. Additionally, databases that contain information on the status of a convicted felon's terms of sentence have varying levels of accessibility to outside persons or entities. That said, the vast majority of the pertinent records reside with the Clerks of Court and many are available online.

More specifically, court records are required to be retained for a minimum of seventy-five years. Clerks of Courts' case management systems connect with and feed data into the Florida Court Clerks & Comptrollers' Comprehensive Case Information System (CCIS), which serves as a secured single point of search for statewide court case information, but solely for governmental use based on authorized level of access.

As to restitution, the Clerks of Courts represented that they would have information as to payments and satisfaction only if ordered to be paid through the Clerk of Court. Most criminal court data since 2000 has been available online with images of court records starting in 2010. Counties work daily to update their local systems.

Representative Grant presented to the Work Group regarding data flow and recommended development of APIs inside of each stakeholder group such that those APIs become the translation layer facilitating data sharing. He cautioned against centralizing data, for a number of reasons, including length of time necessary to complete same.

Recommendations:

1. Recommend enhancing the Clerk of Court's financial accounting system to include a breakdown of financial obligations by category (restitution, fines, fees, and court costs) if part of the judgment and/or sentencing document.
2. Recommend enhancing the Clerk of Court's financial accounting system to track payment of financial obligations ordered as part of the terms of sentence to determine the total amount due, the balance owed, or paid in full. Payments should be tracked for each conviction and by category (restitution, fines, fees, and court costs).
3. Recommend enhancing the Clerk of Court's financial accounting to segregate original amounts ordered as terms of the sentence from any costs and fees accrued after the sentence, such as interest or costs of collections.
4. Recommend, in conjunction with all of the above, the Florida Legislature provide funding to Clerks of Court for temporary additional manpower to enable the Clerks to bring more records dating further back in time into electronic format available online for easier accessibility to government stakeholders and members of the public involved in the restoration of rights process.
5. Recommend the Florida Legislature explore the option of developing, implementing and funding an automated and interconnected system for consolidating relevant data and tracking financial obligations related to criminal offenses for use by governmental agencies, including a public interface component for reviewing balances and payments in real-time, similar to that used by the Department of Revenue. Alternatively, recommend the Florida Legislature explore an avenue of creating a public interface component to the existing CCIS system, limited to that information necessary for a voter to ascertain his or her own eligibility. Recommend that either of these avenues take into account and consider Representative Grant's suggestions related to APIs for the sharing of data.

B. The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility for restoration.

Findings:

The Work Group finds that the more opportunities for a citizen to receive consistent restoration of voting rights information, the better. Starting at the point of sentencing, the Honorable Angela Cote Dempsey presented to the Work Group on sentencing processes, including the direct and collateral consequences of pleas that are required to be presented to a defendant during the plea colloquy, including but not limited to immigration

consequences. Upon inquiry, Judge Dempsey confirmed that it may be possible to include voting rights information within that plea colloquy.

Department of Corrections Bureau Chief Michelle Palmer presented to the Work Group and discussed how DOC's role in voter registration is to educate and inform inmates regarding voter restoration rights and to provide a financial obligation summary at the time of release. Bureau Chief Palmer discussed DOC'S current process of fulfilling those roles for inmates who are incarcerated, and those who are being released. Bureau Chief Palmer testified that forms, examples of which were provided in materials given to Work Group members, have been created that are uniform throughout the state and are provided to all inmates successfully terminating supervision. Bureau Chief Palmer testified that beginning July 1, 2019, DOC began educating and informing all offenders regarding their restoration rights as well as providing a financial obligation summary at the time of release.

Bureau Chief Palmer testified that as DOC's process has evolved, they have enhanced trainings to include additional information during inmate orientation. As such, inmates receive the information when first received into DOC custody. In addition, they have added the information to the Compass 100, which is a program that starts about eighteen months prior to an inmate's release, so the inmate is hearing that information again. At the time of release, an inmate is again provided the same consistent and uniform information.

Bureau Chief Palmer testified that as well as providing that training to inmates, they have also added staff training. New classification and release officers are also receiving the information so they can better answer questions the inmate may have while he or she is in custody. Bureau Chief Palmer testified that at the time of release, DOC is providing that same information about restoration, along with a copy of any outstanding financial obligations that the inmate may have.

Bureau Chief Palmer stated that as part of the process, DOC reviews all sentencing orders that are available. They also review CCIS. She stated that DOC compares that information to see if there are any discrepancies between DOC's information and CCIS information. DOC communicates with the Clerk directly to ensure any discrepancies are resolved. If found, DOC tries to resolve the discrepancies prior to an inmate being released. Bureau Chief Palmer testified that the end result is that when the inmate is released, DOC provides an outstanding financial obligations summary. This includes the original financial obligation, any known payments, and the outstanding balance at the time of release. Bureau Chief Palmer noted that the outstanding balance only encompasses those cases for which the inmate is currently incarcerated. Bureau Chief Palmer testified that if an inmate is being released from incarceration into Department-monitored supervision, the financial obligation summary is not provided at the time of release from incarceration, but rather, will be provided once the offender successfully completes probation or other supervision.

Additionally, Joe Winkler, the Assistant Secretary of Community Corrections for DOC testified as to the processes DOC has for those under supervision. He testified that each year over 80,000 offenders terminate supervision, although the numbers are a little deceiving because some terminations may be a result of revocation of probation and the offender is

then sentenced to prison or county jail. Others may be sentenced to a subsequent term of supervision or pretrial intervention. Assistant Secretary Winkler testified that nonetheless, DOC is still responsible for notifying approximately 60,000 offenders each year of their financial obligations upon release. He noted that successful project implementation is paramount.

Assistant Secretary Winkler testified that DOC's primary responsibility is to educate and inform as they terminate supervision. DOC made modifications to a prior process used. For offenders terminating supervision prior to July 1, 2019, DOC gave a termination letter outlining the way in which the offender could seek to get his or her civil rights restored. Assistant Secretary Winkler testified that after July 1, 2019, DOC modified that form to include the voting rights process. The updated termination supervision letter is now provided to offenders upon termination of supervision

Assistant Secretary Winkler noted that the second part of the process is still evolving. He discussed how DOC is undertaking a pilot program with four of Florida's judicial circuits (the 2nd circuit (Tallahassee); the 4th circuit (Jacksonville); the 5th circuit (Tavares); and the 20th circuit (Sarasota)). He testified that DOC is going to target offenders who are within thirty to sixty days of their termination date and give them an opportunity to attend a class at a probation office to further educate the offenders about the voting restoration process. This will include a quality video, made in consultation with the Florida Commission on Offender Review (FCOR) and Supervisors of Elections, containing information about the process and frequently asked questions. Assistant Secretary Winkler testified that they will also answer questions from offenders in attendance. These will include general questions about the restoration process and specific questions the offenders may have about their particular cases. The video will contain a consistent message applicable to all counties. Assistant Secretary Winkler noted that DOC also plans to invite people from the supervisors of elections offices to help answer some of those questions.

Assistant Secretary Winkler noted that in addition to the education component, DOC has a statutory responsibility to notify offenders in writing of their outstanding terms of supervision. This is a continuous process. He stated that the role of a probation officer is to communicate with the offender about responsibilities of compliance and monitoring. Each time the offender reports, the probation officer goes over standard and special conditions of probation imposed by the sentencing authority. If done consistently during supervision, prior to termination, the offender will know what the outstanding terms are. When an offender terminates supervision, DOC is also going to provide the closing summary. The summary outlines the conditions that the offender had while on supervision. It shows the conditions outstanding, as well as those completed. Also, whenever the offender terminates supervision, DOC is going to provide the documents to the clerk of court in the sentencing county, the releasing county, and FCOR.

The Honorable Ken Burke, CPA, Clerk of the Circuit Court and Comptroller for Pinellas County, shared during his presentation to the Work Group that the Clerks of Court, through their membership association, the Florida Court Clerks & Comptrollers, have been working on a uniform form, in conjunction with DOC, such that if an individual walks into a Clerk

of Court's office, the Clerk of Court would be able to access CCIS information for the individual and assist the individual with ascertaining financial obligations in multiple counties. Clerk Burke gave the example that if an individual had a felony in one county and walked into a Clerk of Court's office in another county, the Clerk in the office could locate the necessary information in CCIS, provide the individual with a uniform form, and be able to advise the individual of outstanding amounts. Clerk Burke noted that the amounts still may not include restitution. Clerk Burke noted that the Clerks of Court or the form would also provide contact information for the other Clerks.

Clerk Burke also shared that a concept is in discussion and hoped for development creating a statewide payment system. The system would accept credit card payments for outstanding obligations even though amounts are due in other circuits. Clerk Burke testified that Director Cox is helping to establish that system on a statewide basis to be able to help citizens online or in person satisfy payment obligations statewide. In response to a follow-up question, Clerk Burke confirmed that the system is not yet in place where the citizen could obtain information from one Clerk of Court about all counties or circuits, but that the Clerks of Court are continuing to work on best practices and that is the objective. Clerk Burke testified that the Clerks of Court will likely be approving a form at their next conference that will be able to be used in every county and circuit. There would be no cost to a citizen for obtaining this type of information.

Recommendations:

1. Recommend that information pertaining to loss of voting rights, and subsequent restoration of rights, via clemency or Amendment IV, be initially provided to a defendant during a plea colloquy.
2. Recommend ensuring that the notice provided to convicted felons from the Florida Department of Corrections specifies that outstanding terms apply solely as to the conviction for which they are currently serving. The notice should advise that the individual will need to ascertain separately from the court of conviction, whether in-state or out-of-state, what those terms are and whether all the terms have been satisfied.
3. Recommend that each Clerk of Court designate one or more employees to act as a restoration of voting rights liaison(s) who can assist a member of the public with determining outstanding financial obligations as it relates to completion of all terms of his or her sentence and that there is a uniform process or method for sharing this information with a person who requests it.
4. Recommend that all stakeholder agencies in the process, including the Florida Department of State, the Florida Department of Corrections, Supervisors of Elections, and the Florida Commission on Offender Review, likewise designate restoration of voting rights liaisons to further assist in inter-agency information sharing.

5. Recommend that the Clerks of Court continue their diligent efforts through their membership association to adopt a uniform request and receipt of information form and to enable a statewide payment portal for citizens seeking to satisfy fees in multiple circuits.
6. Recommend requiring uniform information on the websites/handbooks for Clerks of Court, Supervisors of Elections, Florida Department of Corrections, Florida Commission on Offender Review, and Florida Department of State for persons to find out how to restore civil rights and voting rights.

C. Any other relevant policies or procedures for verifying the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.

Findings:

Stephen Hebert, the Director of Clemency with the Florida Commission on Offender Review, provided an overview of FCOR's functions in considering clemency applications. Director Hebert discussed the sources of information that FCOR uses to research outstanding legal financial obligations, including interviews with the offender and victims. Director Hebert recognized FCOR's experience with reviewing court records and ascertaining legal financial obligations as being beneficial to the stakeholders involved in the restoration of voting rights process and offered FCOR's assistance, to the extent feasible with resources, in ascertaining outstanding legal fines, fees, costs, and restitution.

Senator Pizzo, the Clerks of Court, Judge Stephens, and Judge Dempsey, among other presenters, all acknowledged or discussed that judgment and sentencing documents, the key operative documents in the restoration of voting rights process, can and do look different from circuit to circuit, and even within a circuit. Judge Dempsey noted that the Florida Rules of Criminal Procedure contain a uniform judgment and sentence form, but that it is just an outline and the details of a judgment and sentence can vary. The Work Group finds that there is no current requirement that all fines, fees, and restitution be paid through the Clerks of Court, and some judgments and sentences may order that restitution be paid to a victim, for example, or that public defender or state attorney fees be paid to those offices, respectively.

Judge Dempsey discussed the work of the Florida Bar Rules of Criminal Procedure Committee in considering and acting upon proposals from groups or individuals related to criminal procedure subject matter. Judge Dempsey also brought to the Work Group's attention the Criminal Court Steering Committee that was established by the Florida Supreme Court to develop expedited recommendations to the Florida Supreme Court. The Work Group finds that either of these avenues, in addition to a possible Legislative statutory directive, may provide solutions for creating more uniformity in judgment and sentencing

documents, to enhance the ability to record and track legal financial obligation requirements and payment data going forward.

Neil Volz, the Deputy Director of the Florida Rights Restoration Coalition (FRRC), presented to the Work Group on his perspectives working with returning citizens and efforts to assist such citizens in restoring their voting rights. Among other areas, Mr. Volz touched upon concerns of returning citizens related to the additional check boxes mandated to be included by Senate Bill 7066 on the voter registration application. He described the concerns as being that the citizens were being singled out and would be recorded in a separate felon database, but also noted that concerns were alleviated when citizens utilized the prior and still accepted form that contains a single non-differentiating eligibility affirmation statement.

Recommendations:

1. Recommend authorizing the Florida Commission on Offender Review to assist the Florida Department of State and create a uniform process for researching further outstanding restitution on a potential match for which information is otherwise not available or ascertainable through Clerk of Court and/or the Florida Department of Corrections records, or other applicable records after a diligent search.
2. Recommend proposing to the Florida Bar's Criminal Procedure Rules Committee or the Florida Supreme Court Criminal Court Steering Committee the development and use of a more uniform judgment and sentencing document to better inform the defendant and governmental agencies, and to provide consistency and clarity about the terms of a sentence.
3. Recommend a requirement that restitution payments, and all other fines, fees, and costs, be made through the Clerks of Court to allow for tracking.
4. Recommend that each stakeholder agency, including the COCs, DOC, FDLE, FCOR, DOS, and SOEs continue to enhance data systems and data input procedures with a focus on timely availability, accuracy, quality, and consistency of data.
5. Recommend that the three uniform statewide voter registration application felony affirmation statements set forth in section 97.052, Florida Statutes, be revisited, and consideration be given to returning to the single affirmation statement encoded in law prior to the enactment of Chapter 2019-162, Laws of Florida.
6. Recommend that the Florida Legislature review the Order Denying the Motion to Dismiss or Abstain and Granting a Preliminary Injunction entered in Consolidated Case Number 4:19cv300-RH/MJF, paying particular attention to the legal concepts related to ability to pay legal financial obligations. (*See* Appendix F).

7. The Work Group recognizes the work of the Florida Legislature in creating an alternative judicial pathway under section 98.0751(2)(a)5.d. and e., Florida Statutes, to facilitate voting and simultaneously provide relief from legal financial obligations. The Work Group recommends that, in conjunction with recommendation 6. above, the Florida Legislature consider revisiting and expanding the existing relief available under section 98.0751(2)(a)5.d. and e., which currently provides for judicial discretion in most circumstances to waive legal financial obligations or convert the obligations to community service. Such expansion of available judicial relief could include, for example, pathways:
 - a) for individuals uncertain about the amount of outstanding legal financial obligations to seek in a hearing format a judicial determination of amount owed; and
 - b) for individuals in instances in which a court is disinclined or unable to waive legal financial obligations and/or conversion to community service would not provide relief, the opportunity to demonstrate a partial or full inability to pay outstanding legal financial obligations and obtain a judicial determination on ability to pay.

V. Conclusion

The Work Group is thankful to the Florida Legislature and the Governor for the opportunity to evaluate, analyze, and provide recommendations on the foregoing important issues.

VI. Appendices

Appendix A (1): Chapter 2019-162, *Laws of Florida* [excerpts ss. 22-32]

Ch. 2019-162

LAWS OF FLORIDA

Ch. 2019-162

~~(c)(9)~~ Cannot determine whether the supervisor has received the elector's vote-by-mail ballot, the elector may vote a provisional ballot as provided in s. 101.048.

(2) The supervisor shall allow an elector who has received a vote-by-mail ballot to physically return a voted vote-by-mail ballot to the supervisor by placing the envelope containing his or her marked ballot in a secure drop box. Secure drop boxes shall be placed at the main office of the supervisor, at each branch office of the supervisor, and at each early voting site. Secure drop boxes may also be placed at any other site that would otherwise qualify as an early voting site under s. 101.657(1); provided, however, that any such site must be staffed during the county's early voting hours of operation by an employee of the supervisor's office or a sworn law enforcement officer.

Section 21. 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:

- (a) Last, first, and middle name, including any suffix.
- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) E-mail address and whether the applicant wishes to receive sample ballots by e-mail.
- (f) County of legal residence.
- (g) Race or ethnicity that best describes the applicant:
 - 1. American Indian or Alaskan Native.
 - 2. Asian or Pacific Islander.
 - 3. Black, not Hispanic.
 - 4. White, not Hispanic.
 - 5. Hispanic.
- (h) State or country of birth.
- (i) Sex.
- (j) Party affiliation.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

- (k) Whether the applicant needs assistance in voting.
- (l) Name and address where last registered.
- (m) Last four digits of the applicant's social security number.
- (n) Florida driver license number or the identification number from a Florida identification card issued under s. 322.051.
- (o) An indication, if applicable, that the applicant has not been issued a Florida driver license, a Florida identification card, or a social security number.
- (p) Telephone number (optional).
- (q) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.
- (r) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement voter information card.
- (s) Whether the applicant is a citizen of the United States by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
- (t)~~1.~~ Whether the applicant has never been convicted of a felony, ~~and, if convicted, has had his or her civil rights restored~~ by including the statement "I affirm I have never been ~~am not a~~ convicted of a felony 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.
2. Whether the applicant has been convicted of a felony, and if convicted, has had his or her civil rights restored through executive clemency, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored by the Board of Executive Clemency." and providing a box for the applicant to check to affirm the statement.
3. Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored pursuant s. 4, Art. VI of the State Constitution, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation." and providing a box for the applicant to check to affirm the statement.
- (u) Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote

restored by including the statement “I affirm I have not been adjudicated mentally incapacitated with respect to voting, or, if I have, my competency has 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 persons who have been adjudicated mentally incapacitated are not required to reveal their prior adjudication.

~~The registration application must be in plain language and designed so that convicted felons whose 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 22. 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 applicable checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights

restored through executive clemency, or has had his or her voting civil rights restored pursuant s. 4, Art. VI of the State Constitution.

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 23. 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 24. Subsections (5) and (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 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 must include any conviction from another jurisdiction determined to be a similar offense to murder or a felony sexual offense, as those terms are defined in s. 98.0751.

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 25. Section 98.0751, Florida Statutes, is created to read:

98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.—

(1) A person who has been disqualified from voting based on a felony conviction for an offense other than murder or a felony sexual offense must have such disqualification terminated and his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of his or her sentence, including parole or probation. The voting disqualification does not terminate unless a person's civil rights are restored pursuant to s. 8, Art. IV of the State Constitution if the disqualification arises from a felony conviction of murder or a felony sexual offense, or if the person has not completed all terms of sentence, as specified in subsection (2).

(2) For purposes of this section, the term:

(a) "Completion of all terms of sentence" means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:

1. Release from any term of imprisonment ordered by the court as a part of the sentence;

2. Termination from any term of probation or community control ordered by the court as a part of the sentence;

3. Fulfillment of any term ordered by the court as a part of the sentence;

4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as a part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. include only the amount specifically ordered by the court as part of the sentence and do not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.

d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in United States Constitution or the State Constitution.

e. Financial obligations required under sub-subparagraph a. or sub-subparagraph b. are considered completed in the following manner or in any combination thereof:

(I) Actual payment of the obligation in full.

(II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to a payee, including, but not limited to, a victim, or the court.

(III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.

A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term. The requirement to pay any financial obligation specified in this paragraph is not deemed completed upon conversion to a civil lien.

(b) "Felony sexual offense" means any of the following:

1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;

2. Section 491.0112;

3. Section 784.049(3)(b);

4. Section 794.08;

5. Section 796.08;

6. Section 800.101;

7. Section 826.04;

8. Section 847.012;

9. Section 872.06(2);

10. Section 944.35(3)(b)2.;

11. Section 951.221(1); or

12. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

(c) "Murder" means either of the following:

1. A violation of any of the following sections which results in the actual killing of a human being:

- a. Section 775.33(4).
- b. Section 782.04(1), (2), or (3).
- c. Section 782.09.

2. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

(3)(a) The department shall obtain and review information pursuant to s. 98.075(5) related to a person who registers to vote and make an initial determination on whether such information is credible and reliable regarding whether the person is eligible pursuant to s. 4., Art. VI of the State Constitution and this section. Upon making an initial determination of the credibility and reliability of such information, the department shall forward such information to the supervisor of elections pursuant to s. 98.075.

(b) A local supervisor of elections shall verify and make a final determination pursuant to s. 98.075 regarding whether the person who registers to vote is eligible pursuant to s. 4., Art. VI of the State Constitution and this section.

(c) The supervisor of elections may request additional assistance from the department in making the final determination, if necessary.

(4) For the purpose of determining a voter registrant's eligibility, the provisions of this section shall be strictly construed. If a provision is susceptible to differing interpretations, it shall be construed in favor of the registrant.

Section 26. Section 104.011, Florida Statutes, is amended to read:

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

(1) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who willfully submits any false voter registration information commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person may not be charged or convicted for a violation of this section for affirming that he or she has not been convicted of a felony or that,

if convicted, he or she has had voting rights restored, if such violation is alleged to have occurred on or after January 8, 2019, but before July 1, 2019.

Section 27. 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 restoration of voting rights resulting from the removal of the disqualification to vote 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.

Section 28. Subsection (1) of section 944.292, Florida Statutes, is amended to read:

944.292 Suspension of civil rights.—

(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. Notwithstanding the suspension of civil rights, such a convicted person may obtain restoration of his or her voting rights pursuant to s. 4, Art. VI of the State Constitution and s. 98.0751.

Section 29. Subsection (6) of section 944.705, Florida Statutes, is amended to read:

944.705 Release orientation program.—

(6)(a) The department shall notify every inmate, ~~in no less than 18-point type~~ in the inmate's release documents;

1. Of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department; and

2. In not less than 18-point type, that the inmate may be sentenced pursuant to s. 775.082(9) if the inmate commits any felony offense described in s. 775.082(9) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.

(b) ~~Nothing in~~ This section does not preclude ~~precludes~~ the sentencing of a person pursuant to s. 775.082(9), and ~~nor shall~~ evidence that the

department failed to provide this notice ~~does not~~ prohibit a person from being sentenced pursuant to s. 775.082(9). The state ~~is shall~~ not be required to demonstrate that a person received any notice from the department in order for the court to impose a sentence pursuant to s. 775.082(9).

Section 30. Present subsection (3) of section 947.24, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

947.24 Discharge from parole supervision or release supervision.—

(3) Upon the termination of an offender's term of supervision, which is monitored by the commission, including, but not limited to, parole, the commission must notify the offender in writing of all outstanding terms at the time of termination to assist the offender in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751.

Section 31. Section 948.041, Florida Statutes, is created to read:

948.041 Notification of outstanding terms of sentence upon termination of probation or community control.—Upon the termination of an offender's term of probation or community control, the department must notify the offender in writing of all outstanding terms at the time of termination to assist the offender in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751.

Section 32. Subsection (1) of section 951.29, Florida Statutes, is amended to read:

951.29 Procedure for requesting restoration of civil rights or restoration of 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 the following 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 explaining voting rights restoration pursuant to s. 4, Art. VI of the State Constitution; and

(c) Written notification of all outstanding terms of the prisoner's sentence at the time of release to assist the prisoner in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751.

Appendix A (2): Chapter 2019-162, *Laws of Florida* [excerpts ss. 33]

Ch. 2019-162

LAWS OF FLORIDA

Ch. 2019-162

Section 33. Restoration of Voting Rights Work Group.—The Restoration of Voting Rights Work Group is created within the Department of State for the purpose of conducting a comprehensive review of the department's process of verifying registered voters who have been convicted of a felony, but who may be eligible for restoration of voting rights under s. 4, Art. VI of the State Constitution.

(1) MEMBERSHIP.—The work group is comprised of the following members:

(a) The Secretary of State or his or her designee, who shall serve as chair for the work group.

(b) The Secretary of Corrections or his or her designee.

(c) The executive director of the Department of Law Enforcement or his or her designee.

(d) The Chairman of the Florida Commission on Offender Review or his or her designee.

(e) Two clerks of the circuit court appointed by the Governor.

(f) Two supervisors of elections appointed by the Governor.

(2) TERMS OF MEMBERSHIP.—Appointments to the work group shall be made by August 1, 2019. All members shall serve for the duration of the work group. Any vacancy shall be filled by the original appointing authority for the remainder of the work group's existence.

(3) DUTIES.—The work group is authorized and directed to study, evaluate, analyze, and undertake a comprehensive review of the Department of State's process of verifying registered voters who have been convicted of a felony, but who may be eligible for restoration of voting rights under s. 4, Art. VI of the State Constitution, to develop recommendations for the Legislature, related to:

(a) The consolidation of all relevant data necessary to verify the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution. If any entity is recommended to manage the consolidated relevant data, the recommendations must provide the feasibility of such entity to manage the consolidated relevant data and a timeline for implementation of such consolidation.

(b) The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility for restoration of voting rights under s. 4, Art. VI of the State Constitution.

33

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

(c) Any other relevant policies or procedures for verifying the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.

(4) REPORT.—The work group shall submit a report of its findings, conclusions, and recommendations for the Legislature to the President of the Senate and the Speaker of the House of Representatives by November 1, 2019. Upon submission of the report, the work group is dissolved and discharged of further duties.

(5) STAFFING.—The Department of State shall provide support for the work group in performing its duties.

(6) PER DIEM AND TRAVEL EXPENSES.—Work group members shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(7) EXPIRATION.—This section expires January 31, 2020.

Section 34. Subsection (2) of section 101.6923, Florida Statutes, is amended to read:

101.6923 Special vote-by-mail ballot instructions for certain first-time voters.—

(2) A voter covered by this section shall be provided with printed instructions with his or her vote-by-mail ballot in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your vote-by-mail ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your vote-by-mail ballot must be postmarked or dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

Appendix B: Speaker Request Forms

August 19, 2019



Restoration of Voting Rights Work Group

Appearance Request / Comment Card

Please place form in the box at the sign-in table

Name: Mark Schlakman
Representing: FSU Center for Reproductive & Family Rights
Contact Information (optional): mschlakman@fsu.edu

I wish to speak

Only providing comment below

Comment: _____

Written communication (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request, unless the information is subject to a specific statutory exemption.

September 16, 2019



Restoration of Voting Rights Work Group

Appearance Request / Comment Card

Please place form in the box at the sign-in table

Name: MARK Schlakman
Representing / affiliated with: FSU Center for the Advancement
Contact Information (optional): of Human Rights

I wish to speak

Only providing comment below

Comment: _____

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Restoration of Voting Rights Work Group

Appearance Request / Comment Card

Please place form in the box at the sign-in table

Name: Cecile Scoon
Representing: League of Women Voters, Florida
Contact Information (optional): + 850-315-1975

I wish to speak

Only providing comment below

Comment: _____

Written communication (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request, unless the information is subject to a specific statutory exemption.



Restoration of Voting Rights Work Group

Appearance Request / Comment Card

Please place form in the box at the sign-in table

Name: Bob Rackleff
Representing: Big Bend Voting Rights Project
Contact Information (optional): bob.rackleff@gmail.com / 850-212-5603

I wish to speak

Only providing comment below

Comment: _____

Written communication (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request, unless the information is subject to a specific statutory exemption.



Restoration of Voting Rights Work Group

Appearance Request / Comment Card

Please place form in the box at the sign-in table

Name: JASON PIZZO

Representing: Senate

Contact Information (optional): _____

I wish to speak

Only providing comment below

Comment: _____

Written communication (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request, unless the information is subject to a specific statutory exemption.



Restoration of Voting Rights Work Group

Appearance Request / Comment Card

Please place form in the box at the sign-in table

Name: Nel Volz
Representing: Florida Rights Restoration Coalition
Contact Information (optional):
239-848-5502

I wish to speak

Only providing comment below

Comment: _____

Written communication (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request, unless the information is subject to a specific statutory exemption.

October 1, 2019



Restoration of Voting Rights Work Group

Appearance Request / Comment Card

Please place form in the box at the sign-in table

Name: Bob Racklaff
Representing: Big Bend Voting Rights
Contact Information (optional): bob.racklaff@gmail.com

I wish to speak

Only providing comment below

Comment: _____

Written communication (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request, unless the information is subject to a specific statutory exemption.



Restoration of Voting Rights Work Group

Appearance Request / Comment Card

Please place form in the box at the sign-in table

Name: ARZADA HAYNES
Representing: Hon. Mike Hagan Duval County SOE
Contact Information (optional): ahaynes@coj.net

I wish to speak

Only providing comment below

#2

When a voter questions the restoration of their rights, we can only see the fine and the fees but we cannot see whether or not the restitution has been paid. we refer them to the Clemency Board who refer them back to us. What is being done to rectify this issue? It makes for a very difficult situation for us since we have no where else to look for this information for the voter.

Written communication (including e-mail content and addresses) to or from state officials regarding state business constitute public records and are available to the public and media upon request, unless the information is subject to a specific statutory exemption.

Appendix C: Meeting Agendas



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

RESTORATION OF VOTING RIGHTS WORK GROUP MEETING

Monday, August 19, 2019 – 2:00 pm Eastern Time to 4:00 pm (Eastern Time)

Room 212, The Knott Building

601-631 South Duval Street, Tallahassee, Florida 32399

Call-in available

Call-in Number: 1-888-585-9008 (when prompted for conference room number – dial 659-459-077)

Agenda

2:00 pm - 2:15 pm	Opening Remarks – Florida Secretary of State Call to Order and Roll Call Introduction of Work Group Members
2:15 pm - 2:30 pm	Work Group Duties – s. 33, chapter 2019-162, Laws of Florida
2:30 pm - 3:30 pm	Presentations
3:30 pm - 3:50 pm	Public Comment
3:50 pm - 4:00 pm	Announcement Next Meeting/Adjournment

To request copies of meeting materials associated with this agenda, but not included herein, contact Amber Marconnet with the Division of Elections at Amber.Marconnet@DOS.MyFlorida.com or 850-245-6200.

Members of the public who wish to provide comment to the Restoration of Voting Rights Work Group can submit their recommendations to RVRWorkgroup@DOS.MyFlorida.com

Under Florida law, email addresses are public records. If you do not want your email addresses released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6217 (Fax) • DOS.MyFlorida.com/elections





FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

RESTORATION OF VOTING RIGHTS WORK GROUP MEETING

Monday, September 16, 2019 – 2:00 PM to 4:00 PM (Eastern Time)
Morris Hall Room 17, The House Office Building
402 South Monroe Street, Tallahassee, Florida 32399

Call-in available - Call-in Number: 1-888-585-9008
(when prompted for conference room number dial 659-459-077)

Agenda

- 2:00 pm – 2:05 pm Opening Remarks – Florida Secretary of State
Call to Order and Roll Call
2:05 pm – 2:15 pm Senator Jason Pizzo
2:15 pm – 2:25 pm Representative James “J.W.” Grant
2:25 pm – 2:55 pm Florida Department of Corrections Presentation
2:55 pm – 3:35 pm Clerk of Circuit Court and Comptroller Presentation
3:40 pm – 3:55 pm Public Comment
3:55 pm – 4:00 pm Announcement Next Meeting/Adjournment

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FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

RESTORATION OF VOTING RIGHTS WORK GROUP MEETING

Tuesday, October 1, 2019 - 2:00 pm (Eastern Time) to 4:00 pm (Eastern Time)
Room 212, The Knott Building
601-631 South Duval Street, Tallahassee, Florida 32399

Call-in available - Call-in Number: 1-888-585-9008
(when prompted for conference room number dial 659-459-077)

Agenda

- 2:00 pm - 2:05 pm Opening Remarks - Florida Secretary of State
Call to Order and Roll Call
2:05 pm - 2:20 pm Meeting Summaries and Discussion
2:20 pm - 2:45 pm Florida Commission on Offender Review Presentation
2:45 pm - 3:15 pm Florida Department of Revenue Presentation
3:15 pm - 3:40 pm Recommendations
3:40 pm - 3:55pm Public Comment
3:55 pm - 4:00 pm Announcements/Adjournment

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FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

RESTORATION OF VOTING RIGHTS WORK GROUP MEETING

Tuesday, October 15, 2019 – 2:00 pm (Eastern Time) to 4:00 pm (Eastern Time)
Room 212, The Knott Building
601-631 South Duval Street, Tallahassee, Florida 32399

*Call-in available - Call-in Number: 1-888-585-9008
(when prompted for conference room number dial 659-459-077)*

Agenda

- 2:00 pm - 2:05 pm Opening Remarks – Florida Secretary of State
Call to Order and Roll Call
- 2:05 pm - 3:25 pm Presentations
- 3:25 pm - 3:40 pm Public Comment
- 3:40 pm - 3:55 pm Discussion on Recommendations
- 3:55 pm - 4:00 pm Announcements/Adjournment

To request copies of meeting materials associated with this agenda, but not included herein, contact Amber Marconnet with the Division of Elections at Amber.Marconnet@DOS.MyFlorida.com or 850-245-6200.

Members of the public who wish to provide comment to the Restoration of Voting Rights Work Group can submit their recommendations to RVRWorkgroup@DOS.MyFlorida.com

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

RESTORATION OF VOTING RIGHTS WORK GROUP MEETING

Wednesday, October 30, 2019 – 2:00 pm (Eastern Time) to 4:00 pm (Eastern Time)

Physical location of the teleconference:

Room 212, The Knott Building
601-631 South Duval Street, Tallahassee, Florida 32399

*Telephone Conference Call-in Number: 1-888-585-9008
(when prompted for conference room number dial 659-459-077)*

Agenda

2:00 pm - 2:05 pm	Opening Remarks – Florida Secretary of State Call to Order and Roll Call
2:05 pm - 2:20 pm	Public Comment
2:20 pm - 3:20 pm	Discussion on Recommendations
3:20 pm - 3:55 pm	Report Approval
3:55 pm - 4:00 pm	Announcements/Adjournment

To request copies of meeting materials associated with this agenda, but not included herein, contact Amber Marconnet with the Division of Elections at Amber.Marconnet@DOS.MyFlorida.com or 850-245-6200.

Members of the public who wish to provide comment to the Restoration of Voting Rights Work Group can submit their recommendations to RVRWorkgroup@DOS.MyFlorida.com

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850.245.6200 • 850.245.6217 (Fax) • DOS.MyFlorida.com/elections



Appendix D: Meeting Sign-In Sheets

Florida Department of State Restoration of Voting Rights Work Group Sign in Sheet

Date: August 19, 2019 Time: 2:00 pm (Eastern) – 4:00 pm
Location: Room 212, The Knott Building, Tallahassee, FL

Note: All information on this form is a public record.

PRINT NAME	TITLE	NAME OF AGENCY/BUSINESS/ORG	CONTACT INFORMATION (optional)
Richard Hess	Attorney		richard@voterrights.com
Kimberly Renspie	Legislative Manager	FCCC	krensapie@fclerks.com
Melvin Cox	Director of IT	11	cox@fclerks.com
Vicki Cannon	Nassau SOE	Elections	vcannon@voterassembly.com
Brenda Schubert	Nassau SOE	Elections	bschubert@voterassembly.com
STEPHAN HOBAN	DIRECTOR OF COMMUNITY SERVICES	FCCC	
Mark Schlakman	FSU/CAIR	FSU Center for the Study of the History of Florida	mschlakman@fsu.edu
Forrest Zambors	Repurker	EW Scripps	
S McVay	DOS, GC	DOS	
Kara Gross	Leg. Dir.	ACLU FL	
Carolyn MURPHY	Asst. Atty Gen	AGO	carolyn.murphy@fldhs.gov
Ryan Cox	Sen Atty	Senate CT	cox.ryan@fldhs.gov
Dawn Roberts	Staff Director	SEE Senate	
Jill Grant	PL Ho Rep	PL House	
Mo Jazil	Lawyer	SOS	
Pamela Burchett		The Commerce Group	Tcglobby@aol.com

Florida Department of State Restoration of Voting Rights Work Group Sign in Sheet

Date: September 16, 2019 Time: 2:00pm – 4:00pm (EST)
 Location: Morris Hall Room 17, The House Office Building, Tallahassee, FL

Note: All information on this form is a public record.

PRINT NAME	TITLE	NAME OF AGENCY/BUSINESS/ORG	CONTACT INFORMATION (optional)
Molly McQueeney			
Wanda Schlakman			
Pamela Burch			
Karen Rushing	Clerk of Court Sarasota, FL	← same	741-8617605
Chris Hart	CEO FCCC	FCCC	
Kimberly Renspie	Legislative Manager	FCCC	
Savannah Sullivan			
Melvin Cox			
Richard Heming			
Gus Corbella	Lobbyist		
Rob Ruckelshaus	member	Big Bend Voting Rights Proj	850-212-5463
Carolyn Timmann	Clerk of Court	Martin Co. Clerk	772-288-5576
Thomas Hammer	Chet-Deary Clerk	Martin Co Clerk	772-288-5576
Brad Ashwell	All Voting Local		850-294-1008
Kris Estanga	Legislative Aide	Rep. Smith	
N. J. Volk	FRRC		
Jessica Yantis	FRRC Director	FRRC	407 885 9063

Florida Department of State Restoration of Voting Rights Work Group Sign in Sheet

Date: **October 1, 2019** Time: **2:00pm – 4:00pm (EST)**
 Location: **Room 212, Knott Building, E. Madison/S. Duval Street, Tallahassee, FL**
Note: All information on this form is a public record.

PRINT NAME	TITLE	NAME OF AGENCY/BUSINESS/ORG	CONTACT INFORMATION (optional)
ARZADA HAYNES	DIRECTOR OF VOTER REGISTRATION	Duval County Supervisor	ahaynes@coj.net
Bobbe Henry	Elections Aide	Duval County Supervisor of Elections	bhenry@coj.net
Pamela Burch Fort			
Kimberly Renspie	Legislative Manager	FCCC	
Maria Schlader	sen. prog. dir.	FSU/CHFR	mschlader@fsu.edu
Darria Longman	DOR director	DOR	
Cecile Scorn	IVP FL League of Women Voters	LWVFL	cecile@lwvfl.org
Green Thomas	Clemency Aide	Office of Attorney General	
Bob Raebelt	Big Bend Voting Rights Project		bob.raebelt@gmail.com
BRIAN LUPIANI	BIG BEND VOTING RIGHTS PROJECT		BRIANLUPIANI@YAHOO.COM

Florida Department of State Restoration of Voting Rights Work Group Sign in Sheet

Date: October 15, 2019 Time: 2:00pm – 4:00pm (EST)
 Location: Room 212, Knott Building, E. Madison/S. Duval Street, Tallahassee, FL
Note: All information on this form is a public record.

PRINT NAME	TITLE	NAME OF AGENCY/BUSINESS/ORG	CONTACT INFORMATION (optional)
Pamela Burch Fort			
Mark Schlotter	statewide fringed- dir	FSU/Clerk	mschlotter@fsu.edu
Tom Bexley	Clerk of court - Flagler	Clerk	
Jason Hamrell	FCCC - Director of Leg. Public Affairs	FCCC	
Savannah Sullivan	FCCC Comms Director	FCCC	
Richard Herring	FCCC consultant	FCCC	
Kim Renspie	FCCC Legislative Manager	FCCC	
Gus Corbelle	Sr. Director Greenberg Traurig	—	
Chris Hart	FCCC - CEO	FCCC	
Nel Volz	Deputy Director	FCCC	
Brad Ashwell	All Voting Is Local		brad@allvotingislocal.org
Jason Pizzo	STATE SENATOR	FL SENATE	

Florida Department of State Restoration of Voting Rights Work Group Sign in Sheet

Date: October 30, 2019 Time: 2:00pm – 4:00pm (EST)
 Location: Room 212, Knott Building, E. Madison/S. Duval Street, Tallahassee, FL
Note: All information on this form is a public record.

PRINT NAME	TITLE	NAME OF AGENCY/BUSINESS/ORG	CONTACT INFORMATION (optional)
FORREST SWANN	REPORTER	EW SCRIPTS	
Dawn Roberts	Staff Director	Senate Ethics & Elections	
Savannah Sullivan	Communications	FCCC	
Kim Renspie	Legislative Manager	FCCC	
Richard Herring	Consultant	FCCC	
Lauren Gallo	lobbyist	capitol alliance group	

Appendix E: Presentation Materials



Florida Department of State

Process for Identifying Potentially Ineligible Registered Voters for Reasons of a Felony Conviction

Maria Matthews, Esq., Director
Division of Elections
Presentation Before Restoration of Voting Rights Work Group
August 19, 2019



1

Statewide Voter Registration Application Form

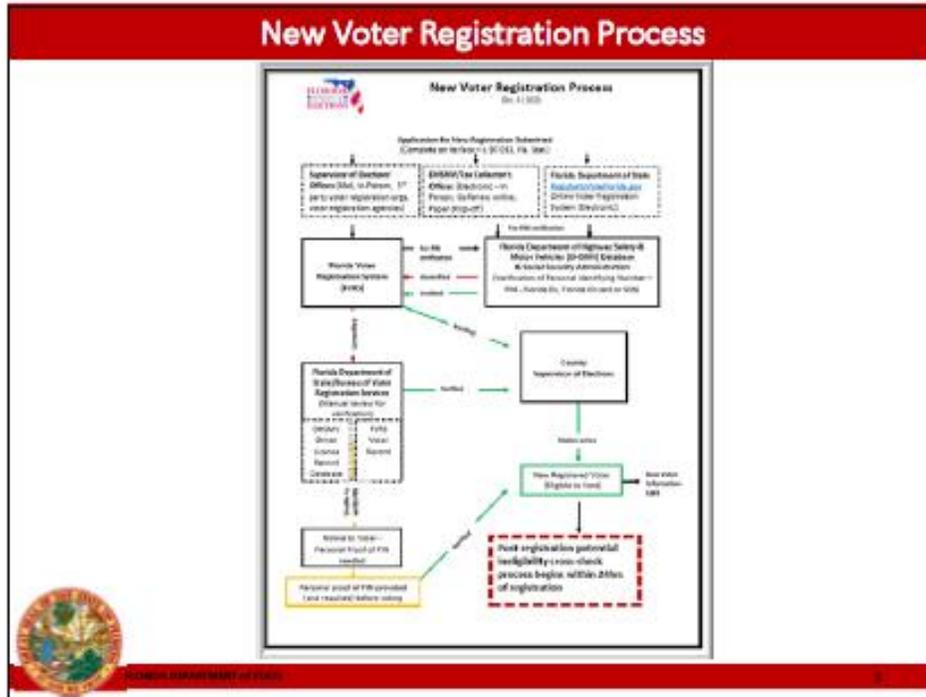


The image shows a screenshot of the Statewide Voter Registration Application Form. The form is titled "Statewide Voter Registration Application Form" and includes various sections for registration information. Key sections include:

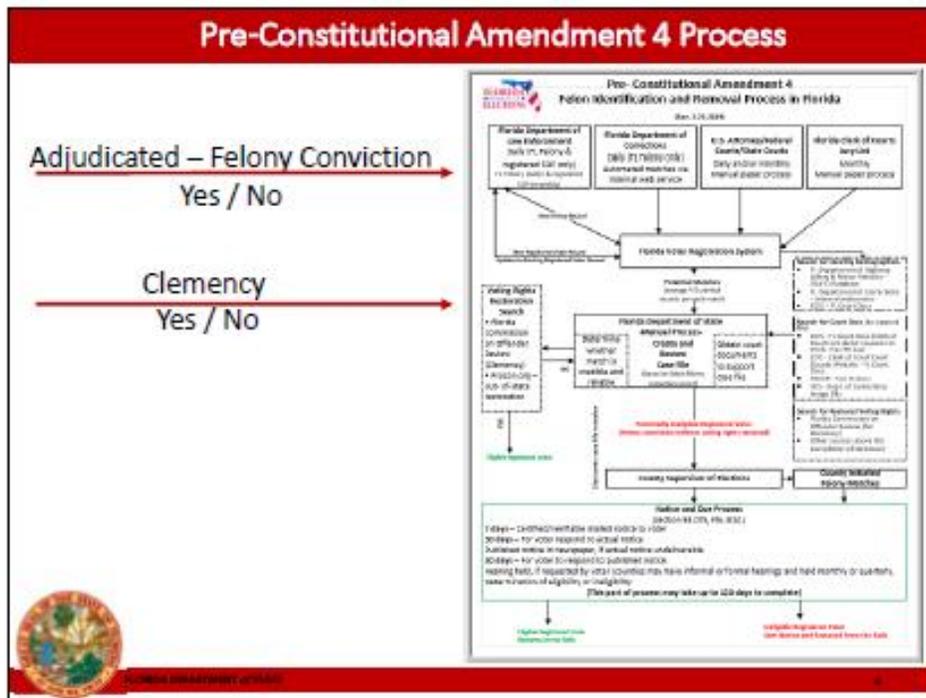
- Section 1:** Personal Information (Name, Date of Birth, Sex, Race, Ethnicity, Home Address, Mailing Address, Telephone Number, Email Address).
- Section 2:** Identification (Florida Driver License ID, Florida Identification Card Number, Social Security Number, State of Issuance, Date of Issuance, Date of Expiration).
- Section 3:** Registration Information (How long you have lived at your current address, How long you have lived in the state, How long you have lived in the county, How long you have lived in the precinct, How long you have lived in the neighborhood).
- Section 4:** Voting Information (How long you have lived at your current address, How long you have lived in the state, How long you have lived in the county, How long you have lived in the precinct, How long you have lived in the neighborhood).
- Section 5:** Signature and Date (Signature, Date).

The form also includes a section for "How long you have lived at your current address" and "How long you have lived in the state, county, and precinct." The form is designed to be filled out by the applicant and submitted to the local election authority.

New Voter Registration Process



Pre-Constitutional Amendment 4 Process



Statutory Due Process (s. 98.075(7), Fla.)

County Supervisor of Elections

- **Within 7 days** – Certified/Verifiable mailed notice to voter:
 - Statement of basis for ineligibility and copy of document
 - Statement of failure to respond in 30 days may result in removal
 - Return form to admit or deny information of ineligibility
 - Statement of right to request hearing
 - Instructions to voter how to resolve matter
 - Instructions to seek restoration of civil rights/voting rights per constitution
- **30 days** – For voter respond to actual notice



FLORIDA DEPARTMENT OF STATE

(cont'd)

7

Statutory Due Process (s. 98.075(7), Fla.)

- If actual notice undeliverable, publish newspaper notice including:
 - Voter's name and address
 - Failure to respond in 30 days may result in removal
 - Statement that voter has 30 days to ask for basis of ineligibility
 - Instruction to voter to contact supervisor for assistance
- **30 days** – For voter to respond to published notice
- **Hearing** held, if requested by voter
- **Determination** of eligibility or ineligibility
 - If ineligible, voter is removed
 - Notice to the voter



FLORIDA DEPARTMENT OF STATE

8



FLORIDA
DEPARTMENT
of STATE

For more information, visit us online at:
dos.myflorida.com/elections/



FLORIDA DEPARTMENT OF STATE

2

Florida Voter Registration Application-Part 1 – Instructions

- To Register in Florida, you must be:**
- a U.S. citizen,
 - a Florida resident,
 - at least 18 years old (you may pre-register at 16 or 17, but cannot vote until you are 18).

If you have been convicted of a felony, or if a court has found you to be mentally incapacitated as to your right to vote, you cannot register until your right to vote is restored.

If you do not meet any ONE of these requirements, you are not eligible to register.

Questions?

Contact the Supervisor of Elections in your county:
dos.elections.myflorida.com/supervisors/
 Visit the Florida Division of Elections' website at:
dos.myflorida.com/elections/

CRIMINAL OFFENSE: It is a 3rd degree felony to submit false information. Maximum penalties are \$5,000 and/or 5 years in prison.

PUBLIC RECORD: Once filed, all information including your phone number and email address as provided become public record except for the following which can only be used for voter registration purposes: your FL DL#, FL ID#, SSN, where you registered to vote, and whether you declined to register or to update your voter registration record at a voter registration agency. Your signature can be viewed but not copied. (Section 97.0565, Fla. Stat.)

Where to Register: You can register to vote by completing this application and delivering it in person or by mail to any supervisor of elections' office, office that issues driver's licenses, or voter registration agency (public assistance office, center for independent living, office serving persons with disabilities, public library, or armed forces recruitment office) or the Division of Elections. Mailing addresses are on page 2 of this form.

Deadline to Register: The deadline to register to vote is 29 days before any election. You can update your registration record at any time, but for a Primary Election, party changes must be completed 29 days before that election. You will be contacted if your new application is incomplete, denied or a duplicate of an existing registration. Your Voter Information Card will be mailed to you once you are registered.

Identification (ID) Requirements: New applicants must provide a current and valid Florida driver's license number (FL DL#) or Florida identification card number (FL ID#). If you do not have a FL DL# or FL ID#, then you must provide the last four digits of your Social Security number (SSN). If you do not have any of these numbers, check "None." If you leave the field and box blank, your new registration may be denied. See section 97.053(6), Fla.Stat.

Special ID requirements: If you are registering by mail, have never voted in Florida, and have never been issued one of the ID numbers above, include one of the following with your application, or at a later time before you vote:
 1) A copy of an ID that shows your name and photo (acceptable IDs—U.S. Passport, debit or credit card, military ID, student ID, retirement center ID, neighborhood association ID, or public assistance ID); or 2) A copy of an ID that shows your name and current residence address (acceptable documents—utility bill, bank statement, government check, paycheck, or other government document).

The special ID is not required if you are 65 or older, have a temporary or permanent physical disability, are a member of the active uniformed services or merchant marine who is absent from the county for active duty, or a spouse or dependent thereof, or are currently living outside the U.S. but otherwise eligible to vote in Florida.

Political Party Affiliation: Florida is a closed primary election state. In primary elections, registered voters can only vote for their registered party's candidates in a partisan race on the ballot. In a primary election, all registered voters, regardless of party affiliation, can vote on any issue, nonpartisan race, and race where a candidate faces no opposition in the General Election. If you do not indicate your party affiliation, you will be registered with no party affiliation. For a list of political parties, visit the Division of Elections' website at: dos.myflorida.com/elections/

Race/Ethnicity: It is optional to list your race or ethnicity.

Boxes: Please check boxes () where applicable.

Numbered rows 1 through 7 and 12 must be completed for a new registration.

Florida Voter Registration Application Form available online at/Formulario disponible en línea en: registertovoteflorida.gov
 Part 2 – Form (DS-DE #39, R15-2.040, F.A.C.)(eff. 7/2019)

This is: New Registration Record Update/Change (e.g., Address, Party Affiliation, Name, Signature) Request to Replace Voter Information Card

1	Are you a citizen of the United States of America? <input type="checkbox"/> YES <input type="checkbox"/> NO	OFFICIAL USE ONLY	
2	<input type="checkbox"/> I affirm I have never been convicted of a felony. <input type="checkbox"/> If I have been convicted of a felony, I affirm my voting rights have been restored by the Board of Executive Clemency. <input type="checkbox"/> If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation.	FVRS No: _____	
3	<input type="checkbox"/> I affirm that I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my right to vote has been restored.		
4	Date of Birth (MM-DD-YYYY) [][] - [][] - [][][][]		
5	Florida Driver License (FL DL) or Florida identification (FL ID) Card Number	If no FL DL or FL ID, then provide	Last 4 digits of Social Security Number <input type="checkbox"/> I have NONE of these numbers.
6	Last Name	First Name	Middle Name Name Suffix (Jr., Sr., I, II, etc.):
7	Address Where You Live (legal residence-no P.O. Box)	Apt/Lot/Unit	City County Zip Code
8	Mailing Address (if different from above address)	Apt/Lot/Unit	City State or Country Zip Code
9	Address Where You Were Last Registered to Vote	Apt/Lot/Unit	City State Zip Code
10	Former Name (if name is changed)	Gender <input type="checkbox"/> M <input type="checkbox"/> F	State or Country of Birth Telephone No. (optional) () -
11	<input type="checkbox"/> Email me SAMPLE BALLOTS if option is available in my county. (See Public Record Notice above) My email address is: _____		
12	Party Affiliation (Check only one. If left blank, you will be registered without party affiliation) <input type="checkbox"/> Florida Democratic Party <input type="checkbox"/> Republican Party of Florida <input type="checkbox"/> No party affiliation <input type="checkbox"/> Minor party (print party name): _____	Race/Ethnicity (Check only one) <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black, not of Hispanic Origin <input type="checkbox"/> Hispanic <input type="checkbox"/> White, not of Hispanic Origin <input type="checkbox"/> Multi-racial <input type="checkbox"/> Other: _____	(Check only one if applicable) <input type="checkbox"/> I am an active duty Uniformed Services or Merchant Marine member <input type="checkbox"/> I am a spouse or a dependent of an active duty uniformed services or merchant marine member <input type="checkbox"/> I am a U.S. citizen residing outside the U.S.

12 Oath: I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information provided in this application is true.

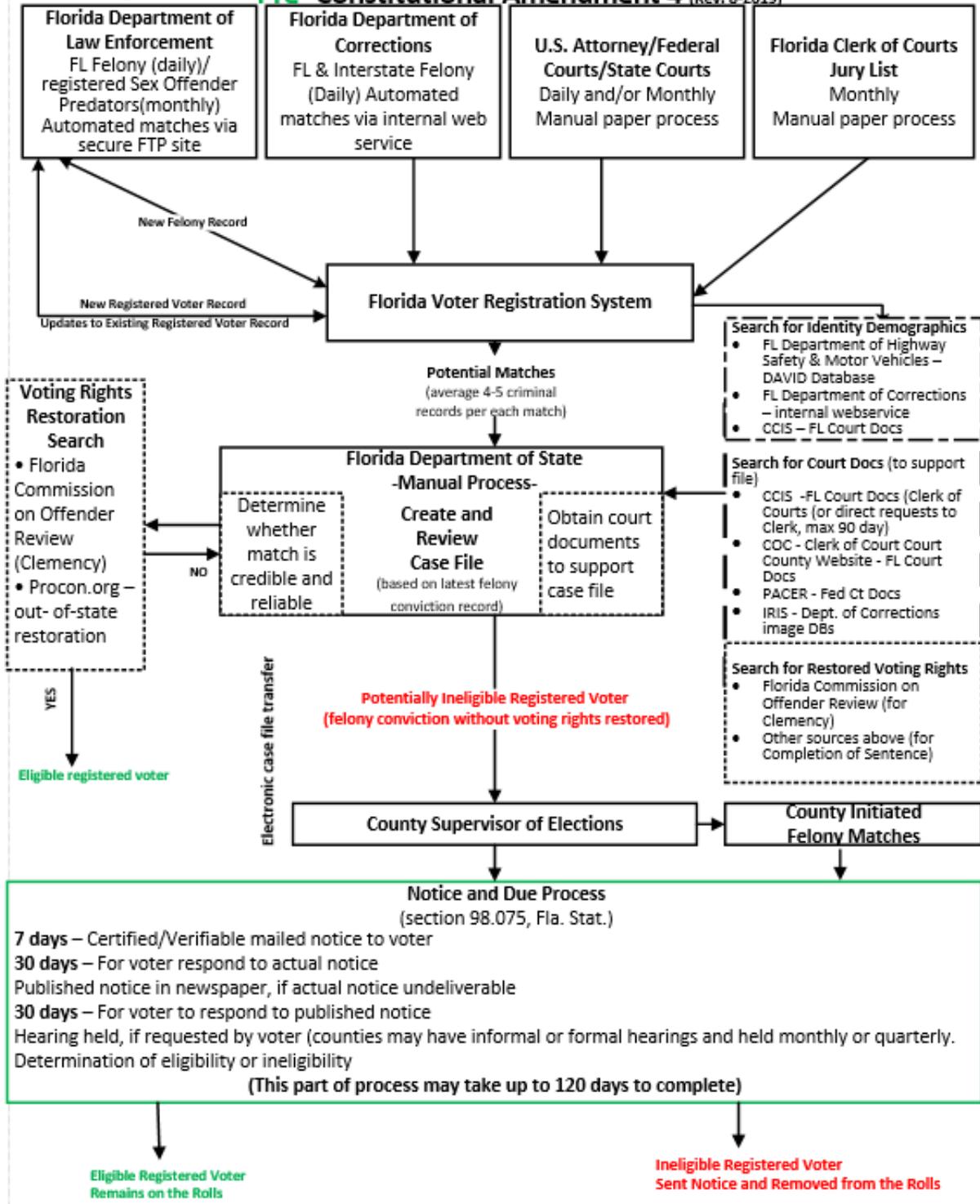
SIGN/MARK HERE → _____

Date _____



Felon Identification and Removal Process in Florida

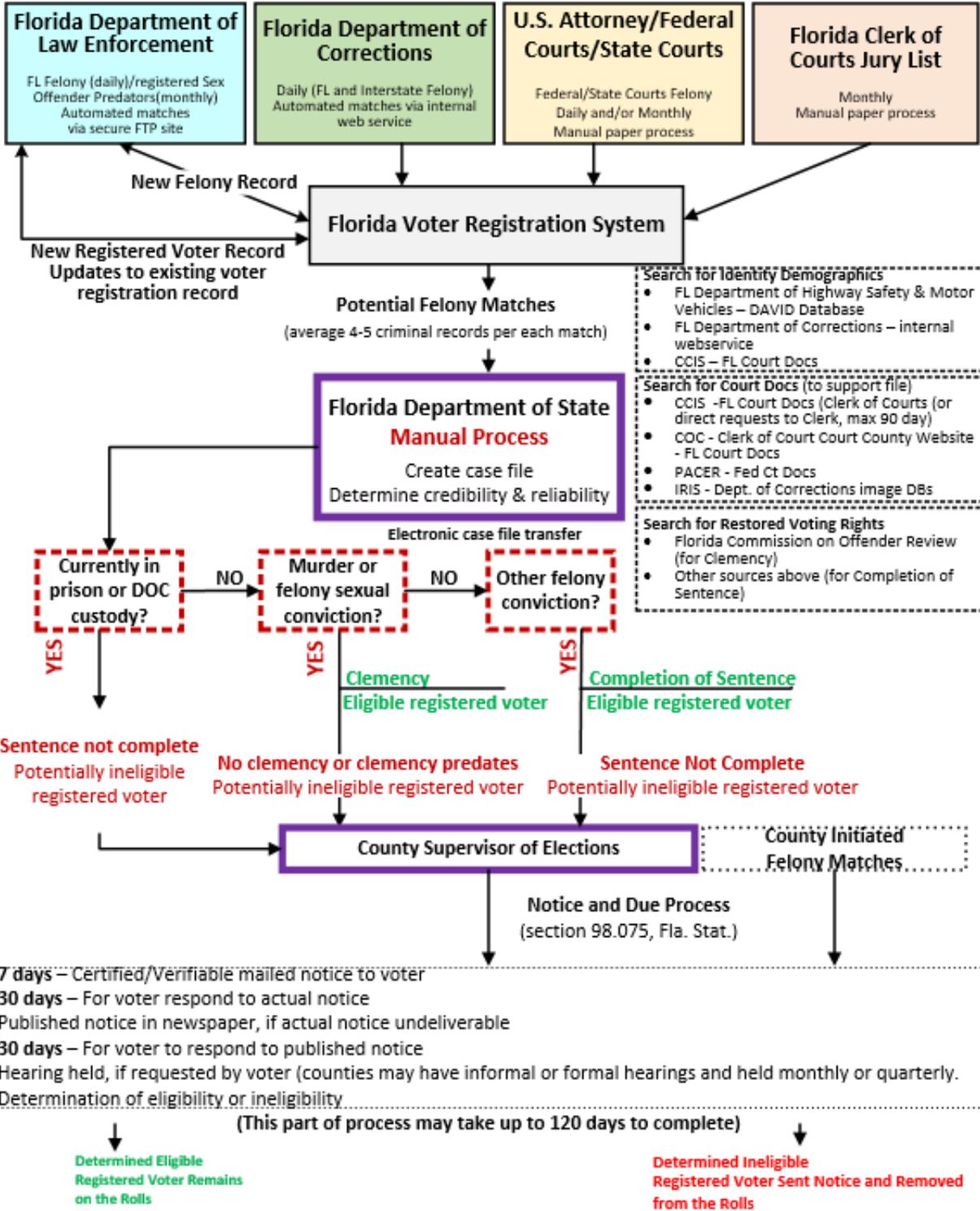
Pre- Constitutional Amendment 4 (Rev. 8-2019)





Felon Identification and Removal Process

Post- Constitutional Amendment 4
and Chapter 2019-162, Laws of Florida (Updated 08.2019)





**VOTER
RESTORATION
FOR CONVICTED
FELONS**

Florida Department
Of Corrections
Joe Winkler, Assistant Secretary
Michelle Palmer, Bureau Chief
September 2019

**FDC RESPONSIBILITIES -
RESTORATION OF VOTING RIGHTS**



940.061
EDUCATE & INFORM

98.0751
NOTIFY INMATE OF
OUTSTANDING TERMS OF
SENTENCE

EDUCATION & INFORMATION



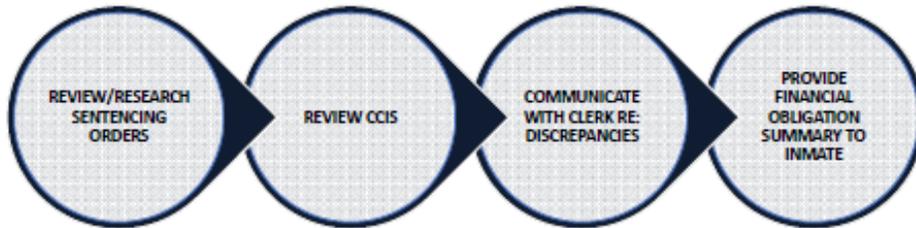
FORMS



VOTER RESTORATION
INFORMATION SHEET

FINANCIAL
OBLIGATION
SUMMARY

PROCESS



FDC RESPONSIBILITIES - RESTORATION OF VOTING RIGHTS



940.061

EDUCATE & INFORM

98.0751

NOTIFY OFFENDER OF
OUTSTANDING TERMS OF
SENTENCE

ANNUAL TERMINATIONS



PROCESS



A pilot will be implemented to educate offenders prior to termination of supervision.

Provided to the offender upon successful termination of their supervision.



The Department of Corrections shall inform and educate offenders on community supervision about restoration of voting rights.

