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

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.
⁴ Section 98.035, Fla. Stat.
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. Florida also accepts the national mail-in application form and the federal post-card application form, 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. The verification of the personal identifying number constitutes

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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
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.\textsuperscript{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).\textsuperscript{12}

\hspace{1cm} 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-

\textsuperscript{11} Section 101.49, Fla. Stat.
\textsuperscript{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. 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. 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.

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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 e) 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 law\

- 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:

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

**Ch. 2019-162**

**LAWS OF FLORIDA**

**Ch. 2019-162**

1. 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.

CODING: Words *struck* 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 \textit{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 or 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

CODING: Words \textit{struck through} are deletions; words \textit{underlined} are additions.
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

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

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

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:

CODING: Words struck are deletions; words underlined are additions.
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.—

CODING: Words struck are deletions; words underlined are additions.
(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. 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.

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

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

CODING: Words stricken are deletions; words underlined are additions.
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 the sentencing of a person pursuant to s. 775.082(9), and nor shall evidence that the

CODING: Words struck are deletions; words underlined are additions.
department failed to provide this notice does not prohibit a person from being sentenced pursuant to s. 775.082(9). The state is 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.

CODING: Words struck are deletions; words underlined are additions.

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.

CODING: Words struck 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.

CODING: Words stricken are deletions; words underlined are additions.
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 Schiekman
Representing: [Handwritten text]
Contact Information (optional): [Handwritten text]

☐ I wish to speak

☐ Only providing comment below

Comment:

[Handwritten text]

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: Mark Schlabman
Represented by: FSU Center for the Advancement of Human Rights
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:  Cecile Scaon
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.
Restoration of Voting Rights Work Group
Appearance Request / Comment Card
Please place form in the box at the sign-in table

Name: Bob Rackliff
Representing: Big Bend Voting Rights
Contact Information (optional): bobrackliff@gmail.com

[ ] I wish to speak
[ ] Only providing comment below

Comment:

________________________________________________________________________
________________________________________________________________________
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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: Cecile Scoon
Representing: League of Women Voters of Florida
Contact Information (optional): Cecile@lwvfl.org
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: ARAZADA HAYNES
Representing: Hon. Mike Hagstom District Court Judge
Contact Information (optional): ahaynes @ wa.gov

☐ I wish to speak
☐ Only providing comment below

Comment: When a voter questions the restoration of their rights, we can only see the file and the district court record. I cannot see whether an appeal was filed or not. The restoration is based on the Board of County Commissioners. We refer them to the Clemency Board who refers them back to us.

What is being done to tackle this issue? It appears to be a very difficult situation. How, if at all, did you have to go forward 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

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: 1-888-385-9008 (when prompted for conference room number – dial 639-459-077)

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.
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

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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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: 1-888-585-9098
(when prompted for conference room number dial 639-459-077)

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

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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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

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.
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 639-459-077)

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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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.
### 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.)

<table>
<thead>
<tr>
<th>PRINT NAME</th>
<th>TITLE</th>
<th>NAME OF AGENCY/BUSINESS/ORG</th>
<th>CONTACT INFORMATION (optional)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Mey, MD</td>
<td>Legislative Manager</td>
<td>FCCE</td>
<td><a href="mailto:rich@fcce.com">rich@fcce.com</a></td>
</tr>
<tr>
<td>Kimberly Peregrine</td>
<td>Director of IT</td>
<td>11</td>
<td><a href="mailto:ksperegrine@fcce.com">ksperegrine@fcce.com</a></td>
</tr>
<tr>
<td>Vicki Coates, Nassau SOE</td>
<td>Elections</td>
<td><a href="mailto:vcoates@fcce.com">vcoates@fcce.com</a></td>
<td></td>
</tr>
<tr>
<td>Andrea Shubert, Nassau SOE</td>
<td>Elections</td>
<td><a href="mailto:andes@fcce.com">andes@fcce.com</a></td>
<td></td>
</tr>
<tr>
<td>Stephanie Hines, Director of Elections</td>
<td>Elections</td>
<td><a href="mailto:shines@fcce.com">shines@fcce.com</a></td>
<td></td>
</tr>
<tr>
<td>Mark Schlabach, Florida Center for Open Government</td>
<td>FSU</td>
<td><a href="mailto:mfs@fsu.edu">mfs@fsu.edu</a></td>
<td></td>
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<tr>
<td>Forrest Coia, Supervisor</td>
<td>Supervisor</td>
<td><a href="mailto:forrest@fsu.edu">forrest@fsu.edu</a></td>
<td></td>
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<tr>
<td>D. McVey, DOS, GC</td>
<td>DOS</td>
<td><a href="mailto:dos@fcce.com">dos@fcce.com</a></td>
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<tr>
<td>Ken Grose, Leg. Dir.</td>
<td>AEC</td>
<td><a href="mailto:kgrose@fcce.com">kgrose@fcce.com</a></td>
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<tr>
<td>Ann S. Smith,bff</td>
<td>AGO</td>
<td><a href="mailto:asmith@ago.com">asmith@ago.com</a></td>
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<tr>
<td>Ryan Cox, Sr. Atty</td>
<td>Senate</td>
<td><a href="mailto:rcox@senate.gov">rcox@senate.gov</a></td>
<td></td>
</tr>
<tr>
<td>Dawn Roberts, Staff Director</td>
<td>Senate</td>
<td><a href="mailto:dawnd@senate.gov">dawnd@senate.gov</a></td>
<td></td>
</tr>
<tr>
<td>Jon Hagel, FL Rep</td>
<td>FL House</td>
<td><a href="mailto:johagel@flhouse.gov">johagel@flhouse.gov</a></td>
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</tr>
<tr>
<td>J. J. Tassel</td>
<td>Lobbyist</td>
<td><a href="mailto:jjtassel@littler.com">jjtassel@littler.com</a></td>
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<tr>
<td>Pamela Bechi</td>
<td>The Commerce Group</td>
<td><a href="mailto:pbechi@littler.com">pbechi@littler.com</a></td>
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<td>Jessica</td>
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<td>FDLE</td>
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<td>Tim</td>
<td>Bureau Chief</td>
<td>FDLE</td>
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<tr>
<td>Rob Tornillo</td>
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<tr>
<td>Betsy Thomas</td>
<td>Clemency Aide</td>
<td>Attorney General's Office</td>
<td><a href="mailto:gowendohertythomas@myfloridalaw.com">gowendohertythomas@myfloridalaw.com</a></td>
</tr>
</tbody>
</table>
**Florida Department of State**  
**Restoration of Voting Rights Work Group**  
**Sign in Sheet**

<table>
<thead>
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<td>Bob Rankoff</td>
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<td>Thomas Harman</td>
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<td>W.I. Vul</td>
<td>FRCC</td>
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<td>407-885-9063</td>
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<td>Jessica Lamps</td>
<td>Touch Director</td>
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<td>Dorothy Smith</td>
<td>AGC</td>
<td>FDLE</td>
<td><a href="mailto:dorothy.smith@fdle.state.fl.us">dorothy.smith@fdle.state.fl.us</a></td>
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<tr>
<td>Ken Deale</td>
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<td>J Rosica</td>
<td>FP.com</td>
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<tr>
<td>Cecile Scan</td>
<td>LV League of Women Voters, FL</td>
<td></td>
<td><a href="mailto:ceceil@lwvfl.org">ceceil@lwvfl.org</a></td>
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## Florida Department of State
### Restoration of Voting Rights Work Group
#### Sign in Sheet

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<tr>
<td>ARZADA HAYNES</td>
<td>DIRECTOR OF VOTER REGISTRATION</td>
<td>DUVAL COUNTY SUPERVISOR OF ELECTIONS</td>
<td><a href="mailto:ahaynes@co.duval.fl.us">ahaynes@co.duval.fl.us</a></td>
</tr>
<tr>
<td>Bobbie Henry</td>
<td>Elections Aide</td>
<td>DUVAL COUNTY SUPERVISOR OF ELECTIONS</td>
<td><a href="mailto:bishenig@co.duval.fl.us">bishenig@co.duval.fl.us</a></td>
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<tr>
<td>Paulina Fort</td>
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<td>Mark Sykes</td>
<td>Legal Director</td>
<td>FY FCCE</td>
<td><a href="mailto:mcsykes@co.duval.fl.us">mcsykes@co.duval.fl.us</a></td>
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<td>Veronica JERRE</td>
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<td>Cecile Sciacca</td>
<td>LWVFL</td>
<td>LWVFL</td>
<td><a href="mailto:cecile@lwvfl.org">cecile@lwvfl.org</a></td>
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<tr>
<td>Gwendolyn Cherveny</td>
<td>Attorney</td>
<td>Office Attorney General</td>
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<tr>
<td>Bob Kahlert</td>
<td>Big Bend Voting Rights Project</td>
<td>Bob Kahlert</td>
<td><a href="mailto:bobkahlert@gmail.com">bobkahlert@gmail.com</a></td>
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<tr>
<td>Brian Lupiani</td>
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<td><a href="mailto:brianlupiani@yahoo.com">brianlupiani@yahoo.com</a></td>
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<td>Jason Prato</td>
<td>Senator</td>
<td></td>
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</table>
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.*

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<tr>
<td>Forrest Simon</td>
<td>Reporter</td>
<td>EU Scripps</td>
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<tr>
<td>Dawn Roberts</td>
<td>Staff Director</td>
<td>Florida Ethics &amp; Elections</td>
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<tr>
<td>Lauren Gallo</td>
<td>Lobbyist</td>
<td>Capitol Alliance Group</td>
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Appendix E: Presentation Materials
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

Statewide Voter Registration Application Form
Post - Constitutional Amendment 4 Process

Adjudicated – Felony Conviction
  Yes / No

Type of Felony Conviction
  Murder/Felony → All Other Felony → Offenses
  Sexual Offenses
  All Terms of Sentence Complete
  Yes / No → Yes / No

Case File Content

- Case File Review Certificate
- Screenshot - Bureau of Voter Registration Services (BVRS) Workflow Application Interface with voter and felon information
- Screenshot - Florida Department of Highway Safety and Motor Vehicles’ Driver License database
- Screenshot – Comprehensive Case Management System (CCIS) (Including Financial Summary if available and required)
- Court Documents (at a minimum, the judgment and sentence, if separate document)
- Screenshot - Florida Department of Corrections online and internal web service informational page
  Screenshot - Clemency (Florida Commission on Offender Review and BVRS)
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

(cont’d)

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
Felon Identification and Removal Process in Florida
Pre- Constitutional Amendment 4 (Rev. 8-2019)

Florida Department of Law Enforcement
   FL Felony (daily)/ registered Sex Offender Predators (monthly)
   Automated matches via secure FTP site

Florida Department of Corrections
   FL & Interstate Felony (Daily) Automated matches via internal web service

U.S. Attorney/Federal Courts/State Courts
   Daily and/or Monthly Manual paper process

Florida Clerk of Courts
   Jury List
   Monthly Manual paper process

Florida Voter Registration System

Potential Matches
   (average 4-5 criminal records per each match)

Florida Department of State
   Manual Process
   - Create and Review Case File
     (based on latest felony conviction record)
   - Observe court documents to support case file

Potentially Ineligible Registered Voter
   (felony conviction without voting rights restored)

County Supervisor of Elections

Notice and Due Process
   (section 98.075, Fla. Stat.)
   7 days – Certified/Verifiable mailed notice to voter
   30 days – For voter respond to actual notice
   Published notice in newspaper, if actual notice undeliverable
   30 days – For voter to respond to published notice
   Hearing held, if requested by voter (counties may have informal or formal hearings and held monthly or quarterly)
   Determination of eligibility or ineligibility
   (This part of process may take up to 120 days to complete)

Eligible Registered Voter Remains on the Rolls

Ineligible Registered Voter
   Sent Notice and Removed from the Rolls

Voting Rights Restoration
   Search
   - Florida Commission on Offender Review (Clemency)
   - Procon.org – out-of-state restoration

NO

Electronic case file transfer

YES

Eligible registered voter

Search for Court Docs (to support file)
   - CCIS – FL Court Docs (Clerk of Courts or direct requests to Clerk, max 90 day)
   - CMC – Clerk of Court Court County Website - FL Court Docs
   - PACER – Fed Ct Docs
   - IRIS – Dept. of Corrections Image DBs

Search for Restored Voting Rights
   - Florida Commission on Offender Review (for Clemency)
   - Other sources above (for Completion of Sentence)
Florida Department of Corrections Presentation and Handout

VOTER RESTORATION FOR CONVICTED FELONS

Florida Department Of Corrections
Joe Winkle, 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

- Reception Orientation
- Compass 100
- Release
- Inmates
- Staff Training
- New Classification Officer Training
- New Release Officer Training

FORMS

- Voter Restoration Information Sheet
- Financial Obligation Summary
PROCESS

- REVIEW/RESEARCH SENTENCING ORDERS
- REVIEW CCIS
- COMMUNICATE WITH CLERK RE: DISCREPANCIES
- PROVIDE FINANCIAL OBLIGATION SUMMARY TO INMATE

FDC RESPONSIBILITIES - RESTORATION OF VOTING RIGHTS

- 940.061 EDUCATE & INFORM
- 98.0751 NOTIFY OFFENDER OF OUTSTANDING TERMS OF SENTENCE
ANNUAL TERMINATIONS

Annual Terminations

2016/2017: 83,474
2017/2018: 83,587
2018/2019: 84,036

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.

- Continuous

Notify of Outstanding Terms

Provided to the offenders when they terminate supervision.

Closing Summary

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

CHALLENGES

- Restitution
- Database Limitations
- Court Costs

Challenges
MOVING FORWARD

- Continued Communication
- Internal Operations
- Uniform Source of Collection

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.

DC6-1011 (Issued 6/7/19)
The payment information provided on this document is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 94.0751. 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
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://fcour.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*
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

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<td>** See Clerks Office **</td>
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82
Others

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Treatment Status

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

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Status of other special conditions

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<td>ADHERE TO ALL ORIG. CONDITIONS</td>
<td>06/12/2017</td>
<td>06/11/2019</td>
<td>06/11/2019</td>
<td>COMPLETED</td>
</tr>
</tbody>
</table>

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
Florida Court Clerks & Comptrollers

September 16, 2019

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
**Comprehensive Case Information System (CCIS)**

---

**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

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
Criminal Court Case Data Collection

Data Providers
- Local Law Enforcement: Arrests
- State's Attorney: Direct Files
- Dept. Of Juvenile Justice
- Florida Courts E-Filing Portal (Statewide, Attorney, Private Attorneys)

Data Consumers
- Clerk's CMS (Local)
- FDE/PBI
- Dept. of Corrections
- DHSMV
- Courts
- Governmental and Public Access

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

<table>
<thead>
<tr>
<th>Top 15 Organizations</th>
<th>Active Users</th>
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</thead>
<tbody>
<tr>
<td>FLORIDA DEPT OF CHILDREN &amp; FAMILIES</td>
<td>7417</td>
</tr>
<tr>
<td>FLORIDA COUNTY SHERIFF</td>
<td>4929</td>
</tr>
<tr>
<td>FLORIDA DEPT OF CORRECTIONS</td>
<td>3856</td>
</tr>
<tr>
<td>FLORIDA LOCAL POLICE</td>
<td>2784</td>
</tr>
<tr>
<td>FLORIDA STATE ATTORNEY</td>
<td>2649</td>
</tr>
<tr>
<td>U S DEPT OF HOMELAND SECURITY</td>
<td>2138</td>
</tr>
<tr>
<td>FLORIDA PUBLIC DEFENDER</td>
<td>1724</td>
</tr>
<tr>
<td>FLORIDA DEPT OF REVENUE</td>
<td>1639</td>
</tr>
<tr>
<td>FLORIDA COURTS (20 CIRCUITS AND 5 DCAS)</td>
<td>1123</td>
</tr>
<tr>
<td>FLORIDA DEPT OF JUVENILE JUSTICE</td>
<td>965</td>
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<tr>
<td>FLORIDA DEPT OF LAW ENFORCEMENT</td>
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<tr>
<td>FLORIDA FISH &amp; WILDLIFE COMMISSION</td>
<td>522</td>
</tr>
<tr>
<td>FLORIDA DEPT OF HIGHWAY SAFETY &amp; MOTOR VEHICLES</td>
<td>469</td>
</tr>
<tr>
<td>FLORIDA ATTORNEY GENERAL</td>
<td>483</td>
</tr>
<tr>
<td>U S PROBATION OFFICE</td>
<td>391</td>
</tr>
</tbody>
</table>
IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT, 
IN AND FOR PINELAS COUNTY FLORIDA 
DIVISION: FELONY

STATE OF FLORIDA 
VS. 

Defendant

PERSON ID: 
SS#

JUDGMENT

The Defendant, 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

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

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).

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

Fingerprint taken by: 

__________________________________________
(Name and Title)

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

JUDGE

(IID-EMTPRINTS_ONDEMAND-III 1997/1307)
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.
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.
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.
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.
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.\footnote{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 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.
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; Timmern 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.”).

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; (e) 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. 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,

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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. 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

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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.