PROCESS



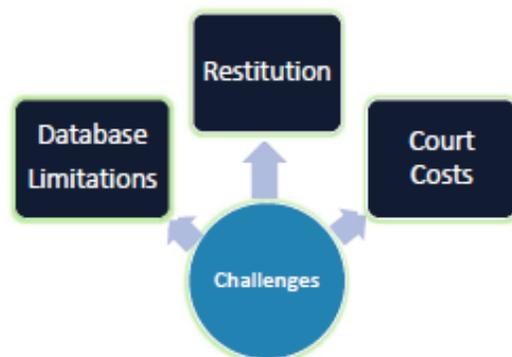
Probation Officers monitor conditions throughout the offender's period of supervision.

Provided to the offenders when they terminate supervision.



Upon the termination of an offender's term of supervision, the Department must notify the offender in writing of all outstanding terms.

CHALLENGES



MOVING FORWARD



Thank you

Joe Winkler, Assistant Secretary
Michelle Palmer, Bureau Chief



INSTITUTIONS FORMS

RESTORATION OF VOTING RIGHTS FOR CONVICTED FELONS

**Florida Department
Of Corrections
Joe Winkler, Assistant Secretary
Michelle Palmer, Bureau Chief
September 2019**

**Florida Department of Corrections
Voter Restoration Information Sheet**

Pursuant to Florida Statute 98.0751, if you were convicted of a felony offense, other than murder or a sex offense, you may be eligible to have your voting rights restored immediately upon the completion of all terms of your sentence, including, but not limited to any unpaid restitution, court costs, fees or fines.

No Supervision:

If you are being released without Florida Department of Corrections monitored supervision to follow, you will be provided with a summary of any unpaid restitution, court costs, fines and fees as provided by the Clerk of Courts in the county you were sentenced.

Supervision to follow:

If you are being released to probation, Conditional Release, Addiction Recovery, parole or any other type of supervision monitored by the Florida Department of Corrections, your supervising officer will notify you of the remaining terms of your sentence, including restitution and court costs, fees and fines.

Individuals who do not qualify for automatic restoration of voting rights under Florida Statute 98.0751, will not be qualified to vote until their civil rights are restored as outlined in Article IV, section 8 of the Florida Constitution.

The Florida Department of Corrections cannot provide legal advice or determine if you are eligible to vote. For additional information related to the restoration of voting rights process under Florida Statute 98.0751 or your eligibility to vote, contact your local Supervisor of Elections.

09/12/2019
 OPS0103-RC
 LOCATION: 803 BAY

FLORIDA DEPARTMENT OF CORRECTIONS
 FINANCIAL OBLIGATIONS SUMMARY
 CURRENT COMMITMENT

PAGE: 1
 TIME: 10:48

DOC NO: NAME:

PAYEE NAME	CASE NUMBER	OBLIGATION	PAYMENT		PAYMENT DATE	TRANSACTION TYPE
			AMOUNT	BALANCE		
BAY COUNTY CLERK OF COURT	03-1704541	1077.00	0.00	1077.00	2018-12-03	COP ORIG.PAY.AMOUNT
			35.15	1041.85	2019-03-15	COP REG.DISBURSEMENT
			70.95	970.90	2019-04-12	COP REG.DISBURSEMENT
			64.54	906.36	2019-05-10	COP REG.DISBURSEMENT
			83.31	823.05	2019-06-14	COP REG.DISBURSEMENT
			90.35	732.70	2019-07-19	COP REG.DISBURSEMENT
			182.89	549.81	2019-08-23	COP REG.DISBURSEMENT
TOTAL PAYMENTS:			527.19			
BAY COUNTY CLERK OF COURT	03-1704799	517.00	0.00	517.00	2018-12-03	COP ORIG.PAY.AMOUNT
			40.39	476.61	2019-03-15	COP REG.DISBURSEMENT
			81.51	395.10	2019-04-12	COP REG.DISBURSEMENT
			74.16	320.94	2019-05-10	COP REG.DISBURSEMENT
			95.71	225.23	2019-06-14	COP REG.DISBURSEMENT
			103.80	121.43	2019-07-19	COP REG.DISBURSEMENT
			121.43	0.00	2019-08-23	COP REG.DISBURSEMENT
TOTAL PAYMENTS:			517.00			

 INMATE SIGNATURE

 DATE

 STAFF SIGNATURE

 DATE

The payment information provided on this document is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. The balance may include unpaid restitution, court costs, fees, or fines associated with your current commitment, reflecting any payments made through the Florida Department of Corrections. Any questions pertaining to your financial obligations should be directed to the Clerk of the Court in the county of sentencing.

** Information contained in the document is for informational purposes only and should not be construed as modifying, satisfying or negating any legal sentence or obligation **



**COMMUNITY CORRECTIONS FORMS
RESTORATION OF VOTING RIGHTS FOR CONVICTED FELONS**

**Florida Department
Of Corrections
Joe Winkler, Assistant Secretary
Michelle Palmer, Bureau Chief
September 2019**



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
RON DESANTIS
Secretary
MARK S. INCH

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

Date: _____

RE: TERMINATION OF SUPERVISION
DC# _____
DOCKET/UC NO(S) _____
COUNTY _____

Dear _____

You are hereby notified that you completed your term(s) of supervision on _____, as referenced above, and are no longer under the supervision of the Department of Corrections.

Pursuant to Florida Statute 98.0751, if you were convicted of a felony offense, other than murder or a sex offense, you may be eligible to have your voting rights restored immediately upon the completion of all terms of your sentence, including, but not limited to any unpaid restitution, court costs, fees or fines.

Individuals who do not qualify for automatic restoration of voting rights under Florida Statute 98.0751, will not be qualified to vote until their civil rights are restored as outlined in Article IV, Section 8 of the Florida Constitution.

For additional information related to the restoration of voting rights process under Florida Statute 98.0751, contact the Supervisor of Elections in your county of release.

If you were adjudicated guilty and on supervision for a felony offense, please see attached information sheet prepared by the Office of Executive Clemency, entitled **RESTORATION OF CIVIL RIGHTS, PARDONS, PARDONS WITHOUT FIREARM AUTHORITY, FIREARM AUTHORITY, REMISSION OF FINES AND FORFEITURES** updated August 29, 2016 for information regarding the restoration of civil rights process. This information sheet and the application can be accessed on the following website for future reference: <https://fcor.state.fl.us/restoration.shtml> or call (850) 488-2952 or 1-800-435-8286.

Sincerely, _____

★INSPIRING SUCCESS BY TRANSFORMING ONE LIFE AT A TIME ★

Original: Offender
Copy: Offender File
Clerk of Court (if required)
FCOR (if required)

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS CLOSING SUMMARY

September 11, 2019

Dear _____,

Please see the below details in reference to any outstanding terms for the case number(s) listed below at the time of termination, including, but not limited to, uncompleted conditions, unpaid restitution, court costs, fees, and fines. Information contained in this document is for informational purposes only and should not be construed as modifying, satisfying, or negating any legal sentence or obligation.

Sentencing Judge: Judge Moreland
County of Sentence: Manatee
Case No: 0704803

Community Supervision

Sentence Date	Offense	Offense Date	County	Case Number	Supervision Length
09/24/2008	ROBB. GUN OR DEADLY WPN	12/22/2007	MANATEE	0704803	005Y 00M 00D

Termination

Date of Termination	Type of Termination	Disposition Reason (If appropriate)
06/11/2019	NORMAL TERMINATION	

Restitution

Case Number	Payee Name	Original Obligation	Current Balance
0704803		550.00	0.00
0704803		340.00	0.00

Court Costs/Fines

Case Number	Payee Name	Original Obligation	Current Balance
** See Clerks Office ** The Clerk of Circuit Court establishes and maintains a system of accounts receivable for court related fees, charges, and costs.			

State Accounts

Case Number	Payee Name	Original Obligation	Current Balance
0704803	DEPARTMENT OF CORRECTIONS DRUG TE	30.00	0.00
	DC OFFICER TRAINING/EQUIPMENT SUR	120.00	0.00
	STATE OF FLORIDA COST OF SUPERVIS	1800.00	0.00

Others

Case Number	Payee Name	Original Obligation	Current Balance
0704803		49.97	0.00

Community Service Hours

Court Ordered	Hours Remaining
62.25	0.00

Treatment Status

(Summary of offender's current and prior participation in treatment, educational, and vocational programs):

Treatment Date	Program Description	Termination Date	Status	Termination Reason
	OUTPATIENT SUBSTANCE ABUSE		NOT REQD	NOT IN NEED OF

Status of Other Special Conditions

Case Number	Special Condition	Begin Date	Due Date	End Date	Status
0704803	COS WAIVED	03/22/2012	03/21/2017	08/26/2014	COMPLETED
0704803	RESTITUTION	03/22/2012	03/21/2017	11/09/2015	COMPLETED
0704803	DRUG/ALCOHOL EVALUATION	06/12/2017	06/11/2019	08/15/2017	COMPLETED
0704803	DRUG/ALCOHOL TREATMENT	06/12/2017	06/11/2019	08/15/2017	NOT APPLICAB
0704803	TESTIFY TRUTHFULLY	03/22/2012	03/21/2017	06/11/2019	COMPLETED
0704803	MAY CONV. CC/FINES/COS TO PSW	03/22/2012	03/21/2017	06/11/2019	COMPLETED
0704803	MAY TRANSFER SUPERVISION	06/12/2017	06/11/2019	06/11/2019	COMPLETED
0704803	ADHERE TO ALL ORIG. CONDITIONS	06/12/2017	06/11/2019	06/11/2019	COMPLETED

The foregoing is true and correct to the best of my knowledge and belief.

Robbi Snipes _____ Officer Date

Amy Wigglesworth _____ Supervisor Date

CC: Offender
 CC: Clerk of Court, if applicable
 CC: Offender File
 CC: Florida Commission on Offender Review, if applicable



12 Functions of a Case Maintenance System (CMS)

1. Case Initiation and Indexing
2. Docketing
3. Scheduling
4. Document Creation and Tracking
5. Calendaring
6. Hearings
7. Dispositions
8. Post Disposition Documents Filed with the Courts
9. Receipt Accounting
10. Records Management
11. Configuration Maintenance, Security, and Integrity
12. Management Reporting



FLORIDA
**COURT CLERKS &
COMPTROLLERS**

Comprehensive Case Information System (CCIS)

FLCLERKS.COM

CCIS – Current Statutory Language

- **28.2405 Comprehensive Case Information System.**—All clerks of the circuit court shall participate in the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., and shall submit electronic case data to the system based on the case types designated by the Supreme Court.

CCIS Background

- **CCIS - Comprehensive Case Information System**
- ✓ **Statewide access to documents and case files maintained at the local level**
- ✓ **Section 28.24(12)(e), Florida Statutes**
- ✓ **Provides secure access to court data for governmental agencies**



Page 5

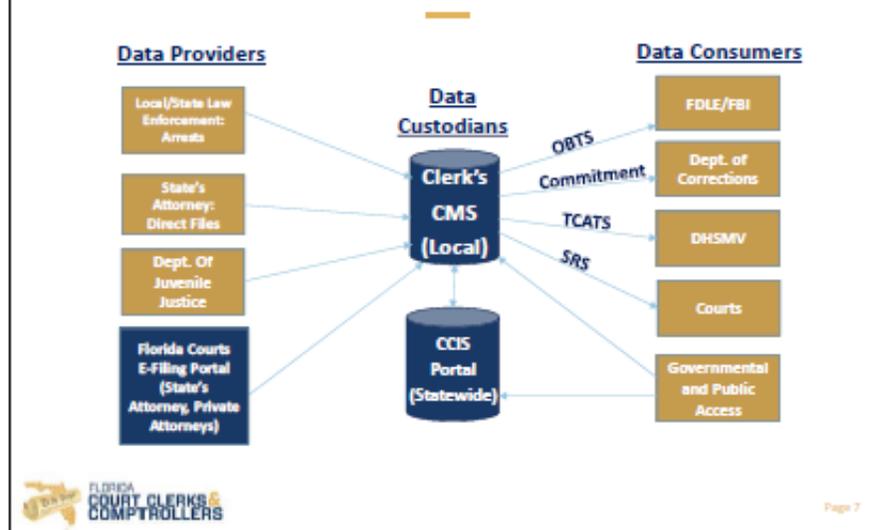
CCIS Background

- **Started in 2002 - initiative to view court case information across county and circuit lines**
- **Developed and maintained by Florida's Clerks, s. 28.24(12)(e), Florida Statutes**
- **Provides method to share court case information statewide with:**
 - **Judiciary**
 - **Criminal justice agencies**
 - **Information user agencies**
- **Searchable by name or case number, through a secure point of access**



Page 5

Criminal Court Case Data Collection



CCIS – Current Available Data

- All Court Case Types in the 67 Clerks' offices
- Document Image Access
- Sentencing Information
- Warrant/Summons Information
- Financial (Assessments/Collections)
- Progress Dockets
- Court Events
- Case/Charge Information
- Individual Name Demographic Information
- Data Element Categories
- Criminal, Civil, Juvenile, Probate, Traffic

CCIS – Current Available Data

- **CCIS contains 147 million cases and 447 million names as of August 2019.**
 - **Increases Daily**
- **Criminal cases since at least 2000 are available through CCIS.**
- **Generally, document images for criminal cases since 2010 are also available through CCIS.**
- **Older cases that exist only as paper files or microfilm are not available through CMS or CCIS.**

CCIS Current Users

- **CCIS Users are restricted to Federal, State, and Local governmental agencies.**
- **Users are assigned security levels to comply with access to court records, as defined by Court Rules.**
- **39,832 active users**

Top CCIS Users

Top 15 Organizations	Active Users
FLORIDA DEPT OF CHILDREN & FAMILIES	7417
FLORIDA COUNTY SHERIFF	4929
FLORIDA DEPT OF CORRECTIONS	3856
FLORIDA LOCAL POLICE	2784
FLORIDA STATE ATTORNEY	2649
U S DEPT OF HOMELAND SECURITY	2138
FLORIDA PUBLIC DEFENDER	1724
FLORIDA DEPT OF REVENUE	1639
FLORIDA COURTS (20 CIRCUITS AND 5 DCAS)	1123
FLORIDA DEPT OF JUVENILE JUSTICE	965
FLORIDA DEPT OF LAW ENFORCEMENT	636
FLORIDA FISH & WILDLIFE COMMISSION	522
FLORIDA DEPT OF HIGHWAY SAFETY & MOTOR VEHICLES	499
FLORIDA ATTORNEY GENERAL	483
U S PROBATION OFFICE	391

R

1

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,
IN AND FOR PINELLAS COUNTY FLORIDA
DIVISION: FELONY

UCN : [REDACTED]

REF No. : [REDACTED]

OBTS NUMBER _____

STATE OF FLORIDA
VS.

[REDACTED]
Defendant

PERSON ID: [REDACTED]
SS# [REDACTED]

JUDGMENT

The Defendant, [REDACTED] being personally before this court represented by BRIAN
PINGOR the attorney of record, and the state represented by CURTIS IHLER, Assistant State Attorney, and
having:

previously entered a plea of guilty to the following crime(s) on 9/19/17

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	FELONIOUS POSSESSION OF FIREARM	790.23 1A	2F
02	POSSESSION OF COCAINE	893.13	3F
03	FLEEING OR ELUDING A LAW ENFORCEMENT OFFICER	316.1935	3F
04	DRIVING WHILE LICENSE SUSPENDED OR REVOKED (FELONY)	322.34	3F

FILED
OCT 25 2017
 KEN BURKE
 CLERK CIRCUIT COURT

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

(JCD-JDMT-III 19074069)

RETURN TO:
CRIMINAL COURT RECORDS

Defendant : [REDACTED]

UCN : [REDACTED]
REF No. : [REDACTED]

___ and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD as to Count(s) _____

Sentence Deferred
Until Later Date
(Check if Applicable)

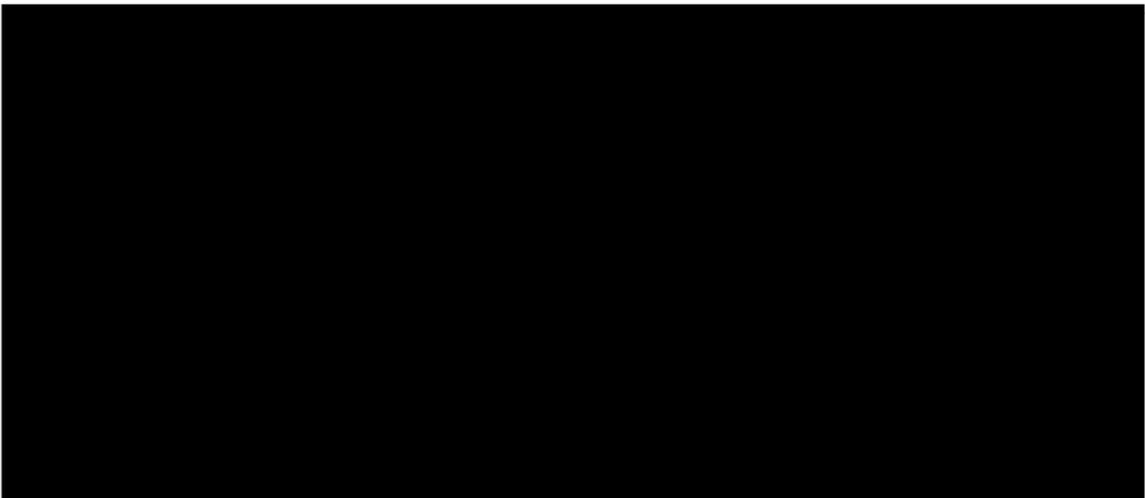
___ The Court hereby defers imposition of sentence until _____ (Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on **October 25, 2017**.

JUDGE

FINGERPRINTS OF THE DEFENDANT



Fingerprints taken by:

M K C 7
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, [REDACTED], and that they were placed thereon by the defendant in my presence in open court this day.

JUDGE

Defendant: [REDACTED]

UCN: [REDACTED]
REF No.: [REDACTED]

OBTS Number _____

SENTENCE

(as to Count 01)

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **KELLY MCCABE**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

It Is the Sentence Of the Court That:

The Defendant pay total statutory costs in the amount of **\$3450.00**, inclusive of, Investigative Costs in the amount of **\$2700.00** pursuant to 938.27 F.S., **\$100.00** to the State Operating Trust Fund, **\$100.00** as a Costs of Prosecution assessment.

The Defendant is **committed to the custody of the Department of Corrections.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

To Be Imprisoned:

The Defendant is to be imprisoned for a term of **3 Years.**

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

No Mandatory/Minimum provisions are imposed on this count.

Other Provisions:

Please see the last page of this document for other provisions.

Defendant: [REDACTED]

UCN: [REDACTED]
REF No.: [REDACTED]

OBTS Number _____

SENTENCE

(as to Count 02)

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **KELLY MCCABE**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

It Is the Sentence Of the Court That:

The Defendant is committed to the custody of the Department of Corrections.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

To Be Imprisoned:

The Defendant is to be imprisoned for a term of **3 Years**.

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

No Mandatory/Minimum provisions are imposed on this count.

Other Provisions:

Consecutive/Concurrent As To Other Counts	It is further ordered that the sentence imposed for this count shall run concurrent with the sentence set forth in count 1 of this case.
--	---

Defendant: [REDACTED]

UCN: [REDACTED]
REF No.: [REDACTED]

OBTS Number _____

SENTENCE

(as to Count 03)

The defendant, being personally before the court, accompanied by the defendant's attorney of record, KELLY MCCABE, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

It Is the Sentence Of the Court That:

The Defendant is **committed to the custody of the Department of Corrections.**

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

To Be Imprisoned:

The Defendant is to be imprisoned for a term of **3 Years.**

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

No Mandatory/Minimum provisions are imposed on this count.

Other Provisions:

Consecutive/Concurrent As To Other Counts	It is further ordered that the sentence imposed for this count shall run concurrent with the sentence set forth in count 1 of this case.
--	---

Defendant: [REDACTED]

UCN: [REDACTED]
REF No.: [REDACTED]

OBTS Number _____

SENTENCE

(as to Count 04)

The defendant, being personally before the court, accompanied by the defendant's attorney of record, KELLY MCCABE, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

It Is the Sentence Of the Court That:

The Defendant is committed to the custody of the Department of Corrections.

Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.

To Be Imprisoned:

The Defendant is to be imprisoned for a term of 3 Years.

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

No Mandatory/Minimum provisions are imposed on this count.

Other Provisions:

Consecutive/Concurrent As To Other Counts It is further ordered that the sentence imposed for this count shall run concurrent with the sentence set forth in count 1 of this case.

Defendant: [REDACTED]

UCN: [REDACTED]
REF No.: [REDACTED]

OBTS Number _____

Other Provisions: (continued)

Jail Credit

It is further ordered that the defendant shall be allowed a total of 12 Days as credit for time incarcerated before imposition of this sentence.

It is further ordered that:

Restitution is ordered as follows:

**\$5590.04 to EAN HOLDINGS LLC
600 CORPORATE PARK DR
ST. LOUIS, MO 63105.
\$941.70 to CITY OF LARGO
201 HIGHLAND AVE
LARGO, FL 33770.**

Restitution to State:

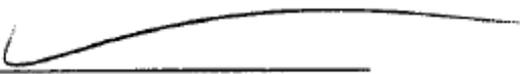
If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the clerk of the court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:
Your driver's license is revoked for 1 year pursuant to F.S. 322.055.

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on **October 25, 2017.**



Judge

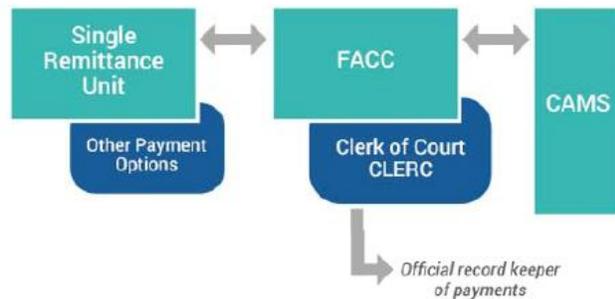


Child Support Program Automated System

Key Components

- Maintain customer demographic/case data
- Capture support order terms/obligations
- Trigger automated actions based on business rules
- Allocate payments and maintain balances
- Interface with federal, state and local agencies
- Scan and deliver work for inbound documents
- Provide 24/7 access through web portal

Support Order Term Compliance and Balance Tracking



Restoration of Voting Rights Work Group Meeting 10/1/2019

Appendix F: Federal Court Order – Jones v DeSantis

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

KELVIN LEON JONES et al.,

Plaintiffs,

v.

CONSOLIDATED
CASE NO. 4:19cv300-RH/MJF

RON DeSANTIS et al.,

Defendants.

_____ /

**ORDER DENYING THE MOTION TO DISMISS OR ABSTAIN
AND GRANTING A PRELIMINARY INJUNCTION**

These consolidated cases arise from a voter-initiated amendment to the Florida Constitution that automatically restores the right of most felons to vote, but only “upon completion of all terms of sentence including parole or probation.” The Florida Supreme Court will soon decide whether “all terms of sentence” means not only terms of imprisonment and supervision but also fines, restitution, and other financial obligations imposed as part of a sentence. The Florida Legislature has enacted a statute that says the phrase *does* include these financial obligations.

The principal issue in these federal cases is whether the United States Constitution prohibits a state from requiring payment of financial obligations as a

condition of restoring a felon's right to vote, even when the felon is unable to pay. A secondary issue is whether the state's implementation of this system has been so flawed that it violates the Constitution.

I. Background: the Cases and the Pending Motions

The constitutional amendment at issue is popularly known as "Amendment 4" based on its placement on the November 2018 ballot. The amendment has given rise to state-law issues of interpretation and implementation and also to substantial federal constitutional issues. The statute that purports to interpret and implement Amendment 4 is often referred to as SB7066.

The plaintiffs in these five consolidated federal actions are 17 individuals and three organizations. The individuals have been convicted of felonies, have completed their terms of imprisonment and supervision, and would be entitled to vote based on Amendment 4 and SB7066 but for one thing: they have not paid financial obligations imposed when they were sentenced. All but two of the individual plaintiffs have sworn that they are unable to pay the financial

obligations; the other two have alleged, but not sworn, that they are unable to pay.¹ The organizational plaintiffs are the Florida State Conference of the NAACP, the Orange County Branch of the NAACP, and the League of Women Voters of Florida. They have associational standing to represent individuals whose eligibility to vote is affected by Amendment 4 and SB7066.

The plaintiffs assert that conditioning the restoration of a felon's right to vote on the payment of financial obligations violates the United States Constitution, both generally and in any event when the felon is unable to pay. The plaintiffs rely on the First Amendment, the Fourteenth Amendment's Equal Protection and Due Process Clauses, and the Twenty-Fourth Amendment, which says the right to vote in a federal election cannot be denied by reason of failure to pay "any poll tax or other tax." The plaintiffs also allege that the state's implementation of this system for restoring the right to vote has been so flawed that this, too, violates the Due Process Clause. The plaintiffs seek declaratory and injunctive relief.

¹ See Gruver Decl., ECF No. 152-2; Mitchell Decl., ECF No. 152-3; Riddle Decl., ECF No. 152-4; Leitch Decl., ECF No. 152-5; Ivey Decl., ECF No. 152-6; Wrench Decl., ECF No. 152-7; Wright Decl., ECF No. 152-8; Phalen Decl., ECF No. 152-9; Miller Decl., ECF No. 152-10; Tyson Decl., ECF No. 152-11; McCoy Decl., ECF No. 152-12; Singleton Decl., ECF No. 152-13; Raysor Decl., ECF No. 152-14; Sherrill Decl., ECF No. 152-15; Hoffman Decl., ECF No. 152-16; Compl. in 4:19-cv-300, ECF No. 1 at 5-6 (plaintiff Kelvin Jones); Compl. in 4:19-cv-272, ECF No. 1 at 5-6 (plaintiff Luis Mendez).

The defendants, all in their official capacities, are the Secretary of State and Governor of Florida, the Supervisors of Elections of the counties where all but two of the individual plaintiffs reside, and the Supervisor of Elections of Orange County, where no individual plaintiff resides but one of the organizational plaintiffs is based. The counties where an individual plaintiff resides but the Supervisor is not a defendant are Broward and Pinellas.

The officials who are primarily responsible for administering the state's election system and registering voters are the Secretary at the state level and the Supervisors of Elections at the county level. They are proper defendants in an action of this kind. *See Ex parte Young*, 209 U.S. 123 (1908).

The Secretary and Governor are the defendants who speak for the state in this litigation. They have consistently taken the same positions. For convenience, and because the Secretary, not the Governor, has primary responsibility for elections and voting, this order usually refers to the Secretary as shorthand for both of these defendants, without also mentioning the Governor.

The Secretary has moved to dismiss or abstain. The plaintiffs have moved for a preliminary injunction. The motions have been fully briefed and orally argued. The record consists of live testimony given at an evidentiary hearing as well as deposition testimony, declarations, and a substantial number of exhibits.

II. Background: Felon Disenfranchisement, Amendment 4, and SB7066

Florida has disenfranchised felons going back to at least 1845. Its authority to do so is beyond question. In *Richardson v. Ramirez*, 418 U.S. 24 (1974), the Supreme Court read an apportionment provision in section 2 of the Fourteenth Amendment as authority for states to disenfranchise felons. As Justice O'Connor, speaking for the Ninth Circuit, later said, "it is not obvious" how the section 2 apportionment provision leads to this result. *Harvey v. Brewer*, 605 F.3d 1067, 1072 (9th Cir. 2010). But one way or the other, *Richardson* is the law of the land.

Recognizing this, in *Johnson v. Governor of Florida*, 405 F.3d 1214 (11th Cir. 2005) (en banc), the court explicitly upheld Florida's then-existing disenfranchisement provisions. The bottom line: Florida's longstanding practice of denying an otherwise-qualified citizen the right to vote on the ground that the citizen has been convicted of a felony is not, without more, unconstitutional.

Florida has long had an Executive Clemency Board with authority to restore an individual's right to vote. The Board has operated without articulated standards, see *Hand v. Scott*, 285 F. Supp. 3d 1289, 1293-94, 1306-08 (N.D. Fla. 2018), and, as shown by the testimony in this record, has moved at glacial speed. See, e.g., Hr'g Tr., ECF No. 204 at 170-71. The issue in *Hand*, which is now on appeal, was whether the Executive Clemency Board was operating in an unconstitutional

manner. Both sides have told the Eleventh Circuit that Amendment 4 has rendered *Hand* moot because all the plaintiffs in that case are now eligible to vote.

Florida's Constitution allows voter-initiated amendments. To pass, a proposed amendment must garner 60% of the vote in a statewide election. Fla. Const. art XI, § 5(e). Amendment 4, which passed with 64.55% of the vote, added a provision automatically restoring the voting rights of some—not all—felons. The new provision became effective on January 8, 2019 and was codified as part of Florida Constitution article VI, section 4. SB7066 purports to implement the Amendment.

The full text of section 4, with the new language underlined, follows:

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.

(b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.

Fla. Const. art. VI, § 4 (emphasis added). The exclusion of felons convicted of murder or sexual offenses is not at issue in these cases, and references in this order to “felons” should be read to mean felons convicted only of other offenses, when the context makes this appropriate.

SB7066 includes a variety of provisions. Two are the most important for purposes of this litigation. First, SB7066 explicitly provides that “all terms of sentence” within the meaning of Amendment 4 includes financial obligations imposed as part of the sentence—that is, “contained in the four corners of the sentencing document.” Fla. Stat. § 98.0751(2)(a). Second, SB7066 explicitly provides that this also includes financial obligations that the sentencing court converts to a civil lien. *Id.* Conversion to a civil lien, usually at the time of sentencing, is a longstanding Florida procedure that courts often use for obligations a criminal defendant cannot afford to pay. *See* Fla. Stat. § 938.30(6)-(9); Hr’g Tr., ECF No. 204 at 94; Timmann Dep., ECF No. 194-1 at 31; Haughwout Decl., ECF No. 167-103 at 5-6; ECF No. 167-20 at 48.

III. The Motion to Dismiss: Redressability

The Secretary’s motion to dismiss asserts that the plaintiffs lack standing. This is so, the Secretary says, because the plaintiffs’ claims are not redressable in this action. The Secretary’s theory is this: the plaintiffs explicitly challenge only SB7066, not Amendment 4, but if Amendment 4 is construed to require payment of financial obligations—an issue for the Florida Supreme Court, not this court—the plaintiffs will still be unable to vote, and no declaration or injunction could be entered in this action that would change this. The Secretary is of course correct that a plaintiff cannot pursue a claim in federal court that even if successful would

make no difference. *See, e.g., Fla. Family Policy Council v. Freeman*, 561 F.3d 1246 (11th Cir. 2009).

The flaw in the Secretary's position is that she reads the plaintiffs' claims too narrowly. The individual plaintiffs assert, among other things, that the State cannot preclude them from voting just because they lack the financial resources to pay financial obligations. And the plaintiffs assert the State's process for restoring the right to vote is so flawed that it violates the Due Process Clause. The organizational plaintiffs make the same claims on behalf of felons whose rights they assert. If the plaintiffs are correct, the constitutional violations can be remedied through an appropriate injunction. Indeed, this order issues an injunction, though not one as broad as the plaintiffs request. That the plaintiffs do not assert Amendment 4 is itself unconstitutional on its face does not change this.

IV. Abstention

As an original matter, one could reasonably argue both sides of the question whether "all terms of sentence including parole or probation" includes fines, restitution, and other financial obligations imposed at the time of sentencing. This is an issue of Florida, not federal, law. And it is a question of Florida *constitutional* law. The Legislature's view, as set out in SB7066, is not controlling.

At least as against the Secretary of State and Governor, if not also the Supervisors of Elections, this court's jurisdiction to resolve the issue is subject to

doubt. *See, e.g., Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 121 (1984) (holding that the Eleventh Amendment bars any claim for injunctive relief based on state law against a state or against a state officer); *but see Harvey*, 605 F.3d at 1080-81 (resolving state-law felon-disenfranchisement issues on the merits). In any event, any resolution of this issue in these consolidated federal cases would be short-lived; the Florida Supreme Court, whose view on this will be controlling, has oral argument on this very issue scheduled just three weeks hence. *See* ECF No. 148-14 at 2.

The Secretary says the proper manner of dealing with this uncertainty in these federal cases is to abstain. The Secretary first invokes *Railroad Commission of Texas v. Pullman Co.*, 312 U.S. 496 (1941), under which a federal court abstains from deciding a federal constitutional question when there exists an unclear issue of state law whose resolution might moot the federal constitutional question or present it in a substantially different light.

But for two circumstances, the Secretary would be correct. Indeed, but for the two circumstances, this is the very paradigm of a proper case for *Pullman* abstention. A decision by the Florida Supreme Court that Amendment 4 does not require payment of financial obligations as a condition of restoring voting rights would moot the constitutional questions presented in this case.

The first of the two countervailing circumstances is that this is a voting-rights case and elections are upcoming; delay would decrease the chance that this case can be properly resolved both in this court and on appeal in time for eligible voters—and only eligible voters—to be able to vote. There are local elections on November 5, almost surely before the Florida Supreme Court will rule, and a presidential primary in March, already leaving little time for a preliminary-injunction ruling in this court and appellate review before the voting begins.²

The Supreme Court has squarely held that a district court does not abuse its discretion by declining to abstain under *Pullman* in circumstances like these. *See Harman v. Forssenius*, 380 U.S. 528, 537 (1965) (“Given the importance and immediacy of the problem [the right to vote], and the delay inherent in referring questions of state law to state tribunals, it is evident that the District Court did not abuse its discretion in refusing to abstain.”) (footnote omitted). The Eleventh Circuit en banc has reached the same conclusion. *See Siegel v. LePore*, 234 F.3d 1163, 1174 (11th Cir. 2000) (en banc) (“[V]oting rights cases are particularly inappropriate for abstention.”).

² *See* Fla. Dep’t of State, *Dates for Local Elections All 2019 Election Dates*, <https://dos.elections.myflorida.com/calendar/>. At least one named plaintiff wishes to vote in a local election on November 5. Wright Decl., ECF No. 152-8 at 6.

The Secretary says these decisions apply only in voting-rights cases and do not apply here because the plaintiffs are felons who have no right to vote—that this case involves only *restoration* of the right to vote, not an already-existing right to vote. But voting is no less important to these plaintiffs than to others, and a ruling on the plaintiffs’ constitutional rights is no less urgent than it would be for individuals who have never been convicted. Moreover, the Secretary’s proposed distinction assumes she is right on the merits—that, as she contends on the merits, the plaintiffs still have no right to vote. A court does not properly decide to abstain by first accepting a defendant’s position on the merits.

The second circumstance that makes abstention inappropriate here is that the Florida Supreme Court’s ruling on the most important part of the unclear issue of state law can be predicted with substantial confidence. This is addressed in the next section of this order.

The Secretary also invokes other abstention doctrines, but they are inapplicable based on these same two circumstances and for additional reasons. A preliminary injunction of proper scope will not interfere with a complex state regulatory scheme of the kind that sometimes makes abstention proper under *Burford v. Sun Oil Co.*, 319 U.S. 315 (1943). The proceeding that is pending in the Florida Supreme Court was initiated by the Governor’s request for an advisory opinion on state-law issues, but the Governor explicitly asked the court *not* to

address the federal constitutional issues pending in this court. *See* ECF No. 148-13 at 4-5. Because no proceeding is pending in state court that will address the constitutional issues in these consolidated cases, and for other reasons as well, abstention is not warranted under *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976). Finally, this case does not involve eminent domain, as did *Louisiana Power & Light Co. v. City of Thibodaux*, 360 U.S. 25 (1959), nor any similar prerogative of the sovereign.

For all these reasons, this order denies the Secretary's motion to abstain.

V. Does Amendment 4 Require Payment of Financial Obligations?

The Florida Supreme Court has said that construction of a voter-initiated constitutional amendment properly begins with the provision's text and takes into account the intent of both the framers and the voters. *See Zingale v. Powell*, 885 So. 2d 277, 282 (Fla. 2004). A court properly follows "principles parallel to those of statutory interpretation." *Id.*

Amendment 4 automatically restores voting rights "upon completion of all terms of sentence including parole or probation." As the Secretary emphatically notes, "all" means "all." But the question is not whether "all" means "all"; it obviously does. The question is all *of what*. This order divides the discussion of this issue into four parts: (a) fines and restitution; (b) other financial obligations

imposed at the time of sentencing; (c) amounts converted to civil liens; and (d) the bottom-line treatment of these issues for purposes of this order.

A. Fines and Restitution

Fines and restitution imposed at the time of sentencing—announced in open court or included in the sentencing document—are part of the sentence. On one reading, provisions that are part of a sentence are “terms” of the sentence.

This is consistent with one dictionary definition, under which “terms” are “provisions that determine the nature and scope of an agreement.” “Term,” *Merriam-Webster’s Online Dictionary 2019*, available at <https://www.merriam-webster.com/dictionary/term>.³ A sentence is not an agreement, but close enough. Other dictionaries probably articulate the same concept in ways more clearly applicable to a sentence. It is no stretch to suggest that the “terms” of a sentence are everything in the sentence, including fines and restitution.

On the other side, it is at least curious that Amendment 4 says “including parole or probation” but not “including fines and restitution.” At least literally,

³ The United States Supreme Court, the Eleventh Circuit, and the Florida Supreme Court have all cited Merriam-Webster’s in construing texts. *See, e.g., Octane Fitness, LLC v. ICON Health & Fitness, Inc.*, 572 U.S. 545, 553-54 (2014); *Burlington N. & Santa Fe Ry. Co. v. United States*, 556 U.S. 599, 611 (2009); *United States v. Undetermined Quantities of All Articles of Finished & In-Process Foods*, 936 F.3d 1341, 1346 (11th Cir. 2019); *United States v. Zuniga-Arteaga*, 681 F.3d 1220, 1224 (11th Cir. 2012); *Arriaga v. Fla. Pac. Farms, LLC*, 305 F.3d 1228, 1242 (11th Cir. 2002); *Raymond James Fin. Servs., Inc. v. Phillips*, 126 So. 3d 186, 190 n.4 (Fla. 2013).

“including” means “including but not limited to.” See “Include,” *Black’s Law Dictionary* (11th ed. 2019). The word is usually, but not always, construed this way. See Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 132-33 (2012). Under the negative-implication canon of construction, listing one thing but not others sometimes suggests the others are not included. See *id.* at 107-11. There is even a Latin phrase for this, confirming it must be true, at least sometimes: “*expressio unius est exclusio alterius.*” See *id.* at 107-11, 428.

In any event, another dictionary definition of “term” is “a limited or definite extent of time.” “Term,” *Merriam-Webster’s Online Dictionary 2019*, available at <https://www.merriam-webster.com/dictionary/term>. A period of imprisonment is a “term,” as is a period on parole or probation. But this meaning of “term” has no application to financial obligations imposed as part of a sentence. So “all terms of sentence including probation or parole” could mean only all “terms”—periods of time—in prison or under supervision. Not financial obligations.

This reading also fits more comfortably with Amendment 4’s reference to “completion” of the terms of sentence. It is commonplace to say a prison term has been completed. So also a term of supervision. A fine or restitution, in contrast, may be *paid*, and one could say, rather inartfully, that a *payment* has been completed. But without a reference to payment, it is at least somewhat awkward to say a fine or other financial obligation has been “completed.” Nobody would say,

“I completed my student loan” or “completed my car loan” or “completed my credit-card account.”

In sum, Amendment 4’s language, standing alone, could be read to include, or not to include, fines and restitution. This brings us to considerations beyond just the amendment’s language.

Under Florida law, a voter-initiated constitutional amendment may go on the ballot only if its language and its ballot summary are approved in advance by the Florida Supreme Court. *See Fla. Const. art. IV § 10; see id. art. X, § 3(b)(10)*. When the proponents of Amendment 4 sought the Florida Supreme Court’s approval to place the amendment on the ballot, the issues of fines and restitution were explicitly addressed.

The only speaker at the oral argument in the Florida Supreme Court was the proponents’—that is, the framers’—attorney. He said the critical language “all terms of sentence” means “anything that a judge puts into a sentence.” ECF No. 148-1 at 9. A justice asked, “So it would include the full payment of any fines?” *Id.* The attorney responded, “Yes, sir.” *Id.* Another justice asked, “Would it also include restitution when it was ordered to the victim . . . as part of the sentence?” *Id.* at 17-18. The attorney answered, “Yes.” *Id.* Yet another justice suggested this might “actually help the State” by providing an incentive for payment. *Id.* at 19.

The intended meaning of Amendment 4 cannot be determined based only on what the proponents' attorney said at oral argument or what three justices thought at that time. A critical question—even more important—is what a reasonable *voter* would have understood the amendment's language to mean. But the Florida Supreme Court has said that in construing amendments, the framers' views are relevant. *Zingale*, 885 So. 2d at 282-83; *see also Gray v. Bryant*, 125 So. 2d 846, 851 (Fla. 1960). The court will surely take into account the proponents' assertions at oral argument. The proponents of an amendment ought not be able to tell the Florida Supreme Court that the amendment means one thing but later, after adoption, assert the amendment means something else.

In any event, voters might well have understood the amendment to require felons to meet all components of their sentence—whatever they might be—before automatically becoming eligible to vote. The plaintiffs say the voters' intent was to restore the right of felons to vote and that all doubts should be resolved accordingly—that is, in favor of otherwise-disenfranchised felons. But that goes too far. The theory of most voters might well have been that felons should be allowed to vote only when their punishment was complete—when they “paid their debt to society.”

If, based on this theory, a felon must serve a prison sentence or finish a term of supervision as a condition of voting, it is difficult to argue that a felon who is

able to pay a fine should not be required to do so, also as a condition of voting. Fines are imposed as punishment, sometimes instead of, sometimes in addition to, imprisonment. Inability to pay raises different issues, not only of policy but of constitutional law, but those are issues bearing only a little, if at all, on the proper interpretation of “all terms of sentence.” If that phrase is read to exclude fines, it will mean that a felon who is able to pay a fine but chooses not to do so will nonetheless automatically become eligible to vote. There is no evidence that this is what Florida voters intended.

The analysis of voters’ intent for restitution is similar, though on at least one view, restitution is imposed not so much as punishment as to provide just compensation to a victim. If voters intended “all terms of sentence” to mean punishment, restitution is not as clearly covered as fines. But voters might still have deemed restitution part of a felon’s “debt to society.”

In arguing that payment of financial obligations is not required, the plaintiffs note the widely publicized assertion that if adopted, Amendment 4 would immediately make roughly 1.4 million felons eligible to vote. Indeed, the state officials responsible for estimating in advance the likely financial impact of Amendment 4 used a similar figure, and the proponents’ attorney referred to it during oral argument in the Florida Supreme Court. Citing the financial-impact analysis, the attorney said the experience in other states has been that the

registration rate for felons who become eligible to vote is roughly 20% and that, for Amendment 4, this would mean about 270,000 people.⁴ Curiously, the attorney said this would put the total number of eligible felons at 700,000, but better arithmetic—270,000 divided by .20—would put the eligible number at 1,350,000, in line with the widely publicized figure of roughly 1.4 million.

As it turns out, many of Florida's otherwise-eligible felons have unpaid fines and restitution and many more owe fees of various kinds that are addressed in the next subsection of this order. The record does not show the percentage of otherwise-eligible felons who have unpaid fines and restitution, but the record shows that roughly 80% of otherwise-eligible felons have unpaid fines, restitution, or other financial obligations imposed at the time of sentencing. See Smith Report, ECF No. 153-1 at 4; see also Hr'g Tr., ECF No. 204 at 49. If payment of all these obligations is a prerequisite to eligibility, the estimate of the number of felons who would become eligible under Amendment 4 was wildly inaccurate.

Even so, this provides only slight support for the plaintiffs' assertion that Amendment 4 was not intended to require payment of these obligations. Recall that a critical question is the understanding of the voters who adopted the amendment. Surely many of those voters, probably most, were unaware of the 1.4 million estimate. And even voters who *were* aware of the 1.4 million estimate usually had

⁴ ECF No. 148-1 at 9.

no reason to know how it was calculated—no reason to believe the estimate included felons with unpaid financial obligations. More important than the estimated number of affected felons was the assertion, readily derived from the text of the amendment, that felons would become eligible only after completing “all terms of sentence.” The estimated raw number says little if anything about what the voters understood this language to mean.

Indeed, the estimate does not even show what those who came up with the estimate or embraced it understood the amendment to mean. The state’s financial analysts may have lacked familiarity with the state’s criminal-justice system and may have failed even to spot the issue. Those who embraced the estimate likely had no idea how many felons would be affected by a requirement to pay fines and restitution, let alone by a requirement to pay other financial obligations. The plaintiffs have tendered no evidence that anyone who made or embraced the estimate actually considered this issue, knew that a substantial number of Florida sentences include fines and restitution, knew that *all* Florida sentences include other financial obligations, or knew that most felons who have finished their time in prison and under supervision have not paid all these financial obligations. The erroneous estimate of the effect of the amendment, even if widely accepted, does not show that most voters thought the right to vote would be restored to those whose sentences included unpaid fines or restitution.

B. Other Financial Obligations

Quite apart from a sentencing judge's decision about the proper punishment for a given felony—punishment that may include a fine—Florida law requires the judge to impose fees whose primary purpose is to raise revenue, sometimes for a specific purpose. The fees often bear no apparent relationship to culpability. The fees for a violent felony that produces substantial bodily injuries may be the same as the fees for a comparatively minor, nonviolent felony, including, for example, shoplifting items of sufficient value.⁵

The fees are ordinarily the same for a defendant who is convicted by a jury or pleads guilty, on the one hand, as for a defendant who denies guilt and pleads no contest, on the other hand.⁶ The fees are ordinarily the same whether a defendant is adjudicated guilty or adjudication is withheld.⁷

⁵ See Fla. Stat. § 938.05(1); see also ECF No. 152-10 at 15; ECF No. 152-20 at 14.

⁶ See Fla. Stat. § 938.05(1).

⁷ See, e.g., Fla. Stat. § 938.29(1)(a) (imposing fees on a “convicted person” and stating that, for this purpose, convicted means “a determination of guilty, or of violation of probation or community control, which is result of a plea, trial, of violation proceeding, regardless of whether adjudication is withheld”).

The fees include \$50 for applying for representation by a public defender;⁸ \$100 for actual representation by a public defender;⁹ at least \$100 for the state attorney's "costs" (though these are not court costs of the kind ordinarily taxed in favor of a prevailing party in litigation);¹⁰ \$225 as "additional court costs" (though again unrelated to court costs of the traditional kind), of which \$25 is remitted to the Department of Revenue for deposit in the General Revenue Fund; and additional amounts whose ostensible purpose, other than to raise revenue, is not always clear.¹¹

A state of course must provide an attorney for an indigent defendant. *See Gideon v. Wainwright*, 372 U.S. 335 (1963). Even so, a state may be able to require a convicted defendant to pay the state back for the expense of providing the attorney. *See, e.g., James v. Strange*, 407 U.S. 128 (1972). It is a stretch, though, to say that when the voters adopted Amendment 4 restoring the right of felons to vote upon "completion of all terms of sentence," the intent was to condition the right to

⁸ *See* Fla. Stat. §§ 938.29(1), 27.52(1)(b); *see also* ECF No. 152-10 at 15; ECF No. 152-20 at 12.

⁹ *See* Fla. Stat. § 938.29(1); *see also* ECF No. 152-10 at 15.

¹⁰ *See* Fla. Stat. § 938.27(8); *see also* ECF No. 152-10 at 15.

¹¹ *See* Fla. Stat. § 938.05; *see also* ECF No. 152-10 at 15; ECF No. 152-20 at 14.

vote on the payment of fees for representation by a public defender. And the same could be said of some if not all of the other fees.

At the very least, the analysis of whether Amendment 4 conditions restoration of the right to vote on the payment of financial obligations may be different for fines and restitution, on the one hand, and for the various fees imposed without regard to culpability, on the other hand. The former were explicitly discussed at the oral argument in the Florida Supreme Court; the latter were not. But whatever might be said of Amendment 4, it apparently is clear that SB7066 conditions the right to vote on the payment of the fees, so long as they are included in the sentencing document, as they usually are.¹²

C. Conversion to Civil Liens

Florida law allows a judge to convert a financial obligation imposed at the time of sentencing to a civil lien. *See* Fla. Stat. § 938.30(6)-(9). Judges often do this when they know the defendant is unable to pay the amount being assessed. *See* Hr'g Tr., ECF No. 204 at 94; Timmann Dep., ECF No. 194-1 at 31; Haughwout Decl., ECF No. 167-103 at 5-6; ECF No. 167-20 at 48. Conversion to a civil lien takes the obligation out of the criminal-justice system and allows collection through the same civil processes available to ordinary creditors.

¹² *See, e.g.*, ECF No. 152-10 at 15.

The analysis of whether Amendment 4 conditions restoration of the right to vote on the payment of financial obligations may be different for amounts that have or have not been converted to civil liens. The oral argument at the Florida Supreme Court did not explicitly address this issue. But again, whatever might be said of Amendment 4, it is clear that SB7066 conditions the right to vote on the payment even of amounts that have been converted to civil liens. *See Fla. Stat. §98.0751(2)(a).*

D. The Treatment of These Issues for Purposes of This Order

On this issue of whether Amendment 4 requires payment of financial obligations imposed at the time of sentencing—and if so, which financial obligations—the last word will belong to the Florida Supreme Court. This order assumes, subject to revision as the litigation progresses, that “all terms of sentence” includes fines and restitution, fees even when unrelated to culpability, and amounts even when converted to civil liens, so long as the amounts are included in the sentencing document. This is what SB7066 provides.

The Florida Supreme Court’s anticipated ruling on fines and restitution can be predicted with substantial confidence. The ruling on the other amounts cannot be predicted as confidently but will not affect the ruling on the preliminary-injunction motion of these individual plaintiffs.

VI. The Standards Governing Preliminary Injunctions

This brings us to the plaintiffs' constitutional claims—the claims on which they base their motion for a preliminary injunction. As a prerequisite to a preliminary injunction, a plaintiff must establish a substantial likelihood of success on the merits, that the plaintiff will suffer irreparable injury if the injunction does not issue, that the threatened injury outweighs whatever damage the proposed injunction may cause a defendant, and that the injunction will not be adverse to the public interest. *See, e.g., Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1354 (11th Cir. 2005); *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc). The burden of proof is on the plaintiff.

VII. Reenfranchisement Must Comply with the Constitution

When a state decides to restore the right to vote to some felons but not others, the state must comply with the United States Constitution, including the First, Fourteenth, and Twenty-Fourth Amendments. It is no answer to say, as the Secretary does, that a felon has no right to vote at all, so a state can restore the right to vote or not in the state's unfettered discretion. Both the Supreme Court and the en banc Eleventh Circuit have squarely rejected that assertion.

In *Richardson v. Ramirez*, 418 U.S. 24 (1974), the plaintiffs were felons who had completed their terms in prison and on parole but who, under California

law, were still denied the right to vote. The Supreme Court rejected their claim that this, without more, violated the Equal Protection Clause.

Even so, the Court did *not* say that because a state could choose to deny all felons the right to vote and to restore none of them, the state's decision to restore the vote to some felons but not others was beyond the reach of the Constitution. Quite the contrary. The Court remanded the case to the California Supreme Court to address the plaintiffs' separate contention that California had not treated all felons uniformly and that the disparate treatment violated the Equal Protection Clause. *Id.* at 56. The remand was appropriate because when a state allows some felons to vote but not others, the disparate treatment must survive review under the Equal Protection Clause. The same is true here.

Similarly, in *Johnson v. Governor of Florida*, 405 F.3d 1214 (11th Cir. 2005) (en banc), the court upheld Florida's decision to disenfranchise all felons, subject to restoration of the right to vote by the Florida Executive Clemency Board. Again, though, the court did *not* say that a state's decision to restore the vote to some felons but not others was beyond constitutional review. Instead, citing an equal-protection case, the court made clear that even in restoring the right of felons to vote, a state must comply with other constitutional provisions. *See id.*, 405 F.3d at 1216-17 n.1 (citing *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 668 (1966)).

An earlier decision to the same effect is *Shepherd v. Trevino*, 575 F.2d 1110 (5th Cir. 1978). There the court said a state's power to disenfranchise felons does not allow the state to restore voting rights only to whites or otherwise to "make a completely arbitrary distinction between groups of felons with respect to the right to vote." *Id.* at 1114. As a decision of the Old Fifth Circuit, *Shepherd* remains binding in the Eleventh. See *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir.1981) (en banc).

Other courts, too, have recognized that provisions restoring the voting rights of felons are subject to constitutional review. See, e.g., *Harvey v. Brewer*, 605 F.3d 1067, 1079 (9th Cir. 2010) (O'Connor, J.) (holding the Equal Protection Clause applicable to Arizona's felon-restoration statute but rejecting the plaintiffs' claim on the merits; noting that a state could not restore the vote only to felons of a specific race or only to those over six feet tall); *Johnson v. Bredesen*, 624 F.3d 742, 746-50 (6th Cir. 2010) (holding the Equal Protection Clause applicable to Tennessee's felon-restoration statute but rejecting the plaintiffs' claim on the merits); *Owens v. Barnes*, 711 F.2d 25, 26-27 (3d Cir. 1983) (holding the Equal Protection Clause applicable to Pennsylvania's felon-restoration statute but rejecting the plaintiff's claim on the merits).

VIII. The Constitution Allows a State to Condition Reenfranchisement on Payment of At Least Some Financial Obligations

Leaving aside for the moment claims based on inability to pay or the Twenty-Fourth Amendment, it is clear that a state can deny restoration of a felon's right to vote based on failure to pay financial obligations included in a sentence. This is so regardless of the level of scrutiny deemed applicable—whether rational-basis scrutiny, as the Secretary contends, or strict scrutiny tempered by the holding in *Richardson* that the Fourteenth Amendment affirmatively allows felon disenfranchisement.

Harvey applied rational-basis scrutiny and upheld the Arizona requirement to pay fines and restitution. No plaintiff claimed indigency, so the court did not address that issue or the level of scrutiny it would trigger. *See Harvey*, 605 F.3d at 1080.) *Johnson v. Bredesen* applied rational-basis scrutiny and upheld a requirement to pay restitution and unrelated child-support obligations, even as applied to felons unable to pay. *Madison v. State*, 163 P.3d 757 (Wash. 2007), with no majority opinion, upheld a requirement to pay fines, costs, and restitution, even as applied to felons unable to pay.

As an original matter, one might take issue with this treatment of a felon's right to vote. The Declaration of Independence holds it "self-evident" that men—today we would add women—are endowed with unalienable rights, including life, liberty, and the pursuit of happiness. The Declaration says that to secure these

rights, governments are instituted, “deriving their just powers from the consent of the governed.” *Declaration of Independence* para. 2 (U.S. 1776). Felons, no less than others, are “governed.”

This does not, however, give felons the right to vote. The Declaration of Independence is aspirational, not the law, and the majority of the governed, at least in Florida, have chosen to forgo the consent of felons, pending only the restoration of their right to vote as provided by law. *Richardson and Johnson v. Governor*, if not the Declaration of Independence, allow the State to take this approach.

So a state can properly disenfranchise felons, even permanently, and if the state decides to restore the right to vote to anyone, the state can exercise discretion in choosing among the candidates. Consistent with this considerable leeway, a state can rationally choose to take into account not only whether a felon has served any term of imprisonment and supervision but also whether the felon has paid any financial obligation included in the sentence. A state can rationally decide that the right to vote should not be restored to a felon who is able to pay but chooses not to do so. Indeed, a state’s decision not to restore the vote to such a person survives even strict scrutiny, so long as it is recognized, as *Richardson* requires, that the Constitution affirmatively allows disenfranchisement.

IX. Johnson v. Governor: The Right to Vote Cannot Be Made to Depend on an Individual's Financial Resources

The analysis to this point does not, however, resolve the claim based on inability to pay. The starting point of the analysis of this issue, and pretty much the ending point, is a succinct statement of the en banc Eleventh Circuit addressing this very issue: whether the State of Florida can deny restoration of a felon's right to vote based on failure to pay an amount the felon is unable to pay. In a case in which the financial obligation at issue was restitution, the court said:

Access to the franchise cannot be made to depend on an individual's financial resources. Under Florida's Rules of Executive Clemency, however, the right to vote can still be granted to felons who cannot afford to pay restitution. . . . Because Florida does not deny access to the restoration of the franchise based on ability to pay, we affirm the district court's grant of summary judgment in favor of the defendants on these claims.

Johnson v. Governor of Florida, 405 F.3d 1214, 1216-17 n.1 (11th Cir. 2005) (en banc) (emphasis added; citation omitted to *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 668 (1966)). *Harper* held that Virginia's \$1.50 poll tax for state elections violated the Equal Protection Clause.

The *Johnson* footnote is a binding, controlling statement of the en banc Eleventh Circuit addressing not an individual's right to vote in the first instance but the very issue in the case at bar: restoration of a *felon's* right to vote.

Johnson establishes two things.

First, the State of Florida cannot deny restoration of a felon's right to vote solely because the felon does not have the financial resources necessary to pay restitution. And because, for this purpose, there is no reason to treat restitution differently from other financial obligations included in a sentence, Florida also cannot deny restoration of a felon's right to vote solely because the felon does not have the financial resources to pay the other financial obligations. The court summed it up succinctly: "*Access to the franchise cannot be made to depend on an individual's financial resources.*" *Johnson*, 405 F.3d at 1216-17 n.1 (emphasis added).

Second, the State meets its constitutional obligation—that is, its obligation not to deny restoration of the right to vote based on lack of financial resources—if the State allows the lack of financial resources to be addressed as part of the same process through which other felons may obtain restoration of the right to vote. Further, though not addressed in *Johnson* itself, a reasonable corollary is that the State can satisfy its duty by another method of its choosing, so long as the method is equally accessible to the felon or otherwise comports with constitutional requirements.

Before going on to address further support for, and the import of, these two *Johnson* holdings, a word is in order on why *Johnson* is binding, that is, why it must be followed in this court. The Eleventh Circuit has a longstanding,

unwavering principle: the law of the circuit as established in the first case to address an issue must be followed until altered by the Eleventh Circuit en banc or the United States Supreme Court. *See, e.g., United States v. Gillis*, 938 F.3d 1181, 1198 (11th Cir. Sept. 13, 2019); *United States v. Vega-Castillo*, 540 F.3d 1235, 1236 (11th Cir. 2008). District judges in the circuit must follow course. That an issue is resolved in a footnote rather than in the text of an opinion makes no difference.

To be sure, dictum—a statement unnecessary to the decision in a case—is not binding. *See, e.g., United States v. Birge*, 830 F.3d 1229, 1231 (11th Cir. 2016) (stating that the requirement to follow prior decisions “applies only to holdings, not dicta”); *McDonald’s Corp. v. Robertson*, 147 F.3d 1301, 1315 (11th Cir. 1998) (Carnes, J., concurring) (“[D]icta in our opinions is not binding on anyone for any purpose.”). But the *Johnson* footnote is not dictum. The footnote explains precisely why the court reached its decision on one of the issues in the case. The explanation was this: a state cannot refuse to restore a felon’s right to vote because of inability to pay restitution, but the plaintiffs did not establish a violation of that principle. Their claim failed “because”—as clear a statement as one can have that this was the basis for the decision—state law allowed restoration of a felon’s right to vote through the Executive Clemency Board without requiring payment of amounts the felon could not pay.

As a binding Eleventh Circuit holding, the *Johnson* footnote would be controlling even in the absence of Supreme Court decisions supporting the result. But *Johnson* does not lack Supreme Court support; it is consistent with a series of Supreme Court decisions.

In one, *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996), the Court noted the “general rule” that equal-protection claims based on indigency are subject to only rational-basis review. This is the same general rule on which the Secretary places heavy reliance here. But in *M.L.B.* the Court said there are two exceptions to the general rule. *Id.* at 123-24.

The first exception, squarely applicable here, is for claims related to voting. *Id.* at 124. The Court said, “The basic right to participate in political processes as voters and candidates cannot be limited to those who can pay for a license.” *Id.* at 124. The Court cited a long line of cases supporting this principle. *Id.* at 124 n.14. In asserting that the Amendment 4 and SB7066 requirement for payment of financial obligations is subject only to highly deferential rational-basis scrutiny, the Secretary ignores this exception.

The second exception is for claims related to criminal or quasi-criminal processes. Cases applying this exception hold that punishment cannot be increased because of a defendant’s inability to pay. *See, e.g., Bearden v. Georgia*, 461 U.S. 660 (1983) (holding that probation cannot be revoked based on failure to pay an

amount the defendant is financially unable to pay). Disenfranchisement of felons has a regulatory component, *see, e.g., Trop v. Dulles*, 356 U.S. 86, 96-97 (1958), and when so viewed, disenfranchisement is subject only to the first *M.L.B.* exception, not this second one. But when the purpose of disenfranchisement is to punish, this second exception applies. If, after adoption of Amendment 4, the purported justification for requiring payment of financial obligations is only to ensure that felons pay their “debt to society”—that is, that they are fully punished—this second *M.L.B.* exception is fully applicable.

Another case applying these principles is *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966), which was cited in both *M.L.B.* and the *Johnson* footnote. In *Harper* the Supreme Court said “[v]oter qualification has no relation to wealth.” *Id.* at 666. The Court continued, “[w]ealth, like race, creed, or color, is not germane to one’s ability to participate intelligently in the electoral process.” *Id.* at 668. And the Court added, “[t]o introduce wealth or payment of a fee as a measure of a voter’s qualifications is to introduce a capricious or irrelevant factor.” *Id.* The Secretary says none of this is true when the voter is a felon, but the Secretary does not explain how a felon’s wealth is more relevant than any other voter’s. And *Johnson* plainly rejected the Secretary’s proposed distinction.

The error in the Secretary’s position can be illustrated with a hypothetical. Suppose a state adopted a statute automatically restoring the right to vote for felons

with a net worth of \$100,000 or more but not for other felons. Would anyone contend this was constitutional? One hopes not. An official who adopts a constitutional theory that would approve such a statute needs a new constitutional theory.

The difference between the hypothetical, on the one hand, and Amendment 4 and SB7066, on the other hand, is that the financial condition in the hypothetical is unrelated to a felon's sentence, while the financial obligations at issue under Amendment 4 and SB7066 are part of a felon's sentence. If writing on a clean slate, one could reasonably argue both sides of the question whether this difference changes the result. But the slate is not clean. The *Johnson* footnote addressed a financial obligation that was part of the sentence and nonetheless concluded that restoration of a felon's right to vote could not constitutionally be made to depend on ability to pay the obligation.

In asserting that the State can properly condition voting on payment of an amount a felon cannot afford to pay, the Secretary makes no effort to come to grips with *Johnson*. Instead, the Secretary cites the Ninth Circuit's decision in *Harvey v. Brewer*, 605 F.3d 1067 (9th Cir. 2010), the Sixth Circuit's decision in *Johnson v. Bredesen*, 624 F.3d 742 (6th Cir. 2010), and the Washington Supreme Court's decision in *Madison v. State*, 163 P.3d 757 (Wash. 2007).

These out-of-circuit decisions do not carry the day for the Secretary. The *Harvey* plaintiffs did not allege inability to pay, so the court explicitly declined to address the issue. *Johnson v. Bredesen* was a 2–1 decision, and the dissent had the better of it. *Madison* was again a split decision, and again the dissent had the better of it. More importantly, a district court in the Eleventh Circuit cannot decline to follow a binding circuit precedent just because other courts have taken a different view. *Johnson* is controlling.

X. Johnson v. Governor: The Scope of the Remedy

Johnson does not mean, though, that the individual plaintiffs are entitled to a preliminary injunction requiring the Secretary and affected Supervisor to allow them to vote. *Johnson* requires only that the State put in place an appropriate procedure through which an individual plaintiff may register and vote if otherwise qualified and genuinely unable to pay outstanding financial obligations.

This issue was addressed during closing argument following the evidentiary hearing. Asked whether, based on *Johnson*, it would be sufficient for the State to allow the plaintiffs to establish their inability to pay in a proceeding before the Executive Clemency Board, the plaintiffs asserted they cannot properly be forced into a different track than available to all other felons. Hr'g Tr., ECF No. 205 at 23-25. At first blush, the contention makes sense. *See, e.g., Harman*, 380 U.S. at

542 (holding it unconstitutional to require indigent voters to file certificates of residency not required of voters who paid a \$1.50 poll tax).

The flaw in the contention is this. As set out above, the State can condition restoration of a felon's right to vote on payment of fines and restitution the felon is able to pay. When a felon claims inability to pay, the State need not just take the felon's word for it. The State may properly place the burden of establishing inability to pay on the felon and, to that end, may put in place an appropriate administrative process. That this places a greater burden on the felon claiming inability to pay than on felons with no unpaid obligations is unavoidable and not improper.

The process available to the *Johnson* plaintiffs was an application to the Executive Clemency Board. The individual plaintiffs in the case at bar also have the right to apply to the Executive Clemency Board. If the Board operates at a pace that makes it an available remedy in fact, the State can satisfy its *Johnson* obligation through the Board, so long as the Board complies with *Johnson*. This will mean restoring the right to vote of any felon who applies and whose right to vote would be automatically restored under Amendment 4 and SB7066 but for financial obligations the applicant is genuinely unable to pay.

The Executive Clemency Board is not, however, the forum in which other felons will claim their right to vote under Amendment 4 and SB7066. Just as the

State could satisfy its obligation to the indigent *Johnson* plaintiffs by making available to them the same process available to others, so also the State may satisfy its obligation to the indigent plaintiffs in the case at bar by making available to them the same process available to others whose right to vote has been restored under Amendment 4 and SB7066. That process consists of up to six steps.

First, a felon, like any other prospective voter, submits an application to the appropriate county's Supervisor of Elections.¹³ Second, if the application is sufficient on its face, the Supervisor puts the applicant on the roll of qualified voters and forwards the application to the Secretary of State, who checks for disqualifying felony convictions.¹⁴ Third, if "credible and reliable" information indicates the applicant has a disqualifying conviction, the Secretary so notifies the Supervisor.¹⁵ Fourth, if the Supervisor accepts the Secretary's conclusion after any further investigation the Supervisor chooses to undertake, the Secretary gives the applicant notice and an opportunity to be heard.¹⁶ Fifth, if the applicant fails to establish eligibility to vote, the Supervisor removes the applicant from the roll of

¹³ Matthews Decl., ECF No. 148-16 at 3.

¹⁴ *Id.* at 5.

¹⁵ *Id.* at 6; *see also* Fla. Stat. § 98.075(5).

¹⁶ Matthews Decl., ECF No. 148-16 at 8, 11; *see also* Fla. Stat. § 98.075(7).

qualified voters.¹⁷ Sixth, the applicant may challenge the Supervisor's decision through an action in state circuit court, where evidence may be presented and the decision will be made de novo, without deference to the Supervisor.¹⁸

Consistently with *Johnson*, the State could meet its obligation not to deny restoration of the right to vote based on lack of financial resources by requiring the Secretary to determine at step three of the process, or by allowing an otherwise-qualified felon to establish at step four, that the reason for failing to pay any outstanding financial obligation was inability to pay. That this might require a hearing does not make it unconstitutional. *See Johnson*, 405 F.3d at 1217 n.1 (“The requirement of a hearing is insufficient to support the plaintiffs’ claim.”). Or the State could meet its obligation by a constitutionally acceptable alternative method. What the State cannot do, under *Johnson*, is deny the right to vote to a felon who would be allowed to vote but for the failure to pay amounts the felon has been genuinely unable to pay.

XI. The Community-Service Option Does Not Save an Unconstitutional Requirement to Pay

SB7066 includes a provision allowing a court to convert a financial obligation to community service. A felon may satisfy the otherwise-applicable

¹⁷ Matthews Decl., ECF No. 148-16 at 11; *see also* Fla. Stat. § 98.075(7).

¹⁸ *See* Fla. Stat. §§ 98.075(7), 98.0755.

financial obligation by performing the proper amount of community service. The Secretary says this means restoration of the right to vote is not unconstitutionally conditioned on financial resources.

The Secretary's assertion fails for three reasons.

First, the community-service option applies only to Florida convictions, not out-of-state or federal convictions. And the option applies only when a judge chooses to employ it. For many felons, including at least some of the individual plaintiffs, the option is not available at all.

Second, even for felons convicted in a Florida state court and for whom the judge chooses to employ the community-service option, the prospect of satisfying financial obligations in this way is often wholly illusory. Community service is usually credited at low hourly rates.¹⁹ Some plaintiffs would miss many votes before they could satisfy their financial obligations in this way, even if allowed to do so, and some plaintiffs would never be able to satisfy their obligations. In the meantime, the right to vote would be lost based solely on lack of financial resources.

Third, separate and apart from the hourly rate and the near certainty that a plaintiff would miss votes even if allowed to use the community-service option, the

¹⁹ Hr'g Tr., ECF No. 204 at 94, Timmann Dep., ECF No. 194-1 at 63, Haughwout Decl., ECF No. 152-20 at 8.

option does not eliminate the disparate treatment of otherwise-qualified felons based on financial resources. Those with financial resources would still be able to vote simply by paying their financial obligations, while felons without the same resources would not be able to do so. The option thus does not cure the underlying problem: “Access to the franchise cannot be made to depend on an individual’s financial resources.” *Johnson*, 405 F.3d at 1216-17 n.1 (emphasis added).

XII. Twenty-Fourth Amendment

The Twenty-Fourth Amendment to the United States Constitution provides that a citizen’s right to vote in a federal election “shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.” The State says the amendment does not apply to felons because they have no right to vote at all, but that makes no sense. A law allowing felons to vote in federal elections but only upon payment of a \$10 poll tax would obviously violate the Twenty-Fourth Amendment.

Florida has not, of course, explicitly imposed a poll tax. The financial obligations at issue were imposed as part of a criminal sentence. The obligations existed separate and apart from, and for reasons unrelated to, voting. Every court that has considered the issue has concluded that such a preexisting obligation is not a poll tax. *See, e.g., Johnson v. Bredesen*, 624 F.3d 742, 751 (6th Cir. 2010); *Harvey v. Brewer*, 605 F.3d 1067, 1080 (9th Cir. 2010); *Thompson v. Alabama*,

293 F. Supp. 3d 1313, 1332-33 (M.D. Ala. 2017); *Coronado v. Napolitano*, No. cv-07-1089-PHX-SMM, 2008 WL 191987 at *4-5 (D. Ariz. Jan. 22, 2008).

This does not, however, end the Twenty-Fourth Amendment analysis. The amendment applies not just to any poll tax but also to any “other tax.” As the Secretary emphasizes in addressing Florida’s Amendment 4, “words matter.” The same principle applies to the Twenty-Fourth Amendment. The words “any . . . other tax” are right there in the amendment.

There is no defensible way to read “any other tax” to mean only any tax imposed at the time of voting or only any tax imposed explicitly for the purpose of interfering with the right to vote. “Any other tax” means “any other tax.” A law prohibiting citizens from voting while in arrears on their federal income taxes or state sales or use taxes would plainly violate the Twenty-Fourth Amendment. A state could not require a voter to affirm, on the voter-registration application or when casting a ballot, that the voter was current on all the voter’s taxes. The very idea is repugnant.

The only real issue is whether the financial obligations now at issue are taxes. As the Supreme Court has made clear time and again, whether an exaction is a “tax” for constitutional purposes is determined using a “functional approach,” not simply by consulting the label given the exaction by the legislature that imposed it. *See, e.g., Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 564-66 (2012)

(collecting cases). The Supreme Court has said the “standard definition of a tax” is an “enforced contribution to provide for the support of the government.” *United States v. State Tax Comm’n of Miss.*, 421 U.S. 599, 606 (1975) (quoting *United States v. La Franca*, 282 U.S. 568, 572 (1931)). More recently, the Court has said the “essential feature of any tax” is that “[i]t produces at least some revenue for the Government.” *Nat’l Fed’n*, 567 U.S. at 564 (citing *United States v. Kahriger*, 345 U.S. 22, 28 n.4 (1953)).

Some of the financial obligations at issue plainly are not taxes. Criminal fines generate revenue for the government that imposes them, but the primary purpose is to punish the offender, not to raise revenue. Fines are criminal penalties; they are not taxes. Similarly, restitution payable to the private victim of a crime—not to a government—lacks the essential feature of a tax; restitution is intended to compensate the victim, not raise revenue for the government. Restitution payable to a victim is not a tax.

The issue is much closer for other amounts routinely assessed against Florida criminal defendants, including not only those who are adjudicated guilty but also those who enter no-contest pleas that resolve their cases without an adjudication of guilt. Florida has chosen to pay for its criminal-justice system in significant measure through such fees. The record establishes that in one county, the fees total at least \$698 for every defendant who is represented by a public

defender and at least \$548 for every defendant who is not.²⁰ If, as the Supreme Court has held, a \$100 assessment against a person who chooses not to comply with the legal obligation to obtain conforming health insurance is a tax, *see National Federation*, 567 U.S. at 574, it is far from clear that a \$698 or \$548 assessment against a person who is charged with but not adjudicated guilty of violating some other legal requirement is not also a tax, at least when, as in Florida, the purpose of the assessment is to raise money for the government. And if a fee assessed against a person who is not adjudicated guilty is a tax, then the same fee, when assessed against a person who *is* adjudicated guilty, is also a tax.

A definitive ruling on whether the Florida fees are taxes within the meaning of the Twenty-Fourth Amendment need not be made at this time because it will not affect the ruling on the preliminary-injunction motion of these specific plaintiffs.

XIII. Due Process

The plaintiffs assert that even if a state can properly condition restoration of a felon's right to vote on payment of financial obligations included in a sentence, the manner in which the State of Florida proposes to do so violates the Due Process Clause. The argument carries considerable force. Florida's records of the financial obligations are decentralized, often accessible only with great difficulty, sometimes

²⁰ Haughwout Decl., ECF No. 152-20 at 4 ¶ 6.

inconsistent, and sometimes missing altogether. This creates administrative difficulties that sometimes are unavoidable.

The plaintiffs say the flaws in Florida's recordkeeping are especially egregious because a felon who claims a right to vote and turns out to be wrong may face criminal prosecution. A conviction for a false affirmation in connection with voting requires a showing of willfulness, *see* Florida Statutes § 104.011, and a conviction for illegally voting requires a showing of fraud, *see id.* § 104.041. At least one Supervisor of Elections and one State Attorney have said they will not pursue criminal charges against a felon who asserts in good faith that the felon has completed all terms of sentence.²¹ But some supervisors and prosecutors might not be so charitable, and determining whether a felon's assertion was made in good faith will not always be easy. If Florida does not clean up its records, some genuinely eligible voters may choose to forgo voting rather than risk prosecution.

When a state chooses to restore a felon's right to vote in defined circumstances—for example, upon completion of all terms of sentence—the felon has a constitutional right to due process on the question of whether the circumstances exist—for example, on whether all terms of sentence have been completed. The contours of the process that is due turn on factors identified in

²¹ Early Dep., ECF No. 152-52 at 68-70.

Mathews v. Eldridge, 424 U.S. 319, 335 (1976), and *J.R. v. Hansen*, 736 F.3d 959, 966 (11th Cir. 2015). For factual disputes, a hearing is often required, and this opinion assumes that in Florida a felon has a constitutional right to a hearing on any factual dispute about whether the felon has completed all terms of sentence as required.

Under current Florida procedure, a felon who asserts eligibility to vote is entitled to a hearing before the Supervisor of Elections. A felon dissatisfied with the Supervisor's decision may initiate a de novo proceeding in state circuit court, complete with full due process. This is constitutionally sufficient so long as all material factual disputes are in play at the hearing. The Due Process Clause does not preclude the State from placing the burden of going forward at the hearing, and even the burden of proof, on the felon. That carrying the burden will be difficult does not, without more, render this process unconstitutional.

There is no need to decide at this time whether the state can constitutionally refuse to restore the right to vote based on a financial obligation that the state cannot confirm or calculate—an obligation for which essential records are missing—because that is not the circumstance faced by any of these plaintiffs.

Two circumstances do not change the conclusion that the plaintiffs have not established a violation of their right to procedural due process.

First, there are substantial inconsistencies in the records of the financial obligations owed by some of these plaintiffs. Even so, the amount actually owed is a factual issue that can be sorted out, albeit with some difficulty. This can be done through the hearing process if necessary.

Second, to make it to a hearing that satisfies due process, a felon must be able to apply to register to vote. Prior to the adoption of SB7066, Florida's standard voter-registration form required an applicant to attest that the applicant had never been convicted of a felony or, if the applicant had been convicted of a felony, the right to vote had been restored.²² This apparently worked without difficulty and, if used now, would allow a felon who asserts a right to vote to submit an application and thus begin the process that, if there is disagreement, eventually leads to a hearing.

But SB7066 scraps the old attestation in favor of three new ones—alternatives to one another—that must be included on the application. These require the applicant to attest that the applicant has never been convicted of a felony, or that the felon's right to vote has "been restored by the Board of Executive Clemency," or that the felon's right to vote has "been restored pursuant

²² See Matthews Decl., ECF No. 148-16 at 2; see also Fla. Stat. § 97.052(2)(t) (2018).

to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation.” Fla. Stat. § 97.052(2)(t) (2019).

During closing arguments in this case, the Secretary called these required attestations “inartful,” and they surely are.²³ But they are worse than that; as the Secretary acknowledged, there are eligible individuals who could not attest to any of the three new statements. Hr’g Tr., ECF No. 205 at 50. The statements do not reach felons whose rights have been restored in other states or through other methods, including executive pardons. *See, e.g., Schlenther v. Dep’t of State, Div. of Licensing*, 743 So. 2d 536, 537 (Fla. 2d DCA 1998) (“Once another state restores the civil rights of one of its citizens whose rights had been lost because of a conviction in that state, they are restored and the State of Florida has no authority to suspend or restore them at that point.”). If Florida adopts an application form that tracks the statute and does nothing more—as did the initial draft prepared in response to SB7066²⁴—the form will not only discourage eligible felons from voting but will make it impossible for some eligible felons even to apply. The Secretary says that as of now, the Supervisors of Elections in all 67 Florida counties are accepting the old form.²⁵

²³ Hr’g Tr., ECF No. 205 at 49-50.

²⁴ ECF No. 148-3 at 4.

²⁵ Hr’g Tr., ECF No. 205 at 51.

In addition, if Florida wishes to address inability to pay through its existing six-step administrative process, *see supra* at 37-38, rather than in a functioning Executive Clemency Board or federal court, the state may wish to provide a method by which a felon can claim inability to pay on the application form.

SB7066 created a workgroup tasked with addressing these and other difficulties.²⁶ The workgroup may design a system improving accessibility to records, may improve the application form, and may suggest other changes. Before this case goes to trial, the Florida Legislature will meet again and may choose to address the substantial administrative and constitutional issues not resolved by SB7066. The Florida Constitution does not preclude the Legislature from restoring the right to vote beyond the minimum required by Amendment 4—an approach that could minimize, if not eliminate, the administrative and constitutional issues.

In any event, these individual plaintiffs have not yet shown a likelihood of success on the merits of the claim that they, as distinct from other affected felons, will suffer a denial of due process in the absence of an injunction broader than set out in this order. Nor have the organizational plaintiffs made this showing for any individual whose rights they assert.

²⁶ *See* ECF No. 148-46 at 33-35; *see also* ECF No. 152-116.

XIV. Vagueness and the Risk of Prosecution

Closely related to the due-process claim is the assertion that SB7066 is unconstitutionally vague. It is not.

That a constitutional provision or statute is not clear in all its applications does not, without more, make it impermissibly vague. *See, e.g., Grayned v. City of Rockford*, 408 U.S. 104, 110-11 (1972) (“Condemned to the use of words, we can never expect mathematical certainty from our language.”). Concerns about ambiguity, about what a provision means, ordinarily can be resolved through judicial construction of the provision. That is true here. The issues that arise when construing Amendment 4 and SB7066 are no more difficult than issues courts resolve every day when construing other provisions.

To be sure, when First Amendment protections are involved, vagueness is of heightened concern. *See Wollschlaeger v. Governor of Fla.*, 848 F.3d 1293 (11th Cir. 2017). Even so, the language of Amendment 4 comes nowhere near the point of unconstitutional vagueness. And SB7066, while substantively controversial, is quite clear. The plaintiffs’ real concern is not so much that they don’t know what SB7066 means as that they do.

The plaintiffs’ more substantial complaint is not the asserted facial ambiguity of Amendment 4 or SB7066 but what might be termed factual vagueness—the difficulty in determining the financial obligations included in a

sentence and what portion has been paid. These are matters that can be addressed in the hearing the State makes available. If, as this plays out, the State forces the individual plaintiffs to risk prosecution to get to an appropriate hearing, they may renew their motion for a preliminary injunction.

So far, the plaintiffs have not shown a substantial likelihood of success on any claim that Amendment 4 and SB7066 are unconstitutionally vague either on their face or as applied to these plaintiffs.

XV. Applying the Preliminary-Injunction Standards

For the reasons set out in section IX above, the State of Florida cannot deny an individual plaintiff the right to vote just because the plaintiff lacks the financial resources to pay whatever financial obligations Amendment 4 and SB7066 require the plaintiff to pay. “*Access to the franchise cannot be made to depend on an individual’s financial resources.*” *Johnson*, 405 F.3d at 1216-17 n.1 (emphasis added). The plaintiffs are likely to prevail on this claim.

This does not mean, though, that the plaintiffs are likely to prevail on their claim for an injunction requiring the Secretary and the appropriate Supervisor to register specific individuals and to allow them to vote. The appropriate remedy, at least at this stage of the litigation, is to preliminarily enjoin the defendants from interfering with an appropriate procedure through which the plaintiffs can attempt to establish genuine inability to pay. *Johnson* requires nothing more.

The Miami-Dade County Supervisor of Elections asserts that if a preliminary injunction is issued, it should take full account of the distinction between registering to vote and eligibility to vote. The point is well taken. As the Supervisor notes, if a felon applies, is registered, and is not removed from the voting roll, the felon's eligibility can still be challenged, including by any other voter. *See Fla. Stat. § 101.111*. If that occurs, the felon may cast a provisional ballot, and the county canvassing board must adjudicate the challenge. *See Hr'g Tr.*, ECF No. 204 at 197-98. This order's preliminary injunction does not explicitly address any such challenge, but as should be clear from what has been said to this point, an otherwise-qualified felon who establishes genuine inability to pay—either through another process the State makes available or in connection with a challenge—cannot be prevented from casting a ballot and having it counted.

The plaintiffs have easily met the other three prerequisites to a preliminary injunction of the scope set out in this order.

When an eligible citizen misses an opportunity to vote, the opportunity is gone forever; the vote cannot later be cast. So when a state wrongly prevents an eligible citizen from voting, the harm to the citizen is irreparable. Each of these plaintiffs have a constitutional right to vote *so long as* the state's only reason for denying the vote is failure to pay an amount the plaintiff is genuinely unable to

pay. The preliminary injunction is necessary to prevent irreparable harm to any such plaintiff.

The damage the injunction may cause the Secretary and the affected Supervisor, if a plaintiff is wrongly allowed to vote, is not insubstantial. Few if any states disenfranchise as many felons as Florida, but Florida's choices must be honored, to the extent constitutional. Even so, the State's interest in *preventing* votes by *ineligible* voters is no greater than its interest in *allowing* votes by *eligible* voters. If the State puts in place an administrative process through which genuine inability to pay can be promptly addressed, the potential damage to the Secretary or a Supervisor will be minimized. And in any event, any damage that may result from the injunction does not outweigh an eligible plaintiff's interest in voting.

Finally, the injunction is in the public interest. The public interest lies in resolving this issue correctly and implementing the proper ruling without delay. Complying with the Constitution serves the public interest. Those with a constitutional right to vote should be allowed to vote. The countervailing interests do not tip the balance.

In sum, the plaintiffs are entitled to a preliminary injunction of appropriate scope. Federal Rule of Civil Procedure 65(c) requires a party who obtains a preliminary injunction to "give[] security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been

wrongfully enjoined.” This order requires the plaintiffs to give security for costs in a modest amount. Any party may move at any time to adjust the amount of security.

XVI. Conclusion

For these reasons,

IT IS ORDERED:

1. The Secretary’s motion to dismiss or abstain, ECF No. 97, is denied.
2. The plaintiffs’ preliminary-injunction motion, ECF No. 108, is granted in part. A preliminary injunction is entered in favor of the individual plaintiffs as set out below against all defendants other than the Governor and Supervisor of Orange County.
3. The Secretary of State must not take any action that both (a) prevents an individual plaintiff from applying or registering to vote and (b) is based only on failure to pay a financial obligation that the plaintiff asserts the plaintiff is genuinely unable to pay. The plaintiffs to which this paragraph applies are Jeff Gruver, Emory Mitchell, Betty Riddle, Karen Leitch, Keith Ivey, Kristopher Wrench, Raquel Wright, Stephen Phalen, Jermaine Miller, Clifford Tyson, Rosemary McCoy, Sheila Singleton, Bonnie Raysor, Diane Sherrill, Lee Hoffman, Luis Mendez, and Kelvin Jones.

4. The Secretary of State must not take any action that both (a) prevents an individual plaintiff from voting and (b) is based only on failure to pay a financial obligation that the plaintiff shows the plaintiff is genuinely unable to pay. The plaintiffs to which this paragraph applies are the same as for paragraph 3 above.

5. This injunction does not prevent the Secretary from notifying the appropriate Supervisor of Elections that a plaintiff has an unpaid financial obligation that will make the plaintiff ineligible to vote unless the plaintiff shows that the plaintiff is genuinely unable to pay the financial obligation.

6. The defendant Supervisor of Elections of the county where an individual plaintiff is domiciled must not take any action that both (a) prevents the plaintiff from applying or registering to vote and (b) is based only on failure to pay a financial obligation that the plaintiff asserts the plaintiff is genuinely unable to pay. The Supervisors and individual plaintiffs to which this paragraph applies are the Supervisor of Alachua County for the plaintiffs Jeff Gruver and Kristopher Wrench; the Supervisor of Sarasota County for the plaintiff Betty Riddle; the Supervisor of Miami-Dade for the Plaintiff Karen Leitch; the Supervisor of Duval County for the plaintiffs Keith Ivey, Rosemary McCoy, and Sheila Singleton; the Supervisor of Indian River County for the plaintiff Raquel Wright; the Supervisor of Manatee County for the plaintiff Stephen Phalen; the Supervisor of Leon County for the plaintiff Jermaine Miller; and the Supervisor of Hillsborough

County for the plaintiffs Clifford Tyson, Lee Hoffman, Luis Mendez, and Kelvin Jones.

7. The Supervisor of Elections of the county where a plaintiff is domiciled must not take any action that both (a) prevents a plaintiff from voting and (b) is based only on failure to pay a financial obligation that the plaintiff shows the plaintiff is genuinely unable to pay. The Supervisors and individual plaintiffs to which this paragraph applies are the same as for paragraph 6 above.

8. This injunction will take effect upon the posting of security in the amount of \$100 for costs and damages sustained by a defendant found to have been wrongfully enjoined. Security may be posted by a cash deposit with the Clerk of Court.

9. This injunction binds the defendants and their officers, agents, servants, employees, and attorneys—and others in active concert or participation with any of them—who receive actual notice of this injunction by personal service or otherwise.

SO ORDERED on October 18, 2019.

s/Robert L. Hinkle
United States District Judge

Appendix G: Public Comment

August 19, 2019



Brandon Peters <bpeters@floridadems.org>

□ RVRWorkgroup

8/19/2019

Comments from Florida Democratic Party



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EMAIL RECEIVED FROM EXTERNAL SOURCE

Members of Working Group,

Please add these comments to your official record from today's hearing in Tallahassee:

- 1) The State of Florida must identify how it intends to consolidate all relevant data to identify potentially ineligible voters
 - a) whose conviction for a felony or a misdemeanor determined to be similar to a Florida felony **AND**
 - b) whose conviction arises from a criminal proceeding in another state's court or in a federal court of the United States.
- 2) The State of Florida must identify how it intends to consolidate all relevant data to identify potentially ineligible voters
 - a) whose terms of sentence are not complete **AND**
 - b) whose terms of sentence arise pursuant to a conviction for a felony or a misdemeanor determined to be similar to a Florida felony **AND**
 - c) whose sentence arises from a criminal proceeding in another state's court or in a federal court of the United States.

Yours very truly,

Brandon S. Peters, Esquire
Director, Voter Protection Department
Florida Democratic Party
Florida Bar Number: 965685
Voter Protection Hotline: (833) VOTEFLA



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Have a question on voting or registering to vote in Florida?

Call the 24-hour Voter Protection Hotline: (833) VOTE FLA or (833) 868-3352



Brandon Peters <bpeters@floridadems.org>

□ RVRWorkgroup

8/19/2019

Addendum to Public Record from Florida Democratic Party

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EMAIL RECEIVED FROM EXTERNAL SOURCE

Members of Working Group,

Please add these comments to your official record from today's hearing in Tallahassee:

1) The State of Florida must identify how it intends to consolidate all relevant data to identify potentially ineligible voters

a) whose conviction is for a felony or a misdemeanor determined to be similar to a Florida felony **AND**

b) whose conviction arises from a criminal proceeding in another state's court or in a federal court of the United States.

2) The State of Florida must identify how it intends to consolidate all relevant data to identify potentially ineligible voters

a) whose terms of sentence are not complete **AND**

b) whose sentence arises pursuant to a conviction for a felony or a misdemeanor determined to be similar to a Florida felony **AND**

c) whose sentence arises from a criminal proceeding in another state's court or in a federal court of the United States.

Yours very truly,

Brandon S. Peters, Esquire
Director, Voter Protection Department
Florida Democratic Party
Florida Bar Number: 965685
Voter Protection Hotline: (833) VOTEFLA



Have a question on voting or registering to vote in Florida?

Call the 24-hour Voter Protection Hotline: (833) VOTE FLA or (833) 868-3352

October 1, 2019



Brandon Peters <bpeters@floridadems.org>

RVRWorkgroup

Tue 11

Public Comment for 10/1/2019 Hearing Record

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Dear Working Group Members,

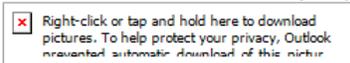
Puerto Ricans are American citizens. For a number of reasons, they have recently been relocating to Florida in record numbers.

Many such individuals want to register to vote in Florida. While some of them have been successful in registering to vote here, others have felony records in Puerto Rico; consequently, their eligibility to vote in Florida cannot be determined.

In your final report to the Florida Legislature, please detail how you recommend making Puerto Rican court and financial records accessible in Florida so the eligibility of these American citizens to register to vote here can be determined.

Yours very truly,

Brandon S. Peters, Esquire
Director, Voter Protection Department
Florida Democratic Party
Florida Bar Number: 965685
Voter Protection Hotline: (833) VOTEFLA



*For voter assistance, call the Voter Protection Hotline:
(833) VOTE-FLA or (833) 868-3352*



Sabrina Khan <skhan@advancementproject.org>

RVRWorkgroup; Denise Lieberman; Carolyn Thompson; + 1

1

Tue 10/1

Written testimony for the Restoration of Voting Rights Work Group

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10.1.19 Advancement Project Written Testimony Re Implementation of FL SB 7066.pdf
288 KB

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Dear Secretary Lee and members of the Restoration of Voting Rights Work Group:

Please find attached written testimony by Advancement Project's National Office to help inform your recommendations to the Florida Legislature regarding restoration of rights issues in the wake of SB 7066. Thank you.

Respectfully,
Sabrina Khan



October 1, 2019

VIA EMAIL

The Honorable Laurel M. Lee
Secretary of State
Chair of the Restoration of Voting Rights Work Group
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
rwrworkgroup@dos.myflorida.com

Re: Written Testimony for the Restoration of Voting Rights Work Group

Dear Secretary Lee and members of the Restoration of Voting Rights Work Group:

Advancement Project is a next generation, multi-racial civil rights organization. Rooted in the great human rights struggles for equality and justice, we exist to fulfill America's promise of a caring, inclusive and just democracy. Advancement Project's National Office provides this written testimony to help inform your recommendations to the Florida Legislature regarding restoration of rights issues in the wake of SB 7066. We respectfully request that this testimony be included in the record of your meeting today and made available to the public.

Background

On November 6, 2018, an overwhelming 64.55% of Florida voters cast their ballots in favor of Amendment 4, the Voting Restoration Amendment. This clearly reflected the will of the people to grant a second chance to citizens with former felony convictions who have paid their debt to society. The passage of Amendment 4 also highlighted the paramount importance voters have placed on the right to vote, a cornerstone principle of our nation's democracy.

We expressed our opposition to SB 7066 to the Florida Legislature earlier this year. Specifically, we argued that by tying the right to vote to payment of legal financial obligations—including, but not limited to, costs and fees on one's sentencing document—the legislation effectively maintains lifetime disenfranchisement for significant groups of returning citizens that is contrary to voters' will as expressed in Amendment 4. Moreover, conditioning an indigent returning citizen's restoration on his or her inability to pay a wide array of financial obligations extends disenfranchisement solely based on poverty in a manner that arguably violates the 14th or 24th Amendments of the U.S. Constitution. The legislation also imposes heavy and unnecessary administrative hurdles to election officials.

1220 L Street, NW • Suite 850 • Washington, DC 20005 • 202.728.9557 • 202.728.9558 *fax*
ap@advancementproject.org • www.advancementproject.org
LA Office: 1545 Wilshire Boulevard • Suite 800 • Los Angeles, CA 90017 • 213.989.1300 • 213.989.1309 *fax*

Recommendations

We urge you to consider including the following recommendations in your report to the Florida Legislature in November 2019:

- First, given the reasons we opposed SB 7066 set forth above and ample testimony you recently heard from election officials about heavy administrative burdens they continually endure to verify each registrant's felony history pursuant this legislation—including, as one example among many, spending extra time and effort corresponding with clerks of court to track payment of costs and fees—we recommend eliminating the new requirement for returning citizens to pay off costs and fees altogether for the purpose of restoring their voting rights.
- Second, we recommend clarifying and promulgating the fact that returning citizens who bring documents proving they are eligible to vote—i.e., documents showing that their rights have been restored and/or that they have paid off costs and fees in addition to restitution—to the polls during the Early Voting period and on Election Day should be able to cast a *regular* ballot.
- Third, we recommend clarifying and promulgating the restoration process for those who were convicted in other states, but now reside in Florida. We have heard conflicting information about the restoration process for that subgroup in particular.
- Finally, we recommend mandating that training materials to local supervisors of elections (SOEs) and poll workers include all clarifications above and highlight the fact that the burden of proof is on the government, not individuals, to prove a returning citizen is not eligible to vote based on felony history. Thus, the training materials should more vehemently emphasize that if government officials involved in the verification process do not obtain concrete proof that someone is ineligible due to this status, SOEs have to err on the side of registering them.

Conclusion

In sum, the portion of SB 7066 that enables costs and fees to serve as a barrier to the fundamental right to vote should be eliminated altogether. If that is not immediately possible, the Florida Legislature should at least ensure that its implementation is clarified, better promulgated, and consistently applied statewide.

Thank you for your consideration. If you have any questions or would like additional information, please do not hesitate to contact me at SKhan@advancementproject.org, or (202) 728-9557.

Sincerely,



Sabrina Khan
Senior Attorney

1220 L Street, NW • Suite 850 • Washington, DC 20005 • 202.728.9557 • 202.728.9558 *fax*
ap@advancementproject.org • www.advancementproject.org
LA Office: 1545 Wilshire Boulevard • Suite 800 • Los Angeles, CA 90017 • 213.989.1300 • 213.989.1309 *fax*



Bob Rackleff <bob.rackleff@gmail.com>

□ RVRWorkgroup

📎 1

Tue 10/1

UF Professor Dan Smith report on ex-felon financial obligations data

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Amber,

Please pass on to Secretary Lee and others the report attached below about the unreliability of records held by county clerks of court regarding legal financial obligations of ex-felons. Professor and chairman of the UF political science department Daniel Smith conducted the study, which came to this conclusion:

. . . it is practically impossible to know definitively how many persons in Florida with a felony conviction are eligible to register to vote in Florida under SB7066. Even if such database of eligible persons who were convicted of a felony in a Florida court existed, it would like exclude persons who have a federal conviction, moved to Florida with an out-of-state felony conviction, or who have already been granted clemency. Given data limitations, it is also difficult, if not impossible, to establish an individual's outstanding legal financial obligations ("LFOs") or civil liens, much less cross-reference whether an individual has outstanding debt from a felony conviction, in more than one county in Florida or an out-of-state conviction.

Dr. Smith documents in great detail the findings of his exhaustive study which led him to the above conclusion, and I urge all members of the Restoration of Voting Rights Work Group to read carefully his report, which will figure significantly in the ongoing federal court challenge to the constitutionality of SB7066.

Best wishes,

Bob Rackleff
(850) 212-5663
Big Bend Voting Rights Project

EXHIBIT A

August 2, 2019

United States District Court
for the Northern District of Florida
Tallahassee Division

Kelvin Jones,

Plaintiffs,

v.

Consolidated Case No. 4:19-cv-300

Ron DeSantis, etc., et al.,

Defendants.

Expert Report of Daniel A. Smith, Ph.D.
Professor and Chair
Department of Political Science
University of Florida
234 Anderson Hall
Gainesville, FL 32611-7325

On Behalf of Plaintiffs Jeff Gruver, Emory Marquis "Marq" Mitchell, Betty Riddle, Kristopher Wrench, Keith Ivey, Karen Leicht, Raquel Wright, Steven Phalen, Clifford Tyson, Jermaine Miller, Florida State Conference of the NAACP, Orange County Branch of the NAACP, and League of Women Voters of Florida



Daniel A. Smith, Ph.D.

I. Background and Qualifications

1. My name is Daniel A. Smith. I am Professor and Chair of Political Science at the University of Florida ("UF"). I received my Ph.D. in Political Science from the University of Wisconsin-Madison in 1994. I served as the Director of UF's Political Campaigning Program (2007-2011), which offers a Master of Arts degree in political science with a special emphasis on political campaigning and practical politics. I am also President of ElectionSmith, Inc., a consulting firm based in Gainesville, FL, specializing in empirical research on electoral processes in the American states.

2. For more than two decades, I have conducted research on electoral politics in the American states, focusing on the effect of political institutions on political behavior. I am widely regarded as a leading expert on voting and elections in the American states. I have written extensively on electoral processes in the American states, including in Florida, publishing more than 80 articles and book chapters, including many that have appeared in the discipline's top peer-reviewed journals. I have published two academic books on electoral politics in the American states and I am the coauthor of a leading college textbook, *State and Local Politics: Institutions and Reform*, which discusses felony voting laws in the states. In addition, I have taught an array of undergraduate and graduate courses focusing on American political institutions and political behavior in the American states.

3. I have testified before the U.S. Senate and state legislatures on voting and election issues. A former Senior Fulbright Scholar, I have received numerous grants and awards for my work on campaigns and elections, including from the U.S. Department of State and the American Political Science Association (“APSA”), and am past-President of the State Politics and Policy Section of the APSA. In 2010, I was the lead author of the “Direct Democracy Scholars” *amicus* brief in *Doe v. Reed*, which was successfully argued by the Attorney General of the state of Washington before the U.S. Supreme Court, and my scholarship has been cited in an opinion by the U.S. Supreme Court.

4. I have served as an expert in election-related litigation in several states, hired by both plaintiffs and defendants (including serving as an expert for the State of Florida and the State of California defending their election laws). Most recently, I provided written reports and testified at trial for the successful defendant-intervenors in *American Civil Rights Union v. Snipes* (Case No. 16-cv-61474, S.D. Fla.), where the court accepted my opinion in whole, and provided written reports for successful plaintiffs in *DNC Services Corporation et al. v. Lee et al.* (Case No. 4:18-cv-520-RH-MJF, N.D. Fla.), *MOVE Texas Civic Fund, et al. v. Whitley, et al.* (Case No. 3:19-cv-00041, S.D. Tex.), for defendants in the settlement of *Judicial Watch, Inc., Election Integrity Project California, Inc., et al. v. Dean C. Logan, et al.* (Case No. 2:17-cv-08948-R-SK, C.D. Cal.), for successful plaintiffs in *Rivera v. Detzner* (Case No. 1:18-cv-00152, N.D. Fla.), for successful

plaintiffs in the U.S. Court of Appeals for the Sixth Circuit in *Ohio A. Philip Randolph Institute, et al. v. Secretary of State, Jon Husted* (Case No. 2:16-cv-00303, S.D. Ohio) where the court accepted my opinion in whole, for successful plaintiff-intervenors in *Florida Democratic Party v. Scott* (Case No. 4:16-cv-00626, N.D. Fla.), for successful plaintiffs in *Florida Democratic Party v. Detzner* (Case No. 4:16-cv-00607, N.D. Fla.), and for successful plaintiffs in *League of Women Voters of Florida v. Detzner* (Case No. 4:18-cv-00251, N.D. Fla.).

5. My curriculum vitae (including a list of cases in which I have served as an expert witness) is provided in Appendix A. I am being paid \$400 an hour for work in this case, plus any related expenses.

6. Counsel for the Plaintiffs in the above-captioned litigation, retained me to provide consultation and analysis on the impact of SB7066, which was adopted by the Florida state legislature in 2019 and signed into law on June 28, 2019 by Governor DeSantis. In particular, I have been asked to consider how many persons with felony convictions in Florida are eligible to register to vote under SB7066.

7. In formulating my opinions in this report, I draw on standard sources in political science analyses, including, but not limited to: publicly available data and reports produced by the Florida Department of Corrections (“FDC”), data from the state’s county clerks of court and the association of the Florida Court of Clerks & Comptrollers (“FCCC”), reports from the Florida Department of Law

Enforcement (“FDLE”), and information from various state and local agencies, national public interest groups, and scholarly studies.

II. Summary of Opinions Offered

8. As my analysis below details, based on my preliminary analysis of the 48 counties for which the clerks of court have provided LFO data, 13,247 of the 116,318 individuals who have been released in FDC custody or supervision, and 52,861 of the 258,938 individuals with a felony conviction who were not in the FDC custody or supervision but have been released from county custody or supervision, do not have outstanding LFOs. This means that 66,108 of 375,256, or 17.6% of the individuals for whom I have data, completed payment of their LFOs in the 48 counties that I analyzed. The remaining 309,148 individuals who I identified in the 48 counties, or 82.4% of people for whom I have data, have outstanding LFOs and will be disenfranchised as a result of SB7066.

9. The State of Florida does not maintain a publicly available unified, up-to-date, centralized database or repository that reports those persons with a felony conviction, who under the conditions established by SB7066, might be permitted to obtain their voting rights in the state. As such, it is practically impossible to know definitively how many persons in Florida with a felony conviction are eligible to register to vote in Florida under SB7066. Even if such a database of eligible persons who were convicted of a felony in a Florida court existed, it would likely exclude persons who have a federal conviction, moved to

Florida with an out-of-state felony conviction, or who have already been granted clemency. Given data limitations, it is also difficult, if not impossible, to establish an individual's outstanding legal financial obligations ("LFOs") or civil liens, much less cross-reference whether an individual has outstanding debt from a felony conviction, in more than one county in Florida or an out-of-state conviction.

10. Despite the lack of a publicly available unified, up-to-date, centralized database or repository, as discussed herein, I provide general estimates of the number of persons in Florida with felony convictions (excluding out-of-state and federal felony convictions) who are likely permitted under SB7066 to register to vote. These initial estimates are limited to the number of persons in Florida who have fulfilled the terms of their felony conviction (other than murder or sexual offense), including completion of incarceration and release from parole, probation, or community control/supervision; and have settled their LFOs, that is fines, fees, and/or restitution originally assessed as part of a felony conviction, including, when possible, any civil liens stemming from those LFOs.¹ My estimates are limited to counties for which I have obtained data to determine any outstanding LFOs a person who has otherwise met the conditions of a felony conviction might still owe. Across Florida's counties, I also provide estimates of the racial breakdown (by whether someone identifies as black or white) of those persons

¹ SB7066 conditions restoration of voting rights on the satisfaction of LFOs imposed "in the four corners of the sentencing document." Fla. Stat. § 98.075(2)(a). It is beyond the scope of this report to determine whether or how this limitation is applied.

with felony convictions (other than murder or sexual offense) who have been released from FDC or county supervision but still owe outstanding LFOs, as well as those who do not owe any LFOs. Because of a lack of available data, the estimates in this report do not consider persons with out-of-state and federal felony convictions.

11. Notwithstanding the nonexistence or inaccessibility of a statewide database available to the public that could be used to determine which persons with felony convictions residing in Florida might be eligible to vote under SB7066, and acknowledging the many inconsistencies and omissions in both state correction and county clerk of courts data that I draw upon for my analysis, in my opinion there is little doubt that SB7066 severely limits the ability of eligible Floridians with a felony conviction to be able to register to vote due to the inclusion in SB7066 of requiring the full payment of outstanding LFOs. My preliminary analysis estimates that fewer than one-in-five of all persons in Florida with a felony conviction in Florida (other than murder or a sexual offense) and who have completed all terms of their sentence (including parole, probation, or community control/supervision), are likely qualified to register to vote under SB7066 due to outstanding felony-related LFOs. My preliminary analysis also shows that the rate of black individuals with a felony conviction who are qualified to register to vote is far lower than the comparable rate of white individuals who are qualified to register to vote due to outstanding felony-related LFOs.

III. Florida Does Not Maintain a Unified, Up-to-Date, Centralized Database or Repository of Persons with Felony Convictions that is Publicly Available

12. As far as I can determine, the State of Florida does not maintain a publicly available unified, up-to-date, centralized database or repository that compiles information on whether an individual with a felony has completed all the terms of his or her sentence, including parole, probation, or community control/supervision, or has satisfied any LFOs tied to a felony conviction, to say nothing of such penalties when they are converted into civil liens. As such, even if a person is able to identify all the LFOs he or she owes in one Florida county, he or she might have difficulty determining any outstanding LFOs he or she owes in another Florida county, in another state, or in the federal court system. As Florida Representative James Grant, a House sponsor of SB7066, stated, this is because “[t]here is no stakeholder in the State of Florida that can serve as a source of truth that somebody completed all terms of their sentence.”²

13. Florida’s criminal justice system can be characterized as being highly decentralized.³ In Florida, as with other states, there is “no national, or even state,

² See Video: Apr. 23, 2019, House Floor Hearing (“April 23 Hearing”) at 7:04:00–7:04:07, https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804_2019041264.

³ Florida’s criminal justice system can perhaps be best described as a network of local and state agencies that handle criminal cases, beginning with an arrest and ending with the disposition of the case. “[N]umerous departments and agencies are involved in the system, each with its own protocols and procedures,” according to a 2018 analysis conducted by the legislative staff for the Florida state legislature,

database on incidence or payback, and the limited data available on the aggregate assessments by jurisdiction are only sometimes broken down by the form of LFO.”⁴ In Florida, as Representative Grant stated at a hearing in the statehouse in February, 2019, relevant data are “spread out all over government,” making it nearly impossible for state and local officials to compile the necessary data.⁵

14. Thus, as my analysis below reveals, given the aforementioned data limitations it is exceedingly difficult, if not practically impossible, to know definitively how many persons in Florida with a felony conviction who have been released from supervision are eligible to register to vote in the state. This lack of certainty arises because Florida does not maintain a centralized database or repository, and certainly not one that is available to the public. As such, an individual or third party that works with an individual with a felony conviction to register to vote will have great difficulty determining whether or not the affected person has satisfied all LFOs originally assessed as part of a felony conviction in

and “[t]o gauge the efficiency and effectiveness of the criminal justice system, as well as identify strengths and weaknesses, data must be collected consistently and comprehensively,” noting that “[o]pen data also provides transparency and understanding for the public.” See HOUSE OF REPRESENTATIVES STAFF ANALYSIS, CS/HB 7071 PCB JDC 18-02, “Criminal Justice Data Transparency,” 2017. Available:

<https://www.flsenate.gov/Session/Bill/2018/7071/Analyses/h7071a.JUA.PDF> (last accessed June 30, 2019).

⁴ See Marc Meredith and Michael Morse, “Discretionary Disenfranchisement: The Case of Legal Financial Obligations,” *Journal of Legal Studies* 2017 (46): 309-338, p. 320.

⁵ See Video: February 14, 2019, House Comm. Joint Hearing at 1:03:30–1:04:05, https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804_2019021160 (last accessed June 1, 2019).

Florida courts, much less completed financial terms of a felony conviction handed down by another state or a federal court.

15. At best, then, given the conditions set forth in SB7066, it is possible to create only rough estimates of how many persons with a felony conviction in a Florida state court might be eligible to vote. But even this seemingly simple task, even when limited to those counties in which data on LFOs are available, turns out to be arduous. Why is such a query so difficult to conduct in Florida?

16. Based on inquiries to relevant public officials, it is my understanding that the FDC does not maintain a unified, up-to-date, centralized database or repository of persons with felony convictions who are eligible to vote that is, persons with felony convictions who have completed all the terms of their sentence, including parole, probation, or community control/supervision and have satisfied any outstanding LFOs.

17. It is also my understanding, based on public records requests, that the FDLE does not maintain such a database or repository that is available to the public.⁶ It is possible that the FDLE's Florida Statistical Analysis Center

⁶ No raw data from the FDLE is utilized in this report, as the FDLE's response to public records requests for data was cost-prohibitive. The Assistant General Counsel for FDLE responded to a public records request on May 8, 2019, writing, "We received your public record request relating to criminal history information that was e-mailed to FDLE yesterday, 5/8/19. Due to the nature of the information requested, Florida Statute 943.053(3)(b) provides that for each name that is submitted for a criminal history search would cost twenty four (24) dollars. Before proceeding further, FDLE wants to relay that the expected invoice for *this requested information would be likely in the million dollar range*, given that less

("FSAC"), which is housed and administered by the FDLE and purportedly "analyzes criminal justice data" purportedly "serves as a criminal justice resource for academicians, media, students, and others researching crime in Florida," might compile necessary data from multiple sources.⁷ But a presentation by the FSAC notes, quite candidly, that, "Florida has worked on integrating criminal justice systems for the past 30 years. We are STILL working on the pieces TODAY..."⁸

18. In addition, data from the FDLE's Criminal Justice Information Services ("CJIS") would likely be a valuable source of data for this report, as it purportedly "is the central repository of criminal history records for the State of Florida and provides criminal identification screening to criminal justice and non-criminal justice agencies and private citizens to identify persons with criminal

than 42,000 names would be over a million dollars at the statutory rate, and your request asks for all recorded criminal histories for convicted felons to date. The next step, if proceeding, would be calculating a Good Faith Invoice, which as previously stated would be quite high. Do you want to continue with the request as it is written or would you be amending the request?" Email correspondence from Jason Harrison, "Public Record Request 2019-1467," May 9, 2019 (Emphasis added).

⁷ Florida Department of Law Enforcement, "About Us," available at: <https://www.fdle.state.fl.us/FSAC/About-Us> (conducted on July 22, 2019).

⁸ It is unclear as to whether the state currently maintains a unified, up-to-date, centralized database. According to an undated presentation by the FSAC, the agency maintains a database called the "integrated Crime Research Information System" ("iCRIS"), which is purportedly "updated monthly from the source systems," and includes data from the FDC, State Courts, FDLE, and the Department of Juvenile Justice. Although the concluding slide of the FSAC's presentation notes, "Visit our website for updates on this and other projects," with a website of www.fdle.state.fl.us/fsac, a search (conducted on July 22, 2019) only produces a link to the undated presentation, available at: http://www.fdle.state.fl.us/FSAC/Publications/PDF/iCRIS_presentation.

warrants, arrests and convictions that impact employment, licensing, eligibility to purchase a firearm, as well as a variety of criminal justice functions.” Data from the FDLE’s Uniform Crime Reports (“UCR”), its Computerized Criminal History File (“CCH”), its Offender-Based Tracking Statistics (“OBTS”), and its Automated Training Management System (“ATMS”) also might be useful in the effort of individuals or groups to determine the eligibility of persons trying to restore their voting rights under SB7066.⁹

19. It is also my understanding that the 67 Court Clerks and Comptrollers do not maintain a database or repository that identifies all persons in Florida with a felony conviction who might be eligible to vote under SB7066, even those with felony convictions handed down in the clerk’s own jurisdiction, as they do not maintain current information about LFOs across counties, or even LFOs that have been converted into civil liens in their own county. As such, individual Florida county clerks of court do not appear to have the capacity on their own to produce the necessary information to determine whether a person with a felony conviction is eligible to vote. There is little chance that clerks will be able to provide such information any time soon. “Due to budget constraints,” wrote a staff member

⁹ On a monthly basis, the FDLE receives dispositions from the clerks of court through the FDLE’s LOGAN reporting system. According to a 2015 presentation made by the FDLE’s Disposition Section staff to the FCCC, “LOGAN uses a complex set of ‘edits’ or rules to determine if the data is submitted in the proper format.” See “FDLE Update presented to: Florida Court Clerks & Comptrollers, 2015 Summer Conference.” Available: <https://www.flclerks.com/resource/resmgr/LOGAN.pdf> (last accessed July 23, 2019).

from a clerk of the court in response to a public records request, “we lack the resources necessary to fulfill your request as presented,” including “data on sentencing,” but that “[o]n an optimistic note, much of what you requested will be available through the Florida Department of Law Enforcement in 2021 when, in cooperation with Florida’s Clerks, the Legislature-mandated Criminal Justice Transparency statute is scheduled to be fully realized.”¹⁰

20. For its part, the FCCC, the association of the county clerks of court, maintains what amounts to a statewide database—the Comprehensive Case Information System (“CCIS”)—that in theory should be able to assist with such information gathering. In response to records requests, the FCCC warns, however, that the “official court record in any case is found at the Clerk of Court’s office in each county,” and that those “records [are] maintained in varying formats based on the age of the records” and that “[t]here exists no statewide electronic database of decades of the official court records and the individual documents they contain.”¹¹ Additionally, the FCCC does “not provide a guarantee that [its] information is entirely complete,” as “[o]lder data can be more problematic than more current data as individual Clerks have updated systems and databases over the years and this statewide data comes from those individual systems and databases.”¹² Finally,

¹⁰ Email correspondence from Tom Jackson, Communications Officer and Deputy Clerk, Pasco Clerk of the Court, July 18, 2019.

¹¹ Letter (.pdf) attached to email correspondence from Savannah Sullivan, Communications Manager / Press Secretary, FCCC. July 17, 2019.

¹² Ibid.

the FCCC notes that its CCIS “database is updated nightly, though individual Clerks of the Court may have varying timetables for inputting their data.”¹³

21. Perhaps it is possible to create such a unified, up-to-date, centralized database, but I have not yet unearthed it, much less a Rosetta Stone that can be used to link various state and local government databases to determine, with certitude, which Floridians who have completed all the terms of a felony sentence meted out in a Florida state court and have settled all LFOs and thus are eligible to register to vote under SB7066. Even if all the data were readily available, it would take weeks, if not months, for a team of IT specialists to assemble a dynamic database that individuals could query to determine if they were eligible to have their voting rights restored. And, even if such a database existed of eligible persons convicted of a felony in a Florida state court who have been released from all supervision and have paid off all LFOs, it would most certainly not have information about persons residing in Florida who have completed all the terms of a federal or out-of-state felony sentence, much less if they have any outstanding felony-related LFOs.

22. Because I have not unearthed such a database or repository, my report draws on and then weaves together an assortment of publicly available data sources in an effort to provide conservative estimates of the number of persons with a felony conviction in Florida who have been released from the custody of the

¹³ Ibid.

Florida state correctional system (state prisons, county jail, and community control/supervision), and who have met all the terms of their sentence, and distinguishing between those who have paid off and those who still owe LFOs tied to their felony conviction. The data utilized in this report are drawn from recent public records with individual-level data obtained directly from the FDC's OBIS database, individual county clerks of court, as well as from the FCCC. The data are by no means comprehensive. Currently, in addition to drawing on the FDC's OBIS database, the report utilizes data obtained from 48 county clerks of court.

23. There are certainly limits to the estimates, all of which are conservative, that is, they are biased *against* inflating the number of persons with felony convictions who are likely eligible to have voting rights under SB7066. I have obtained no data from other states' criminal justice systems or the federal court system. The data obtained directly from the county clerks of court are by no means immune from errors. The clerks of court data obtained from the FCCC, working on behalf of many of the county clerks of court, have multiple formats regarding a felony conviction, different conventions of recording length of sentences and LFOs, and different ranges of dates of felony convictions included in their own local databases. There are also numerous instances of missing data, data entry errors, and inconsistent or illogical data entries, all of which complicate the analysis. Furthermore, there is no unique identification number to definitively link individuals across these various data sources.

A. Felony Conviction Data from the FDC's OBIS Database

24. My empirical analysis relies on a July 2019 snapshot of a database maintained and made available to the public by the FDC, the Offender Based Information System ("OBIS").¹⁴ The FDC states on its website that it "updates [OBIS] information regularly, to ensure that it is complete and accurate; however this information can change quickly."¹⁵ For the FDC, regular updates are every three months; as a result, the quarterly snapshots of the OBIS database made available for public download likely introduce error into the findings in this report as some offender data are likely outdated. Furthermore, the FDC's OBIS database only includes information for persons released since October 1, 1997.¹⁶ The OBIS data used in this report are from the FDC's July 2019 snapshot.

25. The FDC acknowledges that "information in this [OBIS] file may not reflect the true current location, status, release date, or other information regarding an inmate."¹⁷ Furthermore, the FDC explicitly "makes no guarantee as to the

¹⁴ FDOC_Jul_2019.mdb database downloaded on July 14, 2019. Department of Corrections Offender Based Information System (OBIS), available for download at: http://www.dc.state.fl.us/pub/obis_request.html. The OBIS database is made available purportedly "to aid in the recording of the offender's day-to-day activities as well as to record historical data" (State of Florida, Auditor General, Report No. 2014-202, June 2014, Department of corrections Offender Based Information System (OBIS), "Information Technology Operational Audit," available: https://flauditor.gov/pages/pdf_files/2014-202.pdf).

¹⁵ See Florida Department of Corrections, "Public Records Requests for the OBIS Database," available (as of July 22, 2019): http://www.dc.state.fl.us/pub/obis_request.html.

¹⁶ Ibid.

¹⁷ Ibid.

accuracy or completeness of the information contained herein,” that is, in its OBIS database, which likely introduces additional error into the findings in this report.¹⁸

26. Limitations aside, the FDC’s OBIS database contains vital information in any effort to estimate how many persons with a felony conviction in Florida—at least those who have been in the custody of the FDC—might be eligible to register to vote under the conditions of SB7706. Most notably, the OBIS database includes a unique six-digit ID number that identifies a person with a felony conviction in Florida who currently is or had been under the control or supervision of the FDC.¹⁹

27. Specifically, in this report, I utilize the FDC’s OBIS database to identify all persons with a felony conviction in the Florida state corrections system who have been *released* from the FDC’s custody that is, they have completed the terms of their sentences, including parole, probation, or community control/supervision.²⁰ I then utilize the FDC’s OBIS database to identify all

¹⁸ Ibid.

¹⁹ It is my understanding that persons incarcerated or supervised by the Florida Department of Corrections are issued a unique six-digit identification number after receiving a commitment document from the 67 clerks of court.

²⁰ Michael Morse, in a Twitter post on July 10, 2019, speculated that the FDC’s OBIS database available for public download has “an enormous missing data problem.” “Although the department of corrections has readily provided individual-level data on almost all persons released from state prison, they have refused to provide data on those released from state probation, a numerically much larger group. Instead, they only provide data on persons currently on probation.” Morse’s tweet available at:

<https://twitter.com/MichaelLMorse/status/1148918925071175680> (as of July 19, 2019).

persons with a felony conviction in the Florida state corrections system who have completed the terms of their sentences, including parole, probation, or community control/supervision, who were convicted of a felony *other than* murder or a sexual offense as defined by SB7066. That is, my analysis includes only those individuals who have completed the terms of their felony sentence and who were *not* convicted of murder or a sexual offense as defined by the statute Governor DeSantis signed into law.²¹

28. Unfortunately, the FDC's OBIS database—at least the database that is available for public download—does not allow me to determine whether these individuals who have completed their sentence still owe any outstanding LFOs for a Florida state felony conviction. This is because LFOs are not contained within the FDC's OBIS database, at least the database that is available to the public for download. The publicly available OBIS database also does not include reliable information about persons with felony convictions who were not placed under FDC's custody, but instead were in county jail, probation, or community control/supervision.

29. The FDC's OBIS database also does not indicate if an individual was convicted of a felony that permits them to have voting rights under SB7066, nor does it include any information about outstanding LFOs an individual may owe.

²¹ At this time, I have not attempted to determine whether an individual with a felony conviction who appears to be eligible to register to vote under SB7066 has had their voting rights restored through the traditional clemency process or has registered to vote in Florida.

Furthermore, the OBIS database does not include outstanding LFO information about persons released from the FDC's custody who have a federal or an out-of-state felony conviction. Although I have conducted an extensive search, I have found no evidence that a unified, up-to-date, centralized database or repository exists that is housed with the FDC, and I certainly have not unearthed a unified, up-to-date, centralized database or repository that is available to the public for download or to query.

B. Felony Conviction Data and Outstanding LFOs from Florida's Court of the Clerks and Comptrollers and FCCC

30. Since no state agency in Florida appears to maintain a unified, up-to-date, centralized database or repository of persons with a felony conviction who are eligible to register to vote under SB7066 that is available to the public, it is necessary to draw on multiple data sources to generate credible estimates of the eligible population of persons with felony convictions in the Florida state corrections system who might be able to gain their voting rights.

31. As mentioned above, the FDC's OBIS database includes information about persons with felony convictions in the Florida state corrections system who have been discharged from the FDC's custody and who have met all the terms of their sentence. However, the FDC's OBIS database available for public download *does not* include data on whether these individuals have any outstanding felony-related LFOs. As far as I can determine, the FDC's publicly available OBIS

database for download also does not contain any information about persons with a felony conviction who were never sentenced to FDC custody or supervision.

32. As such, my analysis also relies on data maintained by each of the county clerks of court, or alternatively, by data maintained by the county clerks of court shared through their association, FCCC. Between June 4, 2019 and July 19, 2019, a team of researchers working in partnership with the ACLU-FL made public records request to all 67 county clerks of court for individual-level data for every person in their county, from 1980 to the present, with a felony conviction (guilty or no contest plea). Information from all available fields maintained in a county's Case Management System ("CMS") was requested, including full name, Department of Corrections ("DC") number, the FDLE's OBTS number, address, date of birth, gender, race, charges (offense category), convictions (prior and current convictions within the county), current status of supervision (parole, probation, release, etc.), any outstanding legal financial obligations (fines, fees, restitution, civil liens, other costs, etc.), and expected date of completion of supervision (or sentencing effective date and the length of incarceration or community supervision).

33. To my knowledge, the county clerks of court are not required to have an FDC number for a person in their CMS database; it is usually only provided when a county clerk of court receives notice of a violation of probation. The CMS database does include an individual's Uniform Case Number ("UCN"), at least

since January 1, 2003 after such a requirement was ordered in 1998 by the Supreme Court of Florida. Each UCN is a unique alpha/numeric string of characters that can be used to identify where a case was filed; the year in which the case was filed; the court division/case type where the case was filed; the sequential number denoting the case; an identifier for multiple parties or defendants involved in a case; and the branch location where the case was filed.²²

34. It is my understanding that most, if not all, of the clerks of court provide data from their CMS to the FCCC, creating what amounts to a statewide database that is maintained by the FCCC, the CCIS.²³ The FCCC considers the CCIS “as an ‘index’ to those locally held records” by the county clerks of court that “goes back to the year 2000”.²⁴ In theory, by merging at the individual-level the FDC’s OBIS data with data maintained by the 67 county clerks of court or the FCCC’s CCIS, one could identify all persons in the Florida criminal justice system with a felony conviction (which would not include Florida residents with out-of-state or federal convictions) who have met all the terms of their sentence across the state’s 67 counties—including those who were never supervised by the FDC and those who were released from the FDC’s custody—and then identify those who

²² See Supreme Court of Florida, “Uniform Case Numbering System,” available at: https://www.flcourts.org/content/download/219191/1981092/AO_Uniform_Case_Numbering_12-03-98_amended.pdf (last accessed July 23, 2019).