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.\textsuperscript{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.\textsuperscript{14} Third, if “credible and reliable” information indicates the applicant has a disqualifying conviction, the Secretary so notifies the Supervisor.\textsuperscript{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.\textsuperscript{16} Fifth, if the applicant fails to establish eligibility to vote, the Supervisor removes the applicant from the roll of

\begin{itemize}
  \item \textsuperscript{13} Matthews Decl., ECF No. 148-16 at 3.
  \item \textsuperscript{14} Id. at 5.
  \item \textsuperscript{15} Id. at 6; see also Fla. Stat. § 98.075(5).
  \item \textsuperscript{16} Matthews Decl., ECF No. 148-16 at 8, 11; see also Fla. Stat. § 98.075(7).
\end{itemize}
qualified voters. 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.

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

SB 7066 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. 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

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19 H'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 pre-existing 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,

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. 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. 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

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

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)(f) (2019).

During closing arguments in this case, the Secretary called these required attestations “inartful,” and they surely are. 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., Sch lent h e r 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 SB7066—^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.

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. 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 Hrg 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 plaintiff
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

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

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
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
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
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
r XVworkgroup@dhs.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 ability 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.
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
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
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-MJJ, 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.”

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

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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


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. It is possible that the FDLE's Florida Statistical Analysis Center

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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. 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 recovers 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."\textsuperscript{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

\textsuperscript{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

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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.  

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.  

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.  I then utilize the FDC’s OBIS database to identify all

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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.\textsuperscript{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.

\textsuperscript{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.\footnote{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).}

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.\footnote{See FCCC’s “Comprehensive Case Information System,” available at:
https://www.flcis.com/ocrs/login.xhtml (last accessed July 23, 2019).}
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”.\footnote{Letter (.pdf) attached to email correspondence from Savannah Sullivan, Communications Manager / Press Secretary, FCCC. July 17, 2019.} 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
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.\(^\text{25}\) 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

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 clerks have not provided the data necessary to conduct the analysis.

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 county 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. 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.

38 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. 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. 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 Some LFOs, by Race

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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 at 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 at 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.\footnote{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_paid (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 $50 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

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

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,\(^\text{34}\) 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, 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.

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 Schlichter, 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. Schlichter, 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).\footnote{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 1990 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.} Overall, I estimate that only 11.4% of these individuals owe $0 in LFOs tied to their felony conviction.
<table>
<thead>
<tr>
<th>Balance due, All</th>
<th>Balance due, Black</th>
<th>Balance due, White</th>
</tr>
</thead>
<tbody>
<tr>
<td>Count</td>
<td>%</td>
<td>Count</td>
</tr>
<tr>
<td>$0</td>
<td>13,247</td>
<td>11.4</td>
</tr>
<tr>
<td>Up to $100</td>
<td>5,143</td>
<td>4.4</td>
</tr>
<tr>
<td>Up to $250</td>
<td>3,527</td>
<td>3.0</td>
</tr>
<tr>
<td>Up to $500</td>
<td>10,585</td>
<td>9.1</td>
</tr>
<tr>
<td>Up to $1,000</td>
<td>25,452</td>
<td>21.9</td>
</tr>
<tr>
<td>Up to $5,000</td>
<td>47,463</td>
<td>40.8</td>
</tr>
<tr>
<td>Up to $10,000</td>
<td>4,893</td>
<td>4.2</td>
</tr>
<tr>
<td>&gt; $10,000</td>
<td>6,008</td>
<td>5.2</td>
</tr>
<tr>
<td>Total</td>
<td>116,318</td>
<td>100.0</td>
</tr>
</tbody>
</table>

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 11,405 (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. 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

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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

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 individuals 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

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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 l. <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://fcorweb.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 said that, 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 FOC/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)753-1188. 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: 1.866.760.4301 | Fax: 904.432.1400
vcannon@votenassau.com | www.votenassau.com | Facebook | Twitter | Newsletter Sign Up

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail (email) to this entity. Instead, please contact this office by phone or in writing.
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 <v cannon@votenassau.com>
Sent: Monday, October 14, 2019 10:11 AM
To: Matthews, Maria I. <Maria.Mathews@DOS.MyFlorida.com>; Marconnet, Amber
     <Amber.Marconnet@DOS.MyFlorida.com>
Cc: Cannon, Vicki P. <v cannon@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
v cannon@votenassau.com | www.votenassau.com | Facebook | Twitter | Newsletter Sign Up

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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 Uppelman (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]:

212
"...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.

- 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:
  - 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.
  - Tax collector’s office that issues driver’s licenses or Florida identification cards
  - 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://fcoweb.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/previouly 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 for 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
vpcannon@votenassau.com | www.votenassau.com | Facebook | Twitter | Newsletter Sign Up

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail (email) to this entity. Instead, please contact this office by phone or in writing.
Date: September 11, 2019

RE: TERMINATION OF SUPERVISION

DC# 
DOCKET/UC NO(S) 
COUNTY OKALOOSA

Dear [Name],

You are hereby notified that you completed your term(s) of supervision on August 14, 2012, 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://fsor.state.fl.us/restoration.shni 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*
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@aclufl.org | www.aclufl.org
October 14, 2019

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 task before it and offer the following recommendations for standards to guide your recommendations to the Florida Legislature.

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.

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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,

Kirk Bailey
Political Director
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.
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 unjust, focuses on constitutional & definitely wasn't the intent of 68% 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 filed on the premise that this segregated policy is unconstitutional.

Thank you for taking on this important work.

Anne Showalter 1577 Camelia Cir  
32037
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

850.606.6683

Leon County Election Center  
2590-1 Apalachee Pkwy  
Tallahassee FL 32301

Mailing Address  
PO Box 7357  
Tallahassee FL 32314-7357

https://www.leonvotes.org/

Florida Online Voter Registration:  
https://www.LeanVotes.org/OVR

Facebook.com/LeonVotes  
@LeonVotes - Twitter/Instagram

Voting is the most important expression of our collective wisdom.
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,

[Signature]

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
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
MADAM SECRETARY: Good afternoon everyone and welcome. I'm Secretary of State Laurel Lee. This is the meeting of the Restoring of Voting Rights Working Group. It will now come to order. I'd like to ask Amber Marionnet, with the Florida Department of State, to begin by calling roll.

MS MARIONNET: Chris Anderson.
MR ANDERSON: Here.
MS MARIONNET: Vicki Cannon.
MS CANNON: Here.
MS MARIONNET: Doug Chorvat.
MR CHORVAT: Here.
MS MARIONNET: Melinda Coonrod.
MS COONROD: Here.
MS MARIONNET: Kate Holmes.
MS HOLMES: Here.
MS MARIONNET: J.D. Peacock.
MR PEACOCK: Here.
MS MARIONNET: Kenneth Steely.
MR STEELY: Here.
MS MARIONNET: Laurel Lee.
MADAM SECRETARY: Here.

Before we get started, since this is our first meeting, I'd like each member of the Work Group to introduce themselves and identify the agency that they represent here today. We'll start down here on the end with Mr. Peacock.

MR PEACOCK: Thank you, ma'am. J.D. Peacock. I am the Clerk and Comptroller for Okaloosa County, have been for about the last four and a half years.

MR CHORVAT: I'm Doug Chorvat, the Clerk and Comptroller for Hernando County. I've been the clerk for almost nine months, but I've worked there for 18 years.

MS CANNON: Vicki Cannon, Nassau County Supervisor of Elections. Been in office for 19 years.

MR ANDERSON: Chris Anderson, Seminole County Supervisor of Elections appointed by Governor Ron DeSantis January 2019. Prior to that law enforcement.

MS COONROD: Melinda Coonrod, Chairman of the Florida Commission on Offender Review. This is my seventh year with the Agency.

MS HOLMES: Kate Holmes, Assistant General Counsel for the Florida Department of Law Enforcement.

MR STEELY: Ken Stealy, General Counsel for the Florida Department of Corrections.

MADAM SECRETARY: Thank you everyone. During the 2019 legislative session, the Florida Legislature created the Restoring of Voting Rights Work Group. Under this law, this eight-member group is charged with developing recommendations as to the consolidation of data necessary to verify the eligibility of registered voters for restoration of voting rights and any entity recommended to manage consolidated data, the process for informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility and any other relevant policies and procedures for verifying the eligibility of a registered voter for restoration of voting right.

The work group must submit a report to the legislature with our recommendations by November 1st, 2019. Upon submission of this report, this work group is discharged of any further duties. Given the time frame for completing this analysis, the work group will meet again on September 6th, September 16th, and October 1st for a total of four meetings.

For the first meeting today we will receive a presentation by Maria Matthews, Director of the Division of Elections at the Department of State, to learn about the Department of State's current procedures.

At our next meeting we will focus on role of the Clerks of Court and also look at technology capabilities and challenges with consolidating and managing the relevant data. At our subsequent meetings we will focus on developing our recommendations to the legislature. We will have an opportunity for public comment at each of the work group meetings. If you would like to speak, please fill out a speaker card from the back of the room. The phone line is available for those who want to listen in. But we will not be opening up the phone line for public comment. If you are listening in on the phone and would like to submit public comment, you can do so in person at one of our next meetings or via email at rvrworkgroup@dos.myflorida.com. I also ask that everyone who is attending today please sign in using the sign-in sheets at the back of the room.

At this time I'd like to invite Maria Matthews, the Director of the Department of State's Division of Elections to come forward for her presentation.
MS. MATTHEWS. Thank you, Madam Chair and Members of the Committee. I appreciate the opportunity to present an informational presentation on what the Division of Elections does in the role of voter registration and identifying potentially ineligible voters.

It really all starts with the voter registration application. On the screen you will see a statewide voter registration application that state law dictates what the fields are supposed to elicit. This form is what’s used primarily for voters to register for new registration as well as updates or requesting a replacement card for their voter identification.

This particular screen shows the statewide voter registration application as currently amended and it’s in this rule-making process right now. But the yellow highlight shows the area field relating to felony affirmation statements. This was required to be changed as a result of the state law that was enacted this past legislative session.

There are three statements on there. You should have in your notebook a much larger version of it so that you can see what those statements are. There are three statements now versus the one that used to be in there as required by law.

MADAM SECRETARY: This is under your purple tab presentations.

MS. MATTHEWS: So a voter is supposed to fill out those fields under oath that the information is correct and accurate. And it relates to a number of things as to are you a U.S. Citizen; yes or no. And then there’s the affirmation statements, felony. And then the third one is I affirm that I have not been adjudicated mentally incapacitated.

Then it goes to the personal information as to the date of birth, the name, the Florida driver’s license or Social Security number as State and Federal law require a personal identifying number to be provided so that it can be verified that that name belongs to that person associated with that number. Then the name and address.

Questions about whether they wish to get a sample ballot; what party affiliations since Florida is one of the few states that has the primary. And you can only — in order to be able to vote for somebody in the party, you have to be able to be registered in it for the primary. And then a place of course for the signature. Any questions on that part? Okay.

Once that application is submitted — and you’ll find again in your notebooks a larger page showing the voter registration process. What we’ve outlined here for the notebooks is for a new application. But honestly, this is the same process that will be followed for an update, but for the verification of the personal identifying number. Because once you have your personal identifying number verified, then it doesn’t have to be done over and over again every time you register.

So an application can come in on a number of ways. It can come in directly to the Supervisor’s office by mail, in person, through a third-party voter registration organization or a voter registration agency as may be designated by the National Voter Registration Act or state law.

These will be your public assistance agencies who are also tasked with requiring to ask whether an individual who is seeking public assistance or any other assistance that they — if they wish to also register to vote.

The information — an application can also come in through the Department of Highway Safety and Motor Vehicles or the Tax Collector’s Office. It can be an electronic intake process in person. It can happen through a Go Renew online or it could be a paper drop off. And then finally there’s the Florida Department of State’s online voter registration system that was launched in October 2017. But it also can come in through paper. If it comes in through paper — by paper to the Department of State, we forward it on to the Supervisors of Elections to the county in which the person indicates that they are a resident.

Once that application is entered into the system, the Florida Voter Registration System, which is the statewide system for official lists of registered voters, if the application is complete on its face, meaning everyone — the person has checked all the boxes indicating eligibility. They’ve provided the information that the law requires in order to determine if the person is eligible by virtue of their address, checking the boxes about eligibility, the date of birth, the personal identifying information number, which may be the driver’s license number or state ID number or their Social Security number.

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is forwarded on to the Department of Highway Safety and Motor Vehicles for verification. That's the final step to getting an application complete and the voter getting on the rolls. So the determination of getting on the rolls is made on the face of that application.

Once that's done, if it's verified, that application information goes to the Supervisor of Elections and they're the ones that make that final call about putting the person on the rolls. And it's usually a very automated process. If the number cannot be verified, the person -- the information is still forwarded on to the Supervisors of Elections after the Department of State tries to find out why it couldn't be verified. Because sometimes there might be a name or date of birth or transition of data that might have caused the information not to be verifiable as it was provided originally. If we cannot make that determination, then the information is forwarded to the Supervisor of Elections and the Supervisor sends a notice to the voter to say, hey, we could not verify this information; please provide personal proof. So they still have an opportunity to be able to get a full-fledged voter registration. The individual can bring in a copy of their ID or their Social Security card. They can fax it in. They can email it in. If that's provided in time before the next upcoming election, then that person will become registered. If the person doesn't, they may still have an opportunity if they go to the poles. They'll have to vote a provisional ballot. But then again they'll have two days thereafter to be able to present evidence that, yes, they are eligible this number. They do have a personal identifying number and here's the proof of it. And then the ballot can be counted.

So once that all happens and an individual registers to vote, that is when the identification felony process begins. Only after the person is registered to vote. It does not occur beforehand. So within 24 hours of registering new, submitting an update to your voter registration application, even requesting an application card, your name regardless of how you filled out your application saying, yes, I'm eligible as to all these fields will still be cross-checked against criminal records to determine that yes, there is nothing there that would disqualify you thereafter.

there any questions on that part?

So I think it's important for context to see what the process entailed before Constitutional Amendment IV and a little background history as well. Prior to 2004 or 2005, information about someone's eligibility was provided directly to the Supervisor of Elections. So they would receive that information directly from the Department of Health as to whether someone was deceased. They would receive information about someone being a convicted felon directly from the Clerk of Court. They would receive information about someone being mentally incapacitated directly from the Clerk of the Court. The law at that time said that once they got that information, the person was removed immediately. There was no notice, no opportunity to contest what was -- the information that was provided. Where there was due notice was if the person was found to have listed a fictitious name or listed an address that wasn't a legal residence or wasn't actually of age to be able to register. But the process was nothing what it resembles today.

In 2005, in anticipation of the statewide voter registration system which really came into being in 2006, the legislature enacted significant due process notices in the law. And that is what you see today in your -- in the state law.

So prior to Constitutional Amendment IV, we, the Department of State was also after 2003 or during 2003, then redesignated as the agency the primary agency to identify potentially ineligible voters based on information that we received from state agencies or any other credible and reliable sources. So now instead of the clerk giving the information directly to the Supervisor of Elections, the information comes directly to the Department of State. Same thing with the Department of Health. Same thing with the Department of Florida Department of Law Enforcement, Florida Department of Corrections.

So we have a bureau that is dedicated to identifying this information that we get. We may get this information a number of sources. And this chart here will show focusing on the felony.

From the Florida Department of Law Enforcement, we daily get information about felony and registered sexual offender predators. We get that on a daily basis. The SOP though we do get on a monthly basis. From the Department of
Corrections: we also get daily information. Again, I should specify only Florida felony conviction information. Automated matches come through our web service for the Department of Corrections. For the Florida Department of Law Enforcement we get automated data initially that might have a match. From the U.S. Attorneys, federal, state, and other state courts, we may get things intermittently, periodically, monthly, daily, but it's all manual process. So the information might come in through fax. It might come in through the mail. It might come in through the mail -- did I say the mail? Yeah, I did already. So that information is all paper.

We also still get Clerk of Court's jury lists and that happens monthly. That again is a paper process. And this is information that the Clerks of Court get when someone is being called to service and they say, no, I can't serve because I don't live in this county anymore. I'm actually adjudicated mentally incapacitated. I actually have been convicted of a felony and I haven't had my rights restored. So that information is all coming in funnelled into the Department of State.

Supervisors of Elections also still get some information directly that they may act on. And it may be fresher from the Clerk of Court. The Clerk of Court records of course are what feeds and supplies the information for the criminal records databases out there.

Pre-Constitutional Amendment IV, we get that information, we take it, we bounce it against voter registration rolls both new and existing. As new felony records come in, we still bounce those against all existing registered voters. So someone can register and they weren't convicted of a felony at that time, but then afterwards they may be convicted of a felony. So in order to make sure that we're capturing all that information, we do that daily match process. Once a match comes in that's just data and several records can be associated with it. So it's not just a one-to-one. One criminal record, one voter record. On average there's four to five criminal records per every match. And it could be, too, that a criminal record matches to several different voters or vice versa. We have matches that have more than 20 criminal records associated with just one registered voter.

The Department of State then takes that information, the manual process, to review it to make sure that it's credible and reliable. And this is the requirement of state law to make sure, because we don't want to be removing anyone who's potentially -- is eligible. In order to do that of course we have to then obtain documents. We have to make sure that this is truly the right person. So that's the identity match. We then have to make sure that the records that we've received automated data on actually is reflective of what the court records show. Sometimes this information is available online through the court records document database. Other times we have to go and look for -- we have to reach out to the Clerks of Court. There's a lot of sources that we use. For identity demographics we consult the Department of Highway Safety and Motor Vehicles. We also look at the Department of Corrections because they have the pictures and visual that we can also see that. And we also consult CCIS obviously for the court records. If we're not able to find the records on line or the information sufficient enough, we have to reach out to the supervisor -- to the Clerk of Court and ask for the records. This can take a while depending on which county you're going to how old these records might be. And some Clerks of Court depending on what the workload might be, they may group the request together. So you don't necessarily get it within a certain time frame.

We have a process by when we check. You know, after X number of days or weeks, we will go ahead and reach out again to the Clerk of Court. We also have access to PACER, the Federal Court database, court records database, and we also have access to Department of Corrections IRS, the image database there.

Obviously with the Pre-Constitutional Amendment IV, once we were able to answer the questions is this the same person; is this definitely a felony conviction for which there's been adjudication and that it's definitely a felony, then the final question is has this person's rights been restored. Pre-Constitutional Amendment IV, that question was answered only by one thing and that is had they gotten clemency. So we used information available from the Florida Commission on Offender Review.

If the answer to that is that they have had their rights restored, the individual remains on
the rolls. Throughout this process -- and I wish to just emphasize this. Throughout this process the person is still on the rolls. If the person has not received clemency that postdates all the felony convictions, then that person is deemed to be potentially ineligible. And that's all it is at that point that we can determine. We have now this case file. This information is then provided to the Supervisors of Elections through an electronic process. Many years ago it was all paper. We're very grateful to be away from that. There's still some files that are paper. But primarily everything can now electronically scanned and forwarded on to them. They have a site to which they go to that they're able to download that and then process. We also keep track if felony files haven't been downloaded just to make sure that they aren't getting old sitting there.

The Supervisor of Elections then has a duty under state law, which is very spelled out in 98.075, sub seven, and that is the due process provisions that I was talking about. So within seven days they are required to send a certified or verifiable mailed notice to the voter. The voter then has 30 days to respond to that actual notice. If that notice is undeliverable, the law says you need to publish notice. Again, the voter has 30 days to respond to that. The actual notice, the law is very specific and I'll talk a little bit more about I think towards the end about what that notice needs to include if it's actual notice mailed or if it's published. The person if they respond and wish to have a hearing, they are entitled to have one. It can be very formal or very informal. Then the Supervisor of Elections who is the only one under state law makes the call about whether that person is eligible or not and then the person if ineligible is removed. They get notice that they've been removed. If they're eligible, they remain on the rolls. This entire process can take up to 130 days just -- any questions about that part of it? So as you can see on the screen, adjudicated felony conviction; yes, no. And then the question clemency; yes, no. And this of course only applies because obviously there's always exceptions to the rule about federal and state court -- out of state court cases, convictions that may be handled a little bit differently. Any questions? Okay.

So then the next is post Constitutional Amendment IV process. There really is no change in terms of the sources of information that we're getting initially to identify potential ineligible voters. That still occurs. I'm assuming still were going to get on average about four to five criminal records to a match. Although again it can be as many as 20 or more. We're still going to make use of the sources that we have regarding for identifying demographics, court documents, and the search for restored voting rights is the one part that will change or at least we need more sources of information. And the reason being is because obviously with the Constitutional Amendment IV the question of, okay, is this the right person? Is this a felony conviction adjudication? We now have to determine what type of felony conviction. Up until that point until Constitutional Amendment IV, we weren't looking to see what kind of felony conviction because that would -- it wasn't required. With the existing law, we now have to ask that question. And the question is if it's murder or a felony sexual offense, it's still only way that you can get your rights restored is through clemency. Any other felony offense will now be are all terms of the sentence complete, yes or no. So it's still -- so now we have two roads that we can -- that we have to follow in order depending on what the underlying felony sexual offense. Prior to that my staff was not required to look into what kind of felony, the nature of it. That is now changed.

So as you'll see in the middle box, we still have to do our manual process once we get the information. We still have to determine that it's credible and reliable. But now our process will entail starting off with is this person in prison or DOC custody. For our purposes, because we're confident that that means that they have not completed that part of their sentence. If they are in prison or under custody with DOC, then the sentence is deemed not complete, assuming of course that that's part of the four corners of the sentencing document as required by law, and then that person is deemed potentially ineligible. That information is then electronically shared with the Supervisor of Elections. If the answer is no, then we go to the next question and that is is this a murder or felony sexual conviction,
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<td>have they been adjudicated for it. If it is, then by law the question is still only have they had their rights restored. And the only way they could have is through clemency as it exists right now. If there is no clemency or the clemency predicates the last felony, we'll have to look and see what the last felony was. Because again, that may change what we need to be looking for next. Then that person's file will be sent down to the Supervisor of Elections for processing. If the answer is no, there's no murder or felony sexual offense conviction, then the analysis is we need to look at what all the terms of that sentence are and determine whether they have completed it. And that can include everything that the state has identified as being part of that sentence -- sentencing document. And that is laid out in that new section of state law that says what has to be completed in terms of, you know, prison or probation or supervision or restitution or fines, fees and costs. Again, nothing has changed in terms of the Supervisor of Elections due process requirements. They still remain the same. Any questions on that part? So with the case file content, this is what Wanted to go into a little bit more detail about the statutory due process notice. So as I indicated earlier -- oh, I wanted to make sure. Any questions about that other page? No. Okay. Within seven days of getting notice from the Department of State or even if they get something directly from another reliable source or they get it from the Clerk of Court or whatever, they have seven days to go ahead and send that notice. The law is very specific about what that notice has to include. The basis for the eligibility, what happens if you don't respond in 30 days, the opportunity to be able to admit on the form or deny that you are ineligible, a statement of your right to request a hearing, instructions on how you can resolve the matter. If there's some confusion, no, that's not me. No, that's not -- yeah. I'm a convicted felon, but you know it's been -- I'm actually entitled to be able to vote. Instructions on how to seek restoration of civil rights or voting rights per the constitution. Obviously the voter has then 30 days to respond. If they don't respond during that time, then the Supervisor of Elections makes the call based on the information that they have before them. If we envision and what we have currently in terms of what the supervisor gets so that they have a completed file in front of them. They'll get our case file review certificate. They'll get a screen shot of our workflow that shows the matching information, both voter and felon information. They get a screen shot of the Florida -- from the Florida drivers -- I only know it as David. I keep calling it David. It's their driver's license database. They get a screen shot from CCIS, which will show the court -- the felony convictions. If there's any financial obligations listed there, we would send -- that would also be included. Any court documents. At a minimum the judgment and sentence. But there may be other documents that we sometimes need in order to make sure that we've made the right match. So it could be arrest records, other things in there. We also if available we'll send a screen shot from the Florida Department of Corrections online and also our internal web service information page. And then the last, if there is -- there isn't clemency, we also include a clemency screen shot showing that we've done our search and nothing came up showing that.</td>
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| the actually notice is undeliverable, then the supervisor has to do a notice in the newspaper. A lot less detail has to be included in the newspaper. You just have to include the name, the address, failure to respond in 30 days warning statement. There's right to ask for why am I ineligible. Because the notice does not include that statement. It shouldn't be including saying you know, Maria Matthews, you're a convicted felon. You need to come in and you know, contest it or whatever. It will just say you're ineligible. And then instructions to the voter to contact the supervisor. 30 days passed, you heard nothing from the voter. Again, the supervisor makes the call on the document before them. If the person does ask for a hearing, then that can be scheduled at the convenience of the Supervisor of Elections and the voter. It can be informal. Just come on in; we'll talk. Or I understand some counties have actually contracted with the Division of Administrative Hearings and have a formal process that's like a schedule. So it won't necessarily happen immediately. And then once that hearing is held, then the determination again is based on the record. And if ineligible,
determined to be ineligible, the voter is removed and the voter is notified. Throughout this entire process, once an individual gets on the rolls, they are on the rolls through that entire time until a determination is made that they are ineligible and need to be removed.

And that is the end of my presentation. Any questions?

MR. PEACOCK: Madam Chair.

MADAM SECRETARY: Yes, go ahead, sir.

MR. PEACOCK: Thank you for that presentation. I had one quick question about the case file. On page three it talks about the different context of the case file that. That case file is maintained by the department and then transmitted to the Supervisor of Elections in question, right?

MS. MATTHEWS: Correct.

MR. PEACOCK: Does that case file then just get transferred? Do they build on to that case file after that?

MS. MATTHEWS: My understanding is if the file is complete on its face as it and they're comfortable with that. That's why we try to make sure that it's pretty credible and reliable that's it. But if they have any questions about, they can certainly call us and say, look, I don't feel like this is right or I notice something here that probably needs to be looked at. Once they get information from a voter that maybe we did not find, that becomes part of that record as well.

This case file -- I'm sorry, Madam Chair. I did not ask for permission before I answered.

MADAM SECRETARY: Thanks. Go ahead, Ms. Matthews.

MS. MATTHEWS: I just realized that. Thank you, Madam Chair.

Once the individual replies and if they have something that indicates okay, yeah, this is not me or that is not a felony conviction, or yes, I've had my rights restored, then that becomes part of the record. The supervisor records that in the system and they have that record. And then I don't recall exactly if we always get notice of that other than it's recorded in the system as being, you know valid or invalid.

MADAM SECRETARY: Other questions from members of the working group? Seeing none. Thank you, Maria. And at this time we will move to the public comment stage of the presentation. And we have here with us today Mr. Mark Schlagman from the Florida State University. Welcome to you, sir. When I call names for public comment, please come forward and we ask that you limit comments to three minutes. If your comments exceed that length, you're welcome to submit written materials to the work group, which will become part of our record. Thank you, sir.

MR. SCHLAGMAN: (Inaudible).

MADAM SECRETARY: Mr. Schlagman, I think you need to turn the microphone on. There we are.

That's perfect.

MR. SCHLAGMAN: Just so you're aware, there's no light that comes on. I wasn't aware that it was off.

MADAM SECRETARY: We could hear you just fine. For the record we just wanted to be sure that you were okay for the whole room.

MR. SCHLAGMAN: Rather than run through the preliminary comments, I'll get right to the point that I wanted to address or at least observe for the work group. The legislation is silent to the window between January 9th and June 30, and within the context of potentially removing voters from eligibility or the roll. Without delving into a legal analysis or attempting to surmise what court at the federal or state level may conclude, a general observation that there's an ex post facto concern applying a law after the fact. So people could register to vote as of the effective date of the amendment, which was January 8th. The legislation, which again will be addressed in various courts, various issues didn't take effect until July 1. So that is the window within which I'm referring to. And people arguably at face value that may have aligned with eligibility by way of the expressed language of the legislation. That is hypothetically not being convicted of murder, not being convicted of a felony sexual offense to the extent they could determine that. There is at least a reasonable argument to be made that attempting to remove them by way of the language, whatever the courts do or don't do from July 1 forward runs into a very basic problem.

Again, application of law after the fact.

So I raise that not to attempt to resolve that issue today, but to underscore that within the content of your work, which is expensive, that ultimately -- and the work ultimately that the division does; that it is an issue that may
would be helpful to take into consideration
because it leads to another aspect
Without guidance, as you know better than I
do, the 67 different supervisors could take
different approaches to these issues. That's just
almost a logical assumption, which could lead
ultimately to equal protection challenges. So
again without delving into the other issues that
the courts will be weighing in on one way or
another, I just wanted to underscore that this is
significant within your current charge
irrespective of what the courts may do unless a
court just strikes the amendment all together. So
thank you for the time.

MADAM SECRETARY: Thank you very much, sir.
We appreciate your appearance and your input. All
right. That concludes the comment cards that were
submitted for public input here today. So I would
like to thank everyone for attending today's
meeting. If anyone on the telephone group wishes
to submit written comment to the work group, you
may do so at the email address that was earlier
provided. I thank you everyone for attending
today's meeting. Our next meeting will be on
Friday, September 6th at 10 o'clock A.M. This

meeting is now adjourned.
(Thereupon, the meeting adjourned.)
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TSG Reporting - Worldwide $77,702.9580
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
MADAM SECRETARY: Inaudible – meeting of the
Restoration of Voting Rights Work Group. I'd like
to ask Amber Marconnet with the Florida Department
of State to call the roll.

MS. MARCONNET: Chris Anderson.

MR. ANDERSON: Here.

MS. MARCONNET: Vicki Cannon.

MS. CANNON: Here.

MS. MARCONNET: Doug Chorvat.

MR. CHORVAT: Here.

MS. MARCONNET: Melinda Coonrod.

MS. COONROD: Here.

MS. MARCONNET: Kate Holmes.

MS. HOLMES: Here.

MS. MARCONNET: J.D. Peacock.

MR. PEACOCK: Here.

MS. MARCONNET: Kenneth Steely.

MR. STEEELY: Here.

MS. MARCONNET: Laurel Lee.

MADAM SECRETARY: Here.

Thank you, Amber and thank you to all of our
work group members for being here. For those of
you in the audience, please be sure to sign in
using the sign-in sheets in the back of the room.
We will have an opportunity for public comment
toward the end of the meeting. So if you would
like to speak, please fill out a speaker card
which can be found in the back of the room.
At today's meeting we will hear from Senator
Jason Pizzo and Representative Jamie Grant. Thank
you to being here to both of you. We will also
receive presentations from the Florida Department
of Corrections and from representatives of the
Clerks of Circuit Court and Comptrollers. We are
grateful to have the Honorable Ken Burke, Clerk
and Comptroller for Pinellas County, The Honorable
Karen Rushing, Clerk and Comptroller for Sarasota
County, and Melvin Cox, the Director of
Information Technology for the Florida Association
of Court Clerks and Comptrollers in addition to
Senators Pizzo and Representative Grant here with
us today. We greatly appreciate your time and
your anticipation.

As you all know, our last meeting was
canceled in light of Hurricane Dorian. So we
missed our last meeting. As a consequence,
today's agenda is very full. We are going to try
to stay on track with the time periods that have
been allotted to each of the presenters today. If
there is a particular subject or a particular

stakeholder group that has a lot to say or for
whom the working group members have questions or
additional information, we have the opportunity to
bring them back for our next meeting if that is
necessary.

With that we will begin by inviting Senator
Jason Pizzo to the podium. Senator Pizzo, if you
would please come forward.

SENATOR PIZZO: Can you hear me? Okay. I've
since required glasses since last session to read
appropriately, so start the reading.

Thank you for having me. I know my time is
limited and I really appreciate the opportunity to
be here and to see my colleague Representative
Grant as well. I think I have as many questions as
I do statements or things to consider, but I'll
be brief and with the aid of the slide that's up
here and with the direction or the mission of the
group to that effect.

I hail from Miami-Dade County. As many of
you know, I was a former prosecutor with the
Miami-Dade State Attorney's Office for many years.
And I handled a number of cases from the
misdeemeanor level all the way through the
felonies. I'm familiar with the court system.

But I wish to raise a couple of issues and it has
to do with concerns about equity and parity and
uniformity. I understand that I'm being asked or
my subject matter so to speak is about fines,
restitution and fees. And I just want to be
clear. A lot of people had to get a bit of an
education this past session as to the four
different types of obligations that there are.
Beginning with restitution that's effectively owed
to a victim. Fees, which are incurred as a
condition or a part of a term, whether it's
probation or other. Fines, which are by statute,
which attach to any number of crimes. By way of
example, cocaine trafficking from 28 grams up to
159, would be 30,000. From 200 to 399, you're
going to pay 100,000. And then so on and so forth
to 250,000. And some of them are a half a million
dollars. And then of course the last are court
costs that we understand to be court costs or
otherwise known as memorandum of costs.

The concern that I have and the reason that I
welcome the invitation today is because we have 20
individual circuits in the State of Florida. And
if someone is going to roll out a plan for
whatever reason, that plan may not be uniform to
19 other circuits and certainly will not. Whether it's by policy, ideology, philosophy or procedure or the interpretation of the law. The convenient thing about this passing of torts is a couple of the drafters and people that participated are actually here. So if you want to know about legislative intent, we're happy to answer those questions.