²³ See FCCC’s “Comprehensive Case Information System,” available at: <https://www.flccis.com/ocrs/login.xhtml> (last accessed July 23, 2019).

²⁴ Letter (.pdf) attached to email correspondence from Savannah Sullivan, Communications Manager / Press Secretary, FCCC. July 17, 2019.

have fulfilled all their felony-related LFOs and were thus eligible to vote under SB7066. In theory, one could also identify all persons who have an outstanding LFO from a felony conviction, across the state's 67 counties, who otherwise have met all the terms of their sentence, but who would be prevented from being able to register to vote under SB7066.

35. In practice, as with any project dealing with big data from multiple, disparate sources, caveats abound. When attempting to link across big databases that lack a unique identifier, there is always a trade-off between coverage and precision.²⁵ Generating false positives—that is, making a determination that a given condition has been fulfilled when it actually has not been fulfilled—is a pitfall in any effort to match records using an algorithm across large databases. This includes efforts to link the FDC's OBIS database from July 2019, with data maintained by the county clerks of court or the FCCC containing information about LFOs, because data containing information about LFOs obtained from the county clerks of court do not consistently include an individual's six-digit Department of Corrections number. As such, any matching exercise is conditioned on the reliability of the underlying data as well as the matching algorithm. In this case, there will undoubtedly be some matching errors when linking individuals from the FDC's OBIS database with individuals in the databases maintained by the

²⁵ Stephen Ansolobehere and Eitan Hersh, "Validation: What Big Data Reveal about Survey Misreporting and the Real Electorate," *Political Analysis* 20(2012): 437-59.

county clerks of court by changing all text in both databases to lowercase, removing all punctuation, concatenating a string consisting of a person's first name, last name, name suffix, date of birth, race code, and sex code, and then matching the concatenated strings across both datasets. Errors in any matching exercise can result from data that are temporally asynchronous across the various data sources, as well as from issues related to missing data, coding errors in the raw data, inconsistent and illogical data entries, and truncated data.

36. That said, as of the date of this report, I am able to provide preliminary estimates by analyzing individual-level felony convictions and LFO data from 48 of the 67 clerks of court, and by linking such county data to inmate release data from the FDC's OBIS database.²⁶ In five cases, the analysis relies on county clerk of court data obtained directly from the county clerks.²⁷ Other county

²⁶ The 48 counties for which at the time of this report I have county clerk of the courts data are: Alachua, Baker, Bradford, Calhoun, Charlotte, Citrus, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Franklin, Gadsden, Gilchrist, Hamilton, Hardee, Hendry, Highlands, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Levy, Liberty, Madison, Marion, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Palm Beach, Pasco, Putnam, Santa Rosa, Sarasota, Seminole, St. Lucie, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, Washington.

²⁷ For example, Collier County responded to a public records request on June 13, 2019, with data from its Case Management System ("CMS") dating back to 1991. The Collier County Circuit Court and Comptroller, like other counties' clerks of court, allows individuals to make data queries available via a web portal, available at <https://cms.collierclerk.com/cmsweb#!/search-results>. (Last accessed on June 30, 2019). Collier County provides a disclaimer to those using the website: "Public Records Search Disclaimer: The information contained in this website may be out of date, or may contain errors or omissions. All information is provided without warranty of any kind. The Clerk hereby disclaims all warranties with regard to the information contained in this website. The Clerk shall not be held

clerks of court data were provided by the FCCC, on behalf of participating counties.²⁸ It is my hope to be able to analyze additional records obtained from all 67 county clerks of court in subsequent reports.

37. At this time, every effort has been made to obtain additional county-level court data with information about an individual's LFOs if they are in the FDC's OBIS database, or if the individual is only in a county's database. A handful of the 67 county clerks of court never responded to multiple public records requests made in early June 2019 for the aforementioned data. A couple county clerks of court continue to work on fulfilling public records requests. And roughly 40 county clerks of court have responded directly or indirectly to public records

liable under any circumstances, for any damages including, but not limited to, direct, indirect, incidental, special, or consequential damages of data, profit, use; or other use or purpose incurred by a site user or by a third party and arising from the use of information contained in this website or contained in a website that is hyperlinked from this site." *See* Collier County Clerk of the Circuit Court, "Disclaimer," available at: <https://www.collierclerk.com/disclaimer> (last accessed June 30, 2019). St. Lucie County responded to a public records request on June 25, 2019, with data from its CMS going back to 2008. Online, the St. Lucie County Circuit Court and Comptroller allows individuals to make data queries available via a web portal, available at: <https://courtcasesearch.stlucieclerk.com/BenchmarkWebExternal/Home.aspx/Search>. (Last accessed on June 30, 2019). St. Lucie County does not provide a disclaimer for those using its website portal. Additional data was provided by the Citrus, Lake, and Sarasota clerks of court. Alachua and Marion provided data, but data for the two counties was also provided by the FCCC. Data provided by the Lee County Clerk of Court could not be processed at the time of this report.

²⁸ The first wave of county clerks of court data provided via the FCCC arrived on July 19, 2019; a second wave via the FCCC arrived on July 26, 2019.

requests by referring requests for information to FCCC, which has provided some of the requested data that are maintained in its CCIS.²⁹

38. It is my understanding that most of the clerks of court maintain individual CMS data that can be linked to the CCIS, which is maintained by the FCCC.³⁰ It is also my understanding that the CCIS may possibly be a secured

²⁹ For instance, the Franklin County Clerk of Court responded to the public records request on June 10, writing, “[m]y office is unable to provide the data you are requesting and that data is not contained within a specific report within my office. I understand that the Florida Court Clerks & Comptrollers Association has been communicating with ACLU and is looking into ways to assist with the request. I will stay in touch with FCCC and work with them as they are my vendor for criminal records maintenance.” (Email correspondence from Franklin Clerk of Court, Marcia Johnson, June 10, 2019). The Clerk of Court from Volusia County responded to the public records request on June 11, writing, “[w]e were informed by our statewide association, the FCCC, that a statewide solution for providing you the data you’re looking for is being worked on. That would be the best most affordable solution if they are able to produce your report statewide. I’m going to assume what you’re looking for from us will be satisfied by what you receive from FCCC. Let me know if something changes with that plan.” (Email correspondence from Volusia Clerk of Court, Laura E. Roth, June 11, 2019). The Clerk of the Court from Putnam County responded to the public records request on June 12, writing, “The Florida Clerks of Courts and Comptrollers (FCCC) group is working with the ACLU to determine if there is a way to pull the information requested of the Clerks from a consolidated database the FCCC manages. We are all waiting for guidance from them. As soon as I hear from the FCCC, I will let you know what the next steps are.” (Email correspondence from Putnam Clerk of Court, Sherry Mehl, June 12, 2019). The Clerk of Court from Lake county responded to the public records request on June 13, writing, “My office is currently analyzing your request to determine the best method to fulfill your request to the extent we have the records available. For example, we do not track restitution, nor do we track prior convictions or expected dates of completion of supervision. Further, our case maintenance system does not include data back to 1980.” (Email correspondence from Lake Clerk of Court, Gary Cooney, June 13, 2019).

³⁰ “Established in 2002 as an initiative to view court case information across county and circuit lines,” the CCIS was “[d]eveloped and maintained by Florida’s Clerks, pursuant to s. 28.24(12)(e), Florida Statutes,” and “provides a method to

single-point of search for all statewide court case information. Among other information, the CCIS includes court case information, including criminal history records and inmate data.³¹ Unfortunately, at this time, I have not received data through public records requests from roughly one-third of the clerks of court, including some that have indicated that they are working with the FCCC to provide their data via the FCCC's CCIS database.

IV. Data and Analysis

39. As mentioned above, although I have data from the FDC's OBIS database of those persons with a felony conviction who have been released from the FDC's supervision from 1997 through July 2019, the FDC's OBIS database available for public download does not provide data on those released from state probation who did not serve a custodial sentence; more importantly, it does not

share and report information related to all court cases maintained by the Clerks." It [p]rovides a statewide methodology for data sharing among the judiciary, criminal justice and information user agencies," and is "[s]earchable by name or case number, through a secured point of access, and is available 24/7. See FCCC, "Comprehensive Case Information System (CCIS)," August 22, 2017 available: https://www.flclerks.com/resource/resmgr/New_Clerk_Academy/2017_Technology/8_CCIS_3.0.pdf.

³¹ The analysis in this report is conservative, as it eliminates from consideration all persons who were found guilty or pled no contest to felony charge, but who received a sentence of "adjudication withheld," thus avoiding a formal felony conviction. For more information on an "adjudication withheld" sentence in Florida, see Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016," *The Sentencing Project*, October 6, 2016. Available: <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

include any information about an individual's outstanding LFOs. As such, my empirical analysis is constrained by the fact that I have data on LFOs for those with felony convictions from 48 of the 67 county clerks of court who have provided data from their CMS databases directly or through the FCCC's CCIS database.³² The empirical analysis of persons with felony convictions who have been released from custody and supervision but owe outstanding LFOs tied to a felony conviction proceeds in five sections.

A. Estimates of the Number of Persons with Felony Convictions in the 48 County Clerks of Court Databases *not in* the FDC's OBIS Database, who are Otherwise Eligible to Register to Vote under SB7066, with \$0 LFOs, by Race

³² Because of the nature of the data obtained by the county clerks of court either directly or via the FCCC, numerous assumptions must be made in order to calculate estimates for the 48 counties. The individuals included in the following analysis satisfy the following requirements, in that they: 1) are not incarcerated in Florida state prison, to the extent that this can be determined; 2) were adjudicated guilty and did not have that adjudication withheld (assuming that a value of "W" in the data field `c_action`, when it exists, means adjudication withheld); 3) did not commit murder or a sex crime, based on the word "murder" or "sex" in an appropriate data field. Any felon with multiple felonies in a single county, on possibly different dates, is excluded from this report if any of the person's felonies is a murder or a sex crime; 4) have a release date prior to or on June 30, 2019 with release date calculated as sentence effective date plus time in jail plus time probation plus time community control, to the extent that a county data file contains information on these details; 5) have LFOs that are zero or a positive balance due to a county office (that is, individuals with negative balances are discarded); 6) have a least one valid sentence effective date, even if the person has a positive court balance (it is not possible to estimate release dates when no sentence effective dates are provided); and 7) have a least one valid sentence length variable for a non-monetary sentence (as it is not possible to estimate release dates when no sentence length information is available). Individuals who do not satisfy the above requirements are not part of the analysis that follows.

40. Figure 1 provides a visualization across the 48 Florida counties for which I have available data of the fraction of black and the fraction of white persons with felony convictions not in the FDC's OBIS database in each county who owe an estimated \$0.00 (zero) LFOs for a felony conviction, and who are otherwise eligible to register vote—that is, they have fulfilled the terms of a felony conviction (other than murder or sexual offense), and have met all the conditions of their parole, probation, or community control/supervision. Because I have not received data from all 67 clerks of court, I am unable to rule out whether these individuals might have a felony conviction in another county, and might still owe LFOs in another county, particularly if they are not included in the FDC's OBIS database.³³

³³ Perhaps not surprisingly, numerous data issues arose when compiling the data for this analysis. For example, clerks of court data provided by the FCCC describe sentence lengths in a field named `sent_conf_len`. This field should be six digits long (years, months, days). However, this is not always the case. In some counties (e.g., Gadsden) there are spaces in the `sent_conf_len` field. To deal with this, all spaces are removed from `sent_conf_len`. Then, any values of `sent_conf_len` that are fewer than six digits long are prepended with zeroes. Lastly, all data rows that have letters in `sent_conf_len` are dropped from the analysis. Similarly, efforts to calculate the balance due for a person's LFO identified four counties with unique formats. For these counties, balance due per person with a felony conviction is determined based on the idiosyncrasies of the county's data format. Although the counties that provided data via the FCCC have similar data formats, it appears that the individual county clerks of court employed varying rules for how they maintained their data files. This variance complicates determining LFOs balance due per person with a felony conviction. For the FCCC counties, the approach used here is as follows. For any crime incident, corresponding to a row or set of rows associated with a single UCN number, the incident's balance due amount is the minimum value across all of the rows' values of `tot_amt_due` and `tot_amt_pd` (total amount due minus total amount paid). This is conservative since it uses

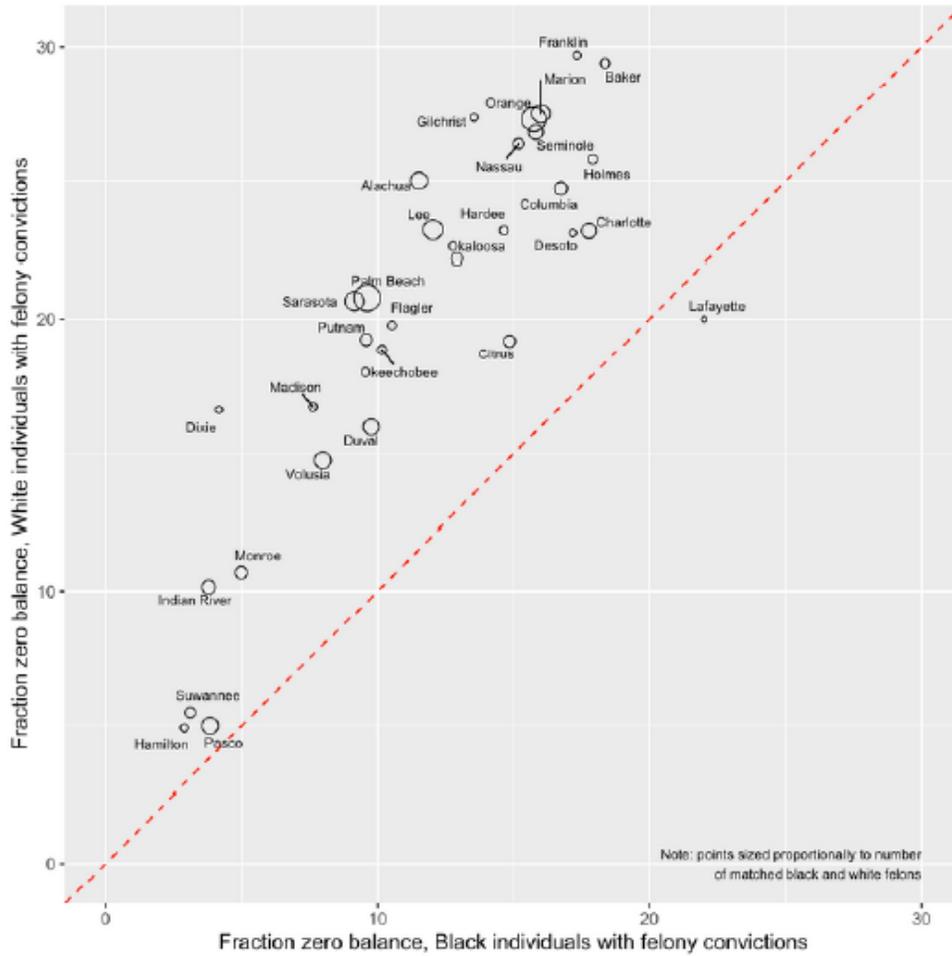
41. All the circle markers in Figure 1 (which are scaled proportionately to the number of matched black and white individuals in each county) represents a Florida county. The diagonal black line is fixed at a 45° angle. The X-axis (horizontal), labeled “Fraction zero balance, Black individuals with a felony conviction,” is the percentage (from 0 to 30) of black individuals in a county with a felony conviction who have met all the terms of their felony sentence in the county, and who owe \$0 LFOs in the county, so are eligible to register to vote under SB7066. The Y-axis (vertical), labeled “Fraction zero balance, White individuals with a felony conviction,” is the fraction (from 0 to 30) of white individuals in a county with a felony conviction who have met all the terms of their felony conviction in the county, and who owe \$0 LFOs in the county, and are thus eligible to register to vote under SB7066.

42. The diagonal 45° line allows us to easily visualize how white persons with qualifying felony convictions who have met the terms of their sentence are more likely to have no outstanding LFOs compared to comparable black persons in the 48 counties. With one exception (Lafayette County), every circle marker lies above the 45° line. That is, in 47 or the 48 counties—from the urban Orange County to the rural northcentral Dixie County, from the Gulf Coast Sarasota County to the northeast Nassau County—black individuals are more likely than

minimum values of total amount due minus the total amount paid. Finally, for the purposes of this report, all types of probation (regular probation, drug offender probation, and administrative probation) are assumed to be equivalent.

white individuals to owe some amount of LFOs after having met all the terms of their sentence. In numerous counties, the rate of eligible white individuals who owe \$0.00 LFOs—and thus are eligible to gain voting rights—is at least twice the rate of eligible black individuals. For example, in Sarasota and Palm Beach counties, fewer than one in 10 black individuals who have otherwise met all the terms of their sentence have paid off all of their LFOs, whereas more than one in five comparable white individuals have done so. In Indian River County, fewer than one in 20 black individuals with a felony conviction who have met all the terms of their sentence owe \$0 LFOs; one in 10 comparable white individuals have done so.

Figure 1: Fraction of Black and White Individuals in the 48 Counties with Estimates of \$0 LFOs Owed who are *not in* the FDC’s OBIS Database, by County



B. Estimates of LFOs Owed by Individuals with Felony Convictions in the 48 Counties *not in* the FDC’s OBIS Database, who are Otherwise Eligible to Register to Vote under SB7066, by Race

43. For the 48 counties for which I have obtained data, it is possible to provide estimates of the outstanding amount of LFOs owed by black and white

individuals with eligible felony convictions. The following estimates are based on data received directly from the county clerks of court or on their behalf as provided by the FCCC. The following table includes data for individuals with felony convictions dating as far back to 1997, although most of the data from the counties dates back only to the early 2000s. The summary information about LFOs owed by black and white individuals with eligible felony convictions as recorded by the clerks of courts (either directly or via the FCCC) rely on data for people that: (1) are found in each county's CMS database; (2) are not found in the FDC's OBIS database; (3) were not convicted of murder or a sexual offense as defined by SB7066; and (4) have met the terms of their felony sentence as of July 2019. Table 1 includes all persons across the 48 counties who do not owe any LFOs related to a felony conviction in the county, according to each county clerk of court, as well as the number of persons in graduated categories of dollar amounts of LFOs for those who otherwise are eligible to register under SB7066. In addition, I provide estimates of the racial breakdown of those who fit these conditions over this timeframe.

44. Overall, across the 48 counties, I calculate that there are an estimated 258,938 persons with felony convictions who are *not* included in the FDC's OBIS inmate release database, were not convicted of murder or a sex crime under SB7066, had a release date prior to June 30, 2019, and have met all the terms of the felony sentence. Of these individuals, *roughly one fifth* have paid off all their

LFOs related to a felony offense—only 52,861 (20.4%). Table 1 provides a breakdown, by an estimated minimum balance due, for these 258,938 individuals who have otherwise met all the terms of their felony sentence and who are not in the FDC’s OBIS database. It also lists the ranges of outstanding LFOs tied to felony conviction still owed by the more than 206,000 individuals across the 48 counties, broken down by race (black and white). Overall, I estimate that only 20.4% of these individuals owe \$0 in LFOs tied to their felony conviction.

Table 1:
Estimates of Balance Due of Eligible Persons with Felony Convictions,
not in FDC’s OBIS Database, across 48 Florida Counties, by Race

	Balance due, All		Balance due, Black		Balance due, White	
	Count	%	Count	%	Count	%
\$0	52,861	20.4	11,501	13.5	39,262	23.6
Up to \$100	14,819	5.7	3,756	4.4	10,638	6.4
Up to \$250	10,387	4.0	3,157	3.7	6,946	4.2
Up to \$500	30,153	11.6	10,456	12.3	18,853	11.3
Up to \$1,000	60,720	23.4	21,816	25.7	37,142	22.3
Up to \$5,000	79,722	30.8	30,506	35.9	47,223	28.4
Up to \$10,000	5,794	2.2	2,312	2.7	3,339	2.0
> \$10,000	4,482	1.7	1,406	1.7	2,941	1.8
Total	258,938	100.0	84,910	100.0	166,344	100.0

45. As Table 1 reveals, of those who otherwise have met all the terms of their felony sentence in the 48 counties, only 13.5% of black individuals, compared to 23.6% of white individuals, are estimated to be eligible under SB7066 to exercise their voting rights because they have paid off all LFOs originally assessed

as part their felony convictions. Black individuals are also more likely than white individuals to owe between \$250 and \$10,000 in LFOs in the 48 counties.

46. In my opinion, it is clear from Table 1 that across the 48 counties for which data from the county clerks of court are available, black individuals who have otherwise met all the terms of their felony conviction are significantly less likely to be able to gain voting rights under SB7066, as compared to similar white individuals, because of outstanding LFOs tied to their felony conviction that they owe in a county.

C. Estimates of the Number of Individuals with Felony Convictions *in* the FDC's OBIS Database and the 48 Counties, who are Otherwise Eligible to Register to Vote under SB7066, with \$0 LFOs, by Race

47. By linking an individual in the FDC's OBIS inmate release database to that same individual in the 48 county clerks of court,³⁴ it is possible to provide

³⁴ Unfortunately, Florida county clerks of court do not systematically include a unique FDC identification number for individuals in their CMS databases for those who were at one time under the supervision of the FDC. As the Director of Community Relations and Outreach Office of the Clerk of the Circuit Court & Comptroller of Collier County, Jay Schlicter, helpfully pointed out in response to a query about the exclusion of the FDC's unique ID number in its CMS database, "We are not required to have the DC number. It is only provided when we get a violation of probation. We add them at that time to be helpful for other agencies. We only began doing that a few years ago. The case number is the UCN number." (Email correspondence from Jay F. Schlicter, June 14, 2019). As such, individuals included in the FDC's OBIS and the county clerks of court CMS datasets are matched with an exact match technique that changes all text in both databases to lowercase, removes all punctuation, concatenates a string of a person's first name, last name, date of birth, race code, and sex code, and then matches the concatenated strings across both datasets.

additional estimates of the number of persons who were convicted of a felony (other than those convicted of murder or a sexual offense as defined by SB7066) in each of the 48 counties, who have completed all the terms of their felony sentence under the authority of the FDC, but who are not eligible to register to vote under SB7066 because they owe LFOs tied to a felony conviction.

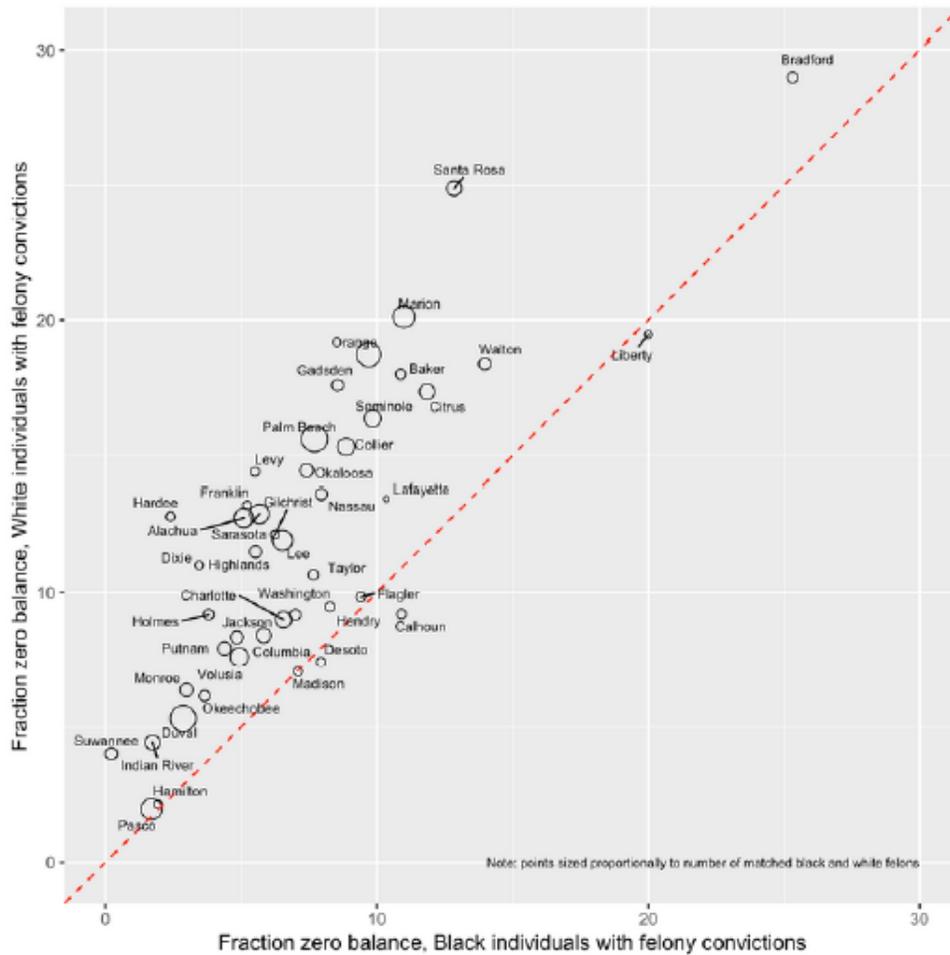
48. Drawing on inmate release data from the FDC's July 2019 OBIS database, merged with LFOs data drawn from the 48 Florida counties for which I have data, Figure 2 provides a visualization of the fraction of black and white individuals in each county who are in the FDC's OBIS inmate release database and who owe \$0.00 (zero) LFOs for a felony conviction in that county. Assuming these individuals have completed their supervision and paid off all LFOs for any other felony convictions in another county that did not reach the FDC, or a federal or out-of-state felony conviction, these individuals are eligible to vote under SB7066. In addition to the standard caveats, not all the individuals included in the FDC's OBIS inmate release database are represented in this figure, as the publicly available OBIS database from the FDC does not provide information about LFOs, making one reliant on the county clerks of courts for this financial information.

49. Each circle in Figure 2 represents a Florida county. The diagonal black line is fixed at a 45° angle. The X-axis (horizontal), labeled "Fraction zero balance, Black individuals with a felony conviction," is the fraction (from 0 to 30) of black individuals in a county with a felony conviction who have met all the

terms of their felony conviction according to the FDC's OBIS database, and who owe \$0 LFOs in the county, according to data provided by the 48 clerks of court. The Y-axis (vertical), labeled "Fraction zero balance, White individuals with a felony conviction," is the fraction (from 0 to 30) of white individuals in a county with a felony conviction but who have met all the terms of their felony conviction in the county, and who owe \$0 LFOs in the county, and are thus eligible to register to vote.

50. The diagonal 45° line allows us to easily visualize how white persons with qualifying felony convictions according to the FDC's OBIS inmate release database, who have met the terms of their sentence, are more likely to have no outstanding LFOs compared to comparable black persons across the 48 counties for which I have obtained data from the county clerks of court that can be linked to the FDC's OBIS records. Nearly every circle (which are scaled proportionately to the number of matched black and white individuals in each county) lies above the 45° line. That is, in all but four counties (Calhoun, Liberty, Madison, and DeSoto counties), black individuals who have been supervised through the FDC are more likely than white individuals to owe LFOs. In several counties (for example, Dixie, Franklin, Hardee, Indian River, Levy, Monroe, and Suwannee), the rate of eligible white individuals who have been released from FDC supervision and who do not owe any LFOs—and thus are eligible to gain their voting rights—is at least twice the rate of eligible black individuals.

Figure 2: Fraction of Black and White Individuals in the 48 Counties with Estimates of \$0 LFOs Owed who are *in* the FDC’s OBIS Database, by County



D. Estimates of LFOs Owed by Individuals with Felony Convictions in the 48 Counties and *in* the FDC’s OBIS Database, who are Otherwise Eligible to Register to Vote under SB7066, by Race

51. By linking individuals in the FDC’s OBIS inmate release database to an individual’s LFO status as indicated by data provided by the 48 county clerks of

court,³⁵ it is possible to provide additional estimates of the number of persons who were convicted of a felony (other than those convicted of murder or a sexual offense as defined by SB7066) in each of the counties, who have been released from custody and supervision, and who are eligible to register to vote under SB7066 because they have zero (\$0.00) balance for LFOs tied to a felony conviction.

52. It is also possible to provide estimates of the number of persons across the 48 counties who are prohibited under SB7066 from registering to vote, even though they have been released from custody and supervision, because they have outstanding LFOs tied to a felony conviction. Furthermore, it is possible to provide estimates of the racial breakdown of black and white individuals across the 48 counties who have a felony conviction, who have been released from FDC custody—that is, they completed all the terms of their sentences, including parole,

³⁵ Unfortunately, Florida county clerks of court do not systematically include a unique FDC identification number for individuals in their CMS databases for those who were at one time under the supervision of the FDC. As the Director of Community Relations and Outreach Office of the Clerk of the Circuit Court & Comptroller of Collier County, Jay Schlicter, helpfully pointed out in response to a query about the exclusion of the FDC's unique ID number in its CMS database, "We are not required to have the DC number. It is only provided when we get a violation of probation. We add them at that time to be helpful for other agencies. We only began doing that a few years ago. The case number is the UCN number." (Email correspondence from Jay F. Schlicter, June 14, 2019). As such, individuals included in the FDC's OBIS and the county clerks of court CMS datasets are matched with an exact match technique that changes all text in both databases to lowercase, removes all punctuation, concatenates a string of a person's first name, last name, date of birth, race code, and sex code, and then matches the concatenated strings across both datasets.

probation, or community control/supervision—but who may or may not have outstanding LFOs tied to a felony conviction.

53. Overall, across the 48 counties, I calculated there are an estimated 336,108 individuals in the FDC's OBIS inmate released database who are potentially eligible to gain voting rights. These individuals were adjudicated guilty, were under the control of the FDC, were not convicted of murder or a sex crime under SB7066, and starting in 1997 had been released from supervision. By linking these individuals to the CMS databases provided by 48 clerks of court, it is possible to approximate how many have outstanding LFOs tied to a felony conviction. Table 2 provides the count and percentage, overall and by race (black and white), of the 116,318 individuals matched from the FDC's OBIS inmate released database to data provided by the 48 county clerks of court, broken down by each range of estimated minimum outstanding LFOs, and by the race of the individual (black and white).³⁶ Overall, I estimate that only 11.4% of these individuals owe \$0 in LFOs tied to their felony conviction.

³⁶ As noted above, matching records across the FDC's OBIS and the 48 clerks of court data is based on an exact match between first name, last name, name suffix, date of birth, race code, and sex code. Note, too, that records with missing first names are not part of the match, and that person with a felony conviction who is released from the FDC but who committed a crime in two or more counties, and thus may have LFOs owed in two or more counties, is treated as two separate individuals. Because of data reliability concerns, those with sentence imposed dates prior to 1960 are excluded, too. Roughly 10% of matched individuals in the FDC's OBIS inmate release database with the county LFOs data were in more than one of the 48 counties and had positive LFOs in more than one county.

Table 2:
Estimates of Balance Due of Eligible Persons with Felony Convictions,
in the FDC's OBIS Database, across 48 Florida Counties, by Race

	Balance due, All		Balance due, Black		Balance due, White	
	Count	%	Count	%	Count	%
\$0	13,247	11.4	3,511	8.0	9,678	13.5
Up to \$100	5,143	4.4	1,687	3.8	3,446	4.8
Up to \$250	3,527	3.0	1,334	3.0	2,182	3.0
Up to \$500	10,585	9.1	4,135	9.4	6,401	8.9
Up to \$1,000	25,452	21.9	10,477	23.8	14,858	20.7
Up to \$5,000	47,463	40.8	19,219	43.6	28,011	39.1
Up to \$10,000	4,893	4.2	1,963	4.5	2,908	4.1
> \$10,000	6,008	5.2	1,745	4.0	4,198	5.9
Total	116,318	100.0	44,071	100.0	71,682	100.0

54. As Table 2 makes clear, of those individuals in the databases of the 48 county clerks of court who were under the control and supervision of the FDC and who have been released because they have met all the terms of their felony conviction, only 8.0% of blacks, compared to 13.5% of white individuals, are eligible under SB7066 to gain their voting rights because they have paid off their LFOs. Put differently, fewer than one in 10 black individuals who have been released from FDC custody and supervision have paid off the LFOs originally assessed as part of a felony conviction, whereas the rate is roughly one in seven for comparable white individuals.

55. In my opinion, it is clear from Table 2 that black individuals in these 48 counties who have been released from the custody and supervision of the FDC are significantly less likely to be able to gain their voting rights, as compared to

comparable white individuals with felony convictions, as a result of outstanding LFOs tied to a felony conviction.

E. Statewide Estimates of the Number of Persons with Felony Convictions in the FDC's Removed OBIS Database, who are Otherwise Eligible to Register to Vote under SB7066 with the Exception of Outstanding LFOs, by Race

56. Finally, it is possible to extrapolate from the estimates of the number of persons, both black and white, across the 48 counties for which the clerks of court have provided data on LFOs, to estimate the number of individuals across the state, by race, who have a felony conviction, were released from FDC custody, and who should be eligible to gain their voting rights under SB7066 because they have paid off all LFOs tied to a felony conviction. The calculation is rudimentary: simply assume that the rate across the 48 counties for blacks and whites who have met all the terms of their sentence and were not convicted of murder or a sexual offense, and who do not owe any LFOs according to the 48 clerks of court, and then apply the rate to the 336,108 individuals statewide who have been released from the supervision of the FDC circa July 2019.

57. Given the limited available and reliability of the data, these estimates should be considered preliminary, as we do not know if the rates across the 48 counties for which I have estimates will be consistent for the state's other counties for which I have yet to obtain data as of this writing. They also, by definition, *exclude* all persons with felony convictions who were never in the FDC's custody,

including those who were convicted of a felony who served time in a county jail or were under county supervision, as well as those with eligible out-of-state or federal felony convictions who have moved to Florida.

58. My preliminary analysis extrapolating from the 48 counties for which the clerks of court have provided LFO data is that, statewide, *only 11,495* (8.0%) of the 143,693 black individuals with felony convictions who have been released from FDC supervision and have paid off all LFOs related to their eligible felony convictions are eligible to register to vote. By contrast, I estimate that, statewide, 24,165 (13.5%) of the 178,997 white individuals with felony convictions released from FDC supervision have paid off all LFOs, making them eligible to register.

59. There are too little county clerks of court data at this point to estimate with any degree of certainty how many of, say, The Sentencing Project's estimated 1,487,847 individuals in Florida who have completed all the terms of their felony conviction, circa 2016, might be eligible to gain the franchise under SB7066.³⁷ This post-sentence estimate likely includes individuals with felony convictions who are not eligible under SB7066 to gain their voting rights because of the type of felony conviction (murder or sexual offense). It also likely includes persons in Florida who are convicted of a felony out-of-state or in federal court, data that are

³⁷ See Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016," *The Sentencing Project*, October 6, 2016, Table 3 (p. 15). Available at: <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

unavailable to me. But if the estimates of LFOs from the 48 counties (both those released from FDC and counties' custody and supervision) analyzed in this report are accurate, only a fraction of The Sentencing Project's estimated nearly 1.5 million individuals—roughly 261,861 (17.6%)—will be likely to be eligible to vote under SB7066; the remaining 1,225,986 individuals are likely to be disenfranchised by SB7066 due to their outstanding LFOs.

60. There are too little county clerks of court data at this point to estimate with any degree of certainty how many of, say, The Sentencing Project's estimated 1,487,847 individuals in Florida who have completed all the terms of their felony conviction, circa 2016, might be eligible to gain the franchise under SB7066.³⁸ This post-sentence estimate likely includes individuals with felony convictions who are not eligible under SB7066 to gain their voting rights because of the type of felony conviction (murder or sexual offense). It also likely includes persons in Florida who are convicted of a felony out-of-state or in federal court, data that are unavailable to me.

V. Conclusion

61. Despite the absence of data on out-of-state and federal convictions of persons with felony convictions living in Florida, and the general unavailability or

³⁸ See Christopher Uggen, Ryan Larson, and Sarah Shannon, "6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016," *The Sentencing Project*, October 6, 2016, Table 3 (p. 15). Available at: <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>.

inaccessibility of correctional data from various State of Florida agencies or clerks of court that are needed to establish more definitively which persons with Florida felony convictions who reside in Florida might be eligible to vote, there is little doubt that SB7066 will severely limit the ability of eligible Floridians with a past felony conviction to be able to register to vote. This is because there is a large share of individuals who have outstanding LFOs originally assessed as part of their felony conviction. Due to outstanding LFOs, my preliminary analysis estimates that fewer than one-in-five—just 66,108 of the 375,256 individuals³⁹ with a felony conviction other than murder or a sexual offense as defined by SB7066 who have been released from county or FDC custody and supervision in 48 counties—are likely to be qualified to register to vote under SB7066. The rate is significantly less for black individuals with a felony conviction due to outstanding LFOs in nearly all 48 counties for which I have obtained data, with regard to both felony convictions internal to a county or individuals matched to the FDC's OBIS database.

62. In sum, my findings should be taken as preliminary estimates, due to limited available data. I do not have accurate or comprehensive data on federal or out-of-state felony convictions, and even within the Florida criminal justice system, I do not have systematic data on individuals convicted of a felony who

³⁹ This includes the 13,247 of the 116,318 individuals who were in FDC custody or supervision, and 52,861 of the 258,938 individuals with a felony conviction who were not in the FDC custody or supervision who now have an LFO balance of \$0.00 in the 48 analyzed counties' databases.

were never referred to the FDC, e.g., those who served time in a county jail or county supervision. Furthermore, I am unable to cross-reference whether an individual with an LFO balance of \$0.00 in one county has outstanding debt from a felony conviction in other counties. The available data from the FDC and the county clerks of court only go back as far as the 1990s. I have not discovered a way to determine whether LFOs have been converted into a civil lien, or to confirm that those I have identified meet other voter eligibility requirements (i.e. mental competence, citizenship). I would like to reserve the right to continue to supplement my declarations in light of additional facts, data, and testimony.

63. I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of August, 2019, at Alachua County, Florida.



Daniel A. Smith, Ph.D.

October 12, 2019

From: Vicki Cannon <vcannon@votenassau.com>
Sent: Saturday, October 12, 2019 11:10 AM
To: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>
Cc: Cannon, Vicki P. <vcannon@votenassau.com>
Subject: RECOMMENDATIONS FOR CONSIDERATION -- GOVERNOR'S RESTORATION OF VOTING RIGHTS WORKING GROUP

EMAIL RECEIVED FROM EXTERNAL SOURCE

It has been my honor to serve with Secretary Lee and other members of the Working Group. I appreciate all of the informative presentations and comments submitted by governmental agencies and the public to date. The following are my observations and input for the recommendations to the Governor and Florida Legislature.

It is obvious that much of what has to be done has to do with data management among the **various agencies who are responsible for collecting the data in Florida and other states**. In my opinion, Representative James "J.W." Grant has excellent ideas about managing data and should be consulted as the departments and agencies move forward with this process. This is an opportunity for Florida's governmental agencies to not only implement processes to collect and provide accurate and verifiable data to comply with Amendment 4 and SB 7066, but also to consider any other agency needs at the same time. Obviously, this will take some time just as it did when the Division had to develop the statewide voter registration system.

In my opinion, the **Legislature** will need to pass legislation to give direction on what happens when government cannot determine whether restitution, fines, fees, etc. were paid, etc. And, likewise, funding will be required to implement and enhance the data management systems that are in place and may need to be created.

Supervisors of Elections, in my opinion, are end users and need accurate, up-to-date and verifiable information to process Potentially Ineligible Voters (PIV).

Floridians with felony convictions who wish to register to vote need to know whether they have completed the terms of their sentence for any felony convictions. From conversations I have had with citizens who wish to register, they either know for a fact that they have met the terms of their sentence, or they are not sure and do not want to register until they can confirm. I feel that we, as government, need to serve our citizens and provide them with documentation so

that they have confidence in knowing that they are truly eligible to register to vote. Although a document would not be necessary for them to register to vote, it should be available if they request it.

In addition to the comments provided by Nassau County Sheriff's General Counsel Bobby Lippelman (outlined below), I offer the following recommendations for consideration:

Short-term recommendations:

- *To assist the Division of Elections, SOEs and our citizens, trained personnel should be hired in the Governor's Office or a designated department/agency to oversee and coordinate with other departments/agencies to determine the status of the citizen's sentence and provide a document outlining their status. The number of personnel to accomplish this should be based on the volume of requests for assistance and should take no longer than two weeks from the request to completion, unless there are extenuating circumstances (felony conviction in another state and the respective agency does not respond timely). The document should include the terms that have been completed and, if all terms have not been completed, it should provide specific information on what is necessary to complete the terms of their sentence (i.e., pay fees to the Clerk, etc.) and who to contact regarding same (agency name, email, phone, location, etc.).*
- *All agencies, including Supervisors of Elections, that are required to provide information to citizens should be providing state approved documents or templates. i.e. Instructions for Seeking Restoration of Civil Rights. This will provide our citizens with uniform information. Where applicable, the document should provide direct contact information of the agency who can assist citizens with determining the status of their sentence.*

Long-term recommendations:

- *Once the agencies have the data management systems completed, a system similar to the FCOR's Restoration of Civil Rights Search (<https://fpcweb.fcor.state.fl.us/>) should be developed for a citizen to easily access and print a report on the terms of their sentence by entering their respective information.*

RECOMMENDATIONS SUBMITTED BY NASSAU COUNTY SHERIFF'S GENERAL COUNSEL BOBBY LIPPELMAN:

Some of the below may have already been decided or may be in place, as I certainly do not profess to be an expert on the topic and have only focused on the small portion that is the responsibility of the Sheriff.

Having that said, in our discussion last week, we identified two particular problems/concerns which exist surrounding accuracy in the eligibility/status of a voter who has a previous felony condition. These problems/concerns are more specifically related to data collection statewide for multiple felony convictions in different counties/judicial circuits, and as to what will confirm the completion of all the terms of sentence (which are now required by statute to include all restitution, fines, fees, civil judgments, and liens).

Each of these problems/concerns have relatively simple solutions, if the Judges/Courts around the State were amenable and if the Governor were to assign certain functions to agencies under the authority of the Governor.

Issue of completions of terms of sentence including liens:

Rather than have a State or County level constitutional office or agency attempting to interpret if the terms of a sentence have been completed, a process whereby a potential voter/previously convicted felon can submit an application (or file a motion or other form or pleading) directly to the Court where the case arose. The Court, preferably the sentencing judge or the judge replacing the sentencing judge in a particular division, could verify the terms of the sentence have been completed (this may require inquiry by the Court's judicial assistant of a probation officer or the Clerk of Court to determine all conditions, fines, fees and liens have been satisfied). The Court could then enter a form/template order

confirming that status as all terms of sentence having been completed. This process would ensure absolute accuracy and is not much additional burden as this is already being done to determine when an offender completes a probationary sentence, or when an individual makes application for a sealing or expunction of a record, etc. This is not a new process. I realize this does not address Federal convictions, or out of State convictions and that is something that will need to be addressed because the Courts of every State and the Federal Courts will have different ways they want/must handle confirmation of end of sentence. There isn't going to be a one size fits all for anything other than State of Florida charges.

Issue of multiple felony convictions in multiple jurisdictions:

Assuming each Court in each County/jurisdiction has entered a form/template order confirming the completion of all terms of a sentence in a process as outlined above, all of these orders could be forward to a central point of contact/clearinghouse. FDLE would be a likely choice as FDLE is the State's official keeper of FCIC/NCIC records. FDLE databases could reflect with accuracy, based on the Judge's entered order, that a sentence and all terms are complete for all felonies that an individual has in multiple jurisdictions within Florida. FDLE already issues certificates of eligibility for individuals with prior arrest for sealing and expunction of those criminal arrest and case outcome entries. FDLE could issue a final certificate based on an internal review of an offender's criminal history, using FCIC/NCIC and the orders from the Court above, establishing accurate, final and reliable eligibility status of a potential voter. FDLE could transmit these certificates electronically to the SOE and/or allow SOE [or citizen] to access a web-based login to verify a certificate of eligibility.

Informing the offender of the terms of their sentence:

As you know, the State and County jail administrators are required to provide an offender with the terms of their sentences by statute. The problem as applied to County jails is that if a person goes to Court and enters a last minute plea deal of either "time served" or a few days in jail (which happens all the time at virtually every criminal calendar/docket daily), the inmate is going to be entitled to release in many if not most cases long before the electronic or paper record (the Commitment Package or Judgment and Sentence paperwork signed and entered by the sentencing Court) is ready or finalized. This thwarts the County jails ability to provide the potential voter with the terms of their sentence before their physical release. It seems onerous, inefficient, unreliable, and redundant when in almost every county the commitment package or Judgment and Sentence paperwork is available, for free, online as a matter of public record from the Clerk of Court. I would ask that consideration be given to providing the inmate with a set of standardized instructions of where to go for either a paper copy from the Clerk of Court or an electronic copy online (for example CCIS). This would enable the offender/potential voter to review and receive the official record, without concern for the above.

Please let me know if you have questions. If I have any other recommendations, I will provide them to you prior to the meeting or during the discussion. If you have questions or need additional information, I can be reached on my cell phone at (904)753-1168. Have a wonderful weekend!

Vicki P. Cannon

Supervisor of Elections of Nassau County

96135 Nassau Place, Suite 3, Yulee, Florida 32097

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

vcannon@votenassau.com | www.votenassau.com | [Facebook](#) | [Twitter](#) | [Newsletter Sign Up](#)

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Vicki Cannon <vcannon@votenassau.com>

Matthews, Maria I.; Marconnet, Amber; Cannon, Vicki P. ▾

Sat 10/12

NASSAU COUNTY CITIZEN COMMENTS FOR CONSIDERATION -- GOVERNOR'S RESTORATION OF VOTING RIGHTS W...

You replied to this message on 10/14/2019 8:51 AM.



EMAIL RECEIVED FROM EXTERNAL SOURCE

The following are additional comments I received from two citizens in Nassau County that I would like to submit for the record:

"As a member of the Voter Restoration Task Force, we hope you'll recommend to the Governor that the requirement that all fines, fees and restitution be paid before voting rights are restored is unfair and unconstitutional. The tracking is incredibly complex."

"We hope that as a member of the Voter Restoration Task Force you will recommend to Governor DeSantis to respect the will of the majority of Florida voters. All former felons should have their voting rights restored without having to go through a complicated process. Let's keep it simple and fair."

Thank you and have a wonderful weekend!

Vicki P. Cannon

Supervisor of Elections of Nassau County

96135 Nassau Place, Suite 3, Yulee, Florida 32097

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

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October 14, 2019

From: Vicki Cannon <vcannon@votenassau.com>
Sent: Monday, October 14, 2019 10:11 AM
To: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>
Cc: Cannon, Vicki P. <vcannon@votenassau.com>
Subject: RE: RECOMMENDATIONS FOR CONSIDERATION -- GOVERNOR'S RESTORATION OF VOTING RIGHTS WORKING GROUP

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

After continuing to consider this over the weekend, I have a few more comments that are outlined in red below.

I hope you don't mind me adding thoughts as I have them, but I would prefer to provide them to you before the meeting, so you will have time to consider them, if they are helpful in any way.

Vicki P. Cannon

Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097
Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400
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From: Vicki Cannon <vcannon@votenassau.com>
Sent: Saturday, October 12, 2019 11:10 AM
To: Maria Matthews <MIMatthews@dos.state.fl.us>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>
Cc: Vicki Cannon <vcannon@votenassau.com>

Subject: RECOMMENDATIONS FOR CONSIDERATION -- GOVERNOR'S RESTORATION OF VOTING RIGHTS WORKING GROUP

It has been my honor to serve with Secretary Lee and other members of the Working Group. I appreciate all of the informative presentations and comments submitted by governmental agencies and the public to date. The following are my observations and input for the recommendations to the Governor and Florida Legislature.

It is obvious that much of what has to be done has to do with data management among the **various agencies who are responsible for collecting the data in Florida and other states**. In my opinion, Representative James "J.W." Grant has excellent ideas about managing data and should be consulted as the departments and agencies move forward with this process. This is an opportunity for Florida's governmental agencies to not only implement processes to collect and provide accurate and verifiable data to comply with Amendment 4 and SB 7066, but also to consider any other agency needs at the same time. Obviously, this will take some time just as it did when the Division had to develop the statewide voter registration system.

In my opinion, the **Legislature** will need to pass legislation to give direction on what happens when government cannot determine whether restitution, fines, fees, etc. were paid, etc. And, likewise, funding will be required to implement and enhance the data management systems that are in place and may need to be created.

Supervisors of Elections, in my opinion, are end users and need accurate, up-to-date and verifiable information to process Potentially Ineligible Voters (PIV).

Floridians with felony convictions who wish to register to vote need to know whether they have completed the terms of their sentence for any felony convictions. From conversations I have had with citizens who wish to register, they either know for a fact that they have met the terms of their sentence, or they are not sure and do not want to register until they can confirm. I feel that we, as government, need to serve our citizens and provide them with documentation so that they have confidence in knowing that they are truly eligible to register to vote. Although a document would not be necessary for them to register to vote, it should be available if they request it.

In addition to the comments provided by Nassau County Sheriff's General Counsel Bobby Lippelman (outlined below), I offer the following recommendations for consideration:

Short-term recommendations:

- *To assist the Division of Elections, SOEs and our citizens, trained personnel should be hired in the Governor's Office or a designated department/agency to oversee and coordinate with other departments/agencies to determine the status of the citizen's sentence and provide a document outlining their status. The number of personnel to accomplish this should be based on the volume of requests for assistance and should take no longer than two weeks from the request to completion, unless there are extenuating circumstances (felony conviction in another state and the respective agency does not respond timely). The document should include the terms that have been completed and, if all terms have not been completed, it should provide specific information on what is necessary to complete the terms of their sentence (i.e., pay fees to the Clerk, etc.) and who to contact regarding same (agency name, email, phone, location, etc.).*
- *All agencies, including Supervisors of Elections, that are required to provide information to citizens should be providing state approved documents or templates. i.e. Instructions for Seeking Restoration of Civil Rights. This will provide our citizens with uniform information. Where applicable, the document should provide direct contact information of the agency who can assist citizens with determining the status of their sentence.*
 - *In the Instructions for Seeking Restoration of Civil Rights, should it be provided in English and Spanish since it is a voter service?*
 - *Currently, the Florida Department of Corrections' Termination of Supervision notice contains the following wording (see attached example):*

“...For additional information related to the restoration of voting rights process under Florida Statute 98.0751, contact the Supervisor of Elections in your county of release....”

The Supervisor of Elections should be contacted if a citizen who has completed the terms of his/her sentence wishes to **register to vote**. We have less information than any department/agency to assist a citizen with information related to *the restoration of voting rights process under Florida Statute 98.0751*. We will definitely need to be able to provide our citizens with a document, but it will be inconvenient for them to believe we are the source to assist them when, in fact, we can only offer voter registration and other voter services to them, and would have to refer them to another agency for that information.

- o Once a citizen has completed the terms of his/her sentence, they can register in the same manner as every other eligible citizen and should be offered the information in a uniform manner. Most of the citizens who have contacted me have indicated that they would prefer to register online. I would recommend that we incorporate the following information (copied from the Division of Elections' website) into information that is provided to our citizens, thereby treating all citizens who are eligible to vote in a uniform manner and again provide the information in English and Spanish:

How Can I Register to Vote?

You can apply to register to vote in any of the following ways:

- Online at RegisterToVoteFlorida.gov
- Apply through any of these agencies while accessing their services:
 - o Florida driver's license office. You also have the option to submit voter registration information online when you renew your driver's license online through the Florida Department of Highway Safety and Motor Vehicles' online renewal system. For more information, visit GoRenew.com.
 - o Tax collector's office that issues driver's licenses or Florida identification cards
 - o Voter registration agency. For more information about who these agencies are, visit our NVRA webpage.
- By mail or in person. The statewide voter registration application form is available for download (English PDF/ Español PDF), or available at any county Supervisor of Elections, local library, or any entity authorized by the Florida Fish and Wildlife Conservation Commission to issue fishing, hunting, or trapping permits. The form contains detailed information as to how to submit the form to your county Supervisor of Elections. If you are a military or overseas U.S. citizen, you may register to vote and request a vote-by-mail ballot at the same time by using the Federal Post Card Application (FPCA). Go to the web page on Military and Overseas Voting for further details.

It is a 3rd degree felony to submit false information. Maximum penalties are \$5,000 and/or 5 years in prison.

Long-term recommendations:

- *Once the agencies have the data management systems completed, a system similar to the FCOR's Restoration of Civil Rights Search (<https://fpcweb.fcor.state.fl.us/>) should be developed for a citizen to easily access and print a report on the terms of their sentence by entering their respective information.*

RECOMMENDATIONS SUBMITTED BY NASSAU COUNTY SHERIFF'S GENERAL COUNSEL BOBBY LIPPELMAN:

Some of the below may have already been decided or may be in place, as I certainly do not profess to be an expert on the topic and have only focused on the small portion that is the responsibility of the Sheriff.

Having that said, in our discussion last week, we identified two particular problems/concerns which exist surrounding accuracy in the eligibility/status of a voter who has a previous felony condition. These problems/concerns are more specifically related to data collection statewide for multiple felony convictions in different counties/judicial circuits, and as to what will confirm the completion of all the terms of sentence (which are now required by statute to include all restitution, fines, fees, civil judgments, and liens).

Each of these problems/concerns have relatively simple solutions, if the Judges/Courts around the State were amenable and if the Governor were to assign certain functions to agencies under the authority of the Governor.

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Rather than have a State or County level constitutional office or agency attempting to interpret if the terms of a sentence have been completed, a process whereby a potential voter/previously convicted felon can submit an application (or file a motion or other form or pleading) directly to the Court where the case arose. The Court, preferably the sentencing judge or the judge replacing the sentencing judge in a particular division, could verify the terms of the sentence have been completed (this may require inquiry by the Court's judicial assistant of a probation officer or the Clerk of Court to determine all conditions, fines, fees and liens have been satisfied). The Court could then enter a form/template order confirming that status as all terms of sentence having been completed. This process would ensure absolute accuracy and is not much additional burden as this is already being done to determine when an offender completes a probationary sentence, or when an individual makes application for a sealing or expunction of a record, etc. This is not a new process. I realize this does not address Federal convictions, or out of State convictions and that is something that will need to be addressed because the Courts of every State and the Federal Courts will have different ways they want/must handle confirmation of end of sentence. There isn't going to be a one size fits all for anything other than State of Florida charges.

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Please let me know if you have questions. If I have any other recommendations, I will provide them to you prior to the meeting or during the discussion. If you have questions or need additional information, I can be reached on my cell phone at (904)753-1168. Have a wonderful weekend!

Vicki P. Cannon

Supervisor of Elections of Nassau County

96135 Nassau Place, Suite 3, Yulee, Florida 32097

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

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FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
RON DESANTIS
Secretary
MARK S. INCH

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

Date: September 11, 2019

RE: TERMINATION OF SUPERVISION
DC# _____
DOCKET/UC NO(S) _____
COUNTY OKALOOSA

Dear | _____

You are hereby notified that you completed your term(s) of supervision on August 14, 2019, as referenced above, and are no longer under the supervision of the Department of Corrections.

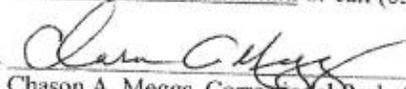
Pursuant to Florida Statute 98.0751, if you were convicted of a felony offense, other than murder or a sex offense, you may be eligible to have your voting rights restored immediately upon the completion of all terms of your sentence, including, but not limited to any unpaid restitution, court costs, fees or fines.

Individuals who do not qualify for automatic restoration of voting rights under Florida Statute 98.0751, will not be qualified to vote until their civil rights are restored as outlined in Article IV, Section 8 of the Florida Constitution.

For additional information related to the restoration of voting rights process under Florida Statute 98.0751, contact the Supervisor of Elections in your county of release.

If you were adjudicated guilty and on supervision for a felony offense, please see attached information sheet prepared by the Office of Executive Clemency, entitled **RESTORATION OF CIVIL RIGHTS, PARDONS, PARDONS WITHOUT FIREARM AUTHORITY, FIREARM AUTHORITY, REMISSION OF FINES AND FORFEITURES** updated August 29, 2016 for information regarding the restoration of civil rights process. This information sheet and the application can be accessed on the following website for future reference: <https://fcor.state.fl.us/restoration.shtm> or call (850) 488-2952 or 1-800-435-8286.

Sincerely,


Chason A. Meggs, Correctional Probation Supervisor

★ INSPIRING SUCCESS BY TRANSFORMING ONE LIFE AT A TIME ★

Original: Offender
Copy: Offender File
Clerk of Court (if required)
FCOR (if required)

(Revised 7/19)

Right Side - Offender File



Kirk Bailey <KBailey@aclufi.org>

■ Marconnet, Amber; □ Kara Gross; □ Secretary of State ▾

📎 1

12:03

RE: Fourth meeting of the Restoration of Voting Rights Work Group

i You forwarded this message on 10/14/2019 12:49 PM.



Testimony - ACLU_ RVR Work Group_2019 10 14.pdf
747 KB

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Thank you again for your note and assistance regarding the agenda for the upcoming Work Group meeting.

Please find attached written comments by the ACLU of Florida for the Work Group's consideration. I hope it will be possible to share our comments with the members, and presumed I should submit this information through you. If I also need to submit elsewhere, will you please advise me of the necessary process. Beyond that, we're happy to answer any questions or provide any additional information the Work Group might need.

Thank you for your attention and assistance.

Kirk Bailey | Political Director | American Civil Liberties Union of Florida | 786.363.2713 | kbailey@aclufi.org | www.aclufi.org

October 14, 2019

DELIVERED VIA EMAIL

Restoration of Voting Rights Work Group
Secretary of State
The Knott Building, 601-631 South Duval Street,
Tallahassee, Florida 32399

Dear Chair Lee:

On behalf of more than 130,000 members and supporters of the American Civil Liberties Union (ACLU) of Florida, thank you for the opportunity to offer testimony regarding best practices for the State of Florida in data collection for voter registration eligibility verification and notice to the public. We appreciate that the Restoration of Voting Rights Work Group has a challenging task¹ before it and offer the following recommendations for standards to guide your recommendations to the Florida Legislature.



4343 W. Flagler St.
Miami, FL
(786) 363-2700
aclufi.org

Kirk Bailey
Political Director

Kara Gross
Legislative Director & Senior
Policy Counsel

Standards to Confirm Individual Eligibility to Register to Vote

Florida statutes at Chapters 97 and 98 provide the Department of State, Division of Elections (the "Department") with sufficient authority to coordinate across state and local agency databases to identify impacted individuals, to promptly and efficiently register to vote those individuals who wish to do so, and to confirm their eligibility in the same way the Department confirms the eligibility of all other Florida residents when they complete a voter registration application.

We encourage the Work Group to adhere to the following standards in their recommendations:

- *Verification Burden on the State:* The burden of confirming eligibility should remain on the state, not the individual. In other words, an individual should not be required to gather documentation from various local, state and federal government agencies and entities and present to state and local officials to verify their eligibility to register to vote, when those agencies and entities are already required by law to share data with the Secretary of State, Division of Elections to enable the Division to confirm an individual's eligibility to register;

¹ Pursuant to section 33 of Chapter 2019-162, Laws of Florida, the Work Group shall study and report on the following:

1. The consolidation of all relevant data necessary to verify the eligibility of a registered voter for the restoration of voting rights under s. 4, Art. VI of the State Constitution.
2. The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying the eligibility for restoration of voting rights under s. 4, Art. VI of the State Constitution.
3. Any other policies or procedures used for verifying the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.



- *Adequate Notice*: clear instructions and notice must be provided to individuals so that they may understand how to register and whom to contact with any questions about their eligibility;
- *Standardize Data Elements*: the discrete data items or elements required to be provided to the Division of Elections should be standardized and uniform;
- *LFO Reporting*: In light of SB 7066, Florida Clerks of Courts should be required to report legal financial obligation (LFO) data to the Division of Elections, in the same fashion that other local, state and federal agencies provide data under Florida Statutes Chapter 97 and 98;
- *Avoid Disparate Impact*: individual county policies for felony match and other data verification issues will risk disparate treatment of different demographic groups and should be avoided. A uniform process and repository of records of felony conviction and terms of sentence, including an accounting of legal financial obligations owed as a part of sentence should be established;
- *Voter Purge Protections*: once an applicant is deemed eligible to vote, that individual cannot be removed from the rolls unless: he or she requests in writing to be removed; a Supervisor receives notice from another state's election official that the voter has registered out-of-state; the voter fails to respond to an address confirmation final notice, thereby becoming an inactive voter, and does not vote or engage in voter registration record activity for two subsequent general election cycles; or the voter is convicted of a subsequent felony after registration. These protections from improper voter purges must remain in place in any new process recommended by the Work Group;
- *Fundamental Right to Vote*: the data collection and sharing processes and other voter eligibility verification and public notice policies and processes recommended by the Work Group should not operate in such a way as to restrict the fundamental right to vote.

We appreciate the difficult task faced by the Secretary of State in administering elections in Florida. We hope that the discussion above will help you ensure that data collection and voter registration eligibility verification processes are implemented in a timely and smooth fashion, without further delay or undue burden on individual eligible voters. Please contact me if you have any questions or would like any additional information.

Sincerely,

A handwritten signature in black ink that reads "Kirk Bailey". The signature is written in a cursive, slightly slanted style.

Kirk Bailey
Political Director

October 21, 2019

 JD Peacock II <jdpeacock@okaloosaclerk.com> |  Marconnet, Amber |  1 | 1:48 PM

Work Group Correspondence

 You replied to this message on 10/21/2019 4:36 PM. 

 Work Group member correspondence JD Peacock Oct 15 2019.pdf 112 KB 

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Amber, this is provided for public records purposes.

JD

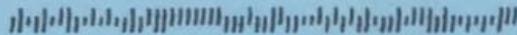
PLEASE NOTE: Florida has a very broad public records law. Email communications to or from Okaloosa County Clerk of Court employees are considered public records and are available to the public and media upon request. Your e-mail communications, including your email address, are subject to public disclosure. This email is intended for the addressee(s) indicated above only. If you have received this email in error, please delete it immediately.