But I will tell you that the concern arises from the following. In Miami-Dade County a judgment and sentence which you can find on the clerk's site are two separate documents. They may be numbered page one through five, but they are headed -- titled and headed separately within a judgment versus a sentence. And the way that we have bifurcated it in Miami-Dade County is to believe that a sentence is that which is punishment. So that will have a term of years, incarceration followed by probation. It will also have the restitution and fines that attach to any particular conviction of a crime. We've bifurcated the understanding and interpretation to mean that judgment very often carries a memorandum of cost, which you know as court costs. It may also attach to it what are fees. And now you have the largest circuit, the 11th Judicial Circuit, potentially 138,000 returning citizens. The cause for concern will be if someone is able to enjoy a plan or procedure that is taking place in Miami-Dade County, what about their brethren in Broward or Palm Beach or Hillsborough or Polk or what have you. One that's obviously up for discussion and I'm happy to remain for the public portion as well, because I have those questions as much as I have answers. A couple of things that seem sensible now that we have even personally volunteered. I have pro bono to represent anybody that wants to get back and be able to register to vote. We put out booths at different events. Facebook and social media postings to that extent is really the question and concern about the voter registration form. The voter registration form I understand is going through a rule making. But there remains a great amount of confusion as to the interpretation, which is you're allowed to use the old form so long as you still have inventory or stock. Well, photocopying creates more inventory. And whether or not the new form which is going to rule making does have a box that speaks to Amendment IV, but there is a concern in a term of years so to speak, which is indeterminate because you may be ordered to two years of probation, but you may qualify for early termination. Your probation may be extended if the window of the underlying felony allows for it based on violation. So that's an indeterminate moving target and it's impossible to ascertain with any degree of accuracy those fees might actually be at the inception of when someone actually raises their right hand. There also is an allowance for the court. And this has been the case personally where we reserved on the amount of restitution until we have a finite figure or definite figure. So that's not exactly always pronounced at the time that someone may raise their right hand and take a plea or found guilty at trial. It's important to remember that the overwhelming majority of not only my own cases that I had in my audit, but also those that take place in the 20 judicial circuits are closed by way of plea, not by trial. So this is supposed to be a willing and voluntarily and understanding when they take that plea. So what I wish to speak about is understanding that Miami-Dade's position, which is the community as to whether or not the checking off of the box on the new voter registration form, the third box, initiates some sort of investigation or does it pull the application to the side for further investigation as to whether or not someone does or does not qualify. And I believe if I understand the rules correctly, a directive that would come from the Secretary of State as opposed to an order or some other part. That's a very big concern. Also, and I think Representative Grant might be able to speak to this as well, the effective date for Amendment IV was January 8th. And from January 8th until July 1st while the machinations of legislation were going on, you had a great many people that were registering to vote. And we would have a unique situation where we would retroactively be removing or taking back people's voter registration forms that may have let's say by way of example filed to register in mid March under either a crime or a condition or situation that was later found by operation of the new bill signed into law that might have actually disqualified them. What's happening with those? That's of grave concern. Because we added on some
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sexual offenses that were not just those that were
under the registry under 943. So someone may have
filed in March and found out now that they're
disqualified.

But more of a pressing concern not exactly
for this board, but certainly for the State's
Attorneys of all the 20 circuits is not being --
making a statement or having a position not to
prosecute anyone who may have filed a form that
was inaccurate and erroneous. But it's erroneous
remember because of the operation of what the bill
later had and was later signed into law. What do
I mean by that? Somebody may have checked off the
box with the understanding that they were fully
restored. Well, I'm certainly not speaking to the
merits of the condition and situation of ongoing
litigation in both the Federal and State court.

Nor should that be our concern. The concern is we
look to the four corners and what we are
implementing. But you're going to have people
that register to vote in March or even in April
that now are concerned that they may be
prosecuted. And that's something that we've
reached out obviously to Miami-Dade and to other
prosecutors to say that you can't possibly hold

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those people in that situation or prosecute them,
or should they be because the information they
were acting under was not yet finalized.

But I do want to draw your attention to a
concern I had, which is in 2018 between July --
excuse me. Between January 7th and July 1st there
were approximately 93,000 new voter registration
applications in Miami-Dade 93,000 between
January 7th, excuse me, and July 1st. Effectively
the same effective date. But in 2018 -- 2019,
excuse me, there were 73,000. So even with the
passing of the effective date of Amendment IV,
20,000 less people in Miami-Dade registered to
vote this year than they did last year. Of course
it was a gubernatorial race. A large election
obviously of great popularity, but 20,000 less
people. So what we're trying to do locally for
our constituents is dispel a lot of the rumors
that are out there about prosecution, about
retroactivity, about what has to be paid and what
doesn't have to be paid. It is of paramount
concern as it relates to those four silos of
financial obligations. About 10 percent of all
outstanding felony cases have some component of
restoration. It is well settled because of the

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bill that you have to pay restitution before you
can register to vote. But the interpretation in
Miami-Dade and I believe it's going to happen in
some other places is that you have to discriminate
the judgment sentence. And then, therefore, if
the memorandum of costs and fees are under a
judgment and not under a sentence, they're not
waived. This is important to understand what the
position is. It's not that you don't owe them.
But for the purposes of being able to register to
vote, you don't owe them. They don't have to be
paid in advance. But yet they're still owed.

We're not waiving, excusing, forgiving or any of
those charges or any of those fees or costs. But
for the purposes of voting, they don't have to be
paid.

And then the Miami-Dade plan also speaks to
as it relates to fines. Fines are by statute.

only the State Attorney's Office can waive those
fines. So if you get a $50,000 fine for cocaine
trafficking, the state can waive those. And
Miami-Dade's position is placing those cases in a
group where you're on a payment plan, that is
proof and evidence that you are in good faith
trying to make that plan. And in which case we

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would go ahead and allow somebody to register to
vote. If you owe restitution, every dollar has to
be paid, forgiven in part or parcel from the
victim. And finally as it relates to fees and
costs, those again are part of a judgment, but not
of a sentence in the interpretation. I will tell
you and candidly and to be intellectually honest,
some other circuits collapse those documents
into one. Not like Miami-Dade. Those are into
one. So the argument is going to be well these
memorandum of costs are in our judgment and
sentence which is one document or fees that attach
thereto.

Of course this creates like I said in opening a
real concern about the equitable treatment or
uniform treatment or having a standard statewide
that applies to everybody. Because someone may
have been found to have paid less to be able to
register to vote in Miami than they would in
Broward or they would somewhere else. And I'm
just by way of example naming other counties. I
don't know what their plan is specifically.
But real quickly just in ending The
original -- one of the original drafts of the bill
did have a registry. It did have a registry. And
I understand the limitations of the Secretary as well as other agencies about the sharing of information. I will tell you candidly, I believe it to be far more expensive than prohibitive that if there isn’t a centralized database or agencies are not allowed to share information, than someone with a crime in Cincinnati, Ohio is going to have to go to Cincinnati, Ohio if they don’t have the resources of a pro bono organization or a lawyer in the family to be able to decipher and determine what is owed and what is the status.

I understand that there was a concern about sort of the Scarlet letter idea or felony registry, but it makes it impossible to enjoy a system that I believe Chair Conrod has at FCOR right now, which is when applying for clemency, which is obviously a separate restoration, that that information is available to the applicant. And it’s readily available to both the agency and the applicant. That is not the case with Amendment IV. So there really is no place where I can go run an NCIC on the cheap or get a status without having to use legal counsel or actually go into that clerk’s office in out-of-state jurisdictions.

So the second part about processing and informing a registered voter, here now has a captive audience concern that I have it. If 30 people are about to be released, and according to 7066, the bill that we’ve all operating under, 30 are about to be released from a correctional facility, they need to go into 30 different counties. It is now a requirement for the DOC to inform people soon to be released in 18 point font about their ability to, you know, return and have their voting rights restored. What information are they giving them? Are they going to be giving them a separate pamphlet for Miami-Dade versus Hillsborough? That’s a real concern because obviously we want that be standardized and uniform. So if two different State Attorneys have two different interpretations of fines and fees and costs and restitution, how are we going to be in fairness to the DOC — and Mr. Steely I can see is writing this down intensity. Sir, your agency is literally responsible for informing those that are about to be released about getting their rights restored. What are you handing them? Is it based on where they live or is it something statewide. And then of course the same thing goes for probation officers. If someone is about to come off of probation, your DOC offices in different regions are also having to inform these individuals what plan are they giving them and what information are they giving them.

And finally, if someone has satisfied and Miami-Dade’s plan passes the small test and someone has completed for the purposes of sentence to be able to register to vote, will the Secretary or the Department of Elections accept a court order or written order in the form of a clerk’s stamp and what does that look like? We’ve drafted one and designed one, but that’s also a concern for uniformity, to evidence if of course the process stays the same. So if the Department of Elections finds that someone may be ineligible to vote, they notify the supervisor. The supervisor has seven days within which to notify that person. And then within the 30-day window thereafter, which is codified in the bill and has been the case, they can appeal it and ask for a hearing in person to dispute it. But what I’m actually suggesting candidly to folks in my district is to go ahead and get that form that shows that your case is closed already and maybe include that with your voter registration form so there’s no further investigation. But what does that form look like? What will courts use in all 20 circuits to evidence that a case has been closed for purposes? And then finally it speaks to the third, which is policies and procedures verifying eligibility.

I contend that when the registry section was taken out, it was a bit of a disservice to the extent that I believe agencies should be able to freely share information. Because it would have been a lot less costly both in time and dollars for individuals to get a true status update on where they are to go forward and to be able to do that. I know that the original bill also called for the Supervisor to do that, but they weren’t equipped to do it. To that extent the FDLE, Chair Conrod’s also had that ability. But you’re not letting John Q. public be able to, without a great cost or the use of an organization that may provide a pro bono really just find out where they are.

And then very, very last thing is my concern about how we’re going to reconcile federal cases. Left to the interpretation of out of jurisdiction state statutes. We used to do it all the time as
prosecutors. When we were doing a score sheet, we would take a statute from out-of-state or out of jurisdiction to be able to do the applicable similarity. My concern is about getting clearance and reconciling federal cases as a result to restitution or to payments of fines or fees. The Federal Government very well just enabled their issue at us and say, I don't care that you had all 20 judicial circuits and state judicial circuits to comply or to believe in some uniform standard, but if you got to pay every single dime before a case is closed, and we don't really have that answer or discretion.

So I'm happy to take any questions and I'll be here for the duration. Thank you.

MADAM SECRETARY: Thank you, Senator Pizzo.

We appreciate your participation today. I see Representative James Grant is here with us.

Representative Grant, if you'd please come forward.

REPRESENTATIVE GRANT: Thank you, Madam Secretary and Members. I appreciate your service and time on what is certainly an important issue.

I was asked to kind of touch on a couple of things. One, the waiver process, the fines and fees, as well as potentially some of the ways that we can solve some of these challenges. And one of the things I'll touch on kind of briefly in the waiver process is that I think it's important for everybody to understand that every bit of authority necessary to implement a circuit specific waiver process exists. One of the things we contemplated in looking at this legislation was do we write into state statute a very prescriptive process that mandates perhaps the chief judge's responsibility or the clerk's responsibility or the State Attorney's responsibility. In understanding how the circuits work very differently, it was important to us that at least in the initial rollout of Amendment IV, we maintain the flexibility for the local constitutional to do their work to make this work. I have yet to hear of a single issue where there's a lack of authority necessary for the clerk, the chief judge, the supervisor to come together and to put in place a process that is both transparent and efficient when it comes to the pursuit of the remedies.

I think that one of the things that has been lost a little bit in some of the commentaries by certain elected officials at the local level, and my good friend and colleague just touched on it with respect to the waivers and the impact of fines and fees. The legislation is not ambiguous. It is explicit that the waiver process requires the termination of the financial obligation. So if there are entities in the State of Florida who believe that they can waive for the purpose of voting rights and simultaneously still try to pursue that obligation, I believe they are in very clear and explicit violation of the legislation that was passed. And I will highlight for you why we did not include civil conversion in the waiver process. It was my belief that if we were going to do the most humane thing possible in the restoration population, that putting a waiver in place that would eliminate the financial responsibility, i.e., the returning citizen could not only earn back their right to vote through the termination process, but they simultaneously no longer owed that money.

So I find it very, very disingenuous for some entities in this state to suggest that they can look right and say you no longer owe this money, and then look left and try and chase you down for that money. It's why the word termination exists in the statute. So I think that with the authority in place and with the ability to waive the financial obligation by contrast as I referenced the conversion to a civil lien. A conversion to a civil lien would not remove the financial obligation. So that returning citizen may get the right to vote coming out of prison. They may even have a job. They may go through the difficult challenge of landing housing. But they still have a judgment over their head. Through the waiver process we created, they would not only get the ability to vote, they would lose that financial obligation and be able to go forward with their life free of that judgment. And that is very clearly laid out in the law. And so if entities are attempting to look right and look left and chase the money down. I think that we will have some significant challenges to solve in that regard. Because those entities are effectively saying for one purpose I want to waive the financial obligation, but I still want my money.

Secondly on that, I think Senator Pizzo touched on a very important thing when we look at...
kind of the retroactivity and the immunity from prosecution and the enacting date versus -- the enacting date of the Constitutional Amendment versus the enacting date of the legislation.

Understand that from January 8th until the enacting date of the legislation, a murderer could have registered to vote in the State of Florida.

Now, regardless of what the definitions for sexual felony sex offenses was to become in the law, murder is explicitly -- rape presumably by any common sense definition would be a sexual offense. So we had no ability from January 8th until the criteria was laid out to know what the strike zone is. And the reason that's so critically important is that when we talk about the disparity through different circuits and how different circuits handle the Amendment IV implementation, one of the things that at a bare minimum should be the case is that the same preclusory or exclusionary offenses in one circuit should be the exact same preclusory or exclusionary offense in another circuit.

So to sum up kind of the waiver process just to try and make sure the intent and the effective language is clear was that, one, we wanted a constitutional officer in the State of Florida who believes that the Amendment IV legislation passed in 7065 in any way limits the authority they need to put that process in place to properly apply the law. At the point that somebody can highlight the authority lacking to put in place an efficient process, we certainly will be all ears and look forward to hearing that.

But we transition there into what I would say is not a unique problem. When we look at the old workflow of felons and voting. Effectively the old workflow asks are you a convicted felon. And if the answer to that was yes, then we knew what would happen. Now we have a much more complicated workflow. And it's not just complicated because of the additional question or questions; it's additionally because numerous stakeholders brought to the table that were not necessarily at the table in the old workflow. So instead of a scenario where the workflow asks are you a convicted felon, and if the answer is yes, you were banned from voting, now we have a workflow that asks in some sequence are you a convicted felon, were you convicted of an exclusionary offense; have you -- what were the terms of your

process that actually lifted the financial obligation off of the returning citizen. Two, we wanted consistency of the strike zone such that the exact same offenses in Okaloosa County are treated the same in Palm Beach County or in Seminole County versus Polk County. And so the consistency of the strike zone was of critical import. That said, we wanted the flexibility of each circuit to apply that strike zone in a process that make the most sense. So, for example, a chief judge or a clerk could get together and say this is the standard pleading by which a returning citizen would use to seek a hearing for the purpose of pursuing a waiver. Number two, this is a veteran or drug court like docket that the chief judge could set up such that where there are people who have filed that standard pleading director where to plead it would be able to get on a docket to have a quick and equitable review of their pursuit of what is really kind of an alternative to clemency or a secondary clemency in this case. And then third, the ability to document the outcome of that such that all stakeholders could be seen. I have yet to hear as I mentioned earlier from a single sentence, have you completed all terms of your sentence. And when you think through all of the different stakeholders, that panel obviously represents senior leadership of a number of different silos of Florida's government where we have those challenges.

Now, what I would say to the statement that I made a second ago that this is a not a unique problem is that we have quite frankly in the state never done meaningful data governance. We have continued to spend money on centralized databases inside of silos inside of government. We are an enterprise as the State of Florida that does about 50 something billion dollars in revenue per year. We have 57 different agencies. All operate as a different silo, all picking their own software vendors, all setting their own standards and terminologies. And so when we get confronted with a challenge like Amendment IV, we have to wrestle with the fact that we've never done any of the underlying work to make it really, really simple and easy and efficient such that all stakeholders can ask the question of any other stakeholders involved that the sources of truth are designated.

So my recommendation to this body and to the
legislature as we confront different challenges
related to inscrutability is to first ask ourselves
do we know who the individual is. And that
doesn’t require necessarily any personally
identifiable information, but can we identify who
the individual is. After we’ve identified who
that individual is, I need to identify in this
scenario where we can reliably say to somebody who
is attempting to get their rights restored that
they can register to vote and have no fear of
any other outstanding obligations or kind of the
gotha of retroactivity, can we identify who they are.
can we tell them with confidence that they
have terminated – that they have completed all
terms of their sentence. And can we alert all
stakeholders involved of the information in
place. So some of that may deal with sharing
specific data. Some of it may just be a sample
query. So if system A and agency one wants to
query the rest of the stakeholders to ask has this
person been convicted of any exclusionary
offenses, a sample table gets built and the two
agencies can write to that having done the

standards and terminologies work to translate
between the different databases and different
systems. I don’t want to go too, too deep there.
But I would strongly caution against centralizing
data. I think that that is a recipe for a number
of problems. I think it is also something that
would take much, much, much longer. I would
strongly encourage the exploration and development
of APIs inside of each of the stakeholder groups
such that those APIs become the translation layer.
And I’ll give this example when I talk about APIs.

When I say that this is not unique, but that it
has probably highlighted more than any other issue
we’ve dealt with in the last decade. The State of
Florida on numerous occasions has put a registered
sex offender and a foster child together. And it
happens because centralized database A has an
applicant who wants to be a foster parent who goes
through a background check at 123 Main Street in
Tampa, Florida and is found to be fit to be a
foster parent. Database B shows that somebody
else living at that house at 123 Main Street in
Tampa, Florida is a sexual predator.