JACKSONVILLE FL 322

15 OCT 2019 PM 5 L



Mr. J D Peacock II
Okaloosa Co. Clerk of
Circuit Court & Comptroller
101 E. James Lee Blvd
Crestview, FL 32536



Dear Mr. Peacock,

As a member of the Voter Restoration Task Force, I write to ask that you recommend to Governor DeSantis that the requirement that all court-ordered fines, fees & restitution be paid before voting rights are restored is not fair, possibly unconstitutional & definitely wasn't the intent of 65% of the voters who voted for Amendment 4!!

I am concerned that women & our citizens of color are disproportionately affected by this regulation. As I'm sure you know there are several lawsuits based on the premise that this disguised poll tax is unconstitutional.

Thank you for taking on this important work.
Anne Showalter 1577 Amelia Cir 32034



Mark Earley <EarleyM@leoncountyfl.gov>

■ Marconnet, Amber; ■ Matthews, Maria I.; □ Cannon, Vicki P. ▾

📎 1 | 3:29 PM

Comments and suggestions for the Restoration of Voting Rights Work Group

📌 You replied to this message on 10/21/2019 4:37 PM.



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The attachments/links in this message have been scanned by Proofpoint.

Amber,

Can you make sure that my attached comments are made part of the record, and are presented to the work group in time to be considered for their report.

Thank you,

Mark

Mark S. Earley - CERA, MFCEP
Supervisor of Elections
Leon County, Florida USA

850.606.8683

Leon County Election Center
2990-1 Apalachee Pkwy
Tallahassee FL 32301

Mailing Address
PO Box 7357
Tallahassee FL 32314-7357

<https://www.leonvotes.org/>

Florida Online Voter Registration:
<https://www.LeonVotes.org/OVR>

Facebook.com/LeonVotes
@LeonVotes - Twitter/Instagram

Voting is the most important expression of our collective wisdom.



MARK S. EARLEY
SUPERVISOR OF ELECTIONS
LEON COUNTY, FLORIDA

10/21/2019

Comments/Suggestions for the Restoration of Felon's Voting Rights Work Group

Madame Secretary,

I commend the thorough effort you and the members of the Work Group have put forth. Please accept these comments and suggestions as part of your official record.

My desire is to present possible solutions to the many problems facing returning citizens, voter outreach groups, and election law administrators as they try to understand, research, and assess completion of sentencing obligations, especially with regards to financial obligations imposed during sentencing.

Note that the suggestions made below are not mutually exclusive, nor would they all work if implemented together. Rather, this list presents a range of possible options for consideration.

1. Change the language on the FVRA form to the previous language approved by rule in 2013.
The language set forth by the legislature in 2019 is proving to be a huge disincentive for citizens who have been convicted of a felony but who now desire to vote. It appears to single them out, which creates anxiety and distrust. This language also provides no good option for out of state felons who have their voting rights restored.
2. Change the law to allow returning citizens who have unpaid LFOs to go register and vote. Note that this does not relieve their obligation to pay, but it no longer makes the right to vote contingent upon fulfilling that obligation.
3. Provide a well-defined and simple method for waiving LFOs in instances where a returning citizen's documentation is incomplete, missing, etc. Testimony to the Work Group certainly made it clear that many people face this problem.
4. Provide a well-defined and simple method for waiving LFOs in instances where a returning citizen has no means to pay their LFOs.
5. Recognize the impossibility for many returning citizens with outstanding LFOs to "prove they are eligible." There needs to be an understanding in statute that LFO payment records are very poor for many people who desire to vote, and thus their obligation will never be satisfied. If there is no specific provision for these people in statute, then they will never register.
6. For returning citizens who know they still owe money but who are not destitute, make registration contingent upon entering into a payment plan.
7. Provide a mechanism for those who are uncertain about their LFO payment status to get officially documented "clearance" to register.

In my view, any statute or rule involving restoration of a citizen's right to vote must recognize the problems and provide solutions. If not, the will of the voters who said YES to Amendment 4 will not be fulfilled.

Regards,

P.O. BOX 7357 TALLAHASSEE FL 32314-7357 (850)606-VOTE(8683) FAX (850) 606-8601 WWW.LEONVOTES.ORG

Appendix H: Work Group Meeting Transcripts

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RESTORATION OF VOTING RIGHTS WORK GROUP
AUGUST 19, 2019
2:00 P.M. - 4:00 P.M.

THE KNOTT BUILDING
601-631 SOUTH DUVAL STREET
ROOM 212
TALLAHASSEE, FLORIDA 32399

<p style="text-align: center;">Page 2</p> <p>1 MADAM SECRETARY: Good afternoon everyone and 2 welcome. I'm Secretary of State Laurel Lee. This 3 meeting of the Restoration of Voting Rights 4 Working Group will now come to order. I'd like to 5 ask Amber Marconnet with the Florida Department of 6 State to begin by calling roll. 7 MS. MARCONNET: Chris Anderson. 8 MR. ANDERSON: Here. 9 MS. MARCONNET: Vikki Cannon. 10 MS. CANNON: Here. 11 MS. MARCONNET: Doug Chorvat. 12 MR. CHORVAT: Here. 13 MS. MARCONNET: Melinda Coonrod. 14 MS. COONROD: Here. 15 MS. MARCONNET: Kate Holmes. 16 MS. HOLMES: Here. 17 MS. MARCONNET: J.D. Peacock. 18 MR. PEACOCK: Here. 19 MS. MARCONNET: Kenneth Steely. 20 MR. STEELY: Here. 21 MS. MARCONNET: Laurel Lee. 22 MADAM SECRETARY: Here. 23 Before we get started, since this is our 24 first meeting, I'd like each member of the Work 25 Group to introduce themselves and identify the</p>	<p style="text-align: center;">Page 4</p> <p>1 MADAM SECRETARY: Thank you everyone. During 2 the 2019 legislative session, the Florida 3 Legislature created the Restoration of Voting 4 Rights Work Group. Under this law, this eight 5 member group is charged with developing 6 recommendations as to the consolidation of data 7 necessary to verify the eligibility of registered 8 voters for restoration of voting rights and any 9 entity recommended to manage consolidated data, 10 the process for informing a registered voter of 11 the entity or entities that are custodians of the 12 relevant data necessary for verifying his or her 13 eligibility and any other relevant policies or 14 procedures for verifying the eligibility of a 15 registered voter for restoration of voting rights. 16 The work group must submit a report to the 17 legislature with our recommendations by 18 November 1st, 2019. Upon submission of this 19 report, this work group is discharged of any 20 further duties. Given the time frame for 21 completing this analysis, the work group will meet 22 again on September 6th, September 16th and 23 October 1st for a total of four meetings. 24 For the first meeting today we will receive a 25 presentation by Maria Matthews, Director of the</p>
<p style="text-align: center;">Page 3</p> <p>1 agency that they represent here today. We'll 2 start down here on the end with Mr. Peacock. 3 MR. PEACOCK: Thank you, ma'am. J.D. 4 Peacock. I am the Clerk and Comptroller for 5 Okaloosa County; have been for about the last 6 four-and-a-half years. 7 MR. CHORVAT: I'm Doug Chorvat, the Clerk and 8 Comptroller for Hernando County. I've been the 9 clerk for almost nine months, but I've worked 10 there for 18 years. 11 MS. CANNON: Vikki Cannon, Nassau County 12 Supervisor of Elections. Been in office for 19 13 years. 14 MR. ANDERSON: Chris Anderson, Seminole 15 County Supervisor of Elections appointed by 16 Governor Ron DeSantis January 2019. Prior to that 17 law enforcement. 18 MS. COONROD: Melinda Coonrod, Chairman of 19 the Florida Commission on Offender Review. This 20 is my seventh year with the Agency. 21 MS. HOLMES: Kate Holmes, Assistant General 22 Counsel for the Florida Department of Law 23 Enforcement. 24 MR. STEELY: Ken Steely, General Counsel for 25 the Florida Department of Corrections.</p>	<p style="text-align: center;">Page 5</p> <p>1 Division of Elections at the Department of State 2 to learn about the Department of State's current 3 procedures. 4 At our next meeting we will focus on the role 5 of the Clerks of Court and also look at technology 6 capabilities and challenges with consolidating and 7 managing the relevant data. At our subsequent 8 meetings we will focus on developing our 9 recommendations to the legislature. We will have 10 an opportunity for public comment at each of the 11 work group meetings. If you would like to speak, 12 please fill out a speaker card from the back of 13 the room. The phone line is available for those 14 who want to listen in. But we will not be opening 15 up the phone line for public comment. If you are 16 listening in on the phone and would like to submit 17 public comment, you can do so in person at one of 18 our next meetings or via email at 19 rrvworkgroup@dof.myflorida.com. I also ask that 20 everyone who is attending today please sign in 21 using the sign-in sheets at the back of the room. 22 At this time I'd like to invite Maria 23 Matthews, the Director of the Department of 24 State's Division of Elections to come forward for 25 her presentation.</p>

<p style="text-align: right;">Page 6</p> <p>1 MS. MATTHEWS: Thank you, Madam Chair and 2 Members of the Committee. I appreciate the 3 opportunity to present an informational 4 presentation on what the Division of Elections 5 does in the role of voter registration and 6 identifying potentially ineligible voters. 7 It really all starts with the voter 8 registration application. On the screen you will 9 see a statewide voter registration application 10 that state law dictates what the fields are 11 supposed to elicit. This form is what's used 12 primarily for voters to register for new 13 registration as well as updates or requesting a 14 replacement card for their voter identification. 15 This particular screen shows the statewide voter 16 registration application as currently amended and 17 it's in this rule making process right now. But 18 the yellow highlight shows the area field relating 19 to felony affirmation statements. This was 20 required to be changed as a result of the state 21 law that was enacted this past legislative 22 session. 23 There are three statements on there. You 24 should have in your notebook a much larger version 25 of it so that you can see what those statements</p>	<p style="text-align: right;">Page 8</p> <p>1 on that part? Okay. 2 Once that application is submitted -- and 3 you'll find again in your notebooks a larger page 4 showing the voter registration process. What 5 we've outlined here for the workflow is for a new 6 application. But honestly, this is the same 7 process that will be followed for an update, but 8 for the verification of the personal identifying 9 number. Because once you have your personal 10 identifying number verified, then it doesn't have 11 to be done over and over again every time you 12 register. 13 So an application can come in on a number of 14 ways. It can come in directly to the Supervisor's 15 office by mail, in person, through a third-party 16 voter registration organization or a voter 17 registration agency as may be designated by the 18 National Voter Registration Act or state law. 19 These will be your public assistance agencies who 20 are also tasked with requiring to ask whether an 21 individual who is seeking public assistance or any 22 other assistance that they -- if they wish to also 23 register to vote. 24 The information -- an application can also 25 come in through the Department of Highway Safety</p>
<p style="text-align: right;">Page 7</p> <p>1 are. There are three statements now versus the 2 one that used to be in there as required by law. 3 MADAM SECRETARY: This is under your purple 4 tab presentations. 5 MS. MATTHEWS: So a voter is supposed to fill 6 out these fields under oath that the information 7 is correct and accurate. And it relates to a 8 number of things as to are you a U.S. Citizen; yes 9 or no. And then the three affirmation statements, 10 felony. And then the third one is I affirm that I 11 have not been adjudicated mentally incapacitated. 12 Then it gets to the personal information as to the 13 date of birth, the name, the Florida driver's 14 license or Social Security number as State and 15 Federal law require a personal identifying number 16 to be provided so that it can be verified that 17 that name belongs to that person associated with 18 that number. Then the name and address. 19 Questions about whether they wish to get a sample 20 ballot; what party affiliations since Florida is 21 one of the few states that has the primary. And 22 you can only -- in order to be able to vote for 23 somebody in the party, you have to be able to be 24 registered in it for the primary. And then a 25 place of course for the signature. Any questions</p>	<p style="text-align: right;">Page 9</p> <p>1 and Motor Vehicles or the Tax Collector's Office. 2 It can be an electronic intake process in person. 3 It can happen through a Go Renew online or it 4 could be a paper drop off. And then finally 5 there's the Florida Department of State's online 6 voter registration system that was launched in 7 October 2017. But it also can come in through 8 paper. If it comes in through paper -- by paper 9 to the Department of State, we forward it on to 10 the Supervisors of Elections to the county in 11 which the person indicates that they are a 12 resident. 13 Once that application is entered into the 14 system, the Florida Voter Registration System, 15 which is the statewide system for official lists 16 of registered voters, if the application is 17 complete on its face, meaning everyone -- the 18 person has checked all the boxes indicating 19 eligibility. They've provided the information 20 that the law requires in order to determine if the 21 person is eligible by virtue of their address, 22 checking the boxes about eligibility, the date of 23 birth, then the personal identifying information 24 number, which may be the driver's license number 25 or state ID number or their Social Security number</p>

<p style="text-align: center;">Page 10</p> <p>1 is forwarded on to the Department of Highway 2 Safety and Motor Vehicles for verification. 3 That's the final step to getting an application 4 complete and the voter getting on the rolls. So 5 the determination of getting on the rolls is made 6 on the face of that application. 7 Once that's done, if it's verified, that 8 application information goes to the Supervisor of 9 Elections and they're the ones that make that 10 final call about putting the person on the rolls. 11 And it's usually a very automated process. If the 12 number cannot be verified, the person -- the 13 information is still forwarded on to the 14 Supervisors of Elections after the Department of 15 State tries to find out why it couldn't be 16 verified. Because sometimes there might be a name 17 or date of birth or transition of data that might 18 have caused the information not to be verifiable 19 as it was provided originally. If we cannot make 20 that determination, then the information is 21 forwarded to the Supervisor of Elections and the 22 Supervisor sends a notice to the voter to say, 23 hey, we could not verify this information; please 24 provide personal proof. So they still have an 25 opportunity to be able to get a full-fledged voter</p>	<p style="text-align: center;">Page 12</p> <p>1 there any questions on that part? 2 So I think it's important for context to see 3 what the process entailed before Constitutional 4 Amendment IV and a little background history as 5 well. Prior to 2004 or 2005, information about 6 someone's eligibility was provided directly to the 7 Supervisor of Elections. So they would receive 8 that information directly from the Department of 9 Health as to whether someone was deceased. They 10 would receive information about someone being a 11 convicted felon directly from the Clerk of Court. 12 They would receive information about someone being 13 mentally incapacitated directly from the Clerk of 14 the Court. The law at that time said that once 15 they got that information, the person was removed 16 immediately. There was no notice, no opportunity 17 to contest what was -- the information that was 18 provided. Where there was due notice was if the 19 person was found to have listed a fictitious name 20 or listed an address that wasn't a legal residence 21 or wasn't actually of age to be able to register. 22 But the process was nothing what it resembles 23 today. 24 In 2005, in anticipation of the statewide 25 voter registration system which really came into</p>
<p style="text-align: center;">Page 11</p> <p>1 registration. The individual can bring in a copy 2 of their ID or their Social Security card. They 3 can fax it in. They can email it in. If that's 4 provided in time before the next upcoming 5 election, then that person will become registered. 6 If the person doesn't, they may still have an 7 opportunity if they go to the poles. They'll have 8 to vote a provisional ballot. But then again 9 they'll have two days thereafter to be able to 10 present evidence that, yes, they are eligible this 11 number. They do have a personal identifying 12 number and here's the proof of it. And then the 13 ballot can be counted. 14 So once that all happens and an individual 15 registers to vote, that is when the identification 16 felony process begins. Only after the person is 17 registered to vote. It does not occur beforehand. 18 So within 24 hours of registering new, submitting 19 an update to your voter registration application, 20 even requesting an application card, your name 21 regardless of how you filled out your application 22 saying, yes, I'm eligible as to all these fields 23 will still be cross-checked against criminal 24 records to determine that, yes, there is nothing 25 there that would disqualify you thereafter. Are</p>	<p style="text-align: center;">Page 13</p> <p>1 being in 2006, the legislature enacted significant 2 due process notices in the law. And that is what 3 you see today in your -- in the state law. 4 So prior to Constitutional Amendment IV, we, 5 the Department of State was also after 2005 or 6 during 2005, then redesignated as the agency, the 7 primary agency to identify potentially ineligible 8 voters based on information that we received from 9 state agencies or any other credible and reliable 10 sources. So now instead of the clerk giving the 11 information directly to the Supervisor of 12 Elections, the information comes directly to the 13 Department of State. Same thing with the 14 Department of Health. Same thing with the 15 Department of Florida Department of Law 16 Enforcement, Florida Department of Corrections. 17 So we have a bureau that is dedicated to 18 identifying this information that we get. We may 19 get this information a number of sources. And 20 this chart here will show focusing on the felony. 21 From the Florida Department of Law 22 Enforcement, we daily get information about felony 23 and registered sexual offender predators. We get 24 that on a daily basis. The SOP though we do get 25 on a monthly basis. From the Department of</p>

<p style="text-align: center;">Page 14</p> <p>1 Corrections we also get daily information. Again, 2 I should specify only Florida felony conviction 3 information. Automated matches come through our 4 via web service for the Department of Corrections. 5 For the Florida Department of Law Enforcement we 6 get automated data initially that might have a 7 match. From the U.S. Attorneys, federal, state 8 and other state courts, we may get things 9 intermittently, periodically, monthly, daily, but 10 it's all manual process. So the information might 11 come in through fax. It might come in through the 12 mail. It might come in through the mail -- did I 13 say the mail? Yeah, I did already. So that 14 information is all paper.</p> <p>15 We also still get Clerk of Court's jury lists 16 and that happens monthly. That again is a paper 17 process. And this is information that the Clerks 18 of Court get when someone is being called to 19 service and they say, no, I can't serve because I 20 don't live in this county anymore. I'm actually 21 adjudicated mentally incapacitated. I actually 22 have been convicted of a felony and I haven't had 23 my rights restored. So that information is all 24 coming in funneled into the Department of State. 25 Supervisors of Elections also still get some</p>	<p style="text-align: center;">Page 16</p> <p>1 information, the manual process, to review it to 2 make sure that it's credible and reliable. And 3 this is the requirement of state law to make sure, 4 because we don't want to be removing anyone who's 5 potentially -- is eligible. In order to do that 6 of course we have to then obtain documents. We 7 have to make sure that this is truly the right 8 person. So that's the identity match. We then 9 have to make sure that the records that we've 10 received automatic data on actually is reflective 11 of what the court records show. Sometimes this 12 information is available online through the court 13 records document database. Other times we have to 14 go and look for -- we have to reach out to the 15 Clerks of Court. There's a lot of sources that we 16 use. For identity demographics we consult the 17 Department of Highway Safety and Motor Vehicles. 18 We also look at the Department of Corrections 19 because they have the pictures and visual that we 20 can also see that. And we also consult CCIS 21 obviously for the court records. If we're not 22 able to find the records on there or the 23 information sufficient enough, we have to reach 24 out to the supervisor -- to the Clerk of Court and 25 ask for the records. This can take a while</p>
<p style="text-align: center;">Page 15</p> <p>1 information directly that they may act on. And it 2 may be fresher from the Clerk of Court. The Clerk 3 of Court records of course are what feeds and 4 supplies the information for the criminal records 5 databases out there.</p> <p>6 Pre-Constitutional Amendment IV, we get that 7 information, we take it, we bounce it against 8 voter registration rolls both new and existing. 9 As new felony records come on, we still bounce 10 those against all existing registered voters. So 11 someone can register and they weren't convicted of 12 a felony at that time, but then afterwards they 13 may be convicted of a felony. So in order to make 14 sure that we're capturing all that information, we 15 do that daily match process. Once a match comes 16 in that's just data and several records can be 17 associated with it. So it's not just a 18 one-to-one. One criminal record, one voter 19 record. On average there's four to five criminal 20 records per every match. And it could be, too, 21 that a criminal record matches to several 22 different voters or vice versa. We have matches 23 that have more than 20 criminal records associated 24 with just one registered voter.</p> <p>25 The Department of State then takes that</p>	<p style="text-align: center;">Page 17</p> <p>1 depending on which county you're going to how old 2 these records might be. And some Clerks of Court 3 depending on what the workload might be, they may 4 group the request together. So you don't 5 necessarily get it within a certain time frame. 6 We have a process by when we check. You know, 7 after X number of days or weeks, we will go ahead 8 and reach out again to the Clerk of the Court. We 9 also have access to PACER, the Federal Court 10 database, court records database, and we also have 11 access to Department of Corrections IRIS, the 12 image database there.</p> <p>13 Obviously with the Pre-Constitutional 14 Amendment IV, once we were able to answer the 15 questions is this the same person; is this 16 definitely a felony conviction for which there's 17 been adjudication and that it's definitely a 18 felony, then the final question is has this 19 person's rights been restored. Pre-Constitutional 20 Amendment IV, that question was answered only by 21 one thing and that is had they gotten clemency. 22 So we used information available from the Florida 23 Commission on Offender Review.</p> <p>24 If the answer to that is that they have had 25 their rights restored, the individual remains on</p>

<p style="text-align: right;">Page 18</p> <p>1 the rolls. Throughout this process -- and I wish 2 to just emphasize this. Throughout this process 3 the person is still on the rolls. If the person 4 has not received clemency that postdates all the 5 felony convictions, then that person is deemed to 6 be potentially ineligible. And that's all it is 7 at that point that we can determine. We have now 8 this case file. This information is then provided 9 to the Supervisors of Elections through an 10 electronic process. Many years ago it was all 11 paper. We're very grateful to be away from that. 12 There's still some files that are paper. But 13 primarily everything can be now electronically 14 scanned and forwarded on to them. They have a 15 site to which they go to that they're able to 16 download that and then process. We also keep 17 track if felony files haven't been downloaded just 18 to make sure that they aren't getting old sitting 19 there.</p> <p>20 The Supervisor of Elections then has a duty 21 under state law, which is very spelled out in 22 98.075, sub seven, and that is the due process 23 provisions that I was talking about. So within 24 seven days they are required to send a certified 25 or verifiable mailed notice to the voter. The</p>	<p style="text-align: right;">Page 20</p> <p>1 questions? Okay.</p> <p>2 So then the next is post-Constitutional 3 Amendment IV process. There really is no change 4 in terms of the sources of information that we're 5 getting initially to identify potential ineligible 6 voters. That still occurs. I'm assuming still 7 we're going to get on average about four to five 8 criminal records to a match. Although again it 9 can be as many as 20 or more. We're still going 10 to make use of the sources that we have regarding 11 for identifying demographics, court documents, and 12 the search for restored voting rights is the one 13 part that will change or at least we need more 14 sources of information. And the reason being is 15 because obviously with the Constitutional 16 Amendment IV the question of okay, is this the 17 right person? Is this a felony conviction 18 adjudication? We now have to determine what type 19 of felony conviction. Up until this point until 20 Constitutional Amendment IV, we weren't looking to 21 see what kind of felony conviction because that 22 would -- it wasn't required. With the existing 23 law, we now have to ask that question. And the 24 question is if it's murder or a felony sexual 25 offense, it's still only way that you can get your</p>
<p style="text-align: right;">Page 19</p> <p>1 voter then has 30 days to respond to that actual 2 notice. If that notice is undeliverable, the law 3 says you need to publish notice. Again, the voter 4 has 30 days to respond to that. The actual 5 notice, the law is very specific and I'll talk a 6 little bit more about I think towards the end 7 about what that notice needs to include if it's 8 actual notice mailed or if it's published. The 9 person if they respond and wish to have a hearing, 10 they are entitled to have one. It can be very 11 formal or very informal. Then the Supervisor of 12 Elections who is the only one under state law 13 makes the call about whether that person is 14 eligible or not and then the person if ineligible 15 is removed. They get notice that they've been 16 removed. If they're eligible, they remain on the 17 rolls. This entire process can take up to 120 18 days just -- any questions about that part of it?</p> <p>19 So as you can see on the screen, adjudicated 20 felony conviction; yes, no. And then the question 21 clemency; yes, no. And this of course only 22 applies because obviously there's always 23 exceptions to the rule about federal and state 24 court -- out of state court cases, convictions 25 that may be handled a little bit differently. Any</p>	<p style="text-align: right;">Page 21</p> <p>1 rights restored is through clemency. Any other 2 felony offense will now be all terms of the 3 sentence complete; yes or no. So it's still -- so 4 now we have two roads that we can -- that we have 5 to follow in order depending on what the 6 underlying felony sexual offense. Prior to that 7 my staff was not required to look into what kind 8 of felony; the nature of it. That is now changed.</p> <p>9 So as you'll see in the middle box, we still 10 have to do our manual process once we get the 11 information. We still have to determine that it's 12 credible and reliable. But now our process will 13 entail starting off with is this person in prison 14 or DC custody. For our purposes, because we're 15 confident that that means that they have not 16 completed that part of their sentence. If they 17 are in prison or under custody with DOC, then the 18 sentence is deemed not complete, assuming of 19 course that that's part of the four corners of the 20 sentencing document as required by law, and then 21 that person is deemed potentially ineligible. 22 That information is then electronically shared 23 with the Supervisor of Elections. If the answer 24 is no, then we go to the next question, and that 25 is, is this a murder or felony sexual conviction;</p>

<p style="text-align: center;">Page 22</p> <p>1 have they been adjudicated for it. If it is, then 2 by law the question is still only have they had 3 their rights restored. And the only way they 4 could have is through clemency as it exists right 5 now. If there is no clemency or the clemency 6 predates the last felony, we'll have to look and 7 see what the last felony was. Because again, that 8 may change what we need to be looking for next. 9 Then that person's file will be sent down to the 10 Supervisor of Elections for processing. If the 11 answer is no, there's no murder or felony sexual 12 offense conviction, then the analysis is we need 13 to look at what all the terms of that sentence are 14 and determine whether they have completed it. And 15 that can include everything that the state has 16 identified as being part of that sentence -- 17 sentencing document. And that is laid out in that 18 new section of state law that says what has to be 19 completed in terms of, you know, prison or 20 probation or supervision or restitution or fines, 21 fees and costs. Again, nothing has changed in 22 terms of the Supervisor of Elections due process 23 requirements. They still remain the same. Any 24 questions on that part? 25 So with the case file content, this is what</p>	<p style="text-align: center;">Page 24</p> <p>1 Wanted to go into a little bit more detail 2 about the statutory due process notice. So as I 3 indicated earlier -- oh, I wanted to make sure. 4 Any questions about that other page? No. Okay. 5 Within seven days of getting notice from the 6 Department of State or even if they get something 7 directly from another reliable source or they get 8 it from the Clerk of Court or whatever, they have 9 seven days to go ahead and send that notice. The 10 law is very specific about what that notice has to 11 include. The basis for the ineligibility; what 12 happens if you don't respond in 30 days; the 13 opportunity to be able to admit on the form or 14 deny that you are ineligible; a statement of your 15 right to request a hearing; instructions on how 16 you can resolve the matter. If there's some 17 confusion, no, that's not me. No, that's not -- 18 yeah, I'm a convicted felon, but you know it's 19 been -- I'm actually entitled to be able to vote. 20 Instructions on how to seek restoration of civil 21 rights or voting rights per the constitution. 22 Obviously the voter has then 30 days to respond. 23 If they don't respond during that time, then the 24 Supervisor of Elections makes the call based on 25 the information that they have before them. If</p>
<p style="text-align: center;">Page 23</p> <p>1 we envision and what we have currently in terms of 2 what the supervisor gets so that they have a 3 completed file in front of them. They'll get our 4 case file review certificate. They'll get a 5 screen shot of our workflow that shows the 6 matching information, both voter and felon 7 information. They get a screen shot of the 8 Florida -- from the Florida drivers -- I only know 9 it as David. I keep calling it David. It's their 10 driver's license database. They get a screen shot 11 from CCIS, which will show the court -- the felony 12 convictions. If there's any financial obligations 13 listed in there, we would send -- that would also 14 be included. Any court documents. At a minimum 15 the judgment and sentence. But there may be other 16 documents that we sometimes need in order to make 17 sure that we've made the right match. So it could 18 be arrest records, other things in there. We also 19 if available we'll send a screen shot from the 20 Florida Department of Corrections online and also 21 our internal web service informational page. And 22 then the last, if there is -- there isn't 23 clemency, we also include a clemency screen shot 24 showing that we've done our search and nothing 25 came up showing that.</p>	<p style="text-align: center;">Page 25</p> <p>1 the actually notice is undeliverable, then the 2 supervisor has to do a notice in the newspaper. A 3 lot less detail has to be included in the 4 newspaper. You just have to include the name, the 5 address, failure to respond in 30 days warning; 6 statement that the voter has the right to ask for 7 why am I ineligible. Because the notice does not 8 include that statement. It shouldn't be including 9 saying, you know, Maria Matthews, you're a 10 convicted felon. You need to come in and, you 11 know, contest it or whatever. It will just say 12 you're ineligible. And then instructions to the 13 voter to contact the supervisor. 30 days passed, 14 you heard nothing from the voter. Again, the 15 supervisor makes the call on the document before 16 them. If the person does ask for a hearing, then 17 that can be scheduled at the convenience of the 18 Supervisor of Elections and the voter. It can be 19 informal. Just come on in; we'll talk. Or I 20 understand some counties have actually contracted 21 with the Division of Administrative Hearings and 22 have a formal process that's like a schedule. So 23 it won't necessarily happen immediately. And then 24 once that hearing is held, then the determination 25 again is based on the record. And if ineligible,</p>

<p style="text-align: right;">Page 26</p> <p>1 determined to be ineligible, the voter is removed 2 and the voter is notified. Throughout this entire 3 process, once an individual gets on the rolls, 4 they are on the rolls through that entire time 5 until a determination is made that they are 6 ineligible and need to be removed. 7 And that is the end of my presentation. Any 8 questions? 9 MR. PEACOCK: Madam Chair. 10 MADAM SECRETARY: Yes. Go ahead, sir. 11 MR. PEACOCK: Thank you for that 12 presentation. I had one quick question about the 13 case file. On page three it talks about the 14 different context of the case file that. That 15 case file is initiated by the department and then 16 transmitted to the Supervisor of Elections in 17 question, right? 18 MS. MATTHEWS: Correct. 19 MR. PEACOCK: Does that case file then just 20 get transferred? Do they build on to that case 21 file after that? 22 MS. MATTHEWS: My understanding is if the 23 file is complete on its face as is and they're 24 comfortable with that. That's why we try to make 25 sure that it's pretty credible and reliable that</p>	<p style="text-align: right;">Page 28</p> <p>1 have here with us today Mr. Mark Schlakman from 2 the Florida State University. Welcome to you, 3 sir. When I call names for public comment, please 4 come forward and we ask that you limit comments to 5 three minutes. If your comments exceed that 6 length, you're welcome to submit written materials 7 to the work group, which will become part of our 8 record. Thank you, sir. 9 MR. SCHLAKMAN: (Inaudible). 10 MADAM SECRETARY: Mr. Schlakman, I think you 11 need to turn the microphone on. There we are. 12 That's perfect. 13 MR. SCHLAKMAN: Just so you're aware, there's 14 no light that comes on. I wasn't aware that it 15 was off. 16 MADAM SECRETARY: We could hear you just 17 fine. For the record we just wanted to be sure 18 that you were okay for the whole room. 19 MR. SCHLAKMAN: Rather than run through the 20 preliminary comments, I'll get right to the point 21 that I wanted to address or at least observe for 22 the work group. The legislation is silent to the 23 window between January 8th and June 30, and within 24 the context of potentially removing voters from 25 eligibility or the roll. Without delving into a</p>
<p style="text-align: right;">Page 27</p> <p>1 that's it. But if they have any questions about, 2 they can certainly call us and say, look, I don't 3 feel like this is right or I notice something here 4 that probably needs to be looked at. Once they 5 get information from a voter that maybe we did not 6 find, that becomes part of that record as well. 7 This case file -- I'm sorry, Madam Chair. I did 8 not ask for permission before I answered. 9 MADAM SECRETARY: Thanks. Go ahead, 10 Ms. Matthews. 11 MS. MATTHEWS: I just realized that. Thank 12 you, Madam Chair. 13 Once the individual replies and if they have 14 something that indicates okay, yeah, this is not 15 me or this is not a felony conviction, or yes, 16 I've had my rights restored, then that becomes 17 part of the record. The supervisor records that 18 in the system and they have that record. And then 19 I don't recall exactly if we always get notice of 20 that other than it's recorded in the system as 21 being, you know valid or invalid. 22 MADAM SECRETARY: Other questions from 23 members of the working group? Seeing none. Thank 24 you, Maria. And at this time we will move to the 25 public comment stage of the presentation. And we</p>	<p style="text-align: right;">Page 29</p> <p>1 legal analysis or attempting to surmise what 2 courts at the federal or state level may conclude, 3 general observation that there's an ex post facto 4 concern applying a law after the fact. So people 5 could register to vote as of the effective date of 6 the amendment, which was January 8th. The 7 legislation, which again will be addressed in 8 various courts, various issues didn't take effect 9 until July 1. So that is the window within which 10 I'm referring to. And people arguably at face 11 value that may have aligned with eligibility by 12 way of the expressed language of the legislation. 13 That is hypothetically not being convicted of 14 murder, not being convicted of a felony sexual 15 offense to the extent they could determine that. 16 There's at least a reasonable argument to be made 17 that attempting to remove them by way of the 18 language, whatever the courts do or don't do from 19 July 1 forward runs into a very basic problem. 20 Again, application of law after the fact. 21 So I raise that not to attempt to resolve 22 that issue today, but to underscore that within 23 the context of your work, which is expansive, that 24 ultimately -- and the work ultimately that the 25 division does; that that is an issue that maybe</p>

<p style="text-align: right;">Page 30</p> <p>1 would be helpful to take into consideration 2 because it leads to another aspect. 3 Without guidance, as you know better than I 4 do, the 67 different supervisors could take 5 different approaches to these issues. That's just 6 almost a logical assumption, which could lead 7 ultimately to equal protection challenges. So 8 again without delving into the other issues that 9 the courts will be weighing in on one way or 10 another, I just wanted to underscore that this is 11 significant within your current charge 12 irrespective of what the courts may do unless a 13 court just strikes the amendment all together. So 14 thank you for the time. 15 MADAM SECRETARY: Thank you very much, sir. 16 We appreciate your appearance and your input. All 17 right. That concludes the comment cards that were 18 submitted for public input here today. So I would 19 like to thank everyone for attending today's 20 meeting. If anyone on the telephone group wishes 21 to submit written comment to the work group, you 22 may do so at the email address that was earlier 23 provided. I thank you everyone for attending 24 today's meeting. Our next meeting will be on 25 Friday, September 6th at 10 o'clock A.M. This</p>	<p style="text-align: right;">Page 32</p> <p style="text-align: center;">1 CERTIFICATE 2 3 I, TRACY LYN FAZIO, FPR, Court Reporter and 4 Transcriptionist, do hereby certify that I was 5 authorized to and did listen to and did 6 stenographically transcribe the foregoing recorded 7 proceedings and that the transcript is a true record to 8 the best of my professional ability. 9 Dated this 9th day of October, 2019. 10 11 12 13 _____ 14 TRACY LYN FAZIO, FPR 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 31</p> <p>1 meeting is now adjourned. 2 (Thereupon, the meeting adjourned.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

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RESTORATION OF VOTING RIGHTS WORK GROUP
SEPTEMBER 16, 2019
2:00 P.M. - 4:00 P.M.

THE HOUSE OFFICE BUILDING
MORRIS HALL
402 SOUTH MONROE STREET
ROOM 17
TALLAHASSEE, FLORIDA 32399

<p style="text-align: center;">Page 2</p> <p>1 MADAM SECRETARY: Inaudible -- meeting of the 2 Restoration of Voting Rights Work Group. I'd like 3 to ask Amber Marconnet with the Florida Department 4 of State to call the roll. 5 MS. MARCONNET: Chris Anderson. 6 MR. ANDERSON: Here. 7 MS. MARCONNET: Vikki Cannon. 8 MS. CANNON: Here. 9 MS. MARCONNET: Doug Chorvat. 10 MR. CHORVAT: Here. 11 MS. MARCONNET: Melinda Coonrod. 12 MS. COONROD: Here. 13 MS. MARCONNET: Kate Holmes. 14 MS. HOLMES: Here. 15 MS. MARCONNET: J.D. Peacock. 16 MR. PEACOCK: Here. 17 MS. MARCONNET: Kenneth Steely. 18 MR. STEELY: Here. 19 MS. MARCONNET: Laurel Lee. 20 MADAM SECRETARY: Here. 21 Thank you, Amber and thank you to all of our 22 work group members for being here. For those of 23 you in the audience, please be sure to sign in 24 using the sign-in sheets in the back of the room. 25 We will have an opportunity for public comment</p>	<p style="text-align: center;">Page 4</p> <p>1 stakeholder group that has a lot to say or for 2 whom the working group members have questions or 3 additional information, we have the opportunity to 4 bring them back for our next meeting if that is 5 necessary. 6 With that we will begin by inviting Senator 7 Jason Pizzo to the podium. Senator Pizzo, if you 8 would please come forward. 9 SENATOR PIZZO: Can you hear me? Okay. I've 10 since required glasses since last session to read 11 appropriately, so start the teasing. 12 Thank you for having me. I know my time is 13 limited and I really appreciate the opportunity to 14 be here and to see my colleague Representative 15 Grant as well. I think I have as many questions 16 as I do statements or things to consider, but I'll 17 be brief and with the aid of the slide that's up 18 here and with the direction or the mission of the 19 group to that effect. 20 I hail from Miami-Dade County. As many of 21 you know, I was a former prosecutor with the 22 Miami-Dade State Attorney's Office for many years. 23 And I handled a number of cases from the 24 misdemeanor level all the way through the 25 felonies. I'm familiar with the court system.</p>
<p style="text-align: center;">Page 3</p> <p>1 toward the end of the meeting. So if you would 2 like to speak, please fill out a speaker card 3 which can be found in the back of the room. 4 At today's meeting we will hear from Senator 5 Jason Pizzo and Representative Jamie Grant. Thank 6 you to being here to both of you. We will also 7 receive presentations from the Florida Department 8 of Corrections and from representatives of the 9 Clerks of Circuit Court and Comptrollers. We are 10 grateful to have the Honorable Ken Burke, Clerk 11 and Comptroller for Pinellas County, The Honorable 12 Karen Rushing, Clerk and Comptroller for Sarasota 13 County, and Melvin Cox, the Director of 14 Information Technology for the Florida Association 15 of Court Clerks and Comptrollers in addition to 16 Senators Pizzo and Representative Grant here with 17 us today. We greatly appreciate your time and 18 your anticipation. 19 As you all know, our last meeting was 20 canceled in light of Hurricane Dorian. So we 21 missed our last meeting. As a consequence, 22 today's agenda is very full. We are going to try 23 to stay on track with the time periods that have 24 been allotted to each of the presenters today. If 25 there is a particular subject or a particular</p>	<p style="text-align: center;">Page 5</p> <p>1 But I wish to raise a couple of issues and it has 2 to do with concerns about equity and parody and 3 uniformity. I understand that I'm being asked or 4 my subject matter so to speak is about fines, 5 restitution and fees. And I just want to be 6 clear. A lot of people had to get a bit of an 7 education this past session as to the four 8 different types of obligations that there are. 9 Beginning with restitution that's effectively owed 10 to a victim. Fees, which are incurred as a 11 condition or a part of a term whether it's 12 probation or other. Fines, which are by statute, 13 which attach to any number of crimes. By way of 14 example, cocaine trafficking from 28 grams up to 15 199, would be 50,000. From 200 to 399, you're 16 going to pay 100,000. And then so on and so forth 17 to 250,000. And some of them are a half a million 18 dollars. And then of course the last are court 19 costs that we understand to be court costs or 20 otherwise known as memorandum of costs. 21 The concern that I have and the reason that I 22 welcome the invitation today is because we have 20 23 individual circuits in the State of Florida. And 24 if someone is going to roll out a plan for 25 whatever reason, that plan may not be uniform to</p>

<p style="text-align: right;">Page 6</p> <p>1 19 other circuits and certainly will not. Whether 2 it's by policy, ideology, philosophy or procedure 3 or the interpretation of the law. The convenient 4 thing about this passing of 7066 is a couple of 5 the drafters and people that participated are 6 actually here. So if you want to know about 7 legislative intent, we're happy to answer those 8 questions.</p> <p>9 But I will tell you that the concern arises 10 from the following. In Miami-Dade County a 11 judgment and sentence which you can find on the 12 clerk's site are two separate documents. They may 13 be numbered page one through five, but they are 14 headed -- titled and headed separately within a 15 judgment versus a sentence. And the way that we 16 have bifurcated it in Miami-Dade County is to 17 believe that a sentence is that which is 18 punishment. So that will have a term of years, 19 incarceration followed by probation. It will also 20 have the restitution and fines that attach to any 21 particular conviction of a crime. We've 22 bifurcated the understanding and interpretation to 23 mean that judgment very often carries a memorandum 24 of cost, which you know as court costs. It may 25 also attach to it what are fees. And now you have</p>	<p style="text-align: right;">Page 8</p> <p>1 the largest circuit, the 11th Judicial Circuit, 2 potentially 158,000 returning citizens. The cause 3 for concern will be if someone is able to enjoy a 4 plan or procedure that is taking place in 5 Miami-Dade County, what about their brethren in 6 Broward or Palm Beach or Hillsborough or Polk or 7 what have you. One that's obviously up for 8 discussion and I'm happy to remain for the public 9 portion as well, because I have those questions as 10 much as I have answers. A couple of things that 11 seem sensible now that we have even personally 12 volunteered. I have pro bono to represent anybody 13 that wants to get back and be able to register to 14 vote. We put out booths at different events. 15 Facebook and social media postings to that extent 16 is really the question and concern about the voter 17 registration form. The voter registration from I 18 understand is going through a rule making. But 19 there remains a great amount of confusion as to 20 the interpretation, which is you're allowed to use 21 the old form so long as you still have inventory 22 or stock. Well, photocopying creates more 23 inventory. And whether or not the new form which 24 is going to rule making does have a box that 25 speaks to Amendment IV, but there is a concern in</p>
<p style="text-align: right;">Page 7</p> <p>1 a term of years so to speak, which is 2 indeterminate because you may be ordered to two 3 years of probation, but you may qualify for early 4 termination. Your probation may be extended if 5 the window of the underlying felony allows for it 6 based on violation. So that's an indeterminate 7 moving target and it's impossible to ascertain 8 with any degree of accuracy what those fees might 9 actually be at the inception of when someone 10 actually raises their right hand. There also is 11 an allowance for the court. And this has been the 12 case personally where we reserved on the amount of 13 restitution until we have a finite figure or 14 definite figure. So that's not exactly always 15 pronounced at the time that someone may raise 16 their right hand and take a plea or found guilty 17 at trial. It's important to remember that the 18 overwhelming majority of not only my own cases 19 that I had in my audit, but also those that take 20 place in the 20 judicial circuits are closed by 21 way of plea, not by trial. So this is supposed to 22 be a willing and voluntarily and understanding 23 when they take that plea.</p> <p>24 So what I wish to speak about is 25 understanding that Miami-Dade's position, which is</p>	<p style="text-align: right;">Page 9</p> <p>1 the community as to whether or not the checking 2 off of the box on the new voter registration form, 3 the third box, initiates some sort of 4 investigation or does it pull the application to 5 the side for further investigation as to whether 6 or not someone does or does not qualify. And I 7 believe if I understand the rules correctly, a 8 directive that would come from the Secretary of 9 State as opposed to an order or some other part. 10 That's a very big concern.</p> <p>11 Also, and I think Representative Grant might 12 be able to speak to this as well, the effective 13 date for Amendment IV was January 8th. And from 14 January 8th until July 1st while the machinations 15 of legislation were going on, you had a great many 16 people that were registering to vote. And we 17 would have a unique situation where we would 18 retroactively be removing or taking back people's 19 voter registration forms that may have let's say 20 by way of example filed to register in mid March 21 under either a crime or a condition or situation 22 that was later found by operation of the new bill 23 signed into law that might have actually 24 disqualified them. What's happening with those? 25 That's of grave concern. Because we added on some</p>

<p style="text-align: center;">Page 10</p> <p>1 sexual offenses that were not just those that were 2 under the registry under 943. So someone may have 3 filed in March and found out now that they're 4 disqualified.</p> <p>5 But more of a pressing concern not exactly 6 for this board, but certainly for the State's 7 Attorneys of all the 20 circuits is not being -- 8 making a statement or having a position not to 9 prosecute anyone who may have filed a form that 10 was inaccurate and erroneous. But it's erroneous 11 remember because of the operation of what the bill 12 later had and was later signed into law. What do 13 I mean by that? Somebody may have checked off the 14 box with the understanding that they were fully 15 restored. Well, I'm certainly not speaking to the 16 merits of the condition and situation of ongoing 17 litigation in both the Federal and State court. 18 Nor should that be our concern. The concern is we 19 look to the four corners and what are we 20 implementing. But you're going to have people 21 that register to vote in March or even in April 22 that now are concerned that they may be 23 prosecuted. And that's something that we've 24 reached out obviously to Miami-Dade and to other 25 prosecutors to say that you can't possibly hold</p>	<p style="text-align: center;">Page 12</p> <p>1 bill that you have to pay restitution before you 2 can register to vote. But the interpretation in 3 Miami-Dade and I believe it's going to happen in 4 some other places is that you have to bifurcate 5 the judgment sentence. And then, therefore, if 6 the memorandum of costs and fees are under a 7 judgment and not under a sentence, they're not 8 waived. This is important to understand what the 9 position is. It's not that you don't owe them. 10 But for the purposes of being able to register to 11 vote, you don't owe them. They don't have to be 12 paid in advance. But yet they're still owed. 13 We're not waiving, excusing, forgiving or any of 14 those charges or any of those fees or costs. But 15 for the purposes of voting, they don't have to be 16 paid.</p> <p>17 And then the Miami-Dade plan also speaks to 18 as it relates to fines. Fines are by statute. 19 Only the State Attorney's Office can waive those 20 fines. So if you get a \$50,000 fine for cocaine 21 trafficking, the state can waive those. And 22 Miami-Dade's position is placing those cases in a 23 group where if you're on a payment plan, that is 24 proof and evidence that you are in good faith 25 trying to make that plan. And in which case we</p>
<p style="text-align: center;">Page 11</p> <p>1 those people in that situation or prosecute them, 2 nor should they be because the information they 3 were acting under was not yet finalized.</p> <p>4 But I do want to draw your attention to a 5 concern I had, which is in 2018, between July -- 6 excuse me. Between January 7th and July 1st there 7 were approximately 93,000 new voter registration 8 applications in Miami-Dade. 93,000 between 9 January 7th, excuse me, and July 1st. Effectively 10 the same effective date. But in 2018 -- 2019, 11 excuse me, there were 73,000. So even with the 12 passing of the effective date of Amendment IV, 13 20,000 less people in Miami-Dade registered to 14 vote this year than they did last year. Of course 15 it was a gubernatorial race. A large election 16 obviously of great popularity, but 20,000 less 17 people. So what we're trying to do locally for 18 our constituents is dispel a lot of the rumors 19 that are out there about prosecution, about 20 retroactivity, about what has to be paid and what 21 doesn't have to be paid. It is of paramount 22 concern as it relates to those four silos of 23 financial obligations. About 10 percent of all 24 outstanding felony cases have some component of 25 restitution. It is well settled because of the</p>	<p style="text-align: center;">Page 13</p> <p>1 would go ahead and allow somebody to register to 2 vote. If you owe restitution, every dollar has to 3 be paid, forgiven in part or parcel from the 4 victim. And finally as it relates to fees and 5 costs, those again are part of a judgment, but not 6 of a sentence is the interpretation. I will tell 7 you and candidly and to be intellectually honest, 8 some other circuits collapse those two documents 9 into one. Not like Miami-Dade. Those are into 10 one. So the argument is going to be well these 11 memorandum of costs are in our judgment and 12 sentence which is one document or fees that attach 13 thereto.</p> <p>14 Of course this creates like I said in opening 15 a real concern about the equitable treatment or 16 uniform treatment or having a standard statewide 17 that applies to everybody. Because someone may 18 have been found to have paid less to be able to 19 register to vote in Miami than they would in 20 Broward or they would somewhere else. And I'm 21 just by way of example naming other counties. I 22 don't know what their plan is specifically.</p> <p>23 But real quickly just in ending. The 24 original -- one of the original drafts of the bill 25 did have a registry. It did have a registry. And</p>

<p style="text-align: right;">Page 14</p> <p>1 I understand the limitations of the Secretary as 2 well as other agencies about the sharing of 3 information. I will tell you candidly, I believe 4 it to be far more expensive than prohibitive that 5 if there isn't a centralized database or agencies 6 are not allowed to share information, than someone 7 with a crime in Cincinnati, Ohio is going to have 8 to go to Cincinnati, Ohio if they don't have the 9 resources of a pro bono organization or a lawyers 10 in the family to be able to decipher and determine 11 what is owed and what is the status.</p> <p>12 I understand that there was a concern about 13 sort of the Scarlet letter idea or felony 14 registry, but it makes it impossible to enjoy a 15 system that I believe Chair Coonrod has at FCOR 16 right now, which is when applying for clemency, 17 which is obviously a separate restoration, that 18 that information is available to the applicant. 19 And it's readily available to both the agency and 20 the applicant. That is not the case with 21 Amendment IV. So there really is no place where I 22 can go run an NCIC on the cheap or get a status 23 without having to use legal counsel or actually go 24 into that clerk's office in out-of-state 25 jurisdictions.</p>	<p style="text-align: right;">Page 16</p> <p>1 for probation officers. If someone is about to 2 come off of probation, your DOC offices in 3 different regions are also having to inform these 4 individuals what plan are they giving them and 5 what information are they giving them.</p> <p>6 And finally, if someone has satisfied and 7 Miami-Dade's plan passes the smell test and 8 someone has completed for the purposes of sentence 9 to be able to register to vote, will the Secretary 10 or the Department of Elections accept a court 11 order or written order in the form of a clerk's 12 stamp and what does that look like? We've drafted 13 one and designed one, but that's also a concern 14 for uniformity, to evidence if of course the 15 process stays the same. So if the Department of 16 Elections finds that someone may be ineligible to 17 vote, they notify the supervisor. The supervisor 18 has seven days with which to notify that person. 19 And then within the 30-day window thereafter, 20 which is codified in the bill and has been the 21 case, they can appeal it and ask for a hearing in 22 person to dispute it. But what I'm actually 23 suggesting candidly to folks in my district is to 24 go ahead and get that form that shows that your 25 case is closed already and maybe include that with</p>
<p style="text-align: right;">Page 15</p> <p>1 So the second part about processing and 2 informing a registered voter, here now lies a 3 captive audience concern that I have it. If 30 4 people are about to be released, and according to 5 7066, the bill that we're all operating under, 30 6 men are about to be released from a correctional 7 facility, they need to go into 30 different 8 counties. It is now a requirement for the DOC to 9 inform people soon to be released in 18 point font 10 about their ability to, you know, return and have 11 their voting rights restored. What information 12 are they giving them? Are they going to be giving 13 them a separate pamphlet for Miami-Dade versus 14 Hillsborough? That's a real concern because 15 obviously we want that be standardized and 16 uniform. So if two different State Attorneys have 17 two different interpretations of fines and fees 18 and costs and restitution, how are we going to be 19 in fairness to the DOC -- and Mr. Stealy I can see 20 is writing this down intently. Sir, your agency 21 is literally responsible for informing those that 22 are about to be released about getting their 23 rights restored. What are you handing them? Is 24 it based on where they live or is it something 25 statewide. And then of course the same thing goes</p>	<p style="text-align: right;">Page 17</p> <p>1 your voter registration form so there's no further 2 investigation. But what does that form look like? 3 What will courts use in all 20 circuits to 4 evidence that a case has been closed for purposes? 5 And then finally it speaks to the third, which is 6 policies and procedures verifying eligibility.</p> <p>7 I contend that when the registry section was 8 taken out, it was a bit of a disservice to the 9 extent that I believe agencies should be able to 10 freely share information. Because it would have 11 been a lot less costly both in time and dollars 12 for individuals to get a true status update on 13 where they are to go forward and to be able to do 14 that. I know that the original bill also called 15 for the Supervisor to do that, but they weren't 16 equipped to do it. To that extent the FDLE, Chair 17 Coonrod's also had that ability. But you're not 18 letting John Q. public be able to without a great 19 cost or the use of an organization that may 20 provide a pro bono really just find out where they 21 are.</p> <p>22 And then very, very last thing is my concern 23 about how we're going to reconcile federal cases. 24 Left to the interpretation of out of jurisdiction 25 state statutes. We used to do it all the time as</p>

<p style="text-align: center;">Page 18</p> <p>1 prosecutors. When we were doing a score sheet, we 2 would take a statute from out-of-state or out of 3 jurisdiction to be able to do the applicable 4 similarity. My concern is about getting clearance 5 and reconciling federal cases as a result to 6 restitution or to payments or fines or fees. The 7 Federal Government very well just snubbed their 8 nose at us and say, I don't care that you had all 9 20 judicial circuits and state judicial circuits 10 to comply or to believe in some uniform standard, 11 but for us you got to pay every single dime before 12 a case is closed, and we don't really have that 13 answer or direction.</p> <p>14 So I'm happy to take any questions and I'll 15 be here for the duration. Thank you.</p> <p>16 MADAM SECRETARY: Thank you, Senator Pizzo. 17 We appreciate your participation today. I see 18 Representative James Grant is here with us. 19 Representative Grant, if you'll please come 20 forward.</p> <p>21 REPRESENTATIVE GRANT: Thank you, Madam 22 Secretary and Members. I appreciate your service 23 and time on what is certainly an important issue. 24 I was asked to kind of touch on a couple of 25 things. One, the waiver process, the fines and</p>	<p style="text-align: center;">Page 20</p> <p>1 certain elected officials at the local level, and 2 my good friend and colleague just touched on it 3 with respect to the waivers and the impact of 4 fines and fees. The legislation is not ambiguous. 5 It is explicit that the waiver process requires 6 the termination of the financial obligation. So 7 if there are entities in the State of Florida who 8 believe that they can waive for the purpose of 9 voting rights and simultaneously still try to 10 pursue that obligation, I believe they are in very 11 clear and explicit violation of the legislation 12 that was passed. And I will highlight for you why 13 we did not include civil conversion in the waiver 14 process. It was my belief that if we were going 15 to do the most humane thing possible in the 16 restoration population, that putting a waiver in 17 place that would eliminate the financial 18 responsibility, i.e., the returning citizen could 19 not only earn back their right to vote through the 20 termination process, but they simultaneously no 21 longer owed that money.</p> <p>22 So I find it very, very disingenuous for some 23 entities in this state to suggest that they can 24 look right and say you no longer owe this money, 25 and then look left and try and chase you down for</p>
<p style="text-align: center;">Page 19</p> <p>1 fees, as well as potentially some of the ways that 2 we can solve some of these challenges. And one of 3 the things I'll touch on kind of briefly in the 4 waiver process is that I think it's important for 5 everybody to understand that every bit of 6 authority necessary to implement a circuit 7 specific waiver process exists. One of the things 8 we contemplated in looking at this legislation was 9 do we write into state statute a very prescriptive 10 process that mandates perhaps the chief judge's 11 responsibility or the clerk's responsibility or 12 the State Attorney's responsibility. In 13 understanding how the circuits work very 14 differently, it was important to us that at least 15 in the initial rollout of Amendment IV, we 16 maintain the flexibility for the local 17 constitutionals to do their work to make this 18 work. I have yet to hear of a single issue where 19 there is a lacking of authority necessary for the 20 clerk, the chief judge, the supervisor to come 21 together and to put in place a process that is 22 both transparent and efficient when it comes to 23 the pursuit of the remedies.</p> <p>24 I think that one of the things that has been 25 lost a little bit in some of the commentaries by</p>	<p style="text-align: center;">Page 21</p> <p>1 that money. It's why the word termination exists 2 in the statute. So I think that with the 3 authority in place and with the ability to waive 4 the financial obligation by contrast as I 5 referenced the conversion to a civil lien. A 6 conversion to a civil lien would not remove the 7 financial obligation. So that returning citizen 8 may get the right to vote coming out of prison. 9 They may even have a job. They may go through the 10 difficult challenge of landing housing. But they 11 still have a judgment over their head. Through 12 the waiver process we created, they would not only 13 get the ability to vote, they would lose that 14 financial obligation and be able to go forward 15 with their life free of that judgment. And that 16 is very clearly laid out in the law. And so if 17 entities are attempting to look right and forego 18 and look left and chase the money down, I think 19 that we will have some significant challenges to 20 solve in that regard. Because those entities are 21 effectively saying for one purpose I want to waive 22 the financial obligation, but I still want my 23 money.</p> <p>24 Secondly on that, I think Senator Pizzo 25 touched on a very important thing when we look at</p>

<p style="text-align: right;">Page 22</p> <p>1 kind of the retroactivity and the immunity from 2 prosecution and the enacting date versus -- the 3 enacting date of the Constitutional Amendment 4 versus the enacting date of the legislation. 5 Understand that from January 8th until the 6 enacting date of the legislation, a murderer could 7 have registered to vote in the State of Florida. 8 Now, regardless of what the definitions for sexual 9 felony sex offenses was to become in the law, 10 murder is explicitly -- rape presumably by any 11 common sense definition would be a sexual offense. 12 So we had no ability from January 8th until the 13 criteria was laid out to know what the strike zone 14 is. And the reason that's so critically important 15 is that when we talk about the disparity through 16 different circuits and how different circuits 17 handle the Amendment IV implementation, one of the 18 things that at a bare minimum should be the case 19 is that the same preclusionary or exclusionary 20 offenses in one circuit should be the exact same 21 preclusionary or exclusionary offense in another 22 circuit. 23 So to sum on kind of the waiver process just 24 to try and make sure the intent and the effective 25 language is clear was that, one, we wanted a</p>	<p style="text-align: right;">Page 24</p> <p>1 constitutional officer in the State of Florida who 2 believes that the Amendment IV legislation passed 3 in 7066 in any way limits the authority they need 4 to put that process in place to properly apply the 5 law. At the point that somebody can highlight the 6 authority lacking to put in place an efficient 7 process, we certainly will be all ears and look 8 forward to hearing that. 9 But we transition there into what I would say 10 is not a unique problem. When we look at the old 11 workflow of felons and voting. Effectively the 12 old workflow asks are you a convicted felon. And 13 if the answer to that was yes, then we knew what 14 would happen. Now we have a much more complicated 15 workflow. And it's not just complicated because 16 of the additional question or questions, it's 17 additionally because numerous stakeholders brought 18 to the table that were not necessarily at the 19 table in the old workflow. So instead of a 20 scenario where the workflow asks are you a 21 convicted felon, and if the answer is yes, you 22 were barred from voting, now we have a workflow 23 that asks in some sequence are you a convicted 24 felon; were you convicted of an exclusionary 25 offense; have you -- what were the terms of your</p>
<p style="text-align: right;">Page 23</p> <p>1 process that actually lifted the financial 2 obligation off of the returning citizen. Two, we 3 wanted consistency of the strike zone such that 4 the exact same offenses in Okaloosa County are 5 treated the same in Palm Beach County or in 6 Seminole County versus Polk County. And so the 7 consistency of the strike zone was of critical 8 import. That said, we wanted the flexibility of 9 each circuit to apply that strike zone in a 10 process that make the most sense. 11 So, for example, a chief judge and a clerk 12 could get together and say this is the standard 13 pleading by which a returning citizen would use to 14 seek a hearing for the purpose of pursuing a 15 waiver. Number two, this is a veterans or drug 16 court like docket that the chief judge could set 17 up such that where there are people who have filed 18 that standard pleading directed where to plead it 19 would be able to get on a docket to have a quick 20 and equitable review of their pursuit of what is 21 really kind of an alternative to clemency or a 22 secondary clemency in this case. And then three, 23 the ability to document the outcome of that such 24 that all stakeholders could be seen. I have yet 25 to hear as I mentioned earlier from a single</p>	<p style="text-align: right;">Page 25</p> <p>1 sentence; have you completed all terms of your 2 sentence. And when you think through all of the 3 different stakeholders, this panel obviously 4 represents senior leadership of a number of 5 different silos of Florida's government where we 6 have those challenges. 7 Now, what I would say to the statement that I 8 made a second ago that this is a not a unique 9 problem is that we have quite frankly in the state 10 never done meaningful data governance. We have 11 continued to spend money on centralized databases 12 inside of silos inside of government. We are an 13 enterprise as the State of Florida that does about 14 90 something billion dollars in revenue per year. 15 We have 57 different agencies. All operate as a 16 different silo, all picking their own software 17 vendors, all setting their own standards and 18 terminologies. And so when we get confronted with 19 a challenge like Amendment IV, we have to wrestle 20 with the fact that we've never done any of the 21 underlying work to make it really, really simple 22 and easy and efficient such that all stakeholders 23 can ask the question of any other stakeholders 24 involved that the sources of truth are designated. 25 So my recommendation to this body and to the</p>

<p style="text-align: right;">Page 26</p> <p>1 legislature as we confront different challenges 2 related to inoperability is to first ask ourselves 3 do we know who the individual is. And that 4 doesn't require necessarily any personally 5 identifiable information, but can we identify who 6 the individual is. After we've identified who 7 that individual is, I need to identify in this 8 workflow who the sources of truth are. So when we 9 go through the list of questions to culminate in a 10 scenario where we can reliably say to somebody who 11 is attempting to get their rights restored that 12 they can go register to vote and have no fear of 13 any other outstanding obligations or kind of the 14 gotcha of retroactivity, can we identify who they 15 are; can we tell them with confidence that they 16 have terminated -- that they have completed all 17 terms of their sentence. And can we alert all 18 stakeholders in involved of the information in 19 place. So some of that may deal with sharing 20 specific data. Some of it may just be a simple 21 query. So if system A and agency one wants to 22 query the rest of the stakeholders to ask has this 23 person been convicted of any exclusionary 24 offenses, a simple table gets built and the two 25 agencies can write to that having done the</p>	<p style="text-align: right;">Page 28</p> <p>1 can visit. 2 So what we tend to see and this is no knock 3 on agencies or how we got to this place, but I 4 think in a centralized database world we've had 5 agency heads and agencies who have said, no, my 6 data is different. It's really not. It's just 7 data. And we continue to fall into this trap 8 where people say, well, I can't give you a key to 9 the front door of my house, because I won't 10 necessarily have to let you into all of my house. 11 And though I'd like to invite you over to a dinner 12 party, there's certain things in my house that I'm 13 not comfortable with you being around. 14 If we will explore and we have continued to 15 roll policy. I'm excited to report that I think 16 this administration is very serious about robust 17 and significant data governance policies this 18 year. I think if we will set those data 19 governance policies in place, that we will 20 facilitate not only a new way for us to 21 efficiently share data across silos internally 22 with government, but also facilitate the safe and 23 permissioned access and sharing of data between 24 entities inside of government and entities outside 25 of government. I would give you the example.</p>
<p style="text-align: right;">Page 27</p> <p>1 standards and terminologies work to translate 2 between the different databases and different 3 systems. I don't want to go too, too deep there. 4 But I would strongly caution against centralizing 5 data. I think that that is a recipe for a number 6 of problems. I think it is also something that 7 would take much, much, much longer. I would 8 strongly encourage the exploration and development 9 of APIs inside of each of the stakeholder groups 10 such that those APIs become the translation layer. 11 And I'll give this example when I talk about APIs. 12 If I was to invite some of you who I never 13 met to a dinner party, the social construct would 14 suggest that there's places in my house which are 15 appropriate for you to visit and talk. Maybe the 16 dining room, the kitchen, the hall bathroom. 17 However, there are probably places in my house 18 where the social construct would say, hey, I'm not 19 sure you should be in there or you might feel not 20 comfortable going there. When we think about 21 centralized databases, it is tantamount to if I 22 have a key to the front door, I can go anywhere in 23 your house. When we think about APIs, it is 24 tantamount to saying I will give you a key just to 25 the very limited areas of my house for which you</p>	<p style="text-align: right;">Page 29</p> <p>1 When I say that this is not unique, but that it 2 has probably highlighted more than any other issue 3 we've dealt with in the last decade. The State of 4 Florida on numerous occasions has put a registered 5 sex offender and a foster child together. And it 6 happens because centralized database A has an 7 applicant who wants to be a foster parent who goes 8 through a background check at 123 Main Street in 9 Tampa, Florida and is found to be fit to be a 10 foster parent. Database B shows that somebody 11 else living at that house at 123 Main Street in 12 Tampa, Florida is a sexual predator. 13 If we do not have as Florida's government the 14 ability to red flag a sexual predator and a foster 15 child coming together, I think it is in large part 16 or is significantly indicative of the challenges 17 we have on the data governance front. But I think 18 if we will collectively go through that exercise 19 of can I identify who the individual is, who are 20 my sources of truth for each of the various 21 questions involved in the workflow and 22 simultaneously or subsequently how do I alert 23 every other stakeholder to the reliable answer 24 from the source of truth, then we could get to 25 where the initial legislation had us going. As my</p>

<p style="text-align: right;">Page 30</p> <p>1 friend. Senator Pizzo referenced in the initial 2 draft of the bill, we had -- or in a working draft 3 we had some language that by 2022 Supervisors of 4 Elections had to be able in real-time to notify an 5 applicant whether or not they were eligible to 6 vote. And if they were not eligible to vote, 7 where the problems lied with the terms of their 8 sentence. Obviously the reason for the delayed 9 implementation was the fact that our Supervisors 10 can't possibly be given that responsibility today 11 because of our technological infrastructure. But 12 to set in place a deadline for us to collectively 13 and collaboratively work together so that when 14 somebody walks in the Supervisor's office and 15 says, I think I'm allowed to vote pursuant to 16 Amendment IV, they're getting a reliable answer of 17 here's your voter registration card or you need to 18 go talk to supervisor or, excuse me, Clerk of 19 Court or Chief Judge or Department of Corrections 20 to get that remedied. And so that's really where 21 we were trying to drive. And I think you'll see 22 us do some work this year significantly on the 23 data governance side to equip each of the 24 stakeholders involved with the tools necessary to 25 go through the process of identifying the</p>	<p style="text-align: right;">Page 32</p> <p>1 Department's supervision. In addition, there are 2 also forms that are available for you that we have 3 provided that when we talk about throughout this 4 presentation, those are available for your review. 5 Those forms have been created and they are uniform 6 throughout the state. So those are provided to 7 all inmates and offenders who are released and 8 were successfully terminating supervision. 9 So beginning July 1st of 2019, we began 10 educating and informing all inmates and offenders 11 regarding their rights for voter restoration for 12 convicted felons as well as providing this 13 financial obligation summary at the time of 14 release. As this process has evolved, the 15 Department has added and enhanced our trainings to 16 add this additional information to all of our 17 trainings to include inmate orientation. So 18 they're being -- receiving this information when 19 they're first received into the Department's 20 custody. In addition, we've also added this to 21 the Compass 100, which is a program that starts 22 about 18 months prior to their release. So 23 they're hearing that information again. And then 24 of course at the time of the release, they're 25 again provided the same information. And it's</p>
<p style="text-align: right;">Page 31</p> <p>1 individual answering from a source of truth 2 perspective and then communicating to all 3 stakeholders. 4 I'm happy to answer any questions if you have 5 them, but I appreciate you asking me to be here 6 today. 7 MADAM SECRETARY: Thank you, Representative 8 Grant. We appreciate both of you being here 9 today. 10 REPRESENTATIVE GRANT: Yes, ma'am. Thank you 11 Secretary. 12 MADAM SECRETARY: Next I would like to invite 13 Assistant Secretary Joe Winkler and Bureau Chief 14 Michelle Palmer from the Florida Department of 15 Corrections for their presentations. 16 MS. PALMER: Good afternoon. The 17 Department's role in voter restoration is to 18 educate and inform inmates and offenders regarding 19 their rights for voter restoration as well as 20 provide a financial obligation summary at the time 21 of release. The first portion of this 22 presentation I'm simply going to cover the process 23 as it relates to inmates who are incarcerated. 24 Our Assistant Secretary, Joe Winkler, will come up 25 and talk about those offenders who are in the</p>	<p style="text-align: right;">Page 33</p> <p>1 consistent uniform information throughout. 2 So as well as providing that for our inmates, 3 we've also added this piece to our training for 4 our staff members. So our new classification 5 officers and our new release officers are also 6 receiving this information so they can better 7 answer questions that the inmate may have while 8 he's there. 9 At the time of release of course, we're going 10 to provide that same information along with a copy 11 of any financial obligations -- outstanding 12 financial obligations that the inmate may have. 13 To go to into a little bit of the detail of that 14 process, we review all of the sentencing orders 15 that are available that we have. We also review 16 the Comprehensive Case Information System. That's 17 the clerk's CCIS. We compare that information to 18 see if there are any discrepancies in our 19 information versus their information. And we 20 do -- we are working directly with the clerk to 21 ensure -- I forgot to move. I'm sorry. Sorry 22 about that. 23 So we do review all of the sentencing orders 24 for CCIS. And we also communicate with the clerk 25 directly to ensure that any discrepancies are</p>

<p style="text-align: right;">Page 34</p> <p>1 resolved. And if we find those, we do try to 2 resolve them prior to the inmate being released. 3 The end result is when the inmate -- when it's 4 time for the inmate to go, we provide an 5 outstanding financial obligation summary to the 6 inmate. This form provides the original 7 obligation, any known payments that happen to be 8 made while he's incarcerated, and then the 9 outstanding balance at the time of release. It is 10 important to note here that the outstanding 11 balance is only for those cases that the inmate is 12 currently incarcerated on. Any inmate that's 13 releasing with supervision, Department monitored, 14 the information is not provided at the time of 15 release. However, he will be -- he or she will be 16 provided that information once they have 17 successfully terminated that supervision. And 18 then I'll turn it over to Mr. Winkler.</p> <p>19 MR. WINKLER: Good afternoon. My name is Joe 20 Winkler. I am the Assistant Secretary for 21 Community Corrections. First and foremost, I'd 22 like to thank the group panel to allow the 23 Department of Corrections to share information on 24 our roles and responsibilities in reference to 25 voting restoration.</p>	<p style="text-align: right;">Page 36</p> <p>1 have been sentenced to a form of incarceration, 2 whether it be in institutions or a county jail or 3 they may have been sentenced to a subsequent term 4 of supervision or they maybe be a pre-trial 5 intervention offender that aren't subject to the 6 process as well. But nonetheless, even if you 7 deduct that 30 to 35 percent of those offenders, 8 we're still responsible for notifying 9 approximately 60 percent or 60,000 offenders each 10 year.</p> <p>11 Even though our responsibilities are 12 important, we also know that the successful 13 process implementation is paramount. And 14 Ms. Palmer talked about our responsibilities a few 15 minutes ago. And our first responsibility is to 16 education and inform the offenders as they 17 terminate supervision. And the way we do that now 18 is we kind of made a modification to our current 19 process. For offenders that were terminated 20 supervision prior to July 1st of 2019, we gave 21 them a termination letter. Now a termination 22 letter outlined the civil rights portion or the 23 way they can get their civil rights restored. 24 After July 1st of 2019, we modified that form to 25 include the voting rights process. In your packet</p>
<p style="text-align: right;">Page 35</p> <p>1 During or throughout the 2019 legislative 2 session, we watched closely as voting registration 3 bills were argued on the House and Senate floor. 4 And during that time we started talking about our 5 responsibilities and our roles in the process. 6 Ms. Palmer just talked a little bit about the 7 institutional processes. I'm going to talk 8 briefly about the processes that we have for 9 offenders that are under supervision within 10 community corrections.</p> <p>11 When we look at our responsibilities in 12 community corrections, our responsibility are a 13 little bit different. Our responsibilities are 14 big in the numbers. And what I mean by that is 15 each year we have over 80,000 offenders that 16 terminate from supervision. Each year over 80,000 17 offenders. From July 1st of 2018 to June 30th of 18 2019, we had almost 85,000 offenders that 19 terminated from supervision. The numbers are a 20 little bit deceiving. And the reason I say that 21 is approximately 30 to 35 percent of those 22 offenders that terminate supervision won't be 23 subject to the process I'm going to talk about in 24 a few minutes. The reason being is their 25 supervision may have been terminated. They may</p>	<p style="text-align: right;">Page 37</p> <p>1 that Ms. Palmer talked about, the second to last 2 document in that packet is the updated termination 3 of supervision letter. And in that, paragraphs 4 two through four, two, three and four, outline 5 what our new process is. And that's provided to 6 the offenders upon termination of supervision.</p> <p>7 The second part of the process is something 8 we're still evolving. And we want to kind of -- 9 we want to piggyback what the institutions are 10 doing. What we're going to do is we're going to 11 start a pilot in four of our judicial circuits. 12 And we're going to target offenders that are 13 within 30 to 60 days of their termination date, 14 and we're going to give them the opportunity to 15 attend the class at the probation office that will 16 further educate them about the voting restorations 17 process. And with that we're going to create a 18 video and in that video we're going to answer some 19 major questions. And we're going to consult with 20 FCOR and the Supervisor of Elections to have a 21 good quality video. And then also after we do 22 that, we're going to answer questions from the 23 offenders that are in attendance. We're going to 24 answer general questions about the process. Any 25 kind of specific questions they may have about</p>

<p style="text-align: right;">Page 38</p> <p>1 their case.</p> <p>2 The reason we want to do a video -- and I</p> <p>3 think it's real important. Because Senator Pizzo</p> <p>4 used the word consistent. If we want consistency,</p> <p>5 we can do that with a video. So if an offender</p> <p>6 terminates supervision whether they're sentenced</p> <p>7 in Escambia County or whether they're sentenced in</p> <p>8 Monroe County or any county in between, they're</p> <p>9 going to get a consistent message through that</p> <p>10 video. And if we can, during that process, we're</p> <p>11 also going to invite somebody from the Supervisor</p> <p>12 of Elections to the office to help answer some of</p> <p>13 those questions.</p> <p>14 Our second responsibility is notifying the</p> <p>15 offenders in writing of their outstanding terms of</p> <p>16 supervision. And once again, this is a two-step</p> <p>17 process. The first step is continuous. The role</p> <p>18 of a probation officer is to communicate with the</p> <p>19 offender as they report to probation. Their</p> <p>20 responsibility is to monitor for condition</p> <p>21 compliance. So each time the offender reports to</p> <p>22 probation, they're going to go over the standard</p> <p>23 conditions of supervision and the special</p> <p>24 conditions of supervision that are imposed by the</p> <p>25 sentencing and releasing authority. If they do</p>	<p style="text-align: right;">Page 40</p> <p>1 process, there's always challenges that are</p> <p>2 associated with that. In the Department of</p> <p>3 Corrections, the challenges that we have are our</p> <p>4 database that we created back in 1993 is called</p> <p>5 the Offender Based Information System. You've</p> <p>6 probably heard of us refer to it as OBIS. It's an</p> <p>7 old antiquated DOS system that we reported</p> <p>8 information on starting back in 1993. It's an</p> <p>9 internal database that we used for accounting</p> <p>10 purposes internally. It was never designed to see</p> <p>11 if somebody was eligible to have their voting</p> <p>12 rights restored. So one of the challenges we have</p> <p>13 are our database limitations in the Department.</p> <p>14 The next challenge we have is restitution.</p> <p>15 Whenever an offender is sentenced to supervision,</p> <p>16 they may be ordered to pay restitution. If the</p> <p>17 they pay restitution through the Department of</p> <p>18 Corrections while they're on supervision, at that</p> <p>19 point we send the restitution to the victim and</p> <p>20 record it in our database. However, when the</p> <p>21 offender terminates supervision, if there's any</p> <p>22 outstanding restitution obligation, at that point</p> <p>23 we no longer collect that restitution obligation</p> <p>24 and we have no way of knowing if that restitution</p> <p>25 obligation has been paid.</p>
<p style="text-align: right;">Page 39</p> <p>1 that consistently throughout the period of</p> <p>2 supervision, prior to an offender terminating from</p> <p>3 supervision, they'll know what their outstanding</p> <p>4 terms are. However, when they terminate, we're</p> <p>5 also going to provide them with what we call a</p> <p>6 closing summary. And in the closing summary it is</p> <p>7 the last document in your book. That closing</p> <p>8 summary outlines the conditions that an offender</p> <p>9 had while they were on supervision. It shows the</p> <p>10 ones they've completed and the ones that are</p> <p>11 outstanding. We're going to provide that to the</p> <p>12 offenders.</p> <p>13 Also, whenever an offender terminates</p> <p>14 supervision, we're going to provide those same two</p> <p>15 documents that I just talked about to the Clerk of</p> <p>16 Court and the county of sentence for cases that</p> <p>17 are sentenced by the sentencing authority. And</p> <p>18 for ones that are sentenced by the releasing</p> <p>19 authority, which are your addiction recovery</p> <p>20 cases, conditional release, your parole cases,</p> <p>21 we're also going to provide those two documents to</p> <p>22 FCOR. That way each entity that's involved can</p> <p>23 have a copy of the documents that we provide to</p> <p>24 the offenders as they terminate.</p> <p>25 With that, any time that we implement a new</p>	<p style="text-align: right;">Page 41</p> <p>1 Another challenge is court cost. With the</p> <p>2 court cost, if an offender is sentenced to</p> <p>3 supervision, they may be ordered to pay court</p> <p>4 costs similar to what Mr. Pizzo talked about</p> <p>5 earlier. And if they're ordered to pay that, we</p> <p>6 collect the court cost and at that point we send</p> <p>7 the payments to the Clerk of Court. However, the</p> <p>8 Clerk of Court maintains the system accounts</p> <p>9 receivable for any court related fees. So as an</p> <p>10 offender terminates supervision, our court cost</p> <p>11 obligation that we have remaining may be different</p> <p>12 from what the Clerk of Courts have. And you may</p> <p>13 ask, well, how can that be. You've got two big</p> <p>14 entities or two big agencies that record this</p> <p>15 information. How can there be a discrepancy?</p> <p>16 Well, discrepancy lies in numbers again. Just as</p> <p>17 I talked about us having over 80,000 offenders</p> <p>18 that terminate supervision each year, we're having</p> <p>19 over 80,000 offenders that are placed on</p> <p>20 supervision each year. And you couple that in</p> <p>21 with 67 different counties. There are going to be</p> <p>22 some errors. There are going to be some</p> <p>23 discrepancies or inconsistencies in our amount.</p> <p>24 Now, when we have inconsistencies in the</p> <p>25 probation office, we've told our staff to go ahead</p>

<p style="text-align: center;">Page 42</p> <p>1 and reach out to the Clerk of Court and try to 2 work those discrepancies out. We also said we're 3 going to refer to the Clerk of Court as they are 4 the record keepers or the ones that maintain that 5 accounts receivable for those court costs and 6 fees. 7 And as we continue, we're going to work 8 through these challenges. We're doing the best 9 job we can based on what we got. When we move 10 forward, three areas that we're working on is to 11 continue communication. Even before July 1st we 12 started having meetings with the Department of 13 Corrections and other entities in this room. 14 Whether it be FCOR, Department of State, FDLE, 15 we've had meetings to try to get a seamless 16 process in place so we don't have the 17 discrepancies that we may have. 18 Also internally within the Department of 19 Corrections, we've had many meetings internally 20 with general counsel, institutions, community 21 corrections, the Office of Information Technology 22 that once again help with the process that we can 23 have that's going to be as seamless as we can. 24 Also internally we've stressed the importance 25 to our leadership throughout community corrections</p>	<p style="text-align: center;">Page 44</p> <p>1 Corrections to have the opportunity to talk about 2 our roles and responsibilities and processes when 3 it comes to voting restorations. So thank you. 4 MADAM SECRETARY: Before you go, Mr. Winkler, 5 I have a question. And it is this, if I 6 understood correctly you and Ms. Palmer, when you 7 were discussing individuals who are completing a 8 term of incarceration or supervision, the 9 information that you do provide in the closing 10 summary or termination letter would relate only to 11 the offense for which that individual was 12 currently finishing their term; is that right? 13 MR. WINKLER: Yes, ma'am, that is correct. 14 We've created a new report to kind of help with 15 order cases. But then when I talk about the 16 limitations that we had on even the newest cases 17 and we go back years in time, we have some major 18 limitations. So yes, it's only for the instant 19 case. 20 MADAM SECRETARY: And then the very last 21 comment you made referring to a uniform source of 22 collection. Would you elaborate a bit about your 23 vision for that and how you think that might look 24 and how it would help you in your job. 25 MR. WINKLER: A vision I would have to say</p>
<p style="text-align: center;">Page 43</p> <p>1 to make sure that our database entries are 2 accurate throughout the period of supervision. 3 Whenever we do that initial intake on the 4 offender, we want to make sure that the 5 responsibilities or obligations are inputted 6 properly. And whenever that offender terminates 7 supervision, we're stressing the importance of 8 making sure the obligations are right then as 9 well. Our goal is to work hard on the front end 10 so that whenever it comes to FCOR or Department of 11 State on the back end, that we have the most 12 accurate information that we can. 13 And the last thing as we're moving forward -- 14 Mr. Pizzo or Senator Pizzo talked about this. As 15 we move forward we probably need to look at a 16 uniform source of collection for the obligations. 17 At this point I talked about our database that we 18 have in the Department of Corrections. It's been 19 around since 1993. If we want to have a seamless 20 process in place, we may want to look at a uniform 21 source of collection for those monetary 22 obligations. 23 So with that being said, I'll go ahead and 24 close out by the same way I stated by thanking the 25 work group for allowing the Department of</p>	<p style="text-align: center;">Page 45</p> <p>1 I'd like to refer to the work group on that. I 2 think that's probably the purpose of the work 3 group. My biggest vision would be to kind of get 4 our database out of this. Once again, it's an 5 internal database. It wasn't designed for 6 restoring voter's rights. Sorry I'm not answering 7 that question fully for you. But I think the 8 vision would be better suited for the panel or the 9 work group. 10 MADAM SECRETARY: Any questions from any 11 other members? Go ahead. 12 MR. ANDERSON: Thank you again. My question 13 is in regards to the four judicial circuits you 14 mentioned. Can you tell us which circuits will be 15 piloting that program? 16 MR. WINKLER: Yes, sir. We're still in 17 infancy stages. But currently we're looking t 18 Circuit 2, which is Tallahassee; Circuit 4, which 19 is Jacksonville; Circuit 5, which is Tavares; and 20 Circuit 20, which is Sarasota. 21 MR. ANDERSON: Thank you very much. 22 MR. WINKLER: You're welcome. 23 MADAM SECRETARY: Any other questions for the 24 Department of Corrections? All right. Thank you 25 both very much for being here today.</p>

<p style="text-align: right;">Page 46</p> <p>1 At this time I'd like to invite the 2 representatives from the Clerks of the Circuit 3 Court and Comptrollers to the podium for their 4 presentation. 5 MR. BURKE: Good afternoon. My name is Ken 6 Burke and I am the Clerk of the Circuit Court and 7 Comptroller for Pinellas County. Today I'm going 8 to talk to you a little bit about the clerk's 9 duties as they relate to court records. We will 10 have multiple people presenting to you. My 11 colleague, Karen Rushing, will be presenting after 12 me. Karen is the longest serving clerk in the 13 State of Florida. She's not old, just longest 14 serving clerk. And she's the clerk from Sarasota 15 County. And she's going to be describing the 16 records in our Case Maintenance System that we 17 maintain in each county and how they relate to 18 Amendment IV. 19 Melvin Cox will also -- Melvin wave so people 20 see who you are -- is the Director of Information 21 Technology for the Florida Court Clerks. He's 22 been with the Court Clerks for 23 years. And he's 23 going to talk about the Comprehensive Case 24 Information System. That is CCIS. Those are 25 initials you'll be hearing a lot of. So CCIS</p>	<p style="text-align: right;">Page 48</p> <p>1 the content of CCIS. We have been charged with 2 answering three questions. Does the information 3 exist? Where does it reside? And how can it be 4 relied on upon the light of Constitutional 5 Amendment No. 4. Let me start with an overview of 6 the clerk's duties as they pertain to court 7 records and give you a little bit of background on 8 clerks. 9 The Office of the Clerk and the Comptroller 10 performs a wide range of record keeping functions. 11 Also, we are responsible for information 12 management and financial management for both the 13 judicial system and county government. Each clerk 14 is vested with a large amount of administrative 15 administrative duties. As a matter of fact, when 16 we put all those duties together, there's 926 17 different constitution or statutory functions 18 mandated for clerks to follow. 19 Secretary Lee, I know you're a former judge 20 and lawyer. You know you used to have all those 21 volumes of books delivered each year with all the 22 Florida Statutes. Well, a lot of local 23 governments can rely on maybe just one of those 24 statute books for most of what regulates them. 25 For clerks, I think we're contained in every</p>
<p style="text-align: right;">Page 47</p> <p>1 stands for Comprehensive Case Information System. 2 And Melvin is going to talk about that. 3 I also want to take the opportunity to 4 introduce Carolyn Timmann who is the Clerk for 5 Martin County. Carolyn has been involved in 6 testifying before the Senate and the House on 7 Amendment IV issues. And our CEO Chris Hard. 8 Chris, good to have you here with us. 9 As a group we'll be presenting on behalf of 10 all 67 court clerks. And let me tell you how 11 proud we are to have Doug Chorvat, the clerk from 12 Hernando County, and J.D. Peacock, the clerk from 13 Okaloosa County serving on this task force. I'm 14 not sure why you make them sit together like that. 15 They're the twins over there and keep each other 16 in line. But we're very proud to have you serving 17 on this task force and working for the people of 18 the State of Florida. I also want to thank you, 19 Secretary of State Lee, for inviting us to be here 20 today and make this presentation. 21 You asked us to cover three areas today. 22 Specifically an overview of the clerk's duties and 23 what those duties as they relate to court records; 24 how clerks support court records, databases and 25 systems at the individual county level and also</p>	<p style="text-align: right;">Page 49</p> <p>1 single one of those volumes of statute books 2 giving us some mandated responsibility and duties. 3 And these duties continue to change as legislature 4 meets, as regulations get imposed upon us by court 5 rules. These particularly relate to our service 6 to the judicial branch and find themselves in our 7 role in the implementation of Amendment IV. 8 Clerks have been closely monitoring the 9 implementation of Amendment IV and all the 10 surrounding conversations. Florida clerks have 11 provided information and testimony before the 12 Florida House and the Senate during this past 13 legislative session relating to issues on 14 Amendment IV. This is a very important part. I 15 want to emphasize. Clerks do not determine voter 16 eligibility. We recognize that custodian of 17 important court data and information we can assist 18 with the implementation of Amendment IV. Our 19 court records and public records are accessible to 20 the full extent technology, resources, the law and 21 court rules allow or require. For most clerks 22 throughout the State of Florida, are records to 23 the extent of the law are, one, available through 24 the Internet on our individual clerk websites 25 where you can see court files on specific court</p>

<p style="text-align: center;">Page 50</p> <p>1 types that are available to the public. There's 2 some court types which you have to be a registered 3 user, such as family law or probate cases where 4 you have to register with us using a form 5 designated by the Supreme Court and by the Florida 6 court clerks, and then you have access to those 7 records. But criminal records by in large are 8 open to the public. There's certain information 9 obviously which is redacted within those records 10 and not available. It's cited to the court rules 11 there's statutory requirements. But other than 12 that, those individual records are available.</p> <p>13 Clerks regularly provide records on fines and 14 fees assessed to individuals. These records are 15 available in three primary forms, paper for the 16 old records, electronic documents for our current 17 records, and through data which is available at a 18 local level, and also through a statewide basis 19 again through a CCIS. For cases since the year 20 2000, and in many counties and even earlier than 21 that, we have case information including fines and 22 fees in a digitalized easily accessible way. You 23 asked the question of the Department of 24 Corrections about the particular information they 25 give on the release of that felon for the items</p>	<p style="text-align: center;">Page 52</p> <p>1 record of the restitution being part of the 2 sentence, but not the payment unless it's ordered 3 to be paid through the clerk's office. Obviously 4 in those cases where it's ordered to be paid 5 through the clerk's office, we would have a record 6 of the restitution amount. But again, that is the 7 minority of cases, not the vast majority of cases.</p> <p>8 There are cases where our records because of 9 what I just said will show an outstanding balance 10 of restitution even though it may have been paid, 11 because it was paid directly to the victim and no 12 one contacted the clerk's office to let us know 13 and for us to update the record. In addition, the 14 clerks do not track non-monetary conditions of a 15 sentence. A sentence can include different 16 elements in addition to the imprisonment and to 17 the monetary items. It could be they have to 18 undergo drug testing. They have to stay employed. 19 They have to go school. They have to stay away 20 from the victim. Those are conditions of a 21 sentence which the clerk has no way of monitoring.</p> <p>22 The clerk records a sentence as ordered by 23 the court, but the clerk is not responsible for 24 the compliance of the sentence. We are 25 responsible for the collection efforts of monetary</p>
<p style="text-align: center;">Page 51</p> <p>1 that they're being released from. There may be 2 prior records in there and prior felonies in there 3 which are still due and may be kept in the 4 individual clerk's system and also in our CCIS 5 system. So that's where it may not be a complete 6 record that the Department of Corrections is 7 handing that individual as they're being released 8 from prison. There may be other prior felonies 9 which there may be amounts still due on.</p> <p>10 While clerks are the custodian of any court 11 records -- establishing the restitution amount. 12 Senator and the good Representative both talked -- 13 hit on restitution. It's common for restitution 14 to be paid outside of the clerk's collection. 15 Matter of fact, I would say in my overview and 16 contacting clerks and doing some initial research. 17 We're still doing more research on this. Most 18 restitution is ordered to be paid directly to the 19 victim. For example, there's tremendous property 20 damage or if there's embezzlement, that person as 21 part of their sentence may be charged with 22 restitution and that restitution is to be paid to 23 the person who the crime was committed against the 24 victim. The clerk does not have a record of that 25 payment or of the schedule of payments. We have a</p>	<p style="text-align: center;">Page 53</p> <p>1 fines. We had distributed to you an example from 2 my county. And I guess this is good following the 3 Senators comments about what they do in Miami-Dade 4 County. The important page I would say is page 5 three. And I used -- while I was sitting here 6 since it was part of the discussion from the 7 Senator, I figured I might as well emphasize, 8 highlight the important part.</p> <p>9 In the Sixth Circuit you can see it is the 10 sentence of the court and the fines amount are 11 right there as part of the sentence. And then 12 later on to be imprisoned all under the 13 sentencing. So the sentencing includes the fine 14 amounts and then the imprisonment. And then here 15 are the special provisions right underneath. All 16 part of the sentencing document. I must say, and 17 I am the Clerk of Pinellas County, so I will 18 attest to what happened in Pinellas. The judge 19 reads each of these into the record in the 20 courtroom. They'll go over single fine amount and 21 say as part of your sentence, the defendant shall 22 pay the amount of 3,450, and read this exact same 23 thing right into the record.</p> <p>24 Also you'll notice that on page seven of the 25 document, although it's an illegible signature,</p>

<p style="text-align: right;">Page 54</p> <p>1 the judge signs this sentencing document. So the 2 judgment, the sentencing is all contained in the 3 paperwork here. This is a sample. This is not an 4 unusual sample. This is a very usual sample that 5 we have in Pinellas County in the clerk's office 6 there. So you can see that the fines and the fees 7 are embedded right into the sentencing on the same 8 as the prison sentencing. I just thought this 9 example paints a better picture than me talking 10 about it. So I just wanted you to have that. 11 I hope this information was helpful as an 12 introduction. Now we'll get into the nitty-gritty 13 of the records that we maintain. As I said, I'll 14 turn it over to Karen Rushing, the Clerk from 15 Sarasota County.</p> <p>16 MS. RUSHING: Thank you, Ken. And thank you 17 work group for having us here today. My name is 18 Karen Rushing and I am the Clerk and Comptroller 19 for Sarasota County. I just wanted to follow-up 20 before I start. My presentation that the 21 particular example that Clerk Burke gave you is a 22 form that is prescribed in the rule book for the 23 court to use in its performance of sentences. 24 There are various forms. That's one of the forms 25 that is included in the rule book. Pursuant to</p>	<p style="text-align: right;">Page 56</p> <p>1 case has one defendant. There may be 2 co-defendants, but the case stands on its own in a 3 criminal case unlike in a civil case. And among 4 other things, the rules require us to and the 5 statute quite frankly to docket documents and 6 actions taken by the clerk. And that's a historic 7 term that means index. So when you look at the 8 docket, you see all of the various documents that 9 have been filed with the Clerk of the Court for 10 the Court. And any action that the clerk may have 11 taken like a issue a warrant, issue a summons, 12 those kinds of actions like that.</p> <p>13 The CMS, which is the Case Maintenance System 14 allows you to search on an individual by name, and 15 then other pertinent data and maybe demographics 16 helps you determine whether this is the real John 17 Smith you're looking for. Dates of birth, maybe 18 last known of address, maybe relatives, those 19 kinds of things where you may have to try to 20 determine if it's the same person. Of a docket, 21 again which is an index, that is noted in date 22 order so that you can see the chronological events 23 of the case. And the document types include all 24 the court orders and judgments imposed by the 25 court. And as we've talked about, the documents</p>
<p style="text-align: right;">Page 55</p> <p>1 Florida Rules of Judicial Administration Rule 2 2.430, you probably are aware that we are required 3 as clerks to keep the convictions of felons for 75 4 years. So those records are available. Judgments 5 and sentences are also recorded in the official 6 records in most instances and they can be 7 retrieved as well. Each county has a Case 8 Maintenance System and that system has a very 9 large amount of information in the system. 10 Although, older records may be in paper form, you 11 heard Clerk Burke say that some are in microfilm, 12 some are in microfiche, and others are in historic 13 databases that may or may not have been converted 14 into the new database. But nevertheless, they are 15 all available for those who ask for the 16 information regarding the court's record.</p> <p>17 Up on the screen we have the functions of a 18 Case Maintenance System. I also serve on the 19 FCTC, which is the Florida Court Technology 20 Commission, and we're working through functions of 21 what a Case Maintenance System should include 22 statewide. And so just to understand for those 23 who don't work in this arena, case initiation 24 really is an index of the parties that are 25 involved. In Florida the rules tell us that each</p>	<p style="text-align: right;">Page 57</p> <p>1 end up meaning or being the disposition in that 2 case. And each disposition captures data elements 3 for reporting purposes. Many of the agencies that 4 you've heard referred to we report to. The FDLE 5 and others to relate what has happened in a 6 particular case. And we report as to the person 7 and to the charges. Because when a case is set up 8 on a particular person, there may be multiple 9 charges, and in each charge there may be multiple 10 counts.</p> <p>11 We do have an accounting and receiving 12 capability within our systems. And as you heard 13 Clerk Burke say, the clerks monitor and manage the 14 collection of fines, court costs. You've heard 15 other references about other fees. If the fee is 16 not payable to the clerk, then it's likely that we 17 don't know whether it was paid or not. And you 18 heard a good example of the restitution. We know 19 it's been imposed. We may not know that it's been 20 paid. We may not know that it's been paid fully 21 if partial payments were made only to us.</p> <p>22 The CMS obviously must satisfy not only the 23 State's requirement for management reporting, the 24 courts, but also the local levels, what the court 25 needs to know in terms of typically moving the</p>

<p style="text-align: right;">Page 58</p> <p>1 cases along and making sure that they don't linger 2 without court attention.</p> <p>3 So this is a brief overview of the Case 4 Management System. I'm happy to answer any 5 questions that you might have regarding the system 6 or the documents. You've heard that we are 7 working very closely with the Department of 8 Corrections and working through any of the 9 anomalies in information or what looks to be 10 inconsistent, because we have a document signed by 11 the court that indicates what the court's 12 imposition was.</p> <p>13 MADAM SECRETARY: I do have one follow-up 14 question just to be sure that I'm getting the full 15 picture. So part of the clerk's system then at 16 number nine there that's doing an accounting would 17 be relating to fines and costs potentially, but 18 not to fees and restitution, is that right, 19 typically?</p> <p>20 MS. RUSHING: If it's ordered to be paid to 21 us, then we would account for it. Often as you 22 heard Clerk Burke say with restitution, that's a 23 good one. It may be ordered and then paid 24 directly to the victim. And often you see that 25 with commercial institutions, a Wal-Mart or others</p>	<p style="text-align: right;">Page 60</p> <p>1 we've been talking about that exists in the local 2 CMS systems.</p> <p>3 CCIS provides statewide access by providing a 4 secured portal. It provides real-time access by 5 APIs and interfaces from each local CMS to the 6 CCIS system. It provides a secured access and a 7 method to share data with governmental agencies 8 throughout the state. Governmental agencies that 9 could be state agencies, local agencies, national 10 agencies. They all use the system.</p> <p>11 CCIS is a mature system. It was started back 12 in 2002. The clerks recognized the need to have a 13 single log-in to be able to access all this data. 14 It was developed over time. It's grown and it has 15 been enhanced. The most recent enhancement a few 16 years ago was to provide real-time access to the 17 information. So a user can log on to CCIS. He 18 can search by the case number or by a person's 19 name. He can find the cases that they're looking 20 for. And then it can provide access into document 21 images or any information associated with that 22 case.</p> <p>23 This slide demonstrates the flow of data and 24 how CCIS sits in that flow of data. There are a 25 number of data providers. Some are listed there.</p>
<p style="text-align: right;">Page 59</p> <p>1 where they're the victim of a theft. So that's 2 the first answer. And then the second with 3 respect to fees depends on what fee you're talking 4 about. If it's a Public Defender fee or if it's a 5 State Attorney fee, typically those are being 6 collected by the clerk and then disbursed.</p> <p>7 MADAM SECRETARY: If a judge were to use 8 verbiage in a sentencing document that 9 specifically directed restitution to be paid via 10 the clerk, would that then be something that is 11 typically tracked through this type of system?</p> <p>12 MS. RUSHING: Yes. Yes.</p> <p>13 MADAM SECRETARY: Thank you very much. It 14 was very informative.</p> <p>15 MR. COX: Good afternoon. I'm Melvin Cox. 16 I'm the Director of Information Technology for the 17 Florida Court Clerks and Comptrollers. I'd like 18 to spend a few minutes today talking about the 19 Comprehensive Case Information System, also known 20 as CCIS. CCIS is a system that all clerks of the 21 circuit court participate in. It utilizes 22 standards throughout the state. Case types 23 designated by the Florida Supreme Court. The real 24 purpose of CCIS is to create a statewide 25 repository and access to this court data that</p>	<p style="text-align: right;">Page 61</p> <p>1 Local state law enforcement, State Attorney's 2 Office, Department of Juvenile Justice. For 3 criminal cases, this information is filed with the 4 clerk. And as Clerk Rushing mentioned, the clerk 5 maintains this information locally in their Case 6 Maintenance System. Each Case Maintenance System 7 has an interface, a real-time interface with the 8 CCIS portal. When you log into the portal, then 9 you can access the information on a statewide 10 basis.</p> <p>11 The type of information available in CCIS 12 covers all of the aspects of the information 13 associated with the case. So it would have the 14 case information, case number, parties on the 15 case, information on the progress dockets, 16 document image access, sentencing information, and 17 then financial information, the assessments and 18 collections that are logged on that particular 19 case.</p> <p>20 The scope of electronic information available 21 in the State of Florida is very large as you can 22 see. CCIS currently contains 147 million cases 23 and over 447 million searchable names. This 24 information increases daily as cases are added to 25 the system. There's a point around at least 2000</p>

<p style="text-align: right;">Page 62</p> <p>1 where most of these cases are available 2 electronically. Before that the information would 3 be available in paper or microfilm as we discussed 4 earlier. Then there's a point around 2010 5 generally speaking where document images are 6 available on the cases. Around that time is when 7 it became common to not only capture the 8 information with the case, but the images 9 associated with that case. And those images are 10 sourced real-time from each local system. 11 One of the concepts of CCIS is to source the 12 information as close to the source as possible. 13 And that's why the information is pulled directly 14 from each CMS. Older cases exist as paper files 15 or microfilm are not available through the CMS or 16 CCIS. 17 It's a large user base that uses CCIS. 18 Currently we have almost 40,000 active users. 19 CCIS users are restricted to federal, state and 20 local government agencies. And each agency is 21 assigned a security level based upon their ability 22 to access the court record. 23 This just gives you an idea of the number of 24 users of CCIS from some of the larger agencies in 25 the state. And you can see it's widely used</p>	<p style="text-align: right;">Page 64</p> <p>1 money amounts, I as clerk am going to help film by 2 filling out this form. Giving him a form based on 3 the information in CCIS and say, here, you have 4 two felonies in Okaloosa, one in Hernando. Here 5 are the outstanding amounts that the system shows 6 that are owed. Now that may not include 7 restitution, because that would be outside if it 8 was paid to the victim. But at least I would give 9 him that information and also provide him the 10 contact information for those clerks if additional 11 information is needed. 12 We're also working -- and this is in the 13 development. I hate to give something which is 14 being talked about. We're trying to do is that 15 have a statewide system or if you came in -- 16 again, Melvin comes into Pinellas and he has a 17 credit card, that I could accept that credit 18 payment for those even though those are amounts to 19 due to other counties. And Melvin is helping to 20 set up that system for us on a statewide basis. 21 Again, serving the citizens coming into our 22 office. 23 MADAM SECRETARY: So A citizen could come in 24 and obtain information not just about your county, 25 but all of Florida?</p>
<p style="text-align: right;">Page 63</p> <p>1 throughout the state. Especially used by agencies 2 which need to access information on a statewide 3 basis. 4 And that's kind of an overview of CCIS. I'd 5 be happy to answer any questions. 6 MADAM SECRETARY: Yes. So regular citizens 7 then do not have access to CCIS? 8 MR. COX: No. Governmental agencies. 9 MADAM SECRETARY: So if a person were an 10 individual with a criminal history who's 11 attempting to ascertain, get some documents about 12 their convictions or obligations, how would they 13 get that information? 14 MR. COX: I think Clerk Burke -- 15 MADAM SECRETARY: Welcome back. 16 MR. BURKE: The clerks are working with the 17 Department of Corrections on a unified form. And 18 clerks are working on a form that if you walk into 19 any clerk's office and you wanted the information, 20 we would access CCIS and provide that information. 21 So if you had a felony -- not you Secretary Lee. 22 We'll pick on Melvin here. If Melvin had a felony 23 in Hernando County and also one in Okaloosa, and 24 he walks into Pinellas County and says, I'm a 25 former felon and I want to make right with my</p>	<p style="text-align: right;">Page 65</p> <p>1 MR. BURKE: Yes. And that's not something 2 that's all in place now. We're putting together a 3 best practice. We have people that are working on 4 a work group. Of course obviously this is all 5 fairly new, the law and us implementing it, our 6 portion of it. And so, yes, that's the objective. 7 And we will -- we have a form in our next 8 conference call we're going to be approving. It's 9 been through three weeks of conference call 10 meetings about approving the form. I think we got 11 it in final form so we can use it in every county 12 as a best practice where clerks can help a citizen 13 coming in even if it's not from their county. 14 MS. RUSHING: And I just wanted to add with 15 regards to the restitution. We certainly would 16 know if it was imposed. We would certainly 17 communicate that with the eligible person or the 18 person trying to become eligible, and would do 19 whatever we could to connect them to whomever, 20 whether it was a probation department that may 21 have been taking it and forwarding it or reminding 22 them that the court ordered it directly to the 23 victim. So that it takes away the concern of how 24 do I get access to this information. 25 MADAM SECRETARY: Is there a cost to citizens</p>

<p style="text-align: right;">Page 66</p> <p>1 for obtaining this type of information? 2 MR. BURKE: No. 3 MADAM SECRETARY: And then my only other 4 follow-up question was I'd like a little more 5 information about fees specifically and if or 6 where that information -- how it's paid. 7 MR. BURKE: What type of fees? I know you're 8 a former judge. 9 MADAM SECRETARY: You headed right to my 10 question. If you could share with us a little bit 11 about what types of fees are there and what 12 happens with them. 13 MS. RUSHING: When I read the statutes over 14 the last, you know, century that I've been a 15 clerk, you see that word in there as almost like a 16 catch-all fines, costs and fees. And it is kind 17 of one of those what are you talking about fees. 18 You know, we refer to specific statutory language 19 that is payable to the clerk as a clerk fee. And 20 that usually is a piece of a court cost. 21 So I don't think there are these hidden fees 22 that nobody knows about. In the court it's either 23 a fine. It's a statutory cost that's set out. 24 It's a State Attorney fee, a Public Defender fee. 25 But you see that word littered through statute.</p>	<p style="text-align: right;">Page 68</p> <p>1 they wanted to come and have some record of that, 2 that look, I paid off the restitution. So I want 3 to file something. Is there some sort of 4 satisfaction they file? Is there something that 5 they would file in with their document saying it 6 has been paid and what sort of evidence they would 7 need to file with that? 8 MS. RUSHING: Typically a clerk does not 9 refuse to file a document that anyone is trying to 10 file in their case file. So if they came with a 11 receipt from the victim, we would file it. 12 MR. STEELY: Thank you. 13 MADAM SECRETARY: Any other questions? All 14 right. Thank you very much. At this time we are 15 going to move to public comment in order to make 16 sure that everyone has the opportunity to be 17 heard. I'd ask that you please limit your 18 comments to three minutes or less. If your 19 comments exceed roughly three minutes, I encourage 20 you to submit written comments to the work group 21 via email at rrvworkgroup@dos.myflorida.com. All 22 written comments received will be part of the 23 official record. If you are listening over the 24 phone and would like to submit public comment, you 25 can do so in person at one of the next meetings or</p>
<p style="text-align: right;">Page 67</p> <p>1 But unless there's somewhere specific, then you 2 heard some testimony earlier about it could be a 3 probationary fee. We wouldn't know what that was 4 if it was collected and there would be no record 5 of it being owed if anybody came to the clerk's 6 office. 7 MR. BURKE: Secretary Lee, I don't want to 8 open up a can of worms, but let me say that when 9 the clerks have also said on this form that we 10 will use, it's what the amounts owed that the 11 judges pronounces as part of the sentencing, 12 nothing above that. So if there's interest on 13 judgments or collection fees that are statutory 14 allowed under Florida Statutes, those would not be 15 included on the amounts owed for the voting 16 restoration purpose. They may be owed by that 17 defendant, but they're not part of the sentence of 18 the court. So our form is going to just have on 19 it what the sentence of the court was at the time 20 and those announced. 21 MADAM SECRETARY: Thank you all. That's very 22 helpful. Any other questions from any other 23 member? I believe we do have other -- 24 MR. STEELY: So right now somebody owed 25 restitution and they had paid the restitution, and</p>	<p style="text-align: right;">Page 69</p> <p>1 via the email address that I just announced. We 2 will not be taking public comment from those who 3 have been listening telephonically. 4 At this time I will go through the speaker 5 cards. First we have Mr. Mark Schlackman with 6 FSU. Welcome Mr. Schlackman. 7 MR. SCHLACKMAN: Madam Secretary, Members of 8 the Work Group, thank you once again. I had the 9 privilege of appearing before you during the first 10 meeting. And actually it was Senator Pizzo's 11 remarks this morning that prompted me to return. 12 So I won't even take the full three minutes 13 that you've allocated. But just to note and then 14 defer upon the range of issues that will be 15 addressed in State and Federal court. And then 16 following Senator Pizzo's observation about 17 variance, potential variance among the 67 counties 18 insofar as the supervisors, the clerks, and the 20 19 circuits as far as prosecution potentially, even 20 though many have indicated that will not be an 21 issue. 22 I spoke last time very briefly about the one 23 matter that arguably is within your immediate 24 discretion. And Senator Pizzo and Chairman Grant, 25 apologies. I had to slip out. I didn't hear your</p>

<p style="text-align: right;">Page 70</p> <p>1 presentation. But Senator Pizzo mentioned that 2 from January 8th through June 30th, that is the 3 window that could relate to many interesting 4 dynamics. And specifically without even reaching 5 prosecution, if one arguably adheres to 6 eligibility under the legislation regardless of 7 what the courts may address at the State level or 8 Federal level, but arguably if one adheres more or 9 less at face value to eligibility based upon the 10 statute, to use the word again, arguably it would 11 be an application of ex post facto concern if 12 anyone within that January 8th through June 30 13 group were removed from the rolls. 14 Now, no interest in delving into the possible 15 permutations of how that -- how they could vary 16 from statutory eligibility. But the issue is 17 this. Within the Division of Elections and the 18 relationship between the Division of Elections and 19 Supervisors of Elections, it is entirely possible 20 that packets could be prepared to in effect 21 identify those voters who registered within that 22 window potentially to be removed based upon fines, 23 fees or costs or other aspects. Again, just a 24 traditional aspect of jurisprudence is that 25 arguably could be an application of ex post facto</p>	<p style="text-align: right;">Page 72</p> <p>1 something. To reopen a case, I don't know is it 2 civil or is it criminal. Because it's a civil 3 matter, but it's dealing with a criminal sentence. 4 A lot of confusion. We're getting a lot of 5 questions about things like that. 6 In addition, I want to point out that I 7 really appreciate the agencies being very I think 8 candid with you. They indicated to you that their 9 systems were not created for the use as it's being 10 asked to do today. And for that reason there's a 11 lot of gaps. They're trying to make it up. 12 They're trying to do all these things. But 13 meanwhile, these are agencies with million dollar 14 budgets that are telling you they're having 15 difficulty accomplishing what needs to be 16 accomplished. 17 When you look at -- and you've been asking 18 questions about the individual person and the 19 League is interested in assisting the individual 20 persons to, you know, do the work so they can in 21 good faith register to vote so it impacts us 22 directly also. We're trying to do the right 23 thing, but we don't have those kind of resources. 24 And they didn't tell you when they were going to 25 come online. They're saying we're going to.</p>
<p style="text-align: right;">Page 71</p> <p>1 after the fact applying law after the fact. Upon 2 a quick read of the statute, the legislation was 3 silent to those issues. 4 So I just raise that again really as a point 5 of emphasis. That's essentially the issue that I 6 raised during the first meeting. But again, 7 Senator Pizzo prompted me to return and thank you 8 for the opportunity. 9 MADAM SECRETARY: Thank you, sir, for being 10 here today. All right. Next we have Cecile Scoon 11 from the League of Women Voters of Florida. 12 MS. SCOON: Good morning. My name is Cecile 13 Scoon. I'm the first Vice-President of the League 14 of Women Voters of Florida. I'm the Action Chair 15 on the restoration of rights. This is very 16 informative. I want to thank you for hosting this 17 and having the different agencies come forward and 18 explain. I've been taking copious notes. I 19 wanted to point out that I didn't hear anyone 20 address maybe one of your questions fully with 21 regards to the filing fee for those who wish to 22 use the statutory method that was created of going 23 before the court for modification. I think that's 24 really, really important. Typical filing fee. 25 I'm a practicing attorney. It's \$400 to start</p>	<p style="text-align: right;">Page 73</p> <p>1 We're working on it. I'm glad that they realize 2 that those gaps are there. But if they're telling 3 you that they don't maintain all the records. It 4 depends was the word I wrote down on whether it 5 was recorded properly. Again, 20, 30 years ago 6 they weren't intended to determine, you know, on a 7 razor's edge whether someone actually paid 8 something or not. And, you know, as being a 9 practicing attorney yourself in the past, these 10 are old -- a lot of them what's going to impact 11 people's ability to vote is old-timey paper 12 records. I practice in North Florida and a lot of 13 records that we have to go through, I have to 14 physically go or ask the clerk to go into a little 15 stuffy box. You know, and now we've had Hurricane 16 Michael. Hopefully they'll be legible. I mean, 17 there's a lot of stuff in terms of the records and 18 accessibility and what they're going with. 19 The other thing I would like to add on to is 20 it's interesting to hear that they are trying to, 21 you know, bring forth an access point in the 22 clerk's office so one person can go and hear about 23 all of their offenses across the state. But 24 again, that's a projected time. There was no time 25 given. And people want to vote today. They're</p>

<p style="text-align: right;">Page 74</p> <p>1 going through this burden today and in the 2 continued future.</p> <p>3 The other thing to keep in mind is that the 4 gathering of information with the agency is only 5 as good as the individual clerk's information is. 6 And they already indicated to you they have no 7 records or restitution. You know, they could have 8 paid the individual who might have died, moved 9 away, can't be found. You know, it's just like so 10 many gaps. And I've been told when I question my 11 Clerk of Courts that many times monies are paid to 12 the probation office. And the probation office 13 over the years had no statutory obligation to 14 report those payments back to the clerk.</p> <p>15 So there's a lot of, you know, potential 16 rabbit holes that are out there. And for these 17 reasons, we would ask the working group to 18 consider -- to consider, you know, issuing a 19 statement for all State Attorneys to take into 20 account that if someone has made a good faith 21 effort to determine these things and pay these 22 things, they should not have any fear of any 23 criminal prosecution, because that's what we're 24 afraid of. We're afraid of the chilling impact of 25 it being so difficult. And you've heard the</p>	<p style="text-align: right;">Page 76</p> <p>1 encountered, that almost known of them know about 2 Amendment IV. They are marginalized as no other 3 group of people in Florida are. They don't read 4 the newspaper. They don't watch the news on 5 television. Many of them don't go to church. 6 They live in the shadows of our society. You 7 know, I was initially sceptical of the term 8 returning citizens. But I realized that we're 9 talking about citizens. They did not lose their 10 citizenship by committing a crime. They did not 11 lose their citizenship by failing to complete all 12 terms of their sentence. They are still citizens 13 and the right to vote for citizens is one of the 14 most precious rights.</p> <p>15 So I want to urge on you to be very careful 16 about whatever kind of screening and verification 17 and data systems that you recommend, because it 18 needs to be all three. Otherwise, it violates the 19 right of our citizens to vote. I was a County 20 Commissioner here for 12 years. I still would be 21 except for the ungrateful voters in District 5, 22 and I'm keenly aware of how local governments work 23 and what kind of restraints there were, because of 24 the resources and staffing and data systems and 25 all sorts of regulations. You have my sympathy.</p>
<p style="text-align: right;">Page 75</p> <p>1 agencies tell you it's difficult. And they're 2 struggling to do the right thing, and I really 3 appreciate that. But they're having difficulty 4 and I heard the exact same thing from the division 5 representative, Ms. Williams -- Maria Matthews, 6 excuse me, with the Division of Elections. She 7 had a very cumbersome chart. Well, we're going to 8 check here. Then we're going to go back here. If 9 it's wrong, we're going to come down and we're 10 going to go around. That was difficult for her 11 staff to do let alone an individual. So I just 12 want to ask you to keep all of that in 13 consideration. Thank you.</p> <p>14 MADAM SECRETARY: Thank you very much. And 15 we have Bob Rackleff from the Big Bend Voting 16 Rights Project. Welcome to you, sir.</p> <p>17 MR. RACKLEFF: Thank you, Madam Secretary. 18 I'm Bob Rackleff. I'm with the Big Bend Voting 19 Rights Project. We're a group of volunteers who 20 are registering voters and began on January 8th 21 with a special emphasis on identifying and 22 registering ex-felons who completed their 23 sentence.</p> <p>24 I can tell you that based on the literally 25 hundreds of returning citizens who we've</p>	<p style="text-align: right;">Page 77</p> <p>1 I'll have you know we fully funded our clerk 2 here in Leon County.</p> <p>3 So if we -- I'm still trying to figure out 4 how is this going to work? How does somebody who 5 gets a notice that you can't vote, you're not 6 eligible to vote because of X, Y & Z and here's the 7 documentation, how does that person challenge it? 8 How does that person know that the information 9 being provided is accurate? Who helps him or her? 10 You know, this is -- we don't have to do that when 11 you and I registered to vote. You know, we 12 were -- we were considered full citizens and we 13 just signed up and that was it. We got our card 14 in the mail and we voted.</p> <p>15 So I want to emphasize that who you are 16 dealing with are citizens. And they deserve every 17 bit of respect than any other citizen in our 18 state. Thank you.</p> <p>19 MADAM SECRETARY: Thank you, sir, for being 20 here. Senator Pizzo.</p> <p>21 SENATOR PIZZO: Thank you, Madam Secretary. 22 Just briefly, I filled out one of those cards.</p> <p>23 MADAM SECRETARY: We did receive it.</p> <p>24 SENATOR PIZZO: Okay. Thank you.</p> <p>25 Representative Grant and I remained in part</p>

<p style="text-align: right;">Page 78</p> <p>1 because we have some similar questions. I think 2 what you've heard even from the clerks and the 3 Department of Corrections may cast even more 4 questions. So just some things to hone in on that 5 we need to take back for our districts and we 6 think that maybe should jump to the head of the 7 line. 8 I recall Mr. Steely was nodding his head and 9 then shaking his head. You have a situation where 10 the only thing everyone can agree on as far as the 11 administration of Amendment IV, uniformly -- 12 practically speaking is that restitution has to be 13 paid. And yet that was the one thing that jumps 14 out that the clerk's office with the most 15 comprehensive potential of databases does track 16 that. That's a huge concern because wherever you 17 go in the 20 circuits, they're all going to 18 require that you pay restitution. Everyone agrees 19 that that is the law. How they handle court costs 20 or the interpretation of fines and fees and so 21 forth is all secondary and tertiary. But the 22 payment of restitution everyone uniformly agrees 23 had to be paid in practice and yet we can't track 24 that. 25 So a lot of my victims were 85 to 92-year-old</p>	<p style="text-align: right;">Page 80</p> <p>1 forward. Not have to drive out to Ohio to find 2 out about that. Not have to drive up to a 3 separate County to find out about it, but have a 4 centralized database. 5 I misspoke before and perhaps 6 mischaracterized. Representative Grant clarified. 7 I'm also leary of centralized databases in 8 practice mainly because I had a lot of shooting 9 victims and violent crime victims and information 10 seemed to be too readily available and I fought 11 against that. What I meant to say or should say 12 is a centralized repository or administration of 13 all this. The courts locally in Miami-Dade County 14 have determined -- the judges have that it makes 15 sense with the volume that we anticipate to have a 16 separate judge in a separate courtroom just 17 handling these cases. If we get a volume of a 18 thousand of these cases a week and some circuit 19 dockets only have six to 700 cases total, this 20 could really add a substantial labor intensive 21 practice. So perhaps one of the administrative 22 judges can separately. Perhaps an agency in 23 Florida should do the same thing. When the 24 gentleman here from the clerk's office -- I think 25 it was Mr. Cox or before him stood up, he handed</p>
<p style="text-align: right;">Page 79</p> <p>1 elderly that were fleeced out of their life 2 savings by a caretaker. And if they owed \$56,000, 3 I made sure that it was to the individual or the 4 estate thereof. Many restitution orders do not 5 include that. So what happens when my victim dies 6 and someone continues to pay restitution? Where 7 is that money going? Presumably there's millions 8 of dollars that have been paid in restitution to 9 victims that no longer exist. I'll even give you 10 a commercial entity to be less dispassionate. If 11 you owed Circuit City money in restitution, 12 where's that money going? Literally where is all 13 that money going to an entity that is no longer in 14 business, that's no longer solvent and around. 15 Those are huge considerations. But I'm cautiously 16 optimistic by the clerk's association being able 17 to have this centralized database. I think Madam 18 Secretary hit on the point which is really point. 19 Where does John Q. public go at no cost because he 20 or she is making a good faith effort to try to 21 restore their right to vote and they want to know 22 what they owe. And whatever district or circuit 23 or whatever political machination they find 24 themselves in that has some sort of separate 25 interpretation, they just want to be able to come</p>	<p style="text-align: right;">Page 81</p> <p>1 me a sample of the Sixth Circuit judgment and 2 sentence. He's absolutely right. The Sixth 3 Circuit looks nothing like the Miami-Dade one that 4 I showed Representative Grant on my smart phone. 5 Clearly our judgment includes the memorandum of 6 costs, not the sentence. The Sixth Circuit puts 7 their court costs, cost of prosecution right in 8 the sentencing document. Per se, Madam Secretary, 9 you're going to have an inequity here. You're 10 going to have a completely separate treatment of 11 individuals based on an interpretation of whoever 12 their State Attorney is, whoever their court 13 system is that's controlling the circuit of the 14 chief justice. Per se just the production of 15 those two documents to two identical individuals 16 with identical crimes will have disparate 17 treatment right off the bat. That has to be 18 reconciled and has to be reconciled soon. 19 The other reason why I stood up here is 20 because you have as a captive audience a Senator 21 and a Representative who can draft something. And 22 if the cure needs to come, if remedies need to 23 come, please you know sooner rather than later. 24 So we really look forward to the November report. 25 And then lastly you have a number of clerks</p>

<p style="text-align: right;">Page 82</p> <p>1 that are maybe not in office anymore, but they 2 enter into agreements with collection agencies 3 years ago. Maybe when times were bad they took 4 pennies on the dollar or they did it some sort of 5 whatever the treatment was, whatever the contract 6 was. There are some people who actually want to 7 file bills who are talking about or advertising 8 that they're going to make it so they don't have 9 to pay interest and surcharges. We put that the 10 the bill. That's in the bill. So nobody has to 11 pay the surcharge. Nobody has to pay the 12 interest. However, if you're going to have an 13 interpretation where you don't have to pay any of 14 those things, you have contractual obligations 15 that clerks entered into with third-party 16 companies that may cry foul. So we need to be 17 clear that there is no fee to go reopen a case. 18 And both the bill and practice provides for that. 19 No one is paying anything to reopen a case. And 20 the bill gives what judges do not have as Madam 21 Secretary, remember when you sat on the bench, 22 after 60 days you couldn't touch a lawful 23 sentence. The bill provides for the narrow scope 24 of Amendment IV that the circuit court can open it 25 up. But they have to take things out of</p>	<p style="text-align: right;">Page 84</p> <p>1 type, by court and by date. A lot of moving parts 2 here of inequity. So just to be mindful. I 3 appreciate your time. 4 MADAM SECRETARY: Thank you, Senator Pizzo. 5 We have Neil Volz from the Florida Rights 6 Restoration Coalition. Welcome, Mr. Volz. 7 MR. VOLZ: Thank you. I will be quick. I am 8 a returning citizen and just want to say thanks. 9 At the end of the day I know that the heartbeat of 10 this entire conversation actually involves people 11 all across our state. In November of last year we 12 witnessed the largest expansion of democracy in 13 our country's history in 50 years and we got to do 14 it here. On January 8th, myself, a whole bunch of 15 other folks got to go down to our Supervisor of 16 Elections Office, wave some flags, walk in with 17 red carpet treatment and begin to feel like a new 18 citizen, a returning citizen. And then on 19 July 1st we got to see after a long process of 20 give and take of public debate create a process 21 for us to move forward. As an organization we're 22 operating under the law. We're working with 23 returning citizens to register people to vote to 24 engage their communities. We believe when people 25 participate we all benefit. We get to see less</p>
<p style="text-align: right;">Page 83</p> <p>1 collections. Are they taking things out of 2 collections for the purposes of Amendment IV or 3 are they just waiving the whole collections and 4 surcharges which is contractual obligations 5 between the clerk's associations and third parties 6 opens up a whole can of worms just to be mindful 7 of that. 8 And then to the clerk's point, which is not 9 so readily available. The clerks will collect -- 10 and forgive me -- correct me if I'm wrong. On the 11 \$50 owed in memorandum of costs to the Attorney 12 General's Crimes Compensation Fund, the clerks 13 will actually retain one dollar and send 49 to the 14 State. And you have to look at each memorandum of 15 cost. And you have another unequal treatment, 16 which is if Jason Pizzo has a felony conviction 17 from 2018, my costs are far different than my 18 father's were 30 years ago if he had a felony 19 conviction. Vastly different. Some counties have 20 authorized the inclusion under statute under 948 21 to include certain fees as well. Team Court Now, 22 Crime Stoppers, Crimes Compensation, so on and so 23 forth. So you have a completely different rate 24 schedule. People are not similarly situated, 25 let's understand folks, by geography, by crime</p>	<p style="text-align: right;">Page 85</p> <p>1 crime. We get to see lives changed. And from our 2 perspective, a returning citizen organization 3 that's worked for seven, eight years to get this 4 on the ballot, look forward to working seven or 5 eight more with folks here and all across the 6 state to implement this in a healthy way. In a 7 way that makes our state a beacon for other states 8 to look at. I just want to say thank you. Like 9 we're all in it together now. And I know that 10 some people in the legislature and some people in 11 the state did not vote for Amendment IV. But it's 12 been a real honor to watch our state come together 13 and try to work through this. I know that it's 14 kind of the machinery of government at work, and 15 sometimes the acronyms compete with each other and 16 some of us get lost. But I'm hoping to at least 17 take 30 seconds and remind everybody up there that 18 if the heart of this entire operation is our 19 friends, our family members. I know everybody up 20 there knows somebody who's impacted by this and we 21 are here to help. The returning citizen community 22 wants to be involved in this. We help to put this 23 on the ballot. No one knows this better than we 24 do from our perspective. And we would love to be 25 a positive member of this as you continue to walk</p>

<p style="text-align: right;">Page 86</p> <p>1 it out, so thank you. 2 MADAM SECRETARY: Thank you, sir, for your 3 input. Representative Grant, did you have any 4 follow-up? 5 All right. That concludes the public comment 6 period. Before we adjourn, I would like to turn 7 to Members of the Commission and solicit any 8 comment or input that you all have specifically 9 about our next meeting. Have our first two 10 meetings left you with any particular questions or 11 subject matters about which you would like to have 12 further information presented on the next 13 meeting's agenda? 14 All right. What I will do is have -- yes, 15 sir. 16 MR. PEACOCK: One of the themes I heard today 17 was the good faith effort of the returning 18 citizens. I don't know what that would look like. 19 So that's a question that I had that I had 20 highlighted over several speakers. 21 MADAM SECRETARY: Any other thoughts? So 22 what we will do is summarize. The Department of 23 State will put together a summary of what 24 information and testimony has been presented to 25 the working group so far for our discussion and</p>	<p style="text-align: right;">Page 88</p> <p style="text-align: center;">1 CERTIFICATE 2 3 I, TRACY LYN FAZIO, FPR, Court Reporter and 4 Transcriptionist, do hereby certify that I was 5 authorized to and did listen to and did 6 stenographically transcribe the foregoing recorded 7 proceedings and that the transcript is a true record to 8 the best of my professional ability. 9 Dated this 8th day of October, 2019. 10 11 12 13 _____ 14 TRACY LYN FAZIO, FPR 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 87</p> <p>1 consideration at our next meeting as we begin work 2 on putting together those recommendations for the 3 legislature. At this time, thank you for everyone 4 being here and everyone who participated today. 5 Our next meeting will be Tuesday, October 1st at 2 6 P.M. This meeting adjourned. 7 (Thereupon, the meeting adjourned.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	

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RESTORATION OF VOTING RIGHTS WORK GROUP
OCTOBER 1, 2019
2:00 P.M. - 4:00 P.M.