If we do not have an Florida’s government the
ability to red flag a sexual predator and a foster
child coming together, I think it is in large part
or is significantly indicative of the challenges
we have on the data governance front. But I think
if we will collectively go through that exercise
of can I identify who the individual is, who are
my sources of truth for each of the various
questions involved in the workflow and
simultaneously or subsequently how do I alert
every other stakeholder to the reliable answer
from the source of truth, then we could get to
where the initial legislation had us going. As my
Department's supervision. In addition, there are also forms that are available for you that we have provided that when we talk about throughout this presentation, those are available for your review. Those forms have been created and they are uniform throughout the state. So those are provided to all inmates and offenders who are released and were successfully terminating supervision. So beginning July 1st of 2018, we began educating and informing all inmates and offenders regarding their rights for voter restoration for convicted felons as well as providing this financial obligation summary at the time of release. As this process has evolved, the Department has added and enhanced our trainings to add this additional information to all of our trainings to include inmate orientation. So they're being - receiving this information when they're first received into the Department's custody. In addition, we've also added this to the Compass 100, which is a program that starts about 18 months prior to their release. So they're hearing that information again. And then of course at the time of the release, they've again provided the same information. And it's consistent uniform information throughout.

So as well as providing that for our inmates, we've also added this piece to our training for our staff members. So our new classification officers and our new release officers are also receiving this information so they can better answer questions that the inmate may have while he's there.

At the time of release of course, we're going to provide that same information along with a copy of any financial obligations - outstanding financial obligations that the inmate may have. To go into a little bit of the detail of that process, we review all of the sentencing orders that are available that we have. We also review the Comprehensive Case Information System. That's the clerk's CCIS. We compare that information to see if there are any discrepancies in our information versus their information. And we do - we are working directly with the clerk to ensure - I forgot to move. I'm sorry. Sorry about that.

So we do review all of the sentencing orders for CCIS. And we also communicate with the clerk directly to ensure that any discrepancies are
resolved. And if we find those, we do try to resolve them prior to the inmate being released.
The end result is when the inmate -- when it's time for the inmate to go, we provide an
outstanding financial obligation summary to the inmate. That form provides the original
obligation, any known payments that have been made while he's incarcerated, and then the
outstanding balance at the time of release. It is important to note here that the outstanding
balance is only for those cases that the inmate is currently incarcerated on. Any inmate that's
releasing with supervision, Department monitored, the information is not provided at the time of
release. However, he will be -- he or she will be provided that information once they have
successfully terminated that supervision. And then I'll turn it over to Mr. Winkler.

MR. WINKLER. Good afternoon. My name is Joe Winkler. I am the Assistant Secretary for
Community Corrections. First and foremost, I'd like to thank the group panel to allow the
Department of Corrections to share information on our roles and responsibilities in reference to
voting restoration.

During or throughout the 2019 legislative session, we watched closely as voting registration
bills were argued on the House and Senate floor.
And during that time we started talking about our
responsibilities and our roles in the process.
Ms. Palmer just talked a little bit about the
institutional processes. I'm going to talk
briefly about the processes that we have for
offenders that are under supervision within
community corrections.
When we look at our responsibilities in
community corrections, our responsibility is a
little bit different. Our responsibilities are
big in the numbers. And what I mean by that is
each year we have over 80,000 offenders that
terminate from supervision. Each year over 80,000
offenders. From July 1st of 2018 to June 30th of
2019, we had almost 65,000 offenders that
terminated from supervision. The numbers are a
little bit deceiving. And the reason I say that
is approximately 30 to 35 percent of those
offenders that terminate supervision won't be
subject to the process I'm going to talk about in
a few minutes. The reason being is their
supervision may have been terminated. They may
have been sentenced to a form of incarceration,
whether it be in institutions or a county jail or
they may have been sentenced to a subsequent term
of supervision or they may be a pre-trial
intervention offender that aren't subject to the
process as well. But nonetheless, even if you
deduct that 30 to 35 percent of those offenders,
we're still responsible for notifying
approximately 60 percent or 60,000 offenders each
year.

Even though our responsibilities are
important, we also know that the successful
process implementation is paramount. And
Ms. Palmer talked about our responsibilities a few
minutes ago. And our first responsibility is to
educate and inform the offenders as they
terminate supervision. And the way we do that now
is we kind of make a modification to our current
process. For offenders that were terminated
supervision prior to July 1st of 2019, we gave
them a termination letter. Now a termination
letter outlined the civil rights portion or the
way they can get their civil rights restored.
After July 1st of 2019, we modified that form to
include the voting rights process. In your packet
that Ms. Palmer talked about, the second to last
document in that packet is the updated termination
of supervision letter. And in that paragraphs
two through four, two, three and four outline
what our new process is. And that's provided to
the offenders upon termination of supervision.
The second part of the process is something
we're still evolving. And we want to kind of --
we want to piggyback what the institutions are
doing. What we're going to do is we're going to
start a pilot in four of our judicial circuits.
And we're going to target offenders that are
within 60 to 60 days of their termination date,
and we're going to give them the opportunity to
attend the class at the probation office that will
further educate them about the voting restorations
process. And with that we're going to create a
video and in that video we're going to answer some
major questions. And we're going to consult with
FCOR and the Supervisor of Elections to have a
good quality video. And then also after we do
that, we're going to answer questions from the
offenders that are in attendance. We're going to
answer general questions about the process. Any
kind of specific questions they may have about
their case.

The reason we want to do a video — and I
think it's real important. Because Senator Pizzo
used the word consistent. If we want consistency,
we can do that with a video. So if an offender
terminates supervision whether they're sentenced
in Escambia County or whether they're sentenced in
Monroe County or any county in between, they're
going to get a consistent message through that
video. And if we can, during that process, we're
also going to invite somebody from the Supervisor
of Elections to the office to help answer some of
those questions.

Our second responsibility is notifying the
offenders in writing of their outstanding terms of
supervision. And once again, this is a two-step
process. The first step is continuous. The role
of a probation officer is to communicate with the
offender as they report to probation. Their
responsibility is to monitor for condition
compliance. So each time the offender reports
to probation, they're going to go over the standard
conditions of supervision and the special
conditions of supervision that are imposed by the
sentencing and releasing authority. If they do
that consistently throughout the period of
supervision, prior to an offender terminating from
supervision, they'll know what their outstanding
terms are. However, when they terminate, we're
also going to provide them with what we call a
closing summary. And in the closing summary it is
the last document in your book. That closing
summary outlines the conditions that an offender
had while they were on supervision. It shows the
times they've completed and the ones that are
outstanding. We're going to provide that to the
offenders.

Also, whenever an offender terminates
supervision, we're going to provide those same two
documents that I just talked about to the Clerk of
Court and the county of sentence for cases that
are sentenced by the sentencing authority. And
for those that are sentenced by the releasing
authority, which are your addiction recovery
cases, conditional release, your parole cases,
we're also going to provide those two documents to
FCOE. That way each entity that's involved can
have a copy of the documents that we provide to
the offenders as they terminate.

With that, any time that we implement a new
process, there's always challenges that are
associated with that. In the Department of
Corrections, the challenges that we have are our
database that we created back in 1993 is called
the Offender Based Information System. You've
probably heard of us refer to it as OBIS. It's an
old antiquated DOS system that we reported
information on starting back in 1998. It's an
internal database that we used for accounting
purposes internally. It was never designed to see
if somebody was eligible to have their voting
rights restored. So one of the challenges we have
are our database limitations in the Department.

The next challenge we have is restitution.
Whenever an offender is sentenced to supervision,
they may be ordered to pay restitution. If the
they pay restitution through the Department of
Corrections while they're on supervision, at that
point we send the restitution to the victim and
record it in our database. However, when the
offender terminates supervision, if there's any
outstanding restitution obligation, at that point
we no longer collect that restitution obligation
and we have no way of knowing if that restitution
obligation has been paid.

Another challenge is court cost. With the
court cost, if an offender is sentenced to
supervision, they may be ordered to pay court
costs similar to what Mr. Pizzo talked about
earlier. And if they're ordered to pay that, we
collect the court cost and at that point we send
the payments to the Clerk of Court. However, the
Clerk of Court maintains the system accounts
receivable for any court related fees. So as an
offender terminates supervision, our court cost
obligation that we have remaining may be different
from what the Clerk of Courts have. And you may
ask, well, how can that be. You've got two big
entities or two big agencies that record this
information. How can there be a discrepancy?
Well, discrepancy lies in numbers again. Just as
I talked about us having over 80,000 offenders
that terminate supervision each year, we're having
over 80,000 offenders that are placed on
supervision each year. And you couple that in
with 67 different counties. There are going to be
some errors. There are going to be some
discrepancies or inconsistencies in our amount.

Now, when we have inconsistencies in the
probation office, we've told our stuff to go ahead
and reach out to the Clerk of Court and try to work those discrepancies out. We also said we're going to refer to the Clerk of Court as they are the record keepers on the ones that maintain that accounts receivable for those court costs and fees.

And as we continue, we're going to work through these challenges. We're doing the best job we can based on what we got. When we move forward, three areas that we're working on is to continue communication. Even before July 1st we started having meetings with the Department of Corrections and other entities in this room. Whether it be FCOR, Department of State, FDLE, we've had meetings to try to get a seamless process in place so we don't have the discrepancies that we may have.

Also internally within the Department of Corrections, we've had meetings internally with general counsel, institutions, community corrections, the Office of Information Technology that once again help with the process that we can have that's going to be seamless as we can.

Also internally we've stressed the importance to our leadership throughout community corrections to make sure that our database entries are accurate throughout the period of supervision. Whenever we do that initial intake on the offender, we want to make sure that the responsibilities or obligations are inputted properly. And whenever that offender terminates supervision, we're stressing the importance of making sure the obligations are right then as well. Our goal is to work hard on the front end so that whenever it comes to FCOR or Department of State on the back end, that we have the most accurate information that we can.

And the last thing as we're moving forward -- Mr. Pizzo or Senator Pizzo talked about this. As we move forward we probably need to look at a uniform source of collection for the obligations. At this point I talked about our database that we have in the Department of Corrections. It's been around since 1993. If we want to have a seamless process in place, we may want to look at a uniform source of collection for those monetary obligations.

So with that being said, I'll go ahead and close out by the same way I started by thanking the work group for allowing the Department of Corrections to have the opportunity to talk about our roles and responsibilities and processes when it comes to voting restoration. So thank you.

MADAM SECRETARY: Before you go, Mr. Winkler, I have a question. And it is this, if I understood correctly you and Ms. Falmer, when you were discussing individuals who are completing a term of incarceration or supervision, the information that you do provide in the closing summary or termination letter would relate only to the offense for which that individual was currently finishing their term, is that right?

MR. WINKLER: Yes, ma'am, that is correct. We've created a new report to kind of help with these cases. But then when I talk about the limitations that we had on even the newest cases and we go back years in time, we have some major limitations. So yes, it's only for the instant cases.

MADAM SECRETARY: And then the very last comment you made referring to a uniform source of collection. Would you elaborate a bit about your vision for that and how you think that might look and how it would help you in your job.

MR. WINKLER: A vision I would have to say

I'd like to refer to the work group on that. I think that's probably the purpose of the work group. My biggest vision would be to kind of get our database out of this. Once again, it's an internal database. It wasn't designed for restorations. Sorry I'm not answering the question fully for you. But I think the vision would be better suited for the panel or the work group.

MADAM SECRETARY: Any questions from any other members? Go ahead.

MR. ANDERSON: Thank you again. My question is in regards to the four judicial circuits you mentioned. Can you tell us which circuits will be piloting that program?

MR. WINKLER: Yes, sir. We're still in infancy stages. But currently we're looking at Circuit 2, which is Tallahassee; Circuit 4 which is Jacksonville; Circuit 5, which is Tavares; and Circuit 30, which is Sarasota.

MR. ANDERSON: Thank you very much.

MR. WINKLER: You're welcome.

MADAM SECRETARY: Any other questions for the Department of Corrections? All right. Thank you both very much for being here today.
At this time I'd like to invite the representatives from the Clerks of the Circuit Court and Comptrollers to the podium for their presentation.

MR. BURKE: Good afternoon. My name is Ken Burke and I am the Clerk of the Circuit Court and Comptroller for Pinellas County. Today I'm going to talk to you a little bit about the clerk's duties as they relate to court records. We will have multiple people presenting to you. My colleague, Karen Rushing, will be presenting after me. Karen is the longest serving clerk in the State of Florida. She's not old, just longest serving clerk. And she's the clerk from Sarasota County. And she's going to be describing the records in our Case Maintenance System that we maintain in each county and how they relate to Amendment IV.

Melvin Cox will also -- Melvin wave so people see who you are -- is the Director of Information Technology for the Florida Court Clerks. He's been with the Court Clerks for 23 years. And he's going to talk about the Comprehensive Case Information System that is CCIS. Those are initials you'll be hearing a lot of. So CCIS stands for Comprehensive Case Information System. And Melvin is going to talk about that.

I also want to take the opportunity to introduce Carolyn Timmahn who is the Clerk for Martin County. Carolyn has been involved in testifying before the Senate and the House on Amendment IV issues. And our CEO Chris Hard. Chris, good to have you here with us.

As a group we'll be pointing on behalf of all 67 court clerks. And let me tell you how proud we are to have Doug Charette, the clerk from Hernando County, and J.D. Peacock, the clerk from Okaloosa County serving on this task force. I'm not sure why you make them sit together like that. They're the twins over there and keep each other in line. But we're very proud to have you serving on this task force and working for the people of the State of Florida. I also want to thank you, Secretary of State Lee, for inviting us to be here today and make this presentation.

You asked us to cover three areas today. Specifically an overview of the clerk's duties and what those duties as they relate to court records; how clerks support court records, databases and systems at the individual county level and also the content of CCIS. We have been charged with answering three questions. Does the information exist? Where does it reside? And how can it be relied upon the light of Constitutional Amendment No. 4. Let me start with an overview of the clerk's duties as they pertain to court records and give you a little bit of background on clerks.

The Office of the Clerk and the Comptroller performs a wide range of record keeping functions. Also, we are responsible for information management and financial management for both the judicial system and county government. Each clerk is vested with a large amount of administrative and financial duties. As a matter of fact, when we put all those duties together, there's 926 different constitution or statutory functions mandated for clerks to follow.

Secretary Lee, I know you're a former judge and lawyer. You know you need to have all those volumes of books delivered each year with all the Florida Statutes. Well, a lot of local governments can rely on maybe just one of those statute books for most of what regulates them.

For clerks, I think we're contained in every single one of those volumes of statute books giving us some mandated responsibility and duties. And these duties continue to change as the legislature meets, as regulations get imposed upon us by court rules. These particularly relate to our service to the judicial branch and find themselves in our role in the implementation of Amendment IV.

Clerks have been closely monitoring the implementation of Amendment IV and all the surrounding conversations. Florida clerks have provided information and testimony before the Florida House and the Senate during this past legislative session relating to issues on Amendment IV. This is a very important part. I want to emphasize. Clerks do not determine voter eligibility. We recognize that custodians of important court data and information we can assist with the implementation of Amendment IV. Our court records and public records are accessible to the full extent technology, resources, the law and court rules allow or require. For most clerks throughout the State of Florida, are records to the extent of the law that are, one, available through the Internet on our individual clerk websites where you can see court files on specific court
types that are available to the public. There's some court types which you have to be a registered user, such as family law or probate cases where you have to register with us using a form designated by the Supreme Court and by the Florida court clerks, and then you have access to those records. But criminal records by large are open to the public. There's certain information obviously which is redacted within those records and not available. It's cited to the court rules or there's statutory requirements. But other than that, those individual records are available.

Clerks regularly provide records on fines and fees assessed to individuals. These records are available in three primary forms: paper for the old records, electronic documents for our current records, and through data which is available at a local level, and also through a statewide basis again through a CCIS. For cases since the year 2000, and in many counties and even earlier than that, we have case information including fines and fees in a digitalized easily accessible way. You asked the question of the Department of Corrections about the particular information they give on the release of that felon for the item.

record of the restitution being part of the sentence, but not the payment unless it's ordered to be paid through the clerk's office. Obviously in those cases where it's ordered to be paid through the clerk's office, we would have a record of the restitution amount. But again, that is the minority of cases, not the vast majority of cases.

There are cases where our records because of what I just said will show an outstanding balance of restitution even though it may have been paid, because it was paid directly to the victim and no one contacted the clerk's office to let us know and for us to update the record. In addition, the clerks do not track non-monetary conditions of a sentence. A sentence can include different elements in addition to the imprisonment and to the monetary items. It could be they have to undergo drug testing. They have to stay employed. They have to go school. They have to stay away from the victim. Those are conditions of a sentence which the clerk has no way of monitoring.

The clerk records a sentence as ordered by the court, but the clerk is not responsible for the compliance of the sentence. We are responsible for the collection efforts of monetary fines. We had distributed to you an example from my county. And I guess this is good following the Senator's comments about what they do in Miami-Dade County. The important page I would say is page three. And I used -- while I was sitting here cause it was part of the discussion from the Senator, I figured it might be well emphasized, highlight the important part.

In the South Circuit you can see it is the sentence of the court and the fines amount are right there as part of the sentence. And then later on to be imprisoned all under the sentencing. So the sentencing includes the fine amounts and then the imprisonment. And then here are the special provisions right underneath. All part of the sentencing document. I must say, and I am the Clerk of Pinellas County, so I will attest to what happened in Pinellas. The judge reads each of these into the record in the courtroom. They'll go over single fine amount and say as part of your sentence, the defendant shall pay the amount of $430, and read this exact same thing right into the record.

Also you'll notice that on page seven of the document, although it's an illegible signature,
the judge signs this sentencing document. So the judgment, the sentencing is all contained in the paperwork here. This is a sample. This is not an unusual sample. This is a very unusual sample that we have in Pinellas County in the clerk's office there. So you can see that the fines and the fees are embedded right into the sentencing on the same as the prison sentencing. I just thought this example paints a better picture than me talking about it. So I just wanted you to have that.

I hope this information was helpful as an introduction. Now we'll get into the nitty-gritty of the records that we maintain. As I said, I'll turn it over to Karen Rushing, the Clerk from Sarasota County.

MS. RUSHING: Thank you, Ken. And thank you work group for having us here today. My name is Karen Rushing and I am the Clerk and Comptroller for Sarasota County. I just wanted to follow-up before I start. My presentation that the particular example that Clerk Burke gave you is a form that is prescribed in the rule book for the court to use in its performance of sentences. There are various forms. That's one of the forms that is included in the rule book. Pursuant to case has one defendant. There may be co-defendants, but the case stands on its own in a criminal case unlike in a civil case. And among other things, the rules require us to and the statute quite frankly to docket documents and actions taken by the clerk. And that's a historic term that means index. So when you look at the docket, you see all of the various documents that have been filed with the Clerk of the Court for the Court. And any action that the clerk may have taken like as a issue a warrant, issue a summons, those kinds of actions like that.

The CMS, which is the Case Maintenance System allows you to search on an individual by name, and then other pertinent data and maybe demographics helps you determine whether this is the real John Smith you're looking for. Dates of birth, maybe last known of address, maybe relatives, those kinds of things where you may have to try to determine if it's the same person. Of a docket, again which is an index, that is noted in date order so that you can see the chronological events of the case. And the document types include all the court orders and judgments imposed by the Court. And as we've talked about, the documents...

Florida Rules of Judicial Administration Rule 2.430, you probably are aware that we are required as clerks to keep the convictions of felons for 75 years. So those records are available. Judgments and sentences are also recorded in the official records in most instances and they can be retrieved as well. Each county has a Case Maintenance System and that system has a very large amount of information in the system. Although older records may be in paper form, you heard Clerk Burke say that some are in microfilm, some are in microfiche, and others are in historic databases that may or may not have been converted into the new database. But nevertheless, they are all available for those who ask for the information regarding the court's record.

Up on the screen we have the functions of a Case Maintenance System. I also serve on the FCTC, which is the Florida Court Technology Commission, and we're working through functions of what a Case Maintenance System should include statewide. And so just to understand for those who don't work in this arena, case initiation really is an index of the parties that are involved. In Florida the rules tell us that each...

end up meaning or being the disposition in that case. And each disposition captures data elements for reporting purposes. Many of the agencies that you've heard referred to we report to. The FDLE and others to relate what has happened in a particular case. And we report as to the person and to the charges. Because when a case is set up on a particular person, there may be multiple charges, and in each charge there may be multiple counts.

We do have an accounting and receiving capability within our systems. And as you heard Clerk Burke say, the clerks monitor and manage the collection of fines, court costs. You've heard other references about other fees. If the fee is not payable to the clerk, then it's likely that we don't know whether it was paid or not. And you heard a good example of the restitution. We know it's been imposed. We may not know that it's been paid. We may not know that it's been paid fully if partial payments were made only to us.

The CMS obviously must satisfy not only the State's requirements for management reporting, the courts, but also the local levels, what the court needs to know in terms of typically moving the
cases along and making sure that they don’t linger without court attention.

So that is a brief overview of the Case Management System. I’m happy to answer any questions that you might have regarding the system or the documents. You’ve heard that we are working very closely with the Department of Corrections and working through any of the anomalies in information or what looks to be inconsistent, because we have a document signed by the court that indicates what the court’s imposition was.

MADAM SECRETARY: I do have one follow-up question just to be sure that I am getting the full picture. So part of the clerk’s system then at number nine there that’s doing an accounting would be relating to fines and costs potentially, but not to fees and restitution, is that right, typically?

MS. RUSHING: If it’s ordered to be paid to the victim, then we would account for it. Often as you heard Clerk Burke say with restitution, that’s a good one. It may be ordered and then paid directly to the victim. And often you see that with commercial institutions, a Wal-Mart or others.

we’ve been talking about that exists in the local CMS systems.

CCIS provides statewide access by providing a secured portal. It provides real-time access by APIs and interfaces from each local CMS to the CCIS system. It provides a secured access and a method to share data with governmental agencies throughout the state. Governmental agencies that could be state agencies, local agencies, national agencies. They all use the system.

CCIS is a mature system. It was started back in 2002. The clerks recognized the need to have a single log-in to be able to access all this data.

It was developed over time. It’s grown and it has been enhanced. The most recent enhancement a few years ago was to provide real-time access to the information. So a user can log on to CCIS. He can search by the case number or by a person’s name. He can find the cases that they’re looking for. And then it can provide access into document images or any information associated with that case.

This slide demonstrates the flow of data and how CCIS sits in that flow of data. There are a number of data providers. Some are listed there.

where they’re the victim of a theft. So that’s the first answer. And then the second with respect to fees, depends on what fee you’re talking about. If it’s a Public Defender fee or if it’s a State Attorney fee, typically those are being collected by the clerk and then disbursed.

MADAM SECRETARY: If a judge were to use verbiage in a sentencing document that specifically directed restitution to be paid via the clerk, would that then be something that is typically tracked through this type of system?

MS. RUSHING: Yes. Yes.

MADAM SECRETARY: Thank you very much. It was very informative.

MR. COX: Good afternoon. I’m Melvin Cox. I’m the Director of Information Technology for the Florida Court Clerk and Comptroller. I’d like to spend a few minutes today talking about the Comprehensive Case Information System, also known as CCIS. CCIS is a system that all clerks of the circuit court participate in. It utilizes standards throughout the state. Case types designated by the Florida Supreme Court. The real purpose of CCIS is to create a statewide repository and access to this court data that

Local state law enforcement, State Attorney’s Office, Department of Juvenile Justice. For criminal cases, this information is filed with the clerk. And as Clerk Rushing mentioned, the clerk maintains this information locally in their Case Maintenance System. Each Case Maintenance System has an interface, a real-time interface with the CCIS portal. When you log into the portal, then you can access the information on a statewide basis.

The type of information available in CCIS covers all of the aspects of the information associated with the case. So it would have the case information, case number, parties on the case, information on the progress docket, document images, see sentencing information, and then financial information, the assessments and collections that are logged on that particular case.

The scope of electronic information available in the State of Florida is very large as you can see. CCIS currently contains 47 million cases and over 447 million searchable names. This information increases daily as cases are added to the system. There’s a point around at least 2000
where most of these cases are available electronically. Before that the information would be available in paper or microfilm as we discussed earlier. Then there's a point around 2010 generally speaking where document images are available on the cases. Around that time is when it became common to only capture the information with the case, but the images associated with that case. And those images are sourced real-time from each local system.

One of the concepts of CCIS is to source the information as close to the source as possible. And that's why the information is pulled directly from each CMS. Other cases exist as paper files or microfilm are not available through the CMS or CCIS.

It's a large user base that uses CCIS. Currently we have almost 40,000 active users. CCIS users are restricted to federal, state and local government agencies. And each agency is assigned a security level based upon their ability to access the court records. This just gives you an idea of the number of users of CCIS from some of the larger agencies in the state. And you can see it's widely used throughout the state. Especially used by agencies which need to access information on a statewide basis.

And that's kind of an overview of CCIS. I'd be happy to answer any questions.

MADAM SECRETARY: Yes. So regular citizens then do not have access to CCIS?

MR. COX. No. Governmental agencies.

MADAM SECRETARY: So if a person were an individual with a criminal history who's attempting to assure, get some documents about their corrections or obligations, how would they get that information?

MR. COX. I think Clerk Burke --

MADAM SECRETARY: Welcome back.

MR. BURKE. The clerks are working with the Department of Corrections on a unified form. And clerks are working on a form that if you walk into any clerk's office and you wanted the information, we would access CCIS and provide that information.

Mr. Cox. If you had a felony -- not you Secretary Lee. We'll pick on Melvin here. If Melvin had a felony in Hernando County and also one in Okaloosa, and he walks into Pinellas County and says, I'm a former felon and I want to make right with my money amounts, I as clerk am going to help him by filling out this form. Giving him a form based on the information in CCIS and say, here, you have two felonies in Okaloosa, one in Hernando. Here are the outstanding amounts that the system shows that are owed. Now that may not include restitution, because that would be outside if it was paid to the victim. But at least I would give him that information and also provide him the contact information for those clerks if additional information is needed.

We've also working -- and this is in the development. I have to give something which is being talked about. We're trying to do is that have a statewide system or if you come in -- again, Melvin comes into Pinellas and he has a credit card, that I could accept that credit payment for those even though those are amounts due to other counties. And Melvin is helping to set up that system for us on a statewide basis.

Again, serving the citizens coming into our office.

MADAM SECRETARY: So a citizen could come in and obtain information not just about your county, but all of Florida?

MR. BURKE: Yes. And that's not something that's all in place now. We're putting together a best practice. We have people that are working on a work group. Of course obviously this is all fairly new, the law and us implementing it, our portion of it. And so, yes, that's the objective. And we will -- we have a form in our next conference call we're going to be approving. It's been through three weeks of conference call meetings about approving the form. I think we got it in final form so we can use it in every county as a best practice where clerks can help a citizen coming in even if it's not from their county.

MR. RUSHING: And I just wanted to add with regards to the restitution. We certainly would know if it was imposed. We would certainly communicate that with the eligible person or the person trying to become eligible, and would do whatever we could to connect them to whomsoever, whether it was a probation department that may have been taking it and forwarding or remaining them that the court ordered it directly to the victim. So that it takes away the concern of how do I get access to this information.

MADAM SECRETARY: Is there a cost to citizens
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for obtaining this type of information?

MR. BURKE: No.

MADAM SECRETARY: And then the only other
follow-up question was I'd like a little more
information about fees specifically and if or
where that information -- how it's paid.

MR. BURKE: What type of fees? I know you're
a former judge.

MADAM SECRETARY: You headed right to my
question. If you could share with us a little bit
about what types of fees are there and what
happens with them.

MS. RUSHING: When I read the statutes over
the last, you know, century that I've been a
clerk, you see that word in there as almost like a
catch-all line, costs and fees. And it is kind
of one of those what are you talking about fees.
You know, we refer to specific statutory language
that is payable to the clerk as a clerk fee. And
that usually is a piece of a court cost.

So I don't think there are these hidden fees
that nobody knows about. In the court it's either
a fine. It's a statutory cost that's set out.

It's a State Attorney fee, a Public Defender fee.
But you see that word littered through statute.

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But unless there's somewhere specific, then you
heard some testimony earlier about it could be a
probationary fee. We wouldn't know what that was
if it was collected and there would be no record
of it being owed if anybody came to the clerk's
office.

MR. BURKE: Secretary Lee, I don't want to
open up a can of worms, but let me say that when
the clerk's have also said on this form that we
will use, it's what the amounts owed that the
dquo;judges pronounced as part of the sentencing,
nothing above that." So if there's interest on
judgments or collection fees that are statutory
allowed under Florida Statutes, those would not be
included on the amounts owed for the voting
restoration purpose. They may be owed by that
defendant, but they're not part of the sentence of
the court. So our form is going to just have on
it what the sentence of the court was at the time
and these announced.

MADAM SECRETARY: Thank you all. That's very
helpful. Any other questions from any other
member? I believe we do have other --

MR. STEELY: So right now somebody owed
restitution and they paid the restitution, and

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they wanted to come and have some record of that,
that looks, I paid off the restitution. So I want
to file something. Is there some sort of
satisfaction they file? Is there something that
they would file in with their document saying it
has been paid and what sort of evidence they would
need to file with that?

MS. RUSHING: Typically a clerk does not
refuse to file a document that anyone is trying to
file in their case file. So if they come with a
receipt from the victim, we would file it.

MR. STEELY: Thank you.

MADAM SECRETARY: Any other questions? All
right. Thank you very much. At this time we are
going to move to public comment in order to make
sure that everyone has the opportunity to be
heard. I'd ask that you please limit your
comments to three minutes or less. If your
comments exceed roughly three minutes, I encourage
you to submit written comments to the work group
via email at rvworkgroup@dos.myflorida.com. All
written comments received will be part of the
official record. If you are listening over the
phone and would like to submit public comment, you
can do so in person at one of the next meetings or

via the email address that I just announced. We
will not be taking public comment from those who
have been listening telephonically.

At this time I will go through the speaker
card. First we have Mr. Mark Schlackman with
FSU. Welcome Mr. Schlackman.

MR. SCHLACKMAN: Madam Secretary, Member of
the Work Group, thank you once again. I had the
privilege of appearing before you during the first
meeting. And actually it was Senator Pizzo's
remarks this morning that prompted me to return.
So I won't even take the full three minutes
that you've allocated. But just to note and then
defers upon the range of issues that will be
addressed in State and Federal court. And then
following Senator Pizzo's observation about
variance, potential variance among the 67 counties
insofar as the supervisors, the clerks, and the 20
courts as far as prosecution potentially, even
though many have indicated that will not be an
issue.

I spoke last time very briefly about the one
matter that arguably is within your immediate
discretion. And Senator Pizzo and Chairman Grant,
apologies. I had to slip out. I didn't hear your
presentation. But Senator Pizzo mentioned that from January 5th through June 30th, that is the window that could relate to many interesting dynamics. And specifically without even reaching prosecution, if one arguably adheres to eligibility under the legislation regardless of what the courts may address at the State level or Federal level, but arguably if one adheres more or less at face value to eligibility based upon the statute, to use the word again, arguably it would be an application of ex post facto concern if anyone within that January 5th through June 30th group were removed from the rolls.

Now, no interest in delving into the possible permutations of how that — how they could vary from statutory eligibility, but the issue is this. Within the Division of Elections and the relationship between the Division of Elections and the Supervisors of Elections, it is entirely possible that pockets could be prepared to in effect identify those voters who registered within that window potentially to be removed based upon fines, fees, or costs or other aspects. Again, just a traditional aspect of jurisprudence is that arguably could be an application of ex post facto something. To reopen a case, I don’t know is it civil or is it criminal. Because it’s a civil matter, but it’s dealing with a criminal sentence. A lot of confusion. We’re getting a lot of questions about things like that.

In addition, I want to point out that I really appreciate the agencies being very I think candid with you. They indicated to you that their systems were not created for the use as it’s being asked to do today. And for that reason there’s a lot of angst. They’re trying to make it up. They’re trying to do all these things. But meanwhile, these agencies with million dollar budgets that are telling you they’re having difficulty accomplishing what needs to be accomplished.

When you look at — you’ve been asking questions about the individual person and the League is interested in assisting the individual persons to, you know, do the work so they can in good faith register to vote so it impacts us directly also. We’re trying to do the right things, but we don’t have those kinds of resources. And they didn’t tell you when they were going to come online. They’re saying we’re going to.

after the fact applying law after the fact. Upon a quick read of the statute, the legislation was silent to those issues.

So I just raise that again really as a point of emphasis. That’s essentially the issue that I raised during the first meeting. But again, Senator Pizzo preempted me to respond and thank you for the opportunity.

MADAM SECRETARY: Thank you sir, for being here today. All right. Next we have Cecile Socon from the League of Women Voters of Florida.

MS. SCOON: Good morning. My name is Cecile Socon. I’m the first Vice-President of the League of Women Voters of Florida. I’m the Action Chair on the restoration of rights. This is a very important issue. I want to thank you for hosting this and having the different agencies come forward and explain. I’ve been taking copious notes. I wanted to point out that I didn’t hear anyone address maybe one of your questions fully with regards to the filing fee for those who wish to use the statutory method that was created of going before the court for modification. I think that’s really, really important. Typical filing fee.

I’m a practicing attorney. It’s $400 to start.

We’re working on it. I’m glad that they realize that those gaps are there. But if they’re telling you that they don’t maintain all the records. It depends was the word I wrote down on whether it was recorded properly. Again, 20, 30 years ago they weren’t intended to determine, you know, on a razor’s edge whether someone actually paid something or not. And, you know, as being a practicing attorney yourself in the past, these are old — a lot of them what’s going to impact people’s ability to vote is old-timey paper records. I practice in North Florida and a lot of records that we have to go through, I have to physically go or ask the clerk to go into a little stuffy box. You know, and now we’ve had Hurricane Michael. Hopefully they’ll be legible. I mean, there’s a lot of stuff in terms of the records and accessibility and what they’re going with.