THE KNOTT BUILDING
601-631 SOUTH DUVAL STREET
ROOM 212
TALLAHASSEE, FLORIDA 32399

<p style="text-align: right;">Page 2</p> <p>1 MADAM SECRETARY: Good afternoon and welcome 2 everyone. This meeting will now come to order. 3 I'm Secretary of State Laurel Lee. And this is 4 the third meeting of the Restoration of Voting 5 Rights Work Group. I'd like to ask Amber Marconnet 6 with the Florida Department of State to call the 7 roll. 8 MS. MARCONNET: Chris Anderson. 9 MR. ANDERSON: Here. 10 MS. MARCONNET: Supervisor Vikki Cannon is not 11 present and had provided advanced notice. Doug 12 Chorvat. 13 MR. CHORVAT: Here. 14 MS. MARCONNET: Melinda Coonrod. 15 MS. COONROD: Here. 16 MS. MARCONNET: Kate Holmes. 17 MS. HOLMES: Here. 18 MS. MARCONNET: J.D. Peacock. 19 MR. PEACOCK: Here. 20 MS. MARCONNET: Kenneth Steely. 21 MR. STEELY: Here. 22 MS. MARCONNET: Laurel Lee. 23 MADAM SECRETARY: Here. 24 For those of you in attendance, please be 25 sure to sign in on the sign-in sheets in the back</p>	<p style="text-align: right;">Page 4</p> <p>1 you all know under Section 33 of Chapter 2019-162, 2 the work group is charged with developing 3 recommendations as to the consolidation of data 4 necessary to verify the eligibility of a 5 registered voter for restoration of voting rights 6 and any entity recommended to manage the 7 consolidated data. 8 Second, the process for informing a 9 registered voter of the entity or entities that 10 are custodians of the relevant data necessary for 11 verifying his or her eligibility. 12 And third, any other relevant policies or 13 procedures for verifying the eligibility of a 14 registered voter for restoration of voting rights. 15 Our work group must submit a report to the 16 legislature with our recommendations by 17 November 1st, 2019. 18 So I'd like to start by directing the work 19 group members to the meeting summaries of our 20 first two meetings. To date the work group has 21 received presentations from Maria Matthews, the 22 Director of the Division of Elections; from 23 Senator Jason Pizzo; from Representative James 24 Grant; from the Florida Department of Corrections 25 and the Florida Clerks of Circuit Court and</p>
<p style="text-align: right;">Page 3</p> <p>1 of the room. We will have an opportunity for 2 public comment toward the end of the meeting. So 3 if you would like to speak, please fill out a 4 speaker card, which can also be found in the back 5 of the room. The work group will begin today's 6 meeting by conducting a brief overview of the 7 summaries of our first two meetings to allow for 8 some discussion if desired around the information 9 that has been presented so far. We will then 10 receive presentations from the Florida Commission 11 on Offender Review and the Florida Department of 12 Revenue. 13 The Florida Department of Revenue was asked 14 to present to the work group today on their Child 15 Support Program and provide information on the key 16 component of the automated system that they use to 17 track information on child support payments from 18 the Clerks of Court. FCOR will share information 19 on their process that operates in the context of 20 clemency and how they gather information during 21 that process. 22 After the presentations have concluded, the 23 work group will have additional time to discuss 24 what our recommendations may be based on the 25 information that we have received thus far. As</p>	<p style="text-align: right;">Page 5</p> <p>1 Comptrollers. 2 Do any of the work group members have 3 thoughts on the information we have received thus 4 far or any discussion points they'd like to bring 5 up at this stage of the meeting? 6 All right. We will have an opportunity for 7 discussion after the two presentations today, 8 which hopefully will give us a full and complete 9 basis to consider what recommendations we might 10 want to include in the report. 11 So at this time I'd like to invite 12 Mr. Stephen Hebert from the Florida Commission on 13 Offender Review to the podium for his 14 presentation. 15 MR. HEBERT: Good afternoon. So my name is 16 Stephen Hebert. I apologize. I have a little bit 17 of Tallahassee sinus allergies going today. But 18 I'm the Director of Clemency Investigations for 19 the Florida Commission on Offender Review. So 20 thank you Secretary Lee and the work group 21 members. I appreciate y'all having us here today. 22 The Commission is extremely grateful for the 23 opportunity to be part of this discussion on the 24 Amendment IV process. We, too, are hopeful that 25 through this work group that the best course of</p>

<p style="text-align: right;">Page 6</p> <p>1 action in implementing the most efficient 2 procedures will be determined and suggested at the 3 end of the work group. The Commission on Offender 4 Review is ready and able to assist the Department 5 of State in this process and certainly we believe 6 that we can be an asset with our experience. 7 So the Commission on Offender Review is a 8 criminal justice agency. Our goals are public 9 safety. We administer several different areas 10 such as parole, conditional release, conditional 11 medical release, addiction recovery and a lot of 12 post release supervision areas in the criminal 13 justice. However, we also do clemency. Since 14 we're responsible for clemency, I'd like to let 15 everyone know that we are the administrative and 16 investigative arm for the clemency board for all 17 matters that go to the Governor and Cabinet. 18 So FCOR in our criminal justice capacity and 19 in our clemency capacity has long worked together 20 with several other state agencies, including many 21 of the agencies involved here with the Department 22 of Florida Department of Law Enforcement and the 23 Clerks of Court and the Secretary of State. 24 So FCOR or Commission on Offender Review, we 25 do not maintain any type of database specifically</p>	<p style="text-align: right;">Page 8</p> <p>1 not all terms of a person's sentence have been 2 completed. Specifically we discussed how the 3 Commission can assist in determining whether 4 certain monetary obligations such as fines, 5 restitutions, court costs and fees were ordered 6 and/or possibly paid. 7 So we have met with the staff of the 8 Department of State, specifically the Bureau of 9 Registration Services earlier this year. We 10 looked at their database. I thank you for all 11 giving us the opportunity to come over there 12 earlier this year, myself and another individual. 13 We learned about the processes and the procedures 14 involved. And we realize that our skill set and 15 resources may be able to assist in this process, 16 and I think that comes down to the monetary 17 obligations. 18 So we look forward to continue to working 19 with the Department of State in any way that we're 20 authorized to do and believe that we can assist 21 specifically in locating and gathering 22 information, documents related to the 23 identification of any specific details related to 24 the financial components of an individual's 25 sentence. So we recognize that the final</p>
<p style="text-align: right;">Page 7</p> <p>1 related to convicted felons, their criminal 2 histories, whether they've completed all their 3 terms of sentence or the satisfaction of their 4 monetary obligations. So I think it's important 5 to note that with the exception of the clemency 6 data regarding those individuals who have been 7 granted the restoration of civil rights or 8 pardons, we don't have any information of our own. 9 We have no access to data or databases that others 10 who may be involved in the process either don't 11 currently have access to or possibly could also 12 gain access to -- gain their own independent 13 access. 14 So we recognize through our experience 15 conducting clemency investigations that we 16 certainly have a skill set that may be useful 17 involved in the process in assisting others and 18 training such as Department of State. Since the 19 passage of Amendment IV and then the Senate Bill 20 7066 being signed into law and prior to this work 21 group, the Commission has been involved in 22 discussions and meetings with many of the agencies 23 that I've mentioned already. We shared our 24 knowledge and various resources that may 25 potentially be utilized in researching whether or</p>	<p style="text-align: right;">Page 9</p> <p>1 determination must be by law made by others in 2 this process. So FCOR would not be involved in 3 eligibility determinations. We believe we can 4 assist in the information and document gathering 5 in providing these documents and facts to the 6 decision makers. 7 Our discussions have centered around 8 providing assistance beginning at the point where 9 the Department of State has been unable to locate 10 particular monetary obligation information or has 11 exhausted the resources that are currently 12 available to them. So we're familiar with looking 13 at court documents. We acknowledge with our 14 criminal justice experience being with the 15 criminal justice agency for many years doing 16 clemency investigations. That's our area as far 17 as looking at court documents, judgment sentences, 18 all the subsequent orders and dockets and so forth 19 from the Clerks of Court. 20 So at this work group's last meeting, which I 21 was also present, I know there were presentations 22 made by both the Department of Corrections and the 23 Clerks of Court regarding what type of information 24 and records and the various data that they 25 maintain. So FCOR and the Office of Executive</p>

<p style="text-align: right;">Page 10</p> <p>1 Clemency records. So we maintain information on 2 those individuals who have been granted the 3 restoration of civil rights or pardons by the 4 Governor and Cabinet. So obviously restoration of 5 civil rights has changed since Amendments IV and 6 the passage of the bill, Senate Bill 7066. 7 However, the restoration of civil rights includes 8 multiple rights. One of which is the voting 9 right, and that is what we have records going back 10 years in our database that we have previously 11 provided to the Department of State and will 12 continue to do so. 13 So FCOR also has not and does not determine 14 voter eligibility. We have reviewed people that 15 seek clemency and determine eligibility for 16 clemency, and we provide that information to 17 Governor and Cabinet. Like I said, we do not 18 determine voter eligibility. Currently the 19 Commission sends a daily automated data transfer 20 file to the Department of State nightly for all 21 records of individuals in our database that have 22 been granted the restoration of civil rights or 23 pardons. So we'll continue to do that. So every 24 night we upload that. So just as the Department 25 of Corrections and FDLE share information, data</p>	<p style="text-align: right;">Page 12</p> <p>1 assistance regarding the status of restoration of 2 civil rights on specific individuals when 3 individual county Supervisor of Elections or the 4 Department of State, Bureau of Federal 5 Registration Services or applicants reach out to 6 us. This is through daily phone calls, emails and 7 different requests. Sometimes, you know, through 8 the U.S. Mail as well. So we'll get calls and 9 we'll get information confirming if they're having 10 trouble looking at the data that we share for the 11 Department of State specifically. If a local 12 Supervisor of Elections is having trouble with our 13 website finding who they're seeking information 14 on, we go ahead and we'll do that information on a 15 daily basis. 16 So what part of the clemency process might 17 translate to assisting in determining voter 18 registration eligibility for convicted felons? So 19 once again, I know as I was introduced, I am the 20 Clemency Investigation Director. So that is my 21 experience. But clemency is a separate and 22 distinct process. It's initiated by an applicant 23 who provides the Commission with court documents 24 related to their felony conditions. So when we're 25 dealing with clemency investigations, we're</p>
<p style="text-align: right;">Page 11</p> <p>1 transfer to the Department of State, the 2 Commission has also done that for many years. So 3 they have up-to-date information on all the 4 individuals that are in our database and have 5 received their right to vote through the civil 6 rights or the pardon process. 7 In addition, we provide an online search 8 capability through our public website and this 9 allows the users to search and return information 10 regarding restoration of civil rights that have 11 been granted by the board on a specific person. 12 Certificates can be printed. So we intend to 13 continue providing this access and service, which 14 we were doing prior to the passage of Amendment IV 15 and will continue to do so. This is on an 16 individual basis. So as opposed to the data share 17 that we do with the Department of State, any user, 18 the public, the Supervisor of Election staff and 19 the Department of State and anybody else can look 20 at this on an individual name basis one-by-one. 21 Also we often get inquiries. I've been with 22 the Commission for 20 years and done clemency all 23 that time. So I am very familiar with the 24 historical practice and the current practice for 25 clemency. But we've also provided routine</p>	<p style="text-align: right;">Page 13</p> <p>1 beginning with that information already provided 2 to us by the applicant. Clemency investigations 3 are comprehensive and involve a total and complete 4 picture of a convicted felon. Determining the 5 completion of sentence to include the status of 6 monetary obligations that a court ordered is just 7 one small component of our clemency investigation 8 that results from gathering extensive information 9 throughout our larger clemency investigation 10 process. 11 So just to kind of elaborate on that. When 12 the clemency applicant provides information to us, 13 their court documents, and we do our 14 investigation, which is much more detailed and 15 comprehensive and I think everyone agrees is not 16 the same thing that we're dealing with in the 17 Amendment IV process. Through that interaction 18 with the applicant and gathering all this 19 information, we often get more information 20 resulting in this individual's criminal history 21 and their court documents and their monetary 22 obligations through interaction with that 23 applicant and all the other information that we 24 are required to gather for a clemency 25 investigation.</p>

<p style="text-align: right;">Page 14</p> <p>1 So while most of the process and the 2 procedures utilized in conducting clemency 3 investigations do not translate directly to this 4 Amendment IV process, you know, I'm happy to be 5 here to discuss the resources and processes that 6 we believe might best be related to doing that. 7 So as I indicated before, we utilize many 8 databases and many resources to do a clemency 9 investigation. To the Commission, those that 10 would be the most useful and relevant to this 11 process have been discussed by others prior to me 12 already in this work group. But nevertheless, 13 that is my area that I am familiar with and I will 14 speak to you today as far as our experience 15 gathering this information. 16 So like I said, these have been discussed I 17 think in the last couple of presentations. But 18 nevertheless, these are the areas that we go to, 19 to find this information as well. So the 20 Comprehensive Case Information System, which CCIS, 21 I don't want to you know repeat the process as to 22 everything that that database has access to, their 23 limitations and everything. But just for the 24 record, you know, that's electronic records in all 25 67 counties. It goes back I believe to the early</p>	<p style="text-align: right;">Page 16</p> <p>1 sentences, restitution orders, orders modifying 2 the sentence or probation, and orders modifying 3 cost and documents, all types of documents I 4 guess. So we're familiar with looking at these 5 types of documents through CCIS or if they're 6 provided through the clerks, which we'll speak 7 about next. So our experience reading these 8 judgments and sentences and looking for these 9 orders, the first part is I think as we discussed 10 before locating and gathering this information, 11 and then being familiar with reading it and 12 understanding it. And then finding the 13 information and then providing the information as 14 to the balance or whether it's paid. 15 So CCIS I know has been available to many 16 state agencies. I know the Department of State 17 when we work with them we walk through that. We 18 looked at that database together. The Clerks of 19 Court, I am very appreciative when this came 20 online as far as the information that we utilize 21 it for every day. It's very, very, very helpful. 22 The Clerks of Court, once again I know they 23 made the presentation as well. So we know that 24 they're the official custodian of all the court 25 records. So in all my years doing clemency</p>
<p style="text-align: right;">Page 15</p> <p>1 2000s. So there's a lot of good information in 2 there. And I believe I also heard them reference 3 last presentation that going back to 2010, there's 4 going to be many documents available online as 5 well. PDFs and images that we can get access to. 6 We use that through our clemency investigations on 7 a daily basis. 8 So the primary reason for CCIS as I feel 9 translates to Amendment IV would be related to the 10 monetary obligations. This would be identifying 11 both the court ordered obligations, whether it's 12 through the docket entries, through the judgment 13 and sentences online, and then possibly any 14 outstanding obligations or if you want to look at 15 it the other way, what's been paid. I think being 16 very familiar with this database, and I can 17 certainly go into it if there's any questions 18 more, but using the database there's a lot of good 19 information. It's by offender. It's by case. 20 And then you go into that case and you expand it 21 and look into their financial obligations that 22 were ordered. And you can go and look into what 23 was paid and what is still outstanding. 24 Generally the monetary obligations that we're 25 looking for are found on the judgments and</p>	<p style="text-align: right;">Page 17</p> <p>1 investigations, we go to them for the official 2 records. We attempt to get the judgment and 3 sentence. I know those go back many, many years. 4 We trust their information that we find for them 5 as reliable. So when we're doing a clemency 6 information, what information the Clerk of Court 7 provides to us regarding someone's conviction and 8 their monetary obligations, we treat that as 9 reliable information that we pass on to the 10 clemency board. 11 So when information is not available in CCIS 12 and not through electronic records, then we reach 13 out directly to the individual Clerks of Courts. 14 So our clemency investigators do that on a routine 15 basis and we utilize their individual websites. 16 We might go through whatever portal access they 17 have. Any type of emails, faxes, phone calls, 18 whatever information we do to request information. 19 And we request specific information related to 20 judgments and sentences. The documents that I 21 mentioned earlier that will show us and identify 22 what type of monetary obligations were part of 23 that sentence. Once again, that's our starting 24 point. You know, we go to the information that's 25 out there that indicates this person has a felony</p>

<p style="text-align: right;">Page 18</p> <p>1 conviction. We look at all the documents we can 2 possibly find related to their monetary 3 obligations, and then we go from there to indicate 4 the receipts or anything that was paid on those 5 obligations. 6 So the Department of Corrections is a third 7 entity that we go ahead and we work with. We work 8 with many, many years in our criminal justice 9 capacity and in our clemency capacity. We also 10 utilize their information to identify monetary 11 obligations. So as I think we discussed 12 previously, they have their offender based 13 information system and their inmate records 14 imaging system. So that's the PDF documents on 15 certain inmates that have been incarcerated. We 16 have access to those information -- those 17 databases, and we utilize that to find out 18 documents that sometimes they have related from 19 the Clerk of Court as to their monetary 20 obligations that were ordered. 21 So we utilize this to identify certain 22 obligations of offenders have during the time they 23 were under supervision or possibly incarcerated to 24 work release. So it's our understanding that 25 obviously when the Department of Corrections has</p>	<p style="text-align: right;">Page 20</p> <p>1 To the extent the Commission would be granted 2 permission or authority to access their system and 3 provide information or data from their system for 4 Amendment IV process, we would be prepared and 5 glad to assist in this manner. 6 So this like CCIS and the clerk records would 7 contemplate us providing information only as 8 opposed to making determinations based on 9 information contained in records and databases. 10 So we see ourself with our expertise and our 11 historical knowledge and understanding records, 12 knowing how to locate records, find the records, 13 identify the court order monetary obligations. 14 And then, you know, we don't have any special 15 access to anything other than looking at these 16 same resources and making that realization of 17 what's been paid. And if it's not been paid, 18 taking the Clerk of Court that, you know, if X 19 number of dollars was ordered, they show X number 20 of dollars paid, then this is the outstanding 21 balance. We see ourselves being able to gather 22 the information and the documents available from 23 these entities, which could involve multiple 24 counties as I think has been discussed before with 25 the individuals that might have convictions</p>
<p style="text-align: right;">Page 19</p> <p>1 an inmate or an offender received in their 2 custody, if they have monetary obligations as part 3 of their sentence, you know, that certainly on the 4 supervision side is going to be part of the 5 criteria that they have to do to successfully 6 terminate supervision. So we'll look to them to 7 see that information. We have access to the 8 Department of Corrections and the Clerks of Courts 9 database. Like I said, we get their documents and 10 information from both these databases. But I 11 think the Department of Corrections have certainly 12 spoken to the Clerk of Court being the official 13 records if there was any discrepancy. 14 It's also my understanding since July 1st 15 that the Department now provides the financial 16 summary information to offenders and the Clerk of 17 Court regarding those cases for which the offender 18 is currently being released from supervision or 19 incarceration. So once again in my role as 20 clemency, that's very helpful. And I know that 21 it's information moving forward has already been 22 implemented. So they have discussed limitations 23 on their systems and monetary information 24 contained in their database and systems certainly 25 going back historical and on previous convictions.</p>	<p style="text-align: right;">Page 21</p> <p>1 spreading across the State of Florida. 2 So going forward we think it might be a great 3 benefit if this work group could consider possibly 4 a recommendation on how information maintained in 5 the Department's records and databases regarding 6 certain financial obligations such as restitution 7 could be maintained in CCIS or through the Clerk 8 of Court or system where it's tracked and 9 accessible to all others involved in the process. 10 Currently we realize that the Commission through 11 our agreement as a criminal justice has access to 12 certain information. But certainly restitution 13 information I think has been discussed in the past 14 here. So I won't go into it unless anyone has any 15 questions. But the restitution information, there 16 might be information of restitution being paid I 17 think is where I'm getting at. The Clerks of 18 Courts have indicated that they generally do not 19 collect the restitution except in certain 20 instances or maybe older cases. I think everyone 21 understands that individuals under supervision or 22 work release might pay restitution to the 23 Department of Corrections. So therefore, that 24 information, you know, we might be able to simply 25 provide documentation from the clerks what was</p>

<p style="text-align: right;">Page 22</p> <p>1 ordered, what was paid, you know, provide this 2 information, gather this information, and compile 3 it back to the Department of State. 4 So in closing it's important to keep in mind 5 that the clemency is a separate process. But many 6 of the -- or several of the same resources that we 7 use in making clemency determinations or monetary 8 obligations may also be used in making voter 9 registration eligibility determinations. We'll be 10 happy to assist as we are needed in any way, 11 whether it's locating and gathering and compiling 12 this information related to financial requirements 13 on felony convictions for individuals and/or 14 possibly training any other staff that may be 15 involved in the process. 16 So thank you very much. I appreciate you 17 giving me the opportunity to speak and I'll be 18 glad to answer any questions. 19 MADAM SECRETARY: Thank you very much. We 20 appreciate you being here. That was very helpful 21 information. I'll start off. I do have one 22 follow-up question and then we'll see if there are 23 any others from members of the working group and 24 it's this. I agree with one of -- well, many 25 things that you said. But one of the last things</p>	<p style="text-align: right;">Page 24</p> <p>1 individual kind of intensive investigations, 2 involves interaction with the applicant. They're 3 proactive in seeking this and we discuss this. We 4 interview them. We go back and forth. There's a 5 lot of interviews and dialogue. So naturally 6 we're going to be speaking to the applicant and 7 asking if they have any proof of their restitution 8 that they made in the past. So I'm not sure how 9 that would translate to the Amendment IV process, 10 but certainly that's my experience. If we were to 11 see that someone was ordered to pay restitution 30 12 years ago directly to a victim, we're certainly 13 going to see if they were also part of their 14 sentence was to be on supervision with the 15 Department of Corrections. So if the Department 16 of Corrections, you know, terminated the probation 17 successfully. There was no noted violations. 18 There was no affidavits filed with the Clerk of 19 Court, we take all that into consideration in our 20 clemency determination. And of course part of our 21 clemency process we do reach out to victims for 22 clemency, which is a very important part of the 23 clemency board's process and has been in my 20 24 years here and prior. So we have that luxury in 25 the clemency investigation process of dealing with</p>
<p style="text-align: right;">Page 23</p> <p>1 you just said that talked about how this working 2 group might have an opportunity to make some 3 recommendations about how we use CCIS going 4 forward and how we might be able to keep track of 5 financial obligations using that database on a 6 going forward basis. 7 One thing that seems to have emerged as a 8 challenge, however, is looking backward at the 9 question of restitution. And we heard testimony 10 from the clerks at our last meeting about 11 instances where a judge has ordered restitution to 12 be direct paid to a victim as opposed to be paid 13 through the clerk's office. And that in those 14 circumstances they wouldn't have any record of 15 payment or balance in the clerk's office or in 16 CCIS. 17 Does FCOR have any process or insight about 18 how to go about gathering restitution related 19 information in a circumstance where it was being 20 direct paid to a victim as opposed to through the 21 clerk's office? 22 MR. HEBERT: Well, I can only speak to what 23 had experienced in clemency investigations. So 24 not translating that directly to Amendment IV, 25 because I think it's been discussed. We do the</p>	<p style="text-align: right;">Page 25</p> <p>1 the applicant and the victim. For the Amendment 2 IV process, I'm not sure if anyone has 3 contemplated to that level of going beyond of 4 database review of documents and gathering 5 information and having to do that level of 6 investigation. I believe -- that's kind of my 7 experience with it. 8 MADAM SECRETARY: That's very useful 9 actually. So in your process when attempting to 10 ascertain past owed restitution that's being 11 direct paid to the victim, an integral part of 12 that would be speaking directly with the applicant 13 and reviewing any records they might have related 14 to their payments? 15 MR. HEBERT: Correct. And, you know, I think 16 quite honestly in my experience, I'm not sure the 17 volume of those type of cases -- I certainly know 18 it's been discussed. I mean, I generally see 19 restitution orders in clerk files and documents 20 when people have some sort of -- we're talking 21 about a felony conviction that they had a 22 sentence. They probably were incarcerated or went 23 to supervision. I mean, every now and then and 24 certainly over the years you're going to see 25 individuals that had restitution on a crime that</p>

<p style="text-align: right;">Page 26</p> <p>1 maybe they were adjudicated guilty with a minimal 2 couple county day jail sentence. I don't 3 historically see that done for a felony conviction 4 with a victim. 5 So I think anecdotally most of the cases that 6 we see restitution ordered by the court, there is 7 some sort of mechanism to follow-up with it. 8 Either they're going to be under supervision. 9 There's going to be a violation filed or they're 10 not going to be successfully terminated. You're 11 going to see that they went from supervision to 12 incarceration. If they were not actually sent to 13 the Department of Corrections for some reason and 14 they had just a straight up sentence with a 15 restitution to pay to the victim, I have seen 16 notations in Clerk of Court files and dockets that 17 restitution has been satisfied. I certainly don't 18 want to say that is the norm or the regular. So I 19 can't speak to that. But I've seen those like I 20 said going back on older cases. I'm not so sure I 21 see restitution being ordered directly to the 22 victim in newer cases. I know that could be an 23 older situation. Perhaps the State Attorney's 24 Office -- I know they've not been in the mix. But 25 sometimes the State Attorney's office might have</p>	<p style="text-align: right;">Page 28</p> <p>1 supervision still owing restitution and fines at 2 times. When you're going through your process and 3 you see a termination of supervision, is that 4 where you stop or do you continue? I mean, do you 5 continue on to look for the -- 6 MR. HEBERT: So if an individual was on 7 supervision paying restitution. Let's say it's a 8 large amount and they were paying it throughout 9 their probation. So they weren't in willful 10 violation and they successfully terminated 11 probation. They did not get violated. So the 12 court might terminate their probation with 13 outstanding restoration. Sometimes we'll see that 14 acknowledged in the order or in the docket entry. 15 Sometimes it's not. You know, I know perhaps the 16 Department of Corrections might successfully 17 terminate someone with showing a history of 18 payments and therefore not all been paid. So the 19 Commission when we do our clemency investigations, 20 we would certainly see what, you know, restitution 21 makes someone ineligible for clemency regardless 22 of whether the court -- you know, whether someone 23 finishes their probation successfully or not or 24 whether they're incarcerated. So we would follow 25 up with the Clerk of Court to see if there was</p>
<p style="text-align: right;">Page 27</p> <p>1 facilitated the payment of restitution if it was 2 going to be paid directly to the victim. 3 Certainly in recent years with all the victim's 4 right and the confidentiality and privacy of the 5 victims, generally individuals aren't required to 6 pay victims restitution directly to them. 7 MADAM SECRETARY: Do any other members of the 8 working group have questions? 9 MR. ANDERSON: Yes, I do, Madam Secretary. 10 My questions is, do you reach out -- in your 11 investigative methods, do you reach out to the 12 State Attorney to confirm whether or not the 13 restitution has been paid? 14 MR. HEBERT: Generally it's not part of our 15 standard practice. But certainly when we're doing 16 clemency investigations, we do a comprehensive 17 thorough investigation, including any entity that 18 we might contact the State Attorney's Office. 19 That's certainly an option, you know, with 20 different levels of success depending on the age 21 of the case. 22 MR. ANDERSON: Thank you. 23 MR. HEBERT: You're welcome. 24 MR. STEELY: I have one quick question. 25 We've heard that offenders get terminated from</p>	<p style="text-align: right;">Page 29</p> <p>1 civil lines or civil judgments entered through the 2 official records. And perhaps that may be 3 satisfied through a judgment entered in that local 4 Clerk of Court years later after the probation was 5 terminated by the Department of Corrections. So 6 we do move on with that. 7 MR. STEELY: There's successful termination 8 and then there's also where the Department will 9 file a violation and the court will review it and 10 still terminate regardless. 11 MR. HEBERT: Correct. So for our clemency 12 purposes, if we see that someone was 13 unsuccessfully terminated from supervision and 14 they clearly paid certain amount and there's 15 balances indicated, then perhaps you know they 16 might go to the Department of Corrections. They 17 might get incarcerated after that supervision. 18 But once again we have the luxury of dealing with 19 this clemency applicant in person, discussing with 20 them what's happened, you know, if they have any 21 proof of it. We're going to be contacting the 22 victim. We're going to be looking at the Clerk of 23 Court as well to see if there was anything filed 24 in the official records after the date of the 25 successful termination.</p>

<p style="text-align: right;">Page 30</p> <p>1 MADAM SECRETARY: Thank you. Any other 2 questions? All right. Seeing none, thank you 3 very much. We appreciate you being here today. 4 MR. HEBERT: Thank you very much. 5 MADAM SECRETARY: Next I would like to invite 6 Ms. Ann Coffin from the Florida Department of 7 Revenue for her presentation. Welcome. 8 MS. COFFIN: Good afternoon. That's better. 9 Again, my name is Ann Coffin. I am the Child 10 Support Program Director with the Department of 11 Revenue. Thanks for inviting us here today to 12 talk a little bit about our automated system. 13 A little bit about the Child Support Program. 14 We serve over a million families every year with 15 their child support. It's about 1.8 million 16 parents and over a million children involved in 17 the cases. We collect and disburse about \$1.6 18 billion in child support. The program implemented 19 new technology in 2012. We implemented a SAP 20 based system, which is an off-the-shelf COTS 21 software program that we configured and customized 22 to meet our needs. Our system is very large. We 23 have over three thousand users. We process a lot 24 of cases and automation every day. But the COTS 25 program is sizeable for whatever your needs are.</p>	<p style="text-align: right;">Page 32</p> <p>1 federal, local and private entities to load data 2 into the system. We also share data back with 3 those entities. It scans and delivers work based 4 upon inbound documents. So what would be maybe 5 relevant to this work group is each time a support 6 order is established across the state, it can be 7 automatic scanned into our system. It's routed to 8 an individual who updates the terms of that order 9 in the system so that automation can track whether 10 we've received the payments or not and what the 11 balances are. And we provide a 24/7 access to 12 parents. We have about 170,000 parents who go on 13 each day checking how much has been paid; what is 14 owed; what's the status of their case. They can 15 also update and provide us information as to where 16 they're currently living; their contact 17 information. They can also report their employer 18 and other important information that might be 19 relevant to us. Those are the key components of 20 the system. 21 We wanted to spend a little bit of time 22 talking about support order term compliance and 23 balance tracking. I'm listening to the previous 24 presenter and the questions. You know, I think a 25 lot -- what's most in common with the child support</p>
<p style="text-align: right;">Page 31</p> <p>1 That's why you might choose something that's an 2 off-the-shelf software program. 3 Some of the key components outlined on the 4 slide of our system. We maintain our customer and 5 demographic case data in the system. We capture 6 all of the support order terms and obligations. 7 We trigger automated actions based upon business 8 rules. While we're capturing the financial 9 obligations that a parent may owe, the system will 10 monitor whether those are being paid as ordered. 11 If they're not being paid as ordered, it would 12 automatically trigger some type of action to 13 contact the parent to ask them why they're not 14 paying or take more aggressive enforcement action 15 depending upon the case circumstances and the 16 parents ability to pay. 17 It will also identify if we don't have a 18 support order yet and we need to establish a 19 support order. It would identify that's the 20 characteristics of the family and automatically 21 trigger actions to our attorneys to file in 22 circuit court to establish an order. 23 The system allocates payments and maintains 24 the balances for all the support orders that we 25 monitor. We interface with over 60 other state,</p>	<p style="text-align: right;">Page 33</p> <p>1 program is the actual tracking of the financial 2 obligations. So we wanted to talk a little bit 3 about how we do that. 4 Financial processing is a partnership 5 between the Department of Revenue, the Florida 6 Association of Court Clerks, the individual Clerks 7 of Court and private vendors. And we all work 8 together on a daily basis to 5, post, process, 9 verify and update all of our records so that we 10 maintain sort of a reconciled balance for the 11 parents no matter whether they're going to an 12 individual clerk's office or whether they're 13 visiting the Department of Revenue portal. 14 So our payment processing starts with a 15 single remittance unit. So for child support, 16 whether it's a private case or if it's a case 17 handled by the Department of Revenue, the child 18 support payments are being made to a single 19 location. That single location is a private vendor 20 under a contract with the Department of Revenue. So 21 they're receiving all of the child support payments. 22 Even if a child support payment is paid locally at 23 the clerk's office, that data file goes up to the 24 single remittance unit, so that the data can then 25 flow through all the other systems that need to have</p>

<p style="text-align: right;">Page 34</p> <p>1 the update. If a parent goes in and pays at Amscot, 2 same thing. It's going to go through the single 3 remittance unit that will pass a single data file 4 each day to everybody who needs to have the payment 5 information so that we can update our system. 6 That data file each day from our 7 remittance vendor is sent to the Florida Association 8 of Court Clerks. The FACCC, they break or parse that 9 file into 67 files and send the specific cases to 10 each Clerk of the Court. Then the Clerk of the 11 Court will verify that, yes, there is a case in that 12 county. Yes, the support order that has been paid 13 should be processed through the rest of the steps in 14 our process. And then each day the Clerk of the 15 Court sends a file back up to the Florida 16 Association of Court Clerks who combines all the 17 files and then they'll come over to our system, 18 which is calls CAMS. And then we'll update our 19 system. And then data will go back through the 20 Florida Association of Court Clerks and back to the 21 single remittance unit to complete the circle. So 22 it's been fully receded, updated, and all of the 23 entities and then the disbursement information is 24 also recorded. 25 That allows the Clerk of the Court to</p>	<p style="text-align: right;">Page 36</p> <p>1 action and any type of enforcement action. 2 However, in addition to financial 3 obligations, we also monitor the coverage of 4 health insurance or other type of medical support 5 or cash medical. So we have the ability to do 6 that. But it does have to be a clear order so 7 that we know what we're looking for and we can 8 monitor compliance with that. 9 MADAM SECRETARY: What is the function of the 10 state disbursements unit? 11 MS. COFFIN: The state disbursement unit is 12 pictured on this diagram as the single remittance 13 unit. I tried to use some terms that were maybe 14 more understandable than the name that we call it. 15 But the state disbursement unit is our single 16 remittance unit. 17 MADAM SECRETARY: And I believe you mentioned 18 during your comments that a parent or somebody who 19 owes a balance or is entitled to a child support 20 payment can actually log in at any time and check 21 that balance and see how it's coming along. 22 MS. COFFIN: That's accurate, yes. 23 MADAM SECRETARY: And one other thing you 24 mentioned was an interface with federal, state and 25 local agencies. Can you tell us a little bit more</p>
<p style="text-align: right;">Page 35</p> <p>1 maintain the official record for payments. So if 2 there are motions for contempt or other hearings 3 that the court would like to have, they can get 4 access to affidavit of arrears or payment histories. 5 And like I said, for parents whether they're logging 6 on to our web portal or getting information from the 7 local entity of the amount they owed, we're trying 8 as much as possible to stay in balance and have the 9 same records. Are there any questions? 10 MADAM SECRETARY: Yes. Thank you so much. 11 That's very interesting. One thing going back to 12 a little bit of the beginning of the flowchart. 13 So in order for your process to work, is it 14 significant that there would be certain language 15 or certain terminology in a court order? 16 MS. COFFIN: Yes. We need some certain 17 periodic obligation in order to track or some 18 certain amount in order to track. I would say 19 that that would be necessary, because we're trying 20 to determine compliance with periodic payments. 21 And each day we're monitoring to see if somebody 22 was supposed to pay a hundred dollars every 23 Monday, are they paying a hundred dollars every 24 Monday. And when that obligation is fully 25 satisfied that our agency stops taking monitoring</p>	<p style="text-align: right;">Page 37</p> <p>1 about that. 2 MS. COFFIN: Yes. We have over 60 partners 3 that we interface with. They will bring in 4 location information for us. So if somebody is 5 incarcerated. A lot of the child support business 6 is all about where is the person that we're trying 7 to either serve to establish a court order or 8 contact because they're not paying or to send them 9 money that we received for them to get that to the 10 family. So we load a lot of location information 11 coming in from most state agencies and federal 12 agencies, Social Security Administration, other 13 states, so that we can keep demographic 14 information on our case members up-to-date. But 15 our interface also expands to like financial 16 institutions if we're looking for assets. So it's 17 just a loading of information into the system. We 18 match against the customers that we're providing 19 services to and then we would automatically update 20 their records based upon that information. 21 MADAM SECRETARY: Do any other members of the 22 working group have questions? 23 MS. HOLMES: Thank you. You said that the 24 new system started in 2012. How did you get all 25 of the records prior inputted into this new</p>

<p style="text-align: right;">Page 38</p> <p>1 system? Because I think that's an issue that 2 we've all been talking about is going forward we 3 can have a system in place, but what do we do 4 about the terms of the sentences and financial 5 obligations? How did you incorporate the older if 6 you will child support information and records and 7 everything into this new system? 8 MS. COFFIN: Prior to this system being 9 implemented, we had another automated system. IT 10 was a main frame system. So we were able to 11 convert much of the data from our mainframe system 12 into our new child support system. That answer 13 may not be really helpful to you, because you're 14 like well you just went from one system to 15 another. But maybe a different way to talk about 16 it would be we have families that ask us for 17 services and we have no prior information on that 18 particular family. So they may already have a 19 support order in place. It may be paid directly 20 between the parents. There's no record other than 21 the court order existing at the local clerk's 22 office. In those situations, we go into an 23 information gathering and we would work with both 24 parents. We would get what we call declaration of 25 arrears, you know, what was ordered to be paid;</p>	<p style="text-align: right;">Page 40</p> <p>1 MS. COFFIN: Yes. The child support program 2 is a federally funded program. The state receives 3 66 percent reimbursement of all allowable costs 4 for our program. One of the allowable costs is 5 the maintenance and operation of the automated 6 system. Our annual maintenance and operation 7 budget for CAMS is \$14.5 million. So 66 percent 8 of that would be funded. The cost for us to 9 develop that system was also federally funded at 10 the same rate. 11 MR. PEACOCK: Follow-up, Madam Secretary. 12 And you said one of the business partners in this 13 sort of plan is a private vendor that helps us 14 with the payment process. I'm assuming they're 15 getting some sort of payment fee process in that, 16 that pays for that part of it or are they paid 17 from appropriation? How are they paid? 18 MS. COFFIN: The contract with our state 19 disbursement unit is the Department of Revenue 20 pays that contract and it's a per disbursement 21 cost. I believe the cost is around \$5 million a 22 year. When we include both the payments on the 23 cases we handle plus all the private cases, which 24 would total \$2 billion annually. You know, I 25 think it costs around \$5 million a year.</p>
<p style="text-align: right;">Page 39</p> <p>1 what was actually paid. Can they provide us with 2 any proof of what was paid. And then that bills 3 the record that we create into the system. 4 So while we had automation, you know, to 5 convert data from one system to another. Each day 6 we are opening cases where there's no 7 prerequisite, you know, automated record that 8 we're bringing into the system, but we're having 9 to compile the information based upon the 10 individual parent's records and then creating the 11 record in the system so that then we can begin to 12 monitor it and reconcile the balances. 13 MS. HOLMES: Thank you. 14 MR. PEACOCK: Secretary. Thank you for your 15 presentation. I want to talk about costs. Of 16 course myself and Mr. Chorvat are probably pretty 17 familiar with this because we sort of are a 18 partner in this system with you. And so I 19 understand a little bit about the funding end for 20 the clerks. Can you give me sort of an 21 understanding of the total funding sort of sources 22 for the system. I know a lot of it is federally 23 funded just so there's an understanding of how 24 it's paid for the system and the different 25 components.</p>	<p style="text-align: right;">Page 41</p> <p>1 MADAM SECRETARY: Any questions? Anyone 2 else. All right. Thank you so much for the 3 information. It's very helpful. 4 Okay. Thank you again to our presenters for 5 being here today. And now that we have received 6 information from several entities through the 7 course of our meetings, the work group needs to 8 begin developing our recommendations for the 9 legislature. So we will move to that process now. 10 So I will go back to the beginning of our meeting 11 where we talked about the specific subjects that 12 we are going to be devising recommendations on and 13 we can talk about those one by one. 14 The first subject is the consolidation of all 15 relevant data necessary to verify the eligibility 16 of a registered voter for the restoration of the 17 voting rights. So what we've heard and how we 18 might go about the consolidation of relevant data. 19 Do we have any thoughts on that? If not, I'll 20 share a couple of things that I've observed and 21 see if we can kick things off a little bit. 22 Supervisor Anderson, go ahead. 23 MR. ANDERSON: Madam Secretary, my thoughts 24 on the consolidation of the data is all these 25 databases that we speak of require access and some</p>

<p style="text-align: right;">Page 42</p> <p>1 of them may require training and also perhaps 2 background checks as well. So those are some 3 things that I would definitely take a look at as 4 we move forward in the consolidation of the data, 5 making those recommendations.</p> <p>6 MADAM SECRETARY: Yes, absolutely right. And 7 some of the information that we have discussed and 8 covered is criminal justice information, which 9 would typically be accessible to all agencies or 10 the public. Any other thoughts so far. Go ahead 11 Ms. Coonrod.</p> <p>12 MS. COONROD: Madam Chair, we probably need 13 to figure out if we have to have a centralized 14 database. Like you said, the criminal justice 15 information cannot be accessed by certain members 16 of the public. So do we try to develop or 17 recommend a central database that gives access to 18 everybody or just those that are in need of the 19 information.</p> <p>20 MADAM SECRETARY: One thing I noted was 21 important during the clerk's presentation is it 22 appeared that they were working on developing a 23 very functional system that could operate on a 24 going forward basis if we had the correct 25 information in a judge's order. Specific, clear</p>	<p style="text-align: right;">Page 44</p> <p>1 kind of things. How you would solve for that 2 would be probably a limitation of some sort of 3 system through CCIS. However, I know that there's 4 been contemplation for attorneys and how attorneys 5 get access to court records across the state as 6 opposed to just through individual clerk's records 7 maintenance systems. Throw some ideas out there 8 related to that. But DOR's solution for child 9 support, which was a collaborative effort between 10 the clerks and DOR because of the relation to 11 court data. And so as you see when it was 12 described where it goes from a financial 13 collection piece to the clerk's court records and 14 making sure that the court cases are updated back 15 through a system to where somebody can see it all. 16 It was certainly a good representation of that 17 collaborative effort by a lot of different 18 stakeholders to get things done.</p> <p>19 So somehow that collaborative nature working 20 together as opposed to a single database, it's 21 going to be hard to do it with so many kind of 22 disparate kind of solutions that we've got.</p> <p>23 MR. CHORVAT: So my history with the clerk's 24 office has been fundamentally technology 25 throughout the years and I've seen CCIS evolve</p>
<p style="text-align: right;">Page 43</p> <p>1 directing it to be tracked through CCIS, that 2 there might be some possibility there on that at 3 least dealing with tracking the information going 4 forward. Let me hear from our clerk 5 representatives. What did you all think about 6 that?</p> <p>7 MR. PEACOCK: I'll start Madam Secretary. 8 Thank you. We certainly, the clerks and the 9 association has worked with the judiciary and, 10 many partners to make sure that CCIS is a widely 11 used by a lot of different stakeholders. The 12 concern of -- information and data sharing on 13 certain things is a concern for everybody. The 14 CCIS is generally determined to be information 15 coming out of our Case Maintenance System, which 16 is a court system as opposed to a state law 17 enforcement database. Although different players 18 use all of it.</p> <p>19 So we've got some experience in working with 20 difference stakeholders to try to figure out how 21 to solve and provide solutions for everybody 22 generally internally. I think one of the concepts 23 that came out of the DOR's presentation is the 24 fact that a stakeholder not of government needing 25 to see what their payment history is and those</p>	<p style="text-align: right;">Page 45</p> <p>1 into a system that's no longer a central 2 repository, but a central hub that does live pools 3 even from our clerk's associations. It's a more 4 efficient and you run the less risk of having 5 disparaging data out there. So I would like to 6 see us go away from a central replicated database 7 that gathers information from other systems when 8 systems may change. We are human processed and we 9 do make mistakes occasionally. So that data would 10 have to be corrected. So if you have a live 11 pooling system similar to CCIS, you're going to 12 have more accurate data to provide to the people 13 that would be needing the services.</p> <p>14 MADAM SECRETARY: And another significant 15 piece that I thought during the presentation from 16 the Clerks of Court was their consideration of 17 using a form so that a citizen who might not 18 necessarily have log-in privileges could 19 nonetheless potentially go to a clerk office, 20 request assistance and have information back 21 having completed the form.</p> <p>22 Any other thoughts on this subject?</p> <p>23 MR. STEELY: Do we need to think about this 24 from a going forward basis and a going back basis 25 and have two different recommendations. So here's</p>

<p style="text-align: right;">Page 46</p> <p>1 what we do going forward and here's how we address 2 those in the past?</p> <p>3 MADAM SECRETARY: I think that's exactly what 4 we need to do since it seems like a different type 5 of solution depending on which of those. So I 6 think those are some great things on going 7 forward. Does anybody have any thoughts or ideas 8 about how to gather or consolidate relevant data 9 looking backward?</p> <p>10 MS. COONROD: Madam Chair. 11 MADAM SECRETARY: Yes.</p> <p>12 MS. COONROD: I have a question that the 13 clerks may be able to answer. But we know that 14 the documents have to be maintained for 75 years. 15 So some are online, but not all of them. So I 16 wonder what does it take to bring all of those 17 records up-to-date.</p> <p>18 MR. PEACOCK: I got an easy answer to that. 19 It takes money. That is a challenge for a lot of 20 clerks and a lot of agencies going in this 21 transition between the paper world to the digital 22 world. There's varying states at the state level 23 and at the clerk level, various states of how far 24 we're along that path. It has been a huge effort 25 by a lot of clerks and a lot of the state system.</p>	<p style="text-align: right;">Page 48</p> <p>1 MADAM SECRETARY: And just one other point on 2 this subject before we go to another is it seems 3 ending the practice of ordering restitution direct 4 paid to the victim would be important. That is an 5 area that in the past is leading us to a lack of 6 data or information without bringing the potential 7 voter and the victim directly into the analysis of 8 voter eligibility.</p> <p>9 MS. HOLMES: If I could comment. 10 MADAM SECRETARY: Please.</p> <p>11 MS. HOLMES: Thank you, Secretary. So in 12 terms of what Senator Pizzo had talked about. 13 There is some prosecutorial discretion when they 14 are entering -- making a plea offer and when 15 they're going through the plea colloquy there is 16 that I don't think that it would be a good 17 recommendation to have a flat out no you cannot 18 have direct payment to the victim at the time of 19 the plea or anything prohibiting that. But 20 allowing the State Attorney's Office to have that 21 discretion in order to be able to maybe they're 22 receiving less of a prison sentence based on 23 paying restitution up front and maybe having a 24 notation that the clerk is making while they're 25 going through the plea colloquy or the judge makes</p>
<p style="text-align: right;">Page 47</p> <p>1 The legislature -- I comment regularly that 2 legislature's emphasis on cloud computing and 3 those kind of things that convert the paper world 4 to the digital world for more access to get this 5 information is a good thing. Ultimately it comes 6 down to we've all got the records because of their 7 75-year retention. We've all got those cases. 8 Some of us go back 20 years into our record system 9 for digital. Some of us go back a little further. 10 Some of us have the resources to convert 11 everything and put it in their digital system. 12 Very few have had those resources. Because it 13 came down to competing interest from a priority 14 standpoint and dollars. Certainly you would hear 15 from the clerks that as we change into this 16 technology based sort of digital world, those 17 dollars and we've gotten some help from the 18 legislature in the past for some records 19 modernization. In order to get everything from 20 the past caught up, that's a significant effort. 21 Going forward, I think we're properly positioned 22 now to do a lot of things going forward. It's 23 that path that's going to cost money. We're 24 prepared to do it. It just costs money to get it 25 done.</p>	<p style="text-align: right;">Page 49</p> <p>1 that notation on the judgment and sentence that 2 says that restitution was paid in full at this day 3 of sentencing on it to just to be able to allow 4 the Assistant State Attorneys that discretion to 5 be able to make sure that their hands are not 6 being tied so to speak in terms of how they 7 develop their plea offers and going forward. So 8 that's just my input on that. I think we can 9 tweak that a little bit. But that's my comment on 10 that.</p> <p>11 MADAM SECRETARY: That's a great point. Do 12 you see that being a challenge on a going forward 13 basis outside of the scenario in the courtroom 14 where a plea is being taken and the defendant and 15 the victim might be there together? Beyond that 16 point, would you have concerns about recommending 17 the judges not order direct pay to victims?</p> <p>18 MS. HOLMES: I used to be a prosecutor. So 19 I'm in my prosecutor hat on with this. And I can 20 just see, you know, going forward and everything 21 there were times when I was the prosecutor on the 22 case where I would take the restitution check from 23 defense counsel and then I would give it to my 24 victim advocate to then send to the victim in 25 however they ended up doing that. If they mailed</p>

<p style="text-align: right;">Page 50</p> <p>1 it or if the victim came to pick it up. 2 So I think just having -- because there were 3 multiple times on the record where defense counsel 4 would say I am handing Ms. Holmes the restitution 5 check. And I would confirm that I received the 6 restitution check. Restitution is paid in full. 7 I guess just having some sort of documentation in 8 the clerk file so the Clerk of Courts have record 9 of that going forward I think would be beneficial 10 for. And in terms of what happened in the past, I 11 know the State Attorney's Office files we were 12 required to notate our file to make sure the 13 restitution was paid. So there might be access in 14 terms of getting some of that information with 15 FCOR, contacting the State Attorney's Offices to 16 see whether or not there was restitution paid at 17 the time of the plea. 18 MADAM SECRETARY: That's another good data 19 source. Any more discussion on point number one 20 before we go to point number two? 21 All right. Point number two is the process 22 of informing a registered voter of the entity or 23 entities that are custodians of the relevant data 24 necessary for verifying the eligibility for 25 restoration of voting rights. Any thoughts on how</p>	<p style="text-align: right;">Page 52</p> <p>1 they're leaving of here's how you access this 2 information. 3 And one way to tie this back to what you were 4 discussing before is you can put a requirement on 5 the individual when they have paid their 6 restitution whether it's to a victim or to file a 7 satisfaction with the court so it's filed in their 8 court file. And it says I have paid my 9 restitution. So then it's there. It's forever 10 there. You don't have to worry about it. And 11 when you go back and look in the record, you can 12 confirm it. 13 MADAM SECRETARY: Yes, please. 14 MR. PEACOCK: I want to follow-up. That's a 15 good point. Because one of our concerns here is 16 what are we doing looking backwards without having 17 it be a very manual process of that filing a 18 satisfaction of restitution is a solution going 19 backward as well as forward. 20 I had one quick question on DOC. Does 21 everybody go through the process where they're out 22 processed from the system or is it just when they 23 get probation or sentenced? Does everybody get a 24 chance to go through that from an out processing 25 standpoint?</p>
<p style="text-align: right;">Page 51</p> <p>1 we might inform a perspective voter about how to 2 gather or compile this information? 3 MS. HOLMES: If I may. Going at the time of 4 the plea, having a recommendation of the judge 5 while they're going through their plea colloquy of 6 making a knowingly and voluntarily entered plea to 7 also have the judge alert them of their voting 8 rights being restored. And if there's some form 9 that the clerk might be able to give at the time 10 of sentencing. Now whether or not the person 11 would maintain the records or anything. But just 12 having it on every single step of the process. 13 Informing the person that they have -- how to be 14 able to get their voting rights restored. 15 MADAM SECRETARY: Mr. Steely. 16 MR. STEELY: Well, we have the central spot 17 where their all coming out of, right. And we 18 already have a duty to inform them of various 19 things when they're being released up to how to 20 get their rights restored. So the easiest place I 21 believe is for us to have whatever the document is 22 going to be that has all the list of the access 23 points. That way if they change from the point 24 that they've convicted to the point they've been 25 released, they have the updated record when</p>	<p style="text-align: right;">Page 53</p> <p>1 MR. STEELY: Everybody gets some sort of out 2 processing documentation. You'll have an 3 opportunity to give that information to everybody. 4 MADAM SECRETARY: Any other thoughts on point 5 two? All right. Point number -- one other 6 thought on point two of course is whatever 7 recommendations we ultimately develop or whatever 8 guidance we get from the legislature, certainly 9 all of us who are stakeholders, whether it's 10 Supervisors of Election or Department of State or 11 Clerks of Court can add content potentially to our 12 website and our offices about resources or what 13 may be available. 14 And then number three, any other policies or 15 procedures used for verifying the eligibility of a 16 registered voter for registration of voting 17 rights. So a bit of a catchall. Are there any 18 other policies or procedures that we would 19 recommend or want to contemplate here? 20 MR. ANDERSON: Madam Secretary, I think we 21 touched on it. The satisfaction, that is a great 22 way to start off. But there's got to be some 23 consistency throughout the departments. This form 24 should have a list of requirements and somehow 25 they're checked off. Because once they go through</p>

<p style="text-align: right;">Page 54</p> <p>1 all these systems, they will come to the 2 Supervisors of Election Office. And at some point 3 that information will come to us and we would need 4 to make that determination. And seeing that those 5 things have been certified after it's all been 6 said and done really helps us make those 7 determinations the final determination. So I 8 think you know having that form, filing that 9 satisfaction is a great starting point.</p> <p>10 MADAM SECRETARY: All right. Anything else? 11 Okay. Thank you everyone. So what we will do now 12 is the Department of State will take the lead on 13 developing a draft report based on all of the 14 information and testimony that we've heard from 15 the various presenters and also the discussion and 16 ideas that have been proposed by members of the 17 working group. So we will have a draft report 18 ready for you. We are going to have one 19 additional meeting so that we have an opportunity 20 to review and discuss that report. So we will 21 have a draft report ready for review for all 22 working group members by the next meeting at which 23 point we'll get it to you in advance so that we 24 can discuss it and discuss any edits or revisions 25 that need to be made to the draft report based</p>	<p style="text-align: right;">Page 56</p> <p>1 of ex-felons. I've been to their homes. That's 2 the only way we can find them. They're not on a 3 list anywhere with a current address, an accurate 4 address. So we adopted a strategy of going house 5 to house in targeted neighborhoods, which we 6 target by looking at the number of voting age 7 adults in the census records with the number of 8 registered voters. And when there's a big 9 different, that's a precinct that we start walking 10 in.</p> <p>11 I can tell you a few things about them. 12 Number one is they don't know anything about 13 Amendment IV as I said before. They are 14 marginalized. They don't live in very comfortable 15 circumstances. And they're struggling to make a 16 living and become useful members of this society. 17 They also don't have a lawyer. I read a comment 18 by a Supervisor of Elections in a newspaper 19 article a few months ago saying, well, if they 20 just hire an attorney, a good attorney, they'll be 21 able to get through this process. Well, if they 22 could hire a good attorney, they wouldn't be 23 ex-felons probably. So that's the way our justice 24 system works.</p> <p>25 I'm very concerned about the accuracy of the</p>
<p style="text-align: right;">Page 55</p> <p>1 upon everyone's input. So at this time -- and at 2 that time we can discuss edits and vote to approve 3 it if appropriate.</p> <p>4 So at this time I'd like to open up the 5 meeting to public comments. Do we have public 6 comment? Indeed we do. We'll start with Mr. Bob 7 Rackleff from Big Bend Voting Rights. 8 Mr. Rackleff. I'd like to be sure today that 9 everyone has the opportunity to be heard. So if 10 you would please limit your comments to three 11 minutes or less. And if your comments exceed 12 three minutes, I encourage you to submit written 13 comments to the work group where they will be 14 considered via email at 15 rvrworkgroup@dos.myflorida.com. All right. Go 16 ahead, sir.</p> <p>17 MR. RACKLEFF: Thank you, Madam Secretary and 18 Members. I appreciate the opportunity to speak. 19 I am representing the Big Bend Voting Rights 20 Project. We are making a special effort to find 21 and register ex-felons to vote. And we expect -- 22 we've done this primarily in Leon County, but are 23 in the midst of expanding to surrounding counties 24 as well such as Gaston and Jefferson. 25 In the course of doing this, I've met dozens</p>	<p style="text-align: right;">Page 57</p> <p>1 information that's compiled that becomes the main 2 data source. I was a -- as a County Commissioner 3 here, I was a member of the canvassing board in the 4 2000 election in which the Department of State 5 hired a consultant to come up with a list of 6 58,000 ex-felons that was notorious for being 7 inaccurate and it resulted in the purging of 8 thousands of eligible voters. This should never 9 happen again and I fear that it will. Simply 10 because Florida has not devoted the resources or 11 the will to come up with a system that's flawless 12 and accessible.</p> <p>13 I just heard that well if they can get on the 14 CCIS system. Well, they can't. The system has to 15 be accessible to an individual ex-felon without 16 having to hire a lawyer by using a normal system 17 like online systems. My idea is that an ex-felon 18 to find out if he's eligible or not can go to the 19 library. And with the help of a librarian go 20 online, find out the data, and determine whether 21 he or she is eligible to vote. Anything less than 22 that will result in what we fear is that if you're 23 poor, you're not going to be able to vote. And 24 that's simply not acceptable in our society. 25 So I wish you well. I also want to mention</p>

<p style="text-align: right;">Page 58</p> <p>1 that Professor Dan Smith at the University of 2 Florida procured a study that was part of the 3 plaintiff's arguments in an upcoming federal court 4 case about which he surveyed Clerks of Courts 5 records and found that they were sorely 6 inadequate. And I will gladly send you a copy of 7 that if you haven't already seen it. But he's the 8 Dean of the Department of Political Science. And 9 it was a very reputable and conscientious report. 10 Thank you very much.</p> <p>11 MADAM SECRETARY: Thank you very much for 12 your input, sir. I will also note that all 13 written comments received will be part of the 14 record. And if you are listening over the phone 15 and would like to submit public comment, you can 16 do so in person at one of the next meetings or via 17 email at the email address that I mentioned 18 earlier.</p> <p>19 We also have present in the room for public 20 comment Ms. Cecile Scoon from the League of Women 21 Voters. Welcome, Ms. Scoon.</p> <p>22 MS. SCOON: Good afternoon. My name is 23 Cecile Scoon and I'm the first Vice-President of 24 the League of Women Voters of Florida and the 25 Action Chair on our Amendment IV efforts. This</p>	<p style="text-align: right;">Page 60</p> <p>1 wasn't that high expectation, a person with 2 felonies to be able to pay everything, I don't 3 think the system was set up looking back to really 4 document everything. So it kind of seems funny 5 we're going why didn't they write everything down. 6 That's why the judges often was a process that was 7 used. And Madam Holmes was a prosecutor. She 8 would be very familiar with this. They would 9 convert things to a civil judgment, because they 10 wanted to have a document that would -- if a 11 person ever came into money, it would be paid. 12 And it actually provided more access for the 13 victims and restitution. Because on the criminal 14 side there was no enforcement on the past. 15 They're on paper, but there was no way anybody 16 could actually collected at least make it a civil 17 judgment, which was very, very common and it was 18 often done the day of sentencing. There was an 19 understanding that wow they hit the lottery or 20 they changed their lives dramatically or they get 21 money through a legacy. There would be an 22 opportunity to automatically start the process to 23 get collection.</p> <p>24 So when we look at what happened in the past, 25 all of those things were in place. The SP 7066</p>
<p style="text-align: right;">Page 59</p> <p>1 has been -- the whole process has been very 2 informative and it's been awesome to hear the 3 different agencies talk about what they can do and 4 what they can't do and what they'd like to do. I 5 think, Madam Secretary, that you were right on 6 point when you were asking questions about looking 7 back how to get all that information, and that 8 just highlights that what's going on right now is 9 we're trying to make use of a system that was not 10 intended for this use.</p> <p>11 The way things were done in the past, people 12 could pay the money directly to the victim and 13 they were often directed to do that. I've also 14 done surveys of different prosecutors and they 15 would say often times monies would be paid to 16 probation offices. And the probation offices were 17 not required to report that back to the Clerks of 18 Court. It was just somewhat of an understanding 19 that when a person becomes a felon and they get 20 that stigma that their financial lives are often 21 impacted for the rest of their lives. And people 22 have said in the past that there was not a present 23 expectation that a lot of fines and fees and 24 everything would be paid. So people were grateful 25 for whatever kind of got done. But because there</p>	<p style="text-align: right;">Page 61</p> <p>1 changes a lot of that territory. One thing is it 2 negates the impact of the civil judgment, which I 3 think was a terrible mistake, because that's 4 something that judges had counted on for over 20 5 years. This is common practice. In Dade County 6 where I practice, I'm a practicing attorney also, 7 primarily in civil matters. But my law partner 8 pretty much does all criminal matters. And I've 9 talked with State Attorneys and Public Defenders 10 also to confirm this. But in Dade County, our 11 sentencing document actually has a line on the 12 form. Everybody uses convert whatever financial 13 obligations to a civil judgment. Judges sign it 14 all the time. And there's another form that goes 15 right with it and it says civil judgment.</p> <p>16 So what happened with Senate Bill 7066 was a 17 lot of things got changed without addressing the 18 past expectations. The past expectations was 19 people would go forward. They would do their 20 time. They would do their supervision. And the 21 majority of those people had civil judgments, 22 which meant the criminal financial obligation was 23 gone. You can't be civil and criminal at the same 24 time. The document that the sentencing judge 25 actually signed says these basic words, conversion</p>

<p style="text-align: right;">Page 62</p> <p>1 to a civil judgment, and that's just plain 2 English. But that was the intent of the judges. 3 They would often make the announcement, I don't 4 expect this person is going to be able to pay. 5 Therefore, I'm going to do it this way. And 6 everybody would have a conversation. The person 7 representing the person being sentenced and the 8 prosecutor would be there and everybody understood 9 that.</p> <p>10 So what's happened now is because the system 11 was set up that kind of more fluid, we're now 12 trying to like say we're going to get a magnifying 13 glass and look at a permeable set of information. 14 It wasn't like walled and carefully documented, 15 which I think I'm hearing people say this is what 16 we need to do going forward. But for all the 17 many, many people who have, you know, changed 18 their ways. They could be 40, 50, 60 in there 19 20's. But they have the history based on they 20 were sentenced based on people's expectations.</p> <p>21 So it seems unfair when the judges have the 22 capability and they actually did convert these 23 sentences to civil judgments. That's what maybe 24 if they knew they couldn't convert them to a civil 25 judgment, the fine wouldn't have been there. Not</p>	<p style="text-align: right;">Page 64</p> <p>1 because of the past and because of that major 2 change about the civil judgments. This is why the 3 new law is going to possibly prevent 80 percent of 4 the people that -- when people voted for Amendment 5 IV, it was commonly said 1.4 million, 6 approximately 1.5 million people will have the 7 ability to vote base don Amendment IV. But one 8 interpretation of the new law because of that line 9 that says civil judgment has no impact, there's no 10 longer a completion of your sentence. That takes 11 it down to 80 percent of the people that everybody 12 voted on. This is what we want. This is what the 13 people said they wanted.</p> <p>14 So all of these things are I think should be 15 a concern and something that I think you have the 16 capacity to address with regards to as you were 17 saying to develop that satisfaction. But 18 concurrently I think there needs to be guidance 19 that the persons who are making good faith efforts 20 to find out what was going on, that they not be 21 subject to prosecution. Thank you.</p> <p>22 MADAM SECRETARY: Thank you very much for 23 your input. Well, thank you everyone for 24 attending today's meeting. Our final meeting will 25 be on Tuesday, October 15 from two to four</p>
<p style="text-align: right;">Page 63</p> <p>1 the fine, that's statutory. But the fees and the 2 costs would have been different. I mean, we're 3 just kind of doing so many things at once and it's 4 very, very concerning.</p> <p>5 So I just wanted to bring those factors to 6 mind and that is why the idea of the satisfaction 7 I think sounds good, but it should be taken -- it 8 should be assumed that it's goodwill; that the 9 person you know has done their best. If someone 10 signs a document saying we don't have the records, 11 but we paid this or we paid that to whatever 12 source, then they should not be subject to 13 prosecution. I mean, that is such a chilling, 14 chilling effect on people. Everybody you heard, 15 every single agency has said this is hard. We're 16 not really set up for this. There's a challenge. 17 We're going to put things in place going forward. 18 But everybody that I've listened to and I've 19 listened to every word, they have all acknowledged 20 this is going to take a lot of resources. It's 21 going to be difficult and that there are holes in 22 the past. So that is why I think it would be fair 23 going forward to acknowledge that the landscape 24 changed traumatically and for you to set forth 25 that kind of policy when you're discussing it</p>	<p style="text-align: right;">Page 65</p> <p>1 o'clock. This meeting is nobody adjourned. 2 (Thereupon, the meeting adjourned.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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RESTORATION OF VOTING RIGHTS WORK GROUP

OCTOBER 15, 2019

2:00 P.M. - 4:00 P.M.