The other thing I would like to add on to is it’s interesting to hear that they are trying to, you know, bring forth an access point in the clerk’s office so one person can go and hear about all of their offenses across the state. But again, that’s a projected time. There was no time given. And people want to vote today. They’re
going through this burden today and in the
continued future.

The other thing to keep in mind is that the
gathering of information with the agency is only
as good as the individual clerk’s information is.
And they already indicated to you they have no
records or restitution. You know, they could have
paid the individual who might have died, moved
away, can’t be found. You know, it’s just like so
many gaps. And I’ve been told when I question my
Clerk of Courts that many times monies are paid to
the probation office. And the probation office
over the years had no statutory obligation to
report those payments back to the clerk.

So there’s a lot of, you know, potential
rabbit holes that are out there. And for these
reasons, we would ask the working group to
consider — to consider, you know, issuing a
statement for all State Attorneys to take into
account that if someone has made a good faith
effort to determine these things and pay these
things, they should not have any fear of any
criminal prosecution, because that’s what we’re
afraid of. We’re afraid of the chilling impact of
it being so difficult. And you’ve heard the
agencies tell you it’s difficult. And they’re
struggling to do the right thing, and I really
appreciate that. But they’re having difficulty
and I heard the exact same thing from the division
representative, Mr. Williams — Maria Matthews,
encore me, with the Division of Elections. She
had a very cumbersome chart. Well, we’re going to
check here. Then we’re going to go back here. If
it’s wrong, we’re going to come down and we’re
going to go around. That was difficult for her
staff to deal with an individual. So I just
want to ask you to keep all of that in
consideration. Thank you.

MADAM SECRETARY: Thank you very much. And
we have Bob Rackleff from the Big Bend Voting
Rights Project. Welcome to you, sir.

MR. RACKLEFF: Thank you, Madam Secretary.
I’m Bob Rackleff. I’m with the Big Bend Voting
Rights Project. We’re a group of volunteers who
are registering voters and began on January 1st
with a special emphasis on identifying and
registering ex-felons who completed their
sentence.

I can tell you that based on the literally
hundreds of returning citizens who we’ve
encountered, that almost know of them know about
Amendment IV. They are marginalized as no other
group of people in Florida are. They don’t read
the newspaper. They don’t watch the news on
television. Many of them don’t go to church.
They live in the shadows of our society. You
know, I was initially skeptical of the term
returning citizens. But I realized that we’re
talking about citizens. They did not lose their
citizenship by committing a crime. They did not
lose their citizenship by failing to complete all
terms of their sentence. They are still citizens
and the right to vote for citizens is one of the
most precious rights.

So I want to urge you to be very careful
about whatever kind of screening and verification
and data systems that you recommend, because it
needs to be all three. Otherwise, it violates the
right of our citizens to vote. I was a County
Commissioner here for 12 years. I still would be
except for the ungrateful voters in District 5,
and I’m keenly aware of how local governments work
and what kind of restraints there were, because of
the resources and staffing and data systems and
all sorts of regulators. You have my sympathy.

I’ll have you know we fully funded our clerk
here in Leon County.

So if we — I’m still trying to figure out
how is this going to work? How does somebody who
gets a notice that you can’t vote, you’re not
eligible to vote because of X, Y & Z and here’s the
documentation, how does that person challenge it?
How does that person know that the information
being provided is accurate? Who helps him or her?
You know, this is — we don’t have to do that when
you and I registered to vote. You know, we
were — we were considered full citizens and we
just signed up and that was it. We got our card
in the mail and we voted.

So I want to emphasize that who you are
dealing with are citizens. And they deserve every
bit of respect than any other citizen in our
state. Thank you.

MADAM SECRETARY: Thank you, sir, for being
here. Senator Pizzo.

SENATOR PIZZO: Thank you, Madam Secretary.
Just briefly, I filled out one of those cards.

MADAM SECRETARY: We did receive it.

SENATOR PIZZO: Okay. Thank you.

Representative Grant and I remained in part
because we have some similar questions. I think what you've heard even from the clerks and the Department of Corrections may cast even more questions. So just some things to hone in on that we need to take back for our districts and we think that maybe should jump to the head of the line.

I recall Mr. Steely was nodding his head and then shaking his head. You have a situation where the only thing everyone can agree on as far as the administration of Amendment IV, uniformly - practically speaking is that restitution has to be paid. And yet that was the one thing that jumps out that the clerk's office with the most comprehensive potential of databases does track that. That's a huge concern because wherever you go in the 20 circuits, they're all going to require that you pay restitution. Everyone agrees that that is the law. How they handle court costs or the interpretation of fines and fees and so forth is all secondary and tertiary. But the payment of restitution everyone uniformly agrees had to be paid in practice and yet we can't track that.

So a lot of my victims were 85 to 92-year-old elderly that were fleeced out of their life savings by a caretaker. And if they owed $66,000, I made sure that it was to the individual or the estate thereof. Many restitution orders do not include that. So what happens when any victim dies and someone continues to pay restitution? Where is that money going? Presumably there's millions of dollars that have been paid in restitution to victims that no longer exist. I'll even give you a commercial entity to be less dispassionate. If you owed Circuit City money in restitution, where's that money going? Literally where is all that money going to an entity that is no longer in business, that's no longer solvent and around.

Those are huge considerations. But I'm cautiously optimistic by the clerk's association being able to have this centralized database. I think Madam Secretary hit on the point which is really point.

Where does John Q. public go at no cost because he or she is making a good faith effort to try to restore their right to vote and they want to know what they owe. And whatever district or circuit or whatever political machination they find themselves in that has some sort of separate interpretation, they just want to be able to come forward. Not have to drive out to Ohio to find out about that. Not have to drive up to a separate County to find out about it, but have a centralized database.

I mispoke before and perhaps mischaracterized. Representative Grant clarified. I'm also leery of centralized databases in practice mainly because I had a lot of shooting victims and violent crime victims and information seemed to be too readily available and I fought against that. What I meant to say or should say is a centralized repository or administration of all this. The courts locally in Miami-Dade County have determined - the judges have that it makes sense with the volume that we anticipate to have a separate judge in a separate courtroom just handling these cases. If we get a volume of a thousand of these cases a week and some circuit dockets only have six to 700 cases total, this could really add a substantial labor intensive practice. So perhaps one of the administrative judges can separately. Perhaps an agency in Florida should do the same thing. When the gentlemen here from the clerk's office - I think it was Mr. Cox or before him stood up, he handed me a sample of the Sixth Circuit judgment and sentence. He's absolutely right. The Sixth Circuit looks nothing like the Miami-Dade one that I showed Representative Grant on my smart phone. Clearly our judgment includes the memorandum of costs, not the sentence. The Sixth Circuit puts their cost type costs, cost of prosecution right in the sentencing document. Per se, Madam Secretary, you're going to have an integrity here. You're going to have a completely separate treatment of individuals based on an interpretation of whatever their State Attorney is, whatever their court system is that's controlling the circuit of the chief justice. Per se just the production of those two documents to two identical individuals with identical crimes will have disparate treatment right off the bat. That was considered reconciled and has to be reconciled soon.

The other reason why I stood up here is because you have as a captive audience a Senator and a Representative who can draft something. And if the cure needs to come, it remedies need to come, please you know sooner rather than later. So we really look forward to the November report. And then lastly you have a number of clerks...
that are maybe not in office anymore, but they
enter into agreements with collection agencies
years ago. Maybe when times were bad they took
pennies on the dollar or they didn’t do some sort of
whatever the treatment was, whatever the contract
was. There are some people who actually want to
file bills who are talking about advertising or
advertising that they’re going to make it so they don’t have
to pay interest and surcharges. We put that the
the bill. That’s in the bill. So nobody has to
pay the surcharge. Nobody has to pay the
interest. However, if you’re going to have an
interpretation where you don’t have to pay any of
those things, you have contractual obligations
that clerks entered into with third party
companies that may cry foul. So we need to be
clear that there is no fee to reopen a case.
And both the bill and practice provides for that.
No one is paying anything to reopen a case. And
the bill gives what judges do not have as Madam
Secretary, remember when you sit on the bench,
after 60 days you couldn’t touch a lawful
sentence. The bill provides for the narrow scope
of Amendment IV that the circuit court can open it
up. But they have to take things out of

collections. Are they taking things out of
collections for the purposes of Amendment IV or
are they just waiting the whole collections and
surcharges which is contractual obligations
between the clerk’s associations and third parties
opens up a whole can of worms just to be mindful
of that.
And then to the clerk’s point, which is not
so readily available. The clerks will collect ...
and forgive me -- correct me if I’m wrong. On the
$50 owed in memorandum of costs to the Attorney
General’s Crimes Compensation Fund, the clerks
will actually retain one dollar and send 49 to the
State. And you have to look at each memorandum of
cost. And you have another unequal treatment.
which is if Jason Pizzo has a felony conviction
from 2018, my costs are far different than my
father’s were 30 years ago if he had a felony
conviction. Vastly different. Some counties have
authorized the inclusion under statute under 408
to include certain fees as well. Team Court Now,
Crime Stoppers, Crimes Compensation, so on and so
forth. So you have a completely different rate
schedule. People are not similarly situated;
let’s understand folks, by geography, by crime

crime. We get to see lives changed. And from our
perspective, a returning citizen organization
that’s worked for seven, eight years to get this
on the ballot, look forward to working seven or
eight more with folks here and all across the
state to implement this in a healthy way. In a
way that makes our state a beacon for other states
to look at. I just want to say thank you. Like
we’re all in it together now. And I know that
some people in the legislature and some people in
the state did not vote for Amendment IV. But it’s
been a real honor to watch our state come together
and try to work through this. I know that it’s
kind of the machinery of government at work, and
sometimes the acronym compete with each other and
some of us get lost. But I’m hoping to at least
take 30 seconds and remind everybody up there that
if the heart of this entire operation is our
friends, our family members. I know everybody up
there knows somebody who’s impacted by this and we
are here to help. The returning citizen community
wants to be involved in this. We help to put this
on the ballot. No one knows this better than we
do from our perspective. And we would love to be
a positive member of this as you continue to walk
it out, so thank you.

MADAM SECRETARY: Thank you, sir, for your input. Representative Grant, did you have any follow-up?

All right. That concludes the public comment period. Before we adjourn, I would like to turn to Members of the Commission and solicit any comment or input that you all have specifically about our next meeting. Have our first two meetings left you with any particular questions or subject matters about which you would like to have further information presented on the next meeting’s agenda?

All right. What I will do is have -- yes, sir.

MR. PEACOCK: One of the themes I heard today was the good faith effort of the returning citizens. I don’t know what that would look like. So that’s a question that I had that I had highlighted over several speakers.

MADAM SECRETARY: Any other thoughts? So what we will do is summarize. The Department of State will put together a summary of what information and testimony has been presented to the working group so far for our discussion and consideration at our next meeting as we begin work on putting together those recommendations for the legislature. At this time, thank you for everyone being here and everyone who participated today.

Our next meeting will be Tuesday, October 1st at 2 P.M. This meeting adjourned.

(Thereupon, the meeting adjourned.)
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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
284

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MADAM SECRETARY: Good afternoon and welcome everyone. This meeting will now come to order.

I'm Secretary of State Laurel Lee. And this is the third meeting of the Restoration of Voting Rights Work Group. I'd like to ask Amber Marconnet with the Florida Department of State to call the roll.

MS. MARCONNET: Chris Anderson.

MR. ANDERSON: Here.

MS. MARCONNET: Supervisor Vikki Canovan is not present and had provided advanced notice. Doug Chovrat.

MR. CHOVRAT: Here.

MS. MARCONNET: Melinda Coonrod.

MS. COONROD: Here.

MS. MARCONNET: Kate Holmes.

MS. HOLMES: Here.

MS. MARCONNET: J.D. Peacock.

MR. PEACOCK: Here.

MS. MARCONNET: Kenneth Steely.

MR. STEELY: Here.

MS. MARCONNET: Laurel Lee.

MADAM SECRETARY: Here.

For those of you in attendance, please be sure to sign in on the sign-in sheets in the back of the room. We will have an opportunity for public comment toward the end of the meeting. So if you would like to speak, please fill out a speaker card, which can also be found in the back of the room. The work group will begin today's meeting by conducting a brief overview of the summaries of our first two meetings to allow for some discussion if desired around the information that has been presented so far. We will then receive presentations from the Florida Commission on Offender Review and the Florida Department of Revenue.

The Florida Department of Revenue was asked to present to the work group today on their Child Support Program and provide information on the key components of the automated system that they use to track information on child support payments from the Clerks of Court. FCOR will share information on their process that operates in the context of remand and how they gather information during that process.

After the presentations have concluded, the work group will have additional time to discuss what our recommendations may be based on the information that we have received thus far. As you all know under Section 33 of Chapter 2019.162, the work group is charged with developing recommendations as to the consolidation of data necessary to verify the eligibility of a registered voter for restoration of voting rights and any entity recommended to manage the consolidated data.

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

And third, any other relevant policies or procedures for verifying the eligibility of a registered voter for restoration of voting rights. Our work group must submit a report to the legislature with our recommendations by November 1st, 2019.

So I'd like to start by directing the work group members to the meeting summaries of our first two meetings. To date the work group has received presentations from Mara Matthews, the Director of the Division of Elections; from Senator Jason Pizzo; from Representative James Grant; from the Florida Department of Corrections and the Florida Clerks of Circuit Court and...
action in implementing the most efficient procedures will be determined and suggested at the end of the work group. The Commission on Offender Review is ready and able to assist the Department of State in this process and certainly we believe that we can be an asset with our experience.

So the Commission on Offender Review is a criminal justice agency. Our goals are public safety. We administer several different areas such as parole, conditional release, conditional medical release, addiction recovery and a lot of post release supervision areas in the criminal justice. However, we also do clemency. Since we’re responsible for clemency, I’d like to let everyone know that we are the administrative and investigative arm for the clemency board for all matters that go to the Governor and Cabinet.

So FCOR in our criminal justice capacity and in our clemency capacity has long worked together with several other state agencies, including many of the agencies involved here with the Department of Florida Department of Law Enforcement and the Clerks of Court and the Secretary of State.

So FCOR or Commission on Offender Review, we do not maintain any type of database specifically related to convicted felons, their criminal histories, whether they’ve completed all their terms of sentence or the satisfaction of their monetary obligations. So I think it’s important to note that with the exception of the clemency data regarding those individuals who have been granted the restoration of civil rights or pardons, we don’t have any information of our own. We have no access to data or databases that others who may be involved in the process either don’t currently have access to or possibly could also gain access to -- gain their own independent access.

So we recognize through our experience conducting clemency investigations that we certainly have a skill set that may be useful involved in the process in assisting others and training such as Department of State. Since the passage of Amendment XIV and then the Senate Bill 7066 being signed into law and prior to this work group, the Commission has been involved in discussions and meetings with many of the agencies that I’ve mentioned already. We shared our knowledge and various resources that may potentially be utilized in researching whether or not all terms of a person’s sentence have been completed. Specifically we discussed how the Commission can assist in determining whether certain monetary obligations such as fines, restitution, court costs and fees were ordered and/or possibly paid.

So we have met with the staff of the Department of State, specifically the Bureau of Registration Services earlier this year. We looked at their database. I thank you for all giving us the opportunity to come over there earlier this year, myself and another individual. We learned about the processes and the procedures involved. And we realize that our skill set and resources may be able to assist in this process, and I think that comes down to the monetary obligations.

So we look forward to continue to working with the Department of State in any way that we’re authorized to do and believe that we can assist specifically in locating and gathering information documents related to the identification of any specific details related to the financial components of an individual’s sentence. So we recognize that the final determination must be by law made by others in this process. So FCOR would not be involved in eligibility determinations. We believe we can assist in the information and document gathering in providing these documents and facts to the decision makers.

Our discussions have centered around providing assistance beginning at the point where the Department of State has been unable to locate particular monetary obligation information or has exhausted the resources that are currently available to them. So we’re familiar with looking at court documents. We acknowledge with our criminal justice experience being with the criminal justice agency for many years doing clemency investigations. That’s our area as far as looking at court documents, judgment sentences, all the subsequent orders and dockets and so forth from the Clerks of Court.

So at this work group’s last meeting, which I was also present. I know these were presentations made by both the Department of Corrections and the Clerks of Court regarding what type of information and records and the various data that they maintain. So FCOR and the Office of Executive
Clemency records. So we maintain information on
those individuals who have been granted the
restoration of civil rights or pardons by the
Governor and Cabinet. So obviously restoration of
civil rights has changed since Amendments IV and
the passage of the bill, Senate Bill 7066.
However, the restoration of civil rights includes
multiple rights. One of which is the voting
right, and that is what we have records going back
years in our database that we have previously
provided to the Department of State and will
continue to do so.
So FCOR also has not and does not determine
evoter eligibility. We have reviewed people that
seek clemency and determine eligibility for
clemency, and we provide that information to
Governor and Cabinet. Like I said, we do not
determine voter eligibility. Currently the
Commission sends a daily automated data transfer
file to the Department of State nightly for all
records of individuals in our database that have
been granted the restoration of civil rights or
pardons. So we'll continue to do that. So every
night we upload that. So just as the Department of
Corrections and FDLE share information, data
transfer to the Department of State, the
Commission has also done that for many years. So
they have up-to-date information on all the
individuals that are in our database and have
received their right to vote through the civil
rights or the pardon process.
In addition, we provide an online search
capability through our public website and this
allows the users to search and return information
regarding restoration of civil rights that have
been granted by the board on a specific person.
Certificates can be printed. So we intend to
continue providing this access and service, which
we were doing prior to the passage of Amendment IV
and will continue to do so. This is on an
individual basis. So as opposed to the data share
that we do with the Department of State, any user,
the public, the Supervisor of Election staff and
the Department of State and anybody else can look
at this on an individual name basis one-by-one.
Also we often get inquiries. I've been with
the Commission for 20 years and done clemency all
that time. So I'm very familiar with the
historical practice and the current practice for
clemency. But we've also provided routine
assistance regarding the status of restoration of
civil rights on specific individuals when
individual county Supervisor of Elections or the
Department of State, Bureau of Federal
Registration Services or applicants reach out to
us. This is through daily phone calls, emails and
different requests. Sometimes, you know, through
the U.S. Mail as well. So we'll get calls and
we'll get information confirming if they're having
trouble looking at the data that we share for the
Department of State specifically. If a local
Supervisor of Elections is having trouble with our
website finding who they're seeking information
on, we go ahead and we'll do that information on a
daily basis.
So what part of the clemency process might
translate to assisting in determining voter
registration eligibility for convicted felons? So
once again, I know as I was introduced, I am the
Clemency Investigation Director. So that is my
experience. But clemency is a separate and
distinct process. It's initiated by an applicant
who provides the Commission with court documents
related to their felony conditions. So when we're
dealing with clemency investigations, we're
beginning with that information already provided
to us by the applicant. Clemency investigations
are comprehensive and involve a total and complete
picture of a convicted felon. Determining the
completion of sentence to include the status of
monetary obligations that a court ordered is just
one small component of our clemency investigation
that results from gathering extensive information
throughout our larger clemency investigation
process.
So just to kind of elaborate on that. When
the clemency applicant provides information to us,
their court documents, and we do our
investigation, which is much more detailed and
comprehensive and I think everyone agrees is not
the same thing that we're dealing with in the
Amendment IV process. Through that interaction
with the applicant and gathering all this
information, we often get more information
resulting in this individual's criminal history
and their court documents and their monetary
obligations through interaction with that
applicant and all the other information that we
are required to gather for a clemency
investigation.
So while most of the process and the procedures utilized in conducting clemency investigations do not translate directly to this Amendment IV process, you know, I'm happy to be here to discuss the resources and processes that we believe might best be related to doing that.

So as I indicated before, we utilize many databases and many resources to do a clemency investigation. To the Commission, those that would be the most useful and relevant to this process have been discussed by others prior to me already in this work group. But nevertheless, that's my area that I am familiar with and I will speak to you today as far as our experience gathering this information.

So like I said, these have been discussed I think in the last couple of presentations. But nevertheless, these are the areas that we go to, to find this information as well. So the Comprehensive Case Information System, which CCIS, I don't want to you know repeat the process as to everything that that database has access to, their limitations and everything. But just for the record, you know, that's electronic records in all 67 counties. It goes back I believe to the early 2000s. So there's a lot of good information in there. And I believe I also heard them reference last presentation that going back to 2010, there's going to be many documents available online as well. PDFs and images that we can get access to.

We use that through our clemency investigations on a daily basis.

So the primary reason for CCIS as I feel translates to Amendment IV would be related to the monetary obligations. This would be identifying both the court ordered obligations, whether it's through the docket entries, through the judgment and sentences online, and then possibly any outstanding obligations or if you want to look at it the other way, what's been paid. I think being very familiar with this database, and I can certainly go into it if there's any questions more. But using the database there's a lot of good information. It's by offender. It's by case. And then you go into that case and you expand it and look into their financial obligations that were ordered. And you can go and look into what was paid and what is still outstanding.

Generally the monetary obligations that we're looking for are found on the judgments and sentences, restitution orders, orders modifying the sentence or probation, and orders modifying cost and documents, all types of documents I guess. So we're familiar with looking at these types of documents through CCIS or if they're provided through the clerks, which we'll speak about next. So our experience reading these judgments and sentences and looking for these orders, the first part is I think as we discussed before locating and gathering this information, and then being familiar with reading it and understanding it. And then finding the information and then providing the information as to the balance or whether it's paid.

So CCIS I know has been available to many state agencies. I know the Department of State when we work with them we walk through that. We looked at that database together. The Clerks of Court, I am very appreciative when this came online as far as the information that we utilize it for every day. It's very, very helpful.

The Clerks of Court, once again I know they made the presentation as well. So we know that they're the official custodian of all the court records. So in all my years doing clemency investigations, we go to them for the official records. We attempt to get the judgment and sentence. I know those go back many, many years. We trust their information that we find for them as reliable. So when we're doing a clemency information, what information the Clerk of Court provides to us regarding someone's conviction and their monetary obligations, we treat that as reliable information that we pass on to the clemency board.

So when information is not available in CCIS and not through electronic records, then we reach out directly to the individual Clerks of Courts. So our clemency investigators do that on a routine basis and we utilize their individual websites. We might go through whatever portal access they have. Any type of emails, faxes, phone calls, whatever information we do to request information. And we request specific information related to judgments and sentences. The documents that I mentioned earlier that will show us and identify what type of monetary obligations were part of that sentence. Once again, that's our starting point. You know, we go to the information that's out there that indicates this person has a felony
conviction. We look at all the documents we can
possibly find related to their monetary
obligations, and then we go from there to indicate
the receipts or anything that was paid on those
obligations.

So the Department of Corrections is a third
totality that we go ahead and we work with. We work
with many, many years in our criminal justice
capacity and in our clemency capacity. We also
utilize their information to identify monetary
obligations. So as I think we discussed
previously, they have their offender based
information system and their inmate records
imaging system. So that's the PDF documents on
certain inmates that have been incarcerated. We
have access to those information -- those
databases, and we utilize that to find out
documents that sometimes they have related from
the Clerk of Court as to their monetary
obligations that were ordered.

So we utilize this to identify certain
obligations of offenders that have been under the time they
were under supervision or possibly incarcerated to
work release. So it's our understanding that
obviously when the Department of Corrections has

To the extent the Commission would be granted
permission or authority to access their system and
provide information or data from their system for
Amendment IV process, we would be prepared and
glad to assist in this manner.

So this like CCIS and the clerk records would
contemplate us providing information only as
opposed to making determinations based on
information contained in records and databases.

So we see ourselves with our expertise and our
historical knowledge and understanding records,
knowing how to locate records, find the records,
identify the court order monetary obligations.

And then, you know, we don't have any special
access to anything other than looking at these
same resources and making that realization of
what's been paid. And if it's not been paid,
taking the Clerk of Court that, you know, if X
number of dollars was ordered, they show X number of
dollars paid, then this is the outstanding
balance. We see ourselves being able to gather
the information and the documents available from
these entries, which could involve multiple
counties as I think has been discussed before with
the individuals that might have convictions

an inmate or an offender received in their
custody, if they have monetary obligations as part
of their sentence, you know, that certainly on the
supervision side is going to be part of the
criteria that they have to do to successfully
terminate supervision. So we'll look to them to
see that information. We have access to the
Department of Corrections and the Clerks of Courts
database. Like I said, we get their documents and
information from both these databases. But I
think the Department of Corrections have certainly
spoken to the Clerk of Court being the official
records if there was any discrepancy.

It's also my understanding since July 1st
that the Department now provides the financial
summary information to offenders and the Clerk of
Court regarding those cases for which the offender
is currently being released from supervision or
incarceration. So once again in my role as
clemency, that's very helpful. And I know that
it's information moving forward has already been
implemented. So they have discussed limitations
on their systems and monetary information
contained in their database and systems certainly
going back historical and on previous convictions.

spreading across the State of Florida.

So going forward we think it might be a great
benefit if this work group could consider possibly
a recommendation on how information maintained in
the Department's records and databases regarding
certain financial obligations such as restitution
could be maintained in CCIS or through the Clerk
of Court system where it's tracked and
accessible to all others involved in the process.

Currently we realize that the Commission through
our agreement as a criminal justice has access to
certain information. But certainly restitution
information I think has been discussed in the past
here. So I won't go into it unless anyone has any
questions. But the restitution information, there
might be information of restitution being paid I
think is where I'm getting at. The Clerks of
Courts have indicated that they generally do not
collect the restitution except in certain
instances or maybe older cases. I think everyone
understands that individuals under supervision or
work release might pay restitution to the
Department of Corrections. So therefore, that
information, you know, we might be able to simply
provide documentation from the clerks what was
ordered, what was paid, you know, provide this
information, gather this information, and compile
it back to the Department of State.
So in closing it's important to keep in mind
that the clemency is a separate process. But many
of the -- or several of the same resources that we
use in making clemency determinations or monetary
obligations may also be used in making voter
registration eligibility determinations. We'll be
happy to assist as we are needed in any way,
whether it's locating and gathering and compiling
this information related to financial requirements
on felony convictions for individuals and/or
possibly training any other staff that may be
involved in the process.
So thank you very much. I appreciate you
giving me the opportunity to speak and I'll be
glad to answer any questions.
MADAM SECRETARY: Thank you very much. We
appreciate you being here. That was very helpful
information. I'll start off. I do have one
follow-up question and then we'll see if there are
any others from members of the working group and
it's this. I agree with one of -- well, many
things that you said. But one of the last things
you just said that talked about how this working
group might have an opportunity to make some
recommendations about how we use CCIS going
forward and how we might be able to keep track of
financial obligations using that database on a
going forward basis.
One thing that seems to have emerged as a
challenge, however, is looking backward at the
question of restitution. And we heard testimony
from the clerks at our last meeting about
instances where a judge has ordered restitution to
be direct paid to a victim as opposed to be paid
through the clerk's office. And that in those
circumstances they wouldn't have any record of
payment or balance in the clerk's office or in
CCIS.
Does FCOR have any process or insight about
how to go about gathering restitution related
information in a circumstance where it was being
direct paid to a victim as opposed to through the
clerk's office?
MR. HEBERT: Well, I can only speak to what
had experienced in clemency investigations. So
not translating that directly to Amendment IV,
because I think it's been discussed. We do the
individual kind of intensive investigations,
involve interaction with the applicant, they're
proactive in seeking this and we discuss this. We
interview them. We go back and forth. There's a
lot of interviews and dialogue. So naturally
we're going to be speaking to the applicant and
asking if they have any proof of their restitution
that they made in the past. So I'm not sure how
that would translate to the Amendment IV process,
but certainly that's my experience. If we were to
see that someone was ordered to pay restitution 30
years ago directly to a victim, we're certainly
going to see if they were also part of their
sentence was to be on supervision with the
Department of Corrections. So if the Department
of Corrections, you know, terminated the probation
successfully, there was no noted violation.
There was no affidavits filed with the Clerk of
Court, we take all that into consideration in our
clemency determination. And of course part of our
clemency process we do reach out to victims for
clemency, which is a very important part of the
clemency board's process and has been in my 20
years here and prior. So we have that luxury in the
clemency investigation process of dealing with
the applicant and the victim. For the Amendment
IV process, I'm not sure if anyone has
contemplated to that level of going beyond of
database review of documents and gathering
information and having to do that level of
investigation. I believe -- that's kind of my
experience with it.
MADAM SECRETARY: That's very useful
actually. So in your process when attempting to
ascertain past owed restitution that's being
direct paid to the victim, an integral part of
that would be speaking directly with the applicant
and reviewing any records they might have related
to their payments?
MR. HEBERT: Correct. And you know, I think
quite honestly in my experience, I'm not sure the
volume of those type of cases -- I certainly know
it's been discussed. I mean, I generally see
restitution orders in clerk files and documents
when people have some sort of -- we're talking
about a felony conviction that they had a
sentence. They probably were incarcerated or went
to supervision. I mean, every now and then and
certainly over the years you're going to see
individuals that had restitution on a crime that
maybe they were adjudicated guilty with a minimal
couple county day jail sentence. I don’t
historically see that done for a felony conviction
with a victim.
So I think accidentally most of the cases that
we see restitution ordered by the court, there is
some sort of mechanism to follow-up with it.
Either they’re going to be under supervision.
There’s going to be a violation filed or they’re
not going to be successfully terminated. You’re
going to see that they went from supervision to
incarceration. If they were not actually sent to
the Department of Corrections for some reason and
they had just a straight up sentence with a
restitution to pay to the victim. I have seen
notations in Clerk of Court files and docket sheets
that restitution has been satisfied. I certainly don’t
want to say that is the norm or the regular. So I
can’t speak to that. But I’ve seen those like I
said going back on older cases. I’m not so sure I
see restitution being ordered directly to the
victim in newer cases. I know that could be an
older situation. Perhaps the State Attorney’s
Office... I know they’ve not been in the mix. But
sometimes the State Attorney’s office might have

supervision still owing restitution and fines at
times. When you’re going through your process and
you see a termination of supervision, is that
where you stop or do you continue? I mean, do you
continue on to look for the...
MR. HEBERT: So if an individual was on
supervision paying restitution. Let’s say it’s a
large amount and they were paying it throughout
their probation. So they weren’t in willful
violation and they successfully terminated
probation. They did not get violated. So the
court might terminate their probation with
outstanding restitution. Sometimes we’ll see that
acknowledged in the order or in the docket entry.
Sometimes it’s not. You know, I know perhaps the
Department of Corrections might successfully
terminate someone with showing a history of
payments and therefore not all been paid. So the
Commission when we do our clemency investigations,
we would certainly see what, you know, restitution
makes someone ineligible for clemency regardless:
of whether the court -- you know, whether someone
finishes their probation successfully or not or
whether they’re incarcerated. So we would follow
up with the Clerk of Court to see if there was
facilitated the payment of restitution if it was
going to be paid directly to the victim.
Certainly in recent years with all the victim’s
right and the confidentiality and privacy of the
victim, generally individuals aren't required to
pay victims restitution directly to them.
MADAM SECRETARY. Do any other members of the
working group have questions?
MR. ANDERSON: Yes, I do, Madam Secretary.
My question is, do you reach out -- in your
investigative methods, do you reach out to the
State Attorney to confirm whether or not the
restitution has been paid?
MR. HEBERT: Generally it's not part of our
standard practice. But certainly when we're doing
clemency investigations, we do a comprehensive
thorough investigation, including any entity that
we might contact the State Attorney's Office.
That's certainly an option. You know, with
different levels of success depending on the age
of the case.
MR. ANDERSON: Thank you.
MR. HEBERT: You're welcome.
MR. STEELY: I have one quick question.
We've heard that offenders get terminated from
civil fines or civil judgments entered through the
official records. And perhaps that may be
satisfied through a judgment entered in that local
Clerk of Court years later after the probation was
terminated by the Department of Corrections. So we
do move on with that.
MR. STEELY: There's successful termination
and then there's also where the Department will
file a violation and the court will review it and
still terminate regardless.
MR. HEBERT: Correct. So for our clemency
purposes, if we see that someone was
unsuccessfully terminated from supervision and
they clearly paid certain amount and there's
balances indicated, then perhaps you know they
might go to the Department of Corrections. They
might get incarcerated after that supervision.
But once again we have the luxury of dealing with
this clemency applicant in person, discussing with
them what happened, you know, if they have any
proof of it. We're going to be contacting the
victim. We're going to be looking at the Clerk of
Court as well to see if there was anything filed
in the official records after the date of the
successful termination.
MADAM SECRETARY: Thank you. Any other questions? All right. Seeing none, thank you very much. We appreciate you being here today.

MR. HEBERT: Thank you very much.

MADAM SECRETARY: Next I would like to invite Ms. Ann Coffin from the Florida Department of Revenue for her presentation. Welcome.

MS. COFFIN: Good afternoon. That's better. Again, my name is Ann Coffin. I am the Child Support Program Director with the Department of Revenue. Thanks for inviting us here today to talk a little bit about our automated system.

A little bit about the Child Support Program. We serve over a million families every year with their child support. It's about 1.8 million parents and over a million children involved in the cases. We collect and disburse about $1.6 billion in child support. The program implemented new technology in 2012. We implemented a SAP based system which is an off-the-shelf COTS software program that we configured and customized to meet our needs. Our system is very large. We have over three thousand users. We process a lot of cases and automation every day. But the COTS program is sizeable for whatever your needs are.

That's why you might choose something that's an off-the-shelf software program. Some of the key components outlined on the slide of our system. We maintain our customer and demographic case data in the system. We capture all of the support order terms and obligations. We trigger automated actions based upon business rules. While we're capturing the financial obligations that a parent may owe, the system will monitor whether those are being paid as ordered. If they're not being paid as ordered, it will automatically trigger some type of action to contact the parent to ask them why they're not paying or take more aggressive enforcement action depending upon the case circumstances