THE KNOTT BUILDING

601-631 SOUTH DUVAL STREET

ROOM 212

TALLAHASSEE, FLORIDA 32399

<p style="text-align: right;">Page 2</p> <p>1 MADAM SECRETARY: Good afternoon and welcome 2 everyone. I am Secretary of State Laurel Lee, and 3 this is the fourth meeting of the Restoration of 4 Voting Rights Work Group. I'd like to begin by 5 asking Amber Marconnet to call the role. 6 MS. MARCONNET: Supervisor Chris Anderson is 7 not present and had provided advance notice. 8 Vikki Cannon. 9 MS. CANNON: Here. 10 MS. MARCONNET: Doug Chorvat. 11 MR. CHORVAT: Here. 12 MS. MARCONNET: Melinda Coonrod. 13 MS. COONROD: Here. 14 MS. MARCONNET: Kate Holmes. 15 MS. HOLMES: Here. 16 MS. MARCONNET: J.D. Peacock. 17 MR. PEACOCK: Here. 18 MS. MARCONNET: Kenneth Steely. 19 MR. STEELY: Here. 20 MS. MARCONNET: Laurel Lee. 21 MADAM SECRETARY: Here. Thank you, Amber. 22 And thank you to all of our work group members for 23 being here this afternoon. For those of you in the 24 audience, please be sure to sign in using the 25 sign-in sheets in the back of the room. We will</p>	<p style="text-align: right;">Page 3</p> <p>1 have an opportunity for public comment toward the 2 end of the meeting. So, if you would like to 3 speak, please fill out a comment card -- a speaker 4 card which can be found in the back of the room. 5 Today the work group will hear from the 6 Honorable Scott Stephens from the Thirteenth 7 Judicial Circuit, the Honorable Angela Cote 8 Dempsey from the Second Judicial Circuit and 9 Mr. Neil Volz who is a representative of the 10 Florida Rights Restoration Coalition. 11 Thank you Judge Stephens and Judge 12 Dempsey and Mr. Volz for being here today and 13 sharing information with the work group. 14 After the presentations have concluded, 15 we will have an opportunity for public comment 16 and following public comment, the work group will 17 have an opportunity to discuss our 18 recommendations to the legislature. 19 As you all know, the work group is 20 charged with developing recommendations on three 21 things; first the consolidation of all relevant 22 data necessary to verify the eligibility of a 23 registered voter for the restoration of voting 24 rights; second, the process of informing a 25 registered voter of the entity or entities that</p>
<p style="text-align: right;">Page 4</p> <p>1 are custodians of the relevant data necessary for 2 verifying the eligibility for restoration of 3 voting rights; and third, any other policies or 4 procedures used for verifying the eligibility of 5 a registered voter for registration -- or excuse 6 me, restoration of voting rights all pursuant to 7 the State Constitution and Amendment Four. 8 The work group must submit a report to 9 the legislature with our recommendations by 10 November 1st of this year. 11 So at this time I would like to invite 12 Judge Stephens forward to the podium for his 13 presentation. 14 JUDGE STEPHENS: On. Okay. 15 Well, thank you all for having me here 16 today. I appreciate having the chance to come 17 back to Tallahassee, and -- if I can find the 18 thing. There it is. 19 I'm going to speak a few words about 20 the sentencing process itself. I understand that 21 some of you are probably very familiar with it; 22 some of you are probably not familiar with it at 23 all. And so I'm probably going to say things 24 that that are both too basic and -- and overly 25 complicated at the same time.</p>	<p style="text-align: right;">Page 5</p> <p>1 But first of all, I want to say that 2 we're going to talk about the sentencing process 3 only in the circuit courts because it's the only 4 thing that matters for this purpose as circuit 5 courts are where the felonies are heard. And 6 felony for those of you who aren't fully aware of 7 what that means, it's something where you can be 8 put in prison by more than a year, and if it's 9 less than a year, you serve the time in county 10 jail, and a felony you -- you go into the State 11 Department of Corrections system and do it there. 12 And it's the felonies that cause the loss of the 13 voting rights as you know. So that's why we're 14 just looking at the felonies. 15 Now, what happens when somebody gets 16 charged in a felony case, the case could take one 17 of two tracks. It can either take a plea, 18 negotiated plea deal track or it can take a track 19 to trial. Upwards of 90 percent -- it's not the 20 same everywhere in the state, but more than 90 21 percent of the cases are resolved through some 22 sort of negotiated plea. A small -- much smaller 23 amount of cases go through the trial, and at the 24 end of the trial, the defendant is found guilty 25 of some or -- or of some subset of the charges or</p>

2 (Pages 2 to 5)

<p style="text-align: right;">Page 6</p> <p>1 is found innocent of all the charges, and at that 2 point the judge could -- could in theory at least 3 pronounce sentence on the spot, but usually 4 they -- the process is put off for awhile. 5 In the negotiated plea deal then, that 6 track also has two different tracks. One of them 7 is a negotiated plea where the amount of the 8 sentence is agreed to, and the other one is -- is 9 what's called an open plea. That's where the -- 10 the defendant agrees to plead guilty but will 11 then allow the court to -- to pronounce sentence 12 in the same fashion that the court would 13 pronounce sentence if it was from a jury verdict, 14 and the law requires the sentence to be 15 pronounced the same way in both situations. 16 So, when the plea deal, if we -- if 17 we're talking a plea, when the plea deal is 18 signed, it's a piece of paper and they have to 19 bring it into -- the defendant has to be brought 20 in front of the judge in person and the judge has 21 to ask the defendant a series of questions to 22 make sure that the sentence that they're 23 agreeing, and the -- the guilty plea that they're 24 agreeing is -- is voluntary on the part of the 25 defendant.</p>	<p style="text-align: right;">Page 7</p> <p>1 One of the reasons I'm here might be 2 because there was a fairly well-known case where 3 the appellate court, they actually upheld a 4 decision that I made, but it was after a lengthy 5 plea, and the -- the defendant went to the 6 appeals court and said I didn't mean to plead 7 guilty after all and we'd gone through -- through 8 everything. And the appeals court was a little 9 bit critical of the way that the colloquy was 10 conducted, but at the end of the day they said, 11 no, you went through the colloquy properly, 12 you've established that the defendant was 13 voluntarily entering a plea, he just changed his 14 mind later. You don't get to do that. 15 So those become fairly, fairly sticky 16 judgments once they're entered. They're less 17 subject to being challenged than the judgments 18 that get entered after -- after trials. In -- in 19 criminal law all the judgments after trials 20 are -- pretty much all of them are appealed 21 because they're all essentially free for the 22 defendants to appeal. So that happens quite a 23 lot. 24 Now, in either case when -- when the -- 25 when the judge is asked to pronounce a sentence,</p>
<p style="text-align: right;">Page 8</p> <p>1 he has to hold a proceeding, and the first thing 2 is there's a -- a pre-sentence investigation that 3 can be conducted, and the Department of 4 Corrections actually is the one who is 5 responsible for conducting the PSI at the request 6 of the judge, and -- and that is entitled -- 7 they're entitled to look at all kinds of 8 different things that they're not allowed to look 9 at when you're determining guilt or innocence and 10 consider those. You're also entitled to consider 11 the financial condition of the defendant. 12 And the reason I mention that is one of 13 the important themes for what this body needs to 14 be looking at is, is when does the financial 15 condition of the defendant or the offender 16 matter. And it doesn't get -- I mean it matters 17 when they try to go get and the public defender 18 to represent them, but it -- it doesn't really 19 matter when -- when guilt or innocence is being 20 decided. It does matter later when the question 21 of the sentence is going to be decided. 22 And the sentence, of course, there's a 23 score sheet. There are sentencing guidelines. 24 The guidelines are implemented through a score 25 sheet, and the score sheet takes into account all</p>	<p style="text-align: right;">Page 9</p> <p>1 kinds of things. I can't read my notes. So 2 that's why I'm kind of going a little quicker 3 than I thought, but that's okay. 4 The -- the score sheet takes into 5 account things like the severity of the crime. 6 There's a list, a priority list for which crimes 7 are more severe, up to a factor of ten for the 8 really bad ones, down to a one for the -- the 9 least severe ones. Severity of the crime, 10 whether it's happened before with the same -- the 11 same offender, whether the offender qualifies as 12 a prison releasee, re-offender or as a habitual 13 felony offender, whether the crime was -- certain 14 kinds of crimes are sentenced more harshly for 15 different reasons. 16 There's a whole big list of them that 17 aren't really going to interest you that much 18 now. But the -- at the end of the day, the -- 19 the guidelines produce a minimum sentence and a 20 maximum sentence, and the judge is responsible 21 for putting on the -- for applying discretion and 22 setting the sentence at any one -- any level 23 between -- between the minimum and the maximum. 24 To go below the minimum sentence, the 25 judge would have to make specific factual</p>

<p style="text-align: right;">Page 10</p> <p>1 findings that would justify a unique and unusual 2 departure from the -- from the minimum sentencing 3 guidelines, and in my time on the criminal bench 4 I did it never so, and as far as I know, my 5 colleagues also did it the same amount which is 6 zero. The -- you can't sentence more than the 7 maximum either. Probably the most common 8 sentencing approach used was -- was just to use 9 the lowest sentence that the guidelines 10 permitted, and that was a fairly frequent 11 occurrence.</p> <p>12 The interesting and difficult thing for 13 this group is about the other aspects of the 14 sentence besides just the -- besides just the 15 number of days, weeks, months or years that 16 somebody was going to have to spend incarcerated. 17 The -- there are fines, and in some cases 18 mandatory fines. Some drug dealing offenses, 19 drug trafficking offenses carry fines in the -- 20 in the tens or hundreds of thousands of dollars 21 even depending on the number of counts and the 22 number of different substances involved.</p> <p>23 So there are also of course plenty of 24 court costs. There is a whole -- there are five 25 or six statutory sections that talk about</p>	<p style="text-align: right;">Page 11</p> <p>1 mandatory court costs that have to be assessed, 2 cost of prosecution, cost of public defender. I 3 used -- you have to say it when you pronounce 4 sentence. So I've said it so often that I can 5 probably go through the whole colloquy right now; 6 although, it's not that interesting.</p> <p>7 So the mandatory court costs have to be 8 applied. Then there's a category of costs that 9 can be applied, and all of these turn out to be 10 included in -- and this is the important thing. 11 They're included on the judgment and sentence 12 form, and that's the thing that the judge signs 13 that is the adjudication of guilty and specifies 14 the sentence.</p> <p>15 So there are -- at the time the 16 sentence is entered, the judgment and sentence is 17 entered, those things are -- they're already 18 quantified. The number is already on that piece 19 of paper and, yes, the judgment and sentence form 20 is one of the last holdouts of the old paper 21 world that everything used to be based on. 22 It's -- there's a recent change in the statute to 23 allow the J&S to be done electronically.</p> <p>24 We're fairly advanced in the electronic 25 stuff in Hillsborough and I don't think we've</p>
<p style="text-align: right;">Page 12</p> <p>1 even done that yet, and some of the other places 2 that are more resistant to the advancement of 3 technology are probably not going to do it for 4 awhile because the statute doesn't require it. 5 It just let's people do that.</p> <p>6 So, the -- there are other costs that 7 can arise later. I'm -- I don't know if you've 8 seen the -- I forget what they're called because 9 I just saw them the other day, but the documents 10 that the DOC produces when they release somebody 11 or the documents that the -- that the clerk sends 12 when they -- when they release someone that tells 13 them what charges they -- what costs they still 14 owe. Some of those are the cost of incarceration 15 and things like that. Those aren't on the 16 judgment and sentence forms because they relate 17 to events that occurred after that J&S was 18 entered and... I might be done.</p> <p>19 Oh, we haven't talked about the data 20 yet, right, where the data is kept.</p> <p>21 We have, as I'm sure you know, a 22 computer system that is run by the -- the FGC, 23 the Florida Group of Clerks. I'm not even sure 24 what the acronym stands for, but they have their 25 CCIS, Comprehensive Case Information System, and</p>	<p style="text-align: right;">Page 13</p> <p>1 for what it covers, it's really quite good. 2 It -- it does contain the amounts of costs that 3 were entered on the judgment and sentence, and 4 that's -- it corresponds pretty much accurately 5 with the field that they have that they -- that 6 it reports if you look up a case.</p> <p>7 CCIS is only available to governmental 8 users. I have an account, but I had to ask for 9 it, and I did some spot checking of some cases 10 that I remembered being responsible for, and 11 the -- and I looked at the judgments and 12 sentences and the -- the data field there where 13 you look at the court costs is -- it corresponds 14 like it should.</p> <p>15 So that by far is -- I'm not -- you 16 know, I'm not testifying that it's accurate 17 because that would take a much bigger study and 18 more -- more time and effort we'd spend, and 19 because we know from antidotal reports that much 20 of the other kind of data can be inaccurate 21 sometimes. It's a really big job to take all the 22 different information that grows up in 67 23 different counties and standardize it and get it 24 all under the same computer system where -- where 25 you can read it and try to interpret it and mean</p>

<p style="text-align: right;">Page 14</p> <p>1 the same thing every time.</p> <p>2 I'm going to tell you that I think that</p> <p>3 CCIS -- this is from an outside viewpoint of</p> <p>4 somebody who's a big consumer of data -- and I --</p> <p>5 I think that they've done a pretty good job of</p> <p>6 producing a fairly reliable system. In other</p> <p>7 words, if you wanted to rely on it, I think</p> <p>8 you -- you'd be well justified in doing that.</p> <p>9 And it tells how much of the money that's been</p> <p>10 paid that got paid through the clerk.</p> <p>11 So it -- it's pretty easy to access the</p> <p>12 necessary information when it's there and the</p> <p>13 limitations are, one, we're not sure what the</p> <p>14 accuracy rate is, but I think it's accurate</p> <p>15 enough in the first instance at least in the</p> <p>16 absence of any other data that tells you</p> <p>17 different, it's accurate enough to rely on it;</p> <p>18 and second of all, the -- the time coverage isn't</p> <p>19 that great.</p> <p>20 If you go back to 2014 when they</p> <p>21 started to require the files to be kept in</p> <p>22 electronic format, the Supreme Court required the</p> <p>23 files to be kept in electronic format, many</p> <p>24 places still didn't do it and some places kept it</p> <p>25 in electronic format but required the clerks to</p>	<p style="text-align: right;">Page 15</p> <p>1 print them out so that they could still have</p> <p>2 paper files. And so the coverage when you look</p> <p>3 back into time of these things is not very</p> <p>4 uniform.</p> <p>5 And for some of these people who are</p> <p>6 getting off of 20-year sentences, the old</p> <p>7 documents are going to be available only on</p> <p>8 microfiche and they're not going to be entered in</p> <p>9 the clerk's systems. So it's going to be much</p> <p>10 more difficult to gain access to the necessary</p> <p>11 data that -- that is required to make the</p> <p>12 determination that has to be made. But for</p> <p>13 anything that's fairly recent, I think that the</p> <p>14 CCIS system is going to be there and it's going</p> <p>15 to do what you need and it's going to be pretty</p> <p>16 reliable for elements of restitution, fines and</p> <p>17 costs.</p> <p>18 But there's caveat to that, and that is</p> <p>19 a restitution that is listed in CCIS that you can</p> <p>20 find anywhere really is only the restitution that</p> <p>21 is ordered to be paid through the clerk.</p> <p>22 Sometimes restitution will be ordered to be paid</p> <p>23 directly or made directly. I actually heard of a</p> <p>24 sentence where the fellow was required to go back</p> <p>25 over to the people's house and fill in the holes</p>
<p style="text-align: right;">Page 16</p> <p>1 that he had gouged with his car and -- and that's</p> <p>2 restitution of a sort.</p> <p>3 I don't know that you're ever going to</p> <p>4 be able to capture whether that kind of</p> <p>5 restitution, in-kind restitution or whether any</p> <p>6 financial restitution that was ordered by the</p> <p>7 court but ordered to be paid outside of the clerk</p> <p>8 process. And the clerk takes a little nip on the</p> <p>9 money sometimes, so a fee for -- for transferring</p> <p>10 the funds, depending on the context in which it's</p> <p>11 done. So that might be why some of the judges</p> <p>12 are inclined to order things paid outside of the</p> <p>13 normal process or they might just not want to do</p> <p>14 it. It's very similar to the way child support</p> <p>15 is handled.</p> <p>16 In child support like in terms of</p> <p>17 restitution or in court costs, you can enforce</p> <p>18 them through an income deduction order, and that</p> <p>19 means that you get the court to send an order to</p> <p>20 the employer that says the employer will send a</p> <p>21 portion of the money to the payee rather than to</p> <p>22 the person they would normally send it to. So</p> <p>23 you can enforce child support either that way or</p> <p>24 you can just pay the child support directly and</p> <p>25 it's much easier to prove what's been paid or not</p>	<p style="text-align: right;">Page 17</p> <p>1 paid when it's done through an income deduction</p> <p>2 order than it is when it's done indirectly -- or</p> <p>3 when it's done directly. Excuse me.</p> <p>4 So that's kind of the one thing that I</p> <p>5 don't see that there's any way around, and that</p> <p>6 is I don't know how it's possible to determine</p> <p>7 whether -- whether restitution that was ordered</p> <p>8 to be paid outside of the clerk process, it has</p> <p>9 actually been paid. That's -- that's I think one</p> <p>10 of the difficulties that the statutory scheme</p> <p>11 faces.</p> <p>12 And I'd be happy to answer any</p> <p>13 questions any of you might have. My voice is</p> <p>14 still holding on. I was -- I had laryngitis on</p> <p>15 Friday. I've been getting better ever since, but</p> <p>16 I'd still be happy to answer any questions.</p> <p>17 MADAM SECRETARY: I do have just a couple</p> <p>18 questions, Judge Stephens. One would be, in your</p> <p>19 experience on the bench, have you seen other types</p> <p>20 of sanctions or penalties that might be imposed as</p> <p>21 part of a criminal sentence beyond incarceration or</p> <p>22 supervision or these financial penalties, for</p> <p>23 example, community service or things like that?</p> <p>24 Are there sometimes other elements of a sentence</p> <p>25 that are included as well?</p>

<p style="text-align: right;">Page 18</p> <p>1 JUDGE STEPHENS: Well, there certainly are 2 and community service can be one of those, but 3 usually that -- I'm trying to think about whether 4 that data is kept in the CCIS. I don't think it 5 is. So I think that would be another leakage that 6 would be necessary to pay attention to. Another 7 thing is that a lot of times the sentencing will be 8 sentenced to -- to probation of some sort, 9 supervision is what they call it, and that changes 10 everything because if a person is on probation, 11 they come back, they can be violated from probation 12 for a fairly -- a relatively minor thing. It 13 doesn't have to be a whole new crime, but if it is 14 a new crime, it's automatically a violation of 15 probation. The original sentence can be a -- a new 16 sentence can then be imposed. It can include 17 community service. 18 Something else that is -- another 19 interesting thing that is introduced by the 20 prospect of supervision is that people can ask to 21 have their -- their costs converted to community 22 service hours. And for early termination of 23 probation, they'll frequently come in, I can't -- 24 I can't afford to pay the money, will you convert 25 it to community services hours. And there is a</p>	<p style="text-align: right;">Page 19</p> <p>1 rate at which -- kind of an unspoken rate. I 2 don't think there's any -- anything written 3 anywhere at which those are -- are converted and 4 some portion is done that way. Restitution 5 however is not done that way. Restitution is a 6 right that the other -- you know that a third 7 party holds and you can't -- you can't convert 8 that to community service hours. 9 But I don't think -- to answer your 10 question, I don't think that there is any 11 place -- it would be in the judgment and 12 sentence. There's a -- there's a place in there 13 to require community service hours, but I don't 14 know about the tracking of that. I don't think 15 that there is going to be an accurate way to 16 track that to determine whether it's been done 17 short of going back to the original clerk's -- 18 well, if there's a probation going on, there will 19 be probation records and then -- other than that, 20 and going -- doing that on -- in each individual 21 case will be difficult but possible I suppose. 22 MADAM SECRETARY: And then another question I 23 had is, do you have any experience or have you ever 24 seen individual defendants come back seeking some 25 sort of modification of their sentence later?</p>
<p style="text-align: right;">Page 20</p> <p>1 JUDGE STEPHENS: Yes. 2 MADAM SECRETARY: How does that work? 3 JUDGE STEPHENS: They would kind of do it all 4 the time if we ever did that. It is possible for 5 them to seek a modification of the sentence, but 6 it's very rare to get that done by the same judge 7 who originally issued the sentence unless you can 8 show them that something's different from the 9 factual underpinning that led to the decision being 10 made in the first place. So, and if that happens 11 that's recorded in a new judgment and sentence and 12 would be picked up by the -- by the recordkeeping. 13 The clerk would pick it up in their recordkeeping 14 pretty, pretty reliably especially because it's 15 relatively rare. 16 MADAM SECRETARY: Do any other members of the 17 work group have questions for Judge Stephens? 18 Seeing none, thank you so much for 19 being here. We appreciate your time. 20 JUDGE STEPHENS: Thank you for having me. My 21 pleasure. 22 MADAM SECRETARY: And next I would like to 23 invite Judge Dempsey to the podium. I would also 24 like to mention that Judge Dempsey serves as the 25 vice-chair of the Rules of Criminal Procedure</p>	<p style="text-align: right;">Page 21</p> <p>1 Committee of the Florida Bar. Judge Dempsey will 2 speak in general on sentencing from a judicial 3 perspective as well as the work of the Rules of 4 Criminal Procedure Committee of the Florida Bar. 5 Thank you so much for being here, Judge 6 Dempsey. 7 JUDGE DEMPSEY: Thank you so much for 8 inviting me, Secretary Lee, and other members of 9 the work group. I'm happy to be here this 10 afternoon. I'm a circuit judge here in Tallahassee 11 in the Second Circuit, and I've been so since 2015 12 (sic). 13 During those 14 years, I've served in 14 all divisions of the court but about nine of them 15 have been in criminal. So I have a fair amount 16 of experience in criminal. I'm also the criminal 17 track leader for the conference of circuit judges 18 which is the group of 600 of us in Florida that 19 meet annually for judicial education. We're 20 required to do the same number of hours as 21 lawyers, but it can't be legal education. 22 It has to be specifically for judges, 23 and so as the criminal track leader, I help 24 develop the courses that are taught on the 25 criminal track by myself and other judges. And</p>

<p style="text-align: right;">Page 22</p> <p>1 one reason that I mention that is because I feel 2 like that's a potential resource for you all. If 3 the statute or what have you ends up getting 4 amended, that's a way that we could -- that y'all 5 could teach those changes to the judges in the 6 state. 7 And then as the Secretary Lee 8 mentioned, I'm also the vice-chair of the 9 Criminal Rules Committee. We're actually meeting 10 this Friday in Tampa. We meet about three times 11 a year just like the other bar committees. 12 There's numerous bar committees that are filled 13 with lawyers and judges across the state. On the 14 rules committee, there's 44 of us that are 15 selected by the bar president, and they try to 16 keep it pretty balanced between state attorneys 17 or similar type lawyers, lawyers for sheriffs and 18 defense attorneys and judges. So there's a 19 pretty good balance on that committee. 20 We receive referrals suggesting 21 amendments or new rules from other lawyers, 22 judges, the Supreme Court. Or if there's a 23 statutory or case law change, we'll look into 24 amending or adding rules to comply with that. 25 For example, last year there was a change in the</p>	<p style="text-align: right;">Page 23</p> <p>1 sealing and expungement statute and so now we're 2 working on the rules and forms that go along with 3 that. 4 Any new -- any amendment or new rule in 5 the committee has to be approved by two-thirds of 6 the committee. So that does make it a little bit 7 slow going. There's not a lot of quick change in 8 that committee or -- and all the rules committees 9 are like that. So every type of law has that, 10 civil, probate, appellate, juvenile, et cetera, 11 and we're on a cycle of like two to three years. 12 So it takes awhile to get stuff done in general. 13 However, we do have a fast track committee, and I 14 don't know if that would be something that might 15 apply to anything that you all did, but that -- 16 that is an option where we get stuff done a 17 little quicker. 18 I think that's all I had to say about 19 the committee. I'm just looking at my notes. 20 And then as you guys probably already 21 know, the judgment and sentence format is 22 contained in the Rules of Criminal Procedure, and 23 it's -- the format that's in there is pretty 24 basic and then the forms that are actually used 25 in the 67 counties vary pretty significantly from</p>
<p style="text-align: right;">Page 24</p> <p>1 count to county. I'm sure you guys are aware of 2 that. 3 I did watch you all's last meeting just 4 to know what to expect a little bit and some of 5 the issues that were raised in that were 6 restitution being paid directly to a victim. I 7 don't think I have ever ordered that. I mean I 8 can imagine circumstances where that -- there 9 might be a reason to do that, but I don't think 10 that's a good idea really to order that. I don't 11 know. 12 Although, I didn't think it was a 13 good -- there was something in the news lately a 14 couple of weeks ago where they let the victim hug 15 the defendant, and I didn't think that was a good 16 idea either. I mean it was probably cathartic, 17 but I -- just for like safety reasons, I didn't 18 think that was a good idea, and I think it's 19 similar paying restitution in allowing a victim 20 and a defendant to have contact particularly in 21 more violent situations. 22 I think there also was some discussion 23 in you all's last meeting about civil judgments, 24 and that's a pretty common practice during 25 sentencing particularly if the person is being</p>	<p style="text-align: right;">Page 25</p> <p>1 sentenced to a significant DOC sentence, or 2 another big consideration with that is if you -- 3 it's my understanding -- I can't point to a law 4 or anything, but everybody acts like this is the 5 case -- and I bet Judge Stephens would probably 6 concur with me -- if you civil judge fines or 7 costs, not restitution I don't think, but fines 8 or costs someone's driving license or their 9 driving privilege will be suspended. 10 So, a lot of times if people don't 11 drive or they are not worried about that, we'll 12 civil judge if they want us to, but then 13 sometimes when you inform them that that's going 14 to cause a problem with their driving they say 15 no, no, please put me on payment plan. 16 And I think you guys also mentioned 17 about notifying defendants during the plea 18 colloquy about what they would need to do to get 19 their rights restored, and I think that's 20 definitely a possibility. The rule that goes 21 over all the stuff that we need to go over with 22 defendants when we're accepting a plea is Rule 23 3.172, and there's about 15 or 20 or so things 24 that we already go over with them now about DNA, 25 Jimmy Rice, deportation, in addition to making</p>

<p style="text-align: right;">Page 26</p> <p>1 sure the plea is being accepted that it's -- 2 they're voluntarily entering into the plea and 3 they're not on drugs and all that. We go over a 4 number of things with them. 5 Historically, and I guess generally 6 it's still true, that we're not required to 7 inform them of what are considered collateral 8 consequences. I think historically what you all 9 are working on might have been considered a 10 collateral consequence, but so -- but deportation 11 I think used to be considered that too. So I 12 don't think that would necessarily be a barrier 13 or a problem. 14 You guys are probably aware there is a 15 judicial work group on fines and costs that's 16 working right now. It's six judges from around 17 the state and they're considering innovative 18 methods to reduce the disproportionate impact 19 that fines and costs can have on low income 20 people. I have the Supreme Court order on that 21 if you guys are interested in that. Their report 22 actually is not due til June 30th of next year, 23 but I felt like you guys -- I wanted to make sure 24 you all were aware of that. And then just a 25 couple of notes I made I think during the</p>	<p style="text-align: right;">Page 27</p> <p>1 questioning of Judge Stephens. 2 I think the community service 3 conversion rate is in the statute is my 4 recollection. Being able to do community service 5 for fines and cost is definitely a statutory 6 creature. It's in the statutes. And then when 7 you were asking about other conditions of 8 probation in addition to community service, I 9 thought of letters of apology. And then in DUIs 10 there's a bunch of conditions; DUI school 11 victim's awareness program, vehicle 12 immobilization, driver's license suspension, a 13 number of things. 14 And then regarding modification of 15 sentence, in general that comes under Rule 3.800 16 sub C, and normally those have to be filed within 17 60 days of either the judgment being pronounced 18 or the mandate after an appeal if an appeal is 19 filed. So, in general those can't be filed years 20 later, but there are other parts of that rule 21 that allow you to file a motion to modify 22 sentence if there's an allegation that the 23 sentence is illegal or there's some other problem 24 with it. And I believe that concludes my 25 prepared remarks, but I'm happy to answer any</p>
<p style="text-align: right;">Page 28</p> <p>1 questions. 2 MADAM SECRETARY: Yes. I do have just a 3 couple. 4 Going back to the Florida Bar Criminal 5 Procedure Rules Committee process, I think it 6 would be helpful to us to know a little bit more 7 about how that process works starting with where 8 do proposals to the rules committee generally 9 come from. Do they happen internally because of 10 statutory changes, or do you accept submissions 11 from members or outside groups as well? 12 JUDGE DEMPSEY: Yeah. So they -- they come 13 from all of those sources that you just mentioned. 14 I mean we're trying to make sure we're catching any 15 statutory or case law changes, but we also 16 definitely get referrals primarily I guess from 17 lawyers, but also from other groups and from the 18 Supreme Court directly. They sometimes give us 19 referrals. 20 MADAM SECRETARY: And some of the things that 21 have been mentioned or discussed during the working 22 group process so far, I think you already touched 23 on one, which was restitution being paid directly 24 to the clerk as opposed to maybe directly to the 25 clerk, maybe to a victim or, you know, in a</p>	<p style="text-align: right;">Page 29</p> <p>1 circumstance where someone is being sentenced for a 2 felony and a misdemeanor at the same sentencing 3 hearing, could the judgment and sentence be 4 formatted in a way to distinguish fees that are 5 being associated with each of those offenses. Are 6 things like that, would those things potentially be 7 appropriate for consideration by a rules committee 8 looking at forms? 9 JUDGE DEMPSEY: Well, we do have that 10 judgment and sentence form. That -- it's kind of 11 bare bones though I think, and the clerks sort of 12 fill the rest of that information in. What -- I 13 know what we do in Leon County, if there's a felony 14 and a misdemeanor is we apply the fines and costs 15 just for the felony. We don't like double up on 16 it. 17 For -- as far as the committee, I don't 18 think we would get into fines and costs. We 19 might get into the form, and it's been my 20 experience -- I mean obviously every case is 21 different. It depends how the sentence is 22 structured but normally restitution is paid to 23 the probation officer, and if someone is not 24 being placed on probation, I think more likely 25 than not we would be civil judging the</p>

Page 30	Page 31
<p>1 restitution.</p> <p>2 MADAM SECRETARY: And one other thing you</p> <p>3 mentioned that has also come up is that the</p> <p>4 judgment and sentence form can vary from county to</p> <p>5 county. Are there any challenges that you would</p> <p>6 foresee if -- if there were a recommendation to</p> <p>7 seek more uniformity in the format of the judgment</p> <p>8 and sentence, or do you think that's a feasible</p> <p>9 thing for us to be pursuing?</p> <p>10 JUDGE DEMPSEY: I think you would get</p> <p>11 resistance from the clerks.</p> <p>12 MADAM SECRETARY: In the 67 counties?</p> <p>13 JUDGE DEMPSEY: Honestly, yeah. I mean I</p> <p>14 don't mean to say that to say anything negative</p> <p>15 against the clerks that are here but maybe not.</p> <p>16 And maybe just logistically it would be hard</p> <p>17 because people might not be able to agree on what</p> <p>18 needs to be included and what doesn't. Possibly.</p> <p>19 MADAM SECRETARY: Any other questions for</p> <p>20 Judge Dempsey? Yes, go ahead.</p> <p>21 MR. PEACOCK: Thank you, Your Honor, for</p> <p>22 being here. I for one as one clerk like uniformity</p> <p>23 in -- in the documents.</p> <p>24 JUDGE DEMPSEY: Okay, good.</p> <p>25 MR. PEACOCK: It would help us immensely. I</p>	<p>1 had a quick question on -- you mentioned civil</p> <p>2 judgment conversion, and I want to make sure I'm</p> <p>3 right on this. The conversion of the financial</p> <p>4 obligations in the -- the judgment document,</p> <p>5 conversion to a civil judgment does not relieve the</p> <p>6 obligation of the sentencing financial obligations.</p> <p>7 It's just a collection tool; is that correct?</p> <p>8 JUDGE DEMPSEY: That's my understanding, yes.</p> <p>9 MR. PEACOCK: Thank you very much.</p> <p>10 JUDGE DEMPSEY: I mean, and I -- sometimes</p> <p>11 when defendants are not totally understanding what</p> <p>12 that is, I'll usually explain it as this is a</p> <p>13 judgment. Like if someone sued you and got a</p> <p>14 judgment, it's like any other judgment in any other</p> <p>15 case, and it's out there and they might -- if you</p> <p>16 don't have any money, they probably won't be able</p> <p>17 to collect, but they'll -- they might try to</p> <p>18 collect it and if you come into money, they'll</p> <p>19 probably try to collect it.</p> <p>20 MR. PEACOCK: Thank you. And I want to sort</p> <p>21 of clarify that because I think there's a</p> <p>22 misunderstanding in some places that somehow that</p> <p>23 removes it from the criminal sentence sort of part</p> <p>24 of it and makes it some sort of other obligation,</p> <p>25 but I wanted to make sure we --</p>
Page 32	Page 33
<p>1 JUDGE DEMPSEY: Yeah. I mean it's just --</p> <p>2 it's definitely not a condition of probation when</p> <p>3 it's civil judged and it won't stop someone from</p> <p>4 getting off probation are kind of two of the big</p> <p>5 parts of it.</p> <p>6 MR. PEACOCK: But the financial obligation is</p> <p>7 still there.</p> <p>8 JUDGE DEMPSEY: Yes.</p> <p>9 MADAM SECRETARY: Okay. And it still arose as</p> <p>10 part of the criminal sentence?</p> <p>11 JUDGE DEMPSEY: Yeah. I would say so.</p> <p>12 MADAM SECRETARY: All right. Any other</p> <p>13 questions for Judge Dempsey?</p> <p>14 MS. HOLMES: Yes. I have one. Thank you,</p> <p>15 Judge Dempsey for being here.</p> <p>16 For violations of probation if you</p> <p>17 sentence an individual, they're adjudicated</p> <p>18 guilty, they have certain court costs and fines,</p> <p>19 they get a violation of probation. Do you</p> <p>20 re-assess additional costs, fines and costs on</p> <p>21 top of that and does it add from the original, or</p> <p>22 is it just the VOP cost that are on that new VOP</p> <p>23 judgment and sentence? Does that make sense?</p> <p>24 JUDGE DEMPSEY: Yeah. We don't usually</p> <p>25 re-assess them because they've already been</p>	<p>1 assessed once and they're already out there. And</p> <p>2 how we do it, at least in this circuit, is on a</p> <p>3 violation of probation there's no new fines and</p> <p>4 costs other than there would normally be a \$100</p> <p>5 cost of prosecution, a \$50 PD application fee if</p> <p>6 they filled it out, and if they had -- had the</p> <p>7 public defender, \$100 legal assistance lien.</p> <p>8 MS. HOLMES: Okay.</p> <p>9 JUDGE DEMPSEY: So that if -- in felony. So</p> <p>10 if someone's convicted on a violation of probation,</p> <p>11 they would normally have an additional \$250.</p> <p>12 MS. HOLMES: Okay.</p> <p>13 MADAM SECRETARY: Okay. Thank you so much,</p> <p>14 Your Honor, for being here.</p> <p>15 JUDGE DEMPSEY: Okay, thank you.</p> <p>16 MADAM SECRETARY: Thank you.</p> <p>17 Judge Stephens, did you have anything</p> <p>18 else to add? We covered more ground there after</p> <p>19 you finished.</p> <p>20 JUDGE STEPHENS: (unintelligible).</p> <p>21 MADAM SECRETARY: All right. We have</p> <p>22 concurrence amongst the judges. Excellent.</p> <p>23 All right. Well thank you again both</p> <p>24 so much for being here. We appreciate your</p> <p>25 participation very much.</p>

<p style="text-align: right;">Page 34</p> <p>1 And next up I would like to invite 2 Mr. Volz to the podium. Mr. Volz, welcome. 3 MR. VOLZ: Thanks. I appreciate the 4 opportunity to be here. I guess I'd just like to 5 start by letting folks know that I'm not a judge. 6 I really appreciated that conversation. This might 7 take a little bit of a different tenor because I'm 8 here as a returning citizen. I'm somebody with a 9 past felony conviction who was directly impacted by 10 passage of Amendment Four. 11 I am the deputy director for the 12 Florida Rights Restoration Coalition, an 13 organization that is led by returning citizens, 14 made up of returning citizens. We advocate for 15 returning citizens. We have 20-plus chapters all 16 over the state, and we are more impacted by your 17 decisions than I think anybody else involved in 18 this conversation. So from the start, I 19 definitely want to say I appreciate when we got 20 the phone call to be a part of this. 21 We think it's really important for the 22 returning citizen community to be a healthy 23 member of this conversation. We'd like to open 24 the door and say that that's the way we view it. 25 We view this as a long-term process. We view</p>	<p style="text-align: right;">Page 35</p> <p>1 this as, you know, something that we're committed 2 to developing the relationships, having the kind 3 of conversations, walking through our experiences 4 in whatever way possible that could be helpful to 5 make decisions that can help people fully 6 participate in their community. 7 In a couple of weeks we're going to 8 celebrate the one year anniversary of the passage 9 of Amendment Four. One of the things I like to 10 do in moments like this is to just kind of 11 realign our thinking a little bit about why we're 12 here and who we're here for. 13 Last November the voters voted to pass 14 Amendment Four and expand democracy in our 15 country in the largest amount in 50 years. I 16 think that's a pretty cool thing. I know we 17 get -- appropriately get into the minutia of 18 managing systems and making policy decisions, but 19 when you think about what our state did, right, I 20 mean expanding freedom, liberating almost a 21 million and a half people. I mean that sits, you 22 know, on the shoulders of the Nineteenth 23 Amendment and Women's Suffrage and the '60s Civil 24 Rights Movement, and we did it here in our state 25 and we're honored to walk it out with anyone who</p>
<p style="text-align: right;">Page 36</p> <p>1 wants to, you know, continue to move that process 2 forward and witness what we witnessed which is a 3 daily celebration going on all over the state, 4 right. I think it's important that you know 5 that. 6 I mean I get texts -- I got one 7 yesterday from a woman who registered to vote, 8 right. It's a personal celebration of somebody 9 embracing their community, wanting to participate 10 in the community, and we think that it's really 11 important to remember the lives of the people who 12 are engaged in this process, the hope they have 13 for clarity, the hope they have for moving 14 forward in a way that we can develop a system in 15 which there's trust for all sides because this is 16 something sacred, right. This is something 17 that's really important for all of us. You all 18 give your lives to this. I'm grateful for the 19 time that you do. We are also. We are every 20 day. I mean every day in the communities, in the 21 streets, you know, we are registering people to 22 vote. We are helping people who come to us. 23 Now, let me give you an example of kind 24 of where we're coming from a little bit. We have 25 chapter meetings, community meetings going on</p>	<p style="text-align: right;">Page 37</p> <p>1 simultaneously all over the state, and -- and 2 it's a family conversation from returning 3 citizens to returning citizens. We find that 4 there is trust within the community that when 5 you've been through something. You see it in 6 other areas too, I'm sure judge to judge, right. 7 Like there's just something that happens, oh, 8 okay, y'all been through that, okay, I can take 9 the -- you know, the walls come down a little 10 bit. And we feel like that's one of the things 11 that allows us to be a positive force in this 12 conversation is relationships with the community 13 that we are all trying to help. 14 And so we get there and we try to frame 15 up and remind people what happened; that for 150 16 years we had a lifetime ban in this state. We 17 were one of four states permanent band, you know, 18 aside from kind of mercy from the governor, but 19 as a policy we had a lifetime ban. In November 20 that came down. And then we our working through 21 this process of clarification, right, but that 22 means that there are hundreds of thousands of 23 people right now who under the law, what was 24 passed, what we operate under and that is our -- 25 like that's how we work. We've got the law.</p>

<p style="text-align: right;">Page 38</p> <p>1 We're going to operate under that. New policies 2 come onboard, we're going to operate under those. 3 We're going to just keep doing what we've been 4 doing. It took us almost ten years to get this 5 thing on the ballot. We're just going to keep 6 doing what we're doing in the communities and get 7 people registered. 8 So we see two -- you know, three groups 9 of people really, but in our community meetings 10 we need -- we need to frame it up so that people 11 who want to participate have the clarity and 12 confidence to get involved. There are hundreds 13 of thousands of people eligible under the law 14 right now to register. We're helping them get 15 registered. There are also people who are not 16 eligible under Amendment Four because they 17 committed murder or a felony sexual offense and 18 don't qualify under the law, and then there are 19 hundreds of thousands of people who are not yet 20 eligible. 21 They still have financial obligations, 22 and what we have been doing is working at the 23 local level, you know, with different judicial 24 districts to talk with them about how they are 25 operating under the law and come along side them</p>	<p style="text-align: right;">Page 39</p> <p>1 to be helpful and let that be a process that 2 will, you know -- we'll see -- because we were 3 here obviously when the bill was passed and had 4 some conversations about the forms. We had 5 conversations about what happens when people have 6 financial hardships, and there's a belief that 7 somebody should have access to the courts in that 8 case, so that if they have a financial hardship 9 that that isn't the reason why they can't fully 10 participate in the community. So we're in every 11 community because there's a million-plus thousand 12 of us, right. 13 So there's lots of different 14 conversations of all different kinds of layers 15 and we're working with local judicial districts 16 to get access to the courts and try and get 17 people registered to the vote, get people's 18 sentences completed, and we're just trying to be 19 a positive influence in this process. And I 20 guess that being said I'd love to be -- answer 21 any questions you have, but just as importantly 22 would love to kind of tee it up; that we see this 23 a longer term walk together; that we're all going 24 to be in this, you know, going forward and we'd 25 like be a positive force in terms of</p>
<p style="text-align: right;">Page 40</p> <p>1 understanding the returning citizens' side of 2 this conversation because that is who we're all 3 here serving; that is who we want to see 4 participate in the community. 5 We believe that that creates safe 6 communities and stronger families, at least all 7 the data shows that and I know I get to see it 8 every single day. So there's not a bigger 9 evangelist for democracy than somebody who lost 10 the ability to vote and now has it. So you got 11 an army of folks who really believe in democracy, 12 really believe in voting who want to get educated 13 and want to be positive members of the community 14 who are here available to -- to help us walk this 15 out because clearly there's going to be a lot of 16 steps ahead. 17 MADAM SECRETARY: Thank you, Mr. Volz, for 18 being here to share your experience and your 19 perspective. 20 Any members of the working group have 21 questions for Mr. Volz? 22 MS. CANNON: I have one. 23 MADAM SECRETARY: Go ahead. 24 MS. CANNON: Thank you so much for your 25 presentation. As a supervisor of elections, I've</p>	<p style="text-align: right;">Page 41</p> <p>1 had conversations with citizens who some are 2 confident that they have completed the terms of 3 their sentence and so they can register to vote and 4 they're -- and they're interested in doing it the 5 way that every other citizen has the opportunity to 6 and usually they prefer the online voter 7 registration system. 8 However, some of the calls I've 9 received are from citizens who are not confident 10 that they have completed the terms of their 11 sentence, and I wondered if you have any 12 recommendations as to what the needs are in that 13 regard because I would like to be able -- and I'm 14 sure supervisors of elections would love to be 15 able to give one number, specific contact, email 16 toll free and with persons who can assist them 17 and provide something in writing. And so I just 18 wanted to hear your comments on that. 19 MR. VOLZ: Thank you for the question, and 20 that's an experience many of the folks on our team 21 have as well. We have an 800 number. It's 22 877-MYVOTE0. 877-MYVOTE0 and what -- what that 23 allows for is a returning citizen, somebody who's 24 interested in participating in the community in 25 this way can talk to another returning citizen</p>

<p style="text-align: right;">Page 42</p> <p>1 who's been trained in the process. 2 We have an attorney assistance program 3 in which we try to get individual with 4 individuals, right, because you know we can't all 5 just white board it out in every case all the 6 time, you know, this is -- cause different people 7 have different issues in different jurisdictions 8 or out of state and things like that, but we do 9 have a pretty -- pretty decent process in place 10 now where somebody can talk to somebody else and 11 if they need some legal advice, then they can 12 work with our attorney assistance program where 13 they connect with somebody and walk that out. 14 Yeah, I appreciate what you're saying 15 too about kind of the online. We see a definite 16 preference and even a better ability, you know, 17 for -- for people to register on line. 18 If I can say anything about the form, I 19 mean we were here before the law passed and we -- 20 you know we let folks know that we had some 21 concerns about the new form. We thought it would 22 create a registry and have kind of a chilling 23 affect in terms of the registration process. We 24 worked with, you know, folks on the house side. 25 They -- they -- they took the -- that language</p>	<p style="text-align: right;">Page 43</p> <p>1 and were prepared to use the old form, but we 2 just couldn't get the bill back into the senate. 3 So we think that there's some good 4 healthy conversations that can take place around 5 the form as well, and again we're open, sit down 6 in any setting to the best of our ability and 7 have whatever conversation you'd like. 8 MADAM SECRETARY: Mr. Volz, would you 9 elaborate a little bit on what you just mentioned 10 about the form. You referred to a chilling effect 11 and a registry. Can you tell us just a little bit 12 more about your concerns about the form as it 13 exists now and what you think would be a preferable 14 form to be promulgated? 15 MR. VOLZ: Our preference was the old form. 16 We thought that that provided the clarity and tools 17 necessary. We see that in the field where the old 18 form works better. And, yeah, I -- we had some 19 concerns about being singled out in data management 20 systems because of our past felony convictions. I 21 likened it to my fellow Second Amendment fans who, 22 you know, have some concerns about being registered 23 for your guns, right. 24 So that -- we -- this is our lives. We 25 just would prefer not to have some sort of</p>
<p style="text-align: right;">Page 44</p> <p>1 registry that separates us from other people, 2 and -- and we see that when you give somebody the 3 other form and all of a sudden somebody wants to 4 take a step back from participating, and we 5 believe we all benefit when somebody steps 6 forward to participate, and so our preference was 7 the -- the old form and we shared that then; we 8 share that now. 9 MADAM SECRETARY: So, generally speaking 10 if -- if this, you know, the effect of the new form 11 then and the additional information, would it be 12 correct to say you didn't find that to be -- or 13 your group isn't finding that to be clarifying? I 14 know there was some -- some confusion generally 15 about the affect of Amendment Four and how does 16 this change things in Florida and who's eligible 17 but you didn't find -- turn that -- 18 We'll pause for a technical challenge. 19 Give me just a moment. 20 MR. VOLZ: Siri, turn off the phone. 21 MADAM SECRETARY: All right. We'll work on 22 that. 23 So -- so the revised form then in your 24 observation hasn't added clarity. It's been more 25 of a deter -- tell me -- tell me --</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. VOLZ: It's more a deterrent. I think 2 that's a good word. I mean for us it's kind of cut 3 and dry in terms of how people -- you know, so we 4 have returning citizens talking to returning 5 citizens, right. Like, that's our frame work. 6 That's what we -- we believe that's the most 7 effective way to make sure that people feel 8 comfortable, right. If somebody knocked on my door 9 and was like, hey, I hear you're a felon, you know, 10 you want to do this, I'm probably going to say no. 11 But if it's like, oh, you know, we're -- we got 12 this thing together. During those conversations, 13 it is the -- the original form works better. 14 MADAM SECRETARY: Anything else you'd like to 15 add for us? 16 MR. VOLZ: No, just that we're available and 17 love to talk. 18 MADAM SECRETARY: Oh, you have another 19 question. 20 MR. STEELY: Sorry, one last question. When 21 you're -- when you're returning, yeah, as a 22 returning citizen and your contacts with the 23 criminal justice system, one of the things that 24 we're tasked to do is -- is to educate those who 25 are returning.</p>

<p style="text-align: right;">Page 46</p> <p>1 What do you think is the -- the most 2 critical point of receiving that information? So 3 we've -- we've heard from the point of -- of plea 4 deals. We've heard you know out-processing from 5 Department of Corrections. Is -- what would be a 6 time when receiving this information would be 7 most beneficial? Is it at out-processing? Is it 8 from a local person inside the community? I mean 9 I don't -- 10 MR. VOLZ: That's a really good question. I 11 would say that -- so I live down in Lee County, and 12 there's a really powerful re-entry coalition that's 13 working around these issues, and it seems to be a 14 little bit of both of those things, where you have 15 kind of, you know, the -- the system so to speak 16 giving somebody information as they're leaving, but 17 also an acknowledgment that for somebody to be able 18 to have a better chance at re-integration into the 19 community, there's something else when they get 20 out. You know, if they don't have family or 21 anything like that, that that also might be the 22 best time to actually communicate with somebody. 23 So it's a little bit of an and, more 24 than an or. I don't want to like dodge your 25 question. You know, I'm happy to kind of dig</p>	<p style="text-align: right;">Page 47</p> <p>1 into it further if you want me to, but I think 2 it's a little bit of trying to do both of those 3 things at the same time. 4 MR. STEELY: That's good. Thank you. 5 MADAM SECRETARY: Anything else for Mr. Volz. 6 All right, thank you very much for 7 being here today. We appreciate it. 8 MR. VOLZ: Appreciate it. 9 MADAM SECRETARY: All right. And just by way 10 of a bit of an update for the working group 11 members, as you all know Amendment Four is 12 currently the subject of multiple lawsuits. There 13 was a significant hearing held last week. Much was 14 discussed at that hearing. One particular issue 15 that came up at the hearing that I wanted to -- to 16 raise for all of you in case any of you weren't 17 watching is related to the scope of our duties, and 18 it was the provision of Section 98.0751 Florida 19 Statutes that addresses the modification of the 20 original sentencing order or the conversion of 21 financial obligations to community service. 22 So I know we've heard some testimony 23 today that's right on point about those subjects 24 and how they work, but that's something that was 25 featured at the hearing that might be one subject</p>
<p style="text-align: right;">Page 48</p> <p>1 that we want to consider as we go forward with 2 our recommendations. 3 Now at this time I would like to open 4 up the meeting to public comment. Do we have any 5 public -- oh, we do not have any public comment 6 cards today. 7 So with that, if there is anyone who is 8 participating by phone and thus not here in 9 person to provide public comment but wants to 10 submit them, you may submit written comments to 11 the work group via our email address at 12 rrvworkgroup@dos.myflorida.com. Any written 13 comments received will be incorporated as part of 14 the record. 15 All right. So with that, then I want 16 to turn to our discussion of our recommendations 17 for the Florida Legislature. Since the work 18 group received three presentations this 19 afternoon, we thought it would be best to wait 20 until after we received these presentations 21 before providing the work group with a written 22 draft product to consider and discuss, but I 23 would like to talk through some of the high 24 points that we discussed at our last meeting in 25 terms of recommendations so that we can consider</p>	<p style="text-align: right;">Page 49</p> <p>1 them and begin drafting them up in a document for 2 submission to the legislature. 3 So let's begin by our addressing our 4 first charge, and that is to develop 5 recommendations as it relates to the 6 consolidation of all relevant data necessary to 7 verify the eligibility of registered voters. 8 At the last meeting we discussed 9 recommending the Clerk of Courts Financial 10 Account System be enhanced to allow for the 11 breakdown and tracking of financial obligations, 12 and that the Florida Legislature explore the 13 option of developing a system similar to that of 14 the Department of Revenues Child Support Payment 15 System. 16 Does -- do any work group members have 17 additional thoughts or feedback on this 18 particular subject area for recommendation? 19 All right. Moving onto the second one. 20 We must also develop recommendations 21 for the process of informing registered voters of 22 sources of information about their eligibility. 23 Now based on the information that we've received 24 in various presentations on this subject, it may 25 be beneficial for the work group to recommend</p>

Page 50	<p>1 ensuring the providing by the Florida Department 2 of Corrections specifies that outstanding terms 3 applies solely to the conviction for which a 4 person is currently serving their sentence and 5 there may be more prior convictions or past 6 convictions for which they also have outstanding 7 terms; may also be beneficial for the work group 8 to recommend that each clerk of court and all 9 stakeholder agencies in the process designate one 10 or more employees to act as a liaison who can 11 assist members of the public seeking information 12 about financial obligation. 13 Let's see, and then a third one would 14 be to also consider recommending that uniform 15 information be posted on the websites of the 16 various stakeholder agencies for persons to find 17 out how to restore civil rights and voting 18 rights. 19 Do any working group members have 20 thoughts or feedback about those recommendations 21 or any other thoughts that they think we may want 22 to incorporate under this section which would be 23 the process of informing registered voters of 24 sources of information? 25 MS. HOLMES: Could you repeat the last one</p>	Page 51	<p>1 that you had said about number three, about the 2 website? 3 MADAM SECRETARY: Yes, yes. That we should 4 consider recommending uniform information be posted 5 on websites of stakeholder agencies. For example, 6 clerks, supervisors of elections, Department of 7 State; that we might want to develop uniform 8 content so that we all have the same information 9 that's readily accessible to a citizen who wants 10 more information. 11 MS. HOLMES: Okay. Thank you. 12 MADAM SECRETARY: Okay. Our final charge is 13 to recommend any other relevant policies or 14 procedures for verifying the eligibility of 15 registered voters. Based upon the information 16 we've received in prior presentations and upon some 17 of the thoughts and feedback that were provided in 18 our prior discussions, the work group may consider 19 recommending that the Florida Commission on 20 Offender Review be authorized to assist the 21 Department of State and supervisors of elections in 22 researching information to determine outstanding 23 financial obligations when that information is not 24 available after a diligent search. This may 25 include reaching out to the voter to inquire as</p>
Page 52	<p>1 F-Core customarily does during the clemency review 2 process. 3 Next, since the tracking of restitution 4 payment varies greatly, the work group should 5 consider recommending that restitution payments 6 be made through the clerks of court to allow for 7 uniform tracking of this information on a going 8 forward basis. Based on Judge Dempsey's 9 presentation today, it may also be beneficial for 10 the work group to consider recommending that the 11 Florida Bar's Criminal Procedure Rules Committee 12 develop and use a uniform judgment and sentencing 13 document so that we can ensure that that is being 14 done in a consistent way throughout all of the 15 judicial circuits. 16 Do work group members have any thoughts 17 or feedback on those ideas or any others that you 18 wish to add to our -- our lists so far? 19 Yes, go ahead. 20 MR. PEACOCK: Thank you, Madam Secretary. Go 21 and pardon me, if you can go back to the very first 22 recommendation. 23 MADAM SECRETARY: Yes. 24 MR. PEACOCK: I'm not sure I heard it 25 correctly. Didn't register with me, if you'll --</p>	Page 53	<p>1 MADAM SECRETARY: Sure. It would be to 2 consider recommending that the Florida Commission 3 on Offender Review be authorized to assist the 4 Department of State and the Supervisors of Election 5 in researching outstanding financial obligations 6 when that information isn't available via diligent 7 search. In other words, we have Department of 8 State, a standard protocol to try to find that 9 information, but if there are cases such as cases 10 with a past restitution order that isn't easy to 11 track down or define, that F-Core might be able to 12 assist in that subgroup of cases. 13 MR. PEACOCK: Thank you. 14 MADAM SECRETARY: Any other thoughts or 15 additions to the working list so far? 16 All right. And we will go back to and 17 glean any other pertinent recommendations or 18 concepts that came up in today's presentation 19 that might be appropriate for inclusion in our 20 draft document. Okay. So we will start drafting 21 out a document for review for all members of the 22 group, and once it is ready, we will send it to 23 all members of the group for consideration and 24 discussions. We have -- we're coming up on our 25 deadline for submission of the report to the</p>

<p style="text-align: right;">Page 54</p> <p>1 legislature. 2 So one question that I have for all of 3 you is, our next meeting I had anticipated 4 conducting that telephonically, getting you all a 5 work product and then having a call-in number. 6 Certainly we can be available to do this 7 in-person and facilitate doing it in-person if 8 you all would prefer it, but I know at this point 9 you've been to Tallahassee for four meetings. So 10 I wanted to open it up to the work group members 11 particularly those of you who travel here each 12 time for your preference. 13 MR. PEACOCK: I'm certainly fine with a 14 telephonically or (unintelligible). 15 MADAM SECRETARY: All right. Okay. Then 16 that's what we'll do. The Department of State then 17 will coordinate a call-in number for that -- for 18 that purpose. 19 So, more information on the date and 20 time of the conference call will be shared with 21 you to come once we have a better timeline on 22 when we're ready to give you an opportunity to 23 review and consider the work product. 24 Also, if any of you have any thoughts 25 or ideas or written submissions that you want to</p>	<p style="text-align: right;">Page 55</p> <p>1 provide, you can submit those to us as well. 2 They'll be incorporated into the draft document 3 that we all review together. 4 And with that I just want to thank you 5 all again for your attendance and your 6 participation at today's meeting. We appreciate 7 your time, and we are adjourned. 8 9 (End of recording.) 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 56</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">CERTIFICATE</p> <p>I, Teresa H. Bell, Florida Professional Reporter/Transcriptionist, do hereby certify that I was authorized to and did listen to and transcribe the foregoing recorded proceedings and that the transcript is a true record to the best of my professional ability.</p> <p>Dated this 20th day of October, 2019.</p> <p>_____ Teresa H. Bell, FPR Florida Professional Reporter</p>	

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The Restoration of Voting Rights Work Group meeting transcript from October 30, 2019, has not been transcribed.

The meeting may be viewed online through the Florida Channel using the below link:
<https://thefloridachannel.org/videos/10-30-19-restoration-of-voting-rights-work-group-meeting/>

Audio of the October 30, 2019, meeting is also available upon request from the Department of State.



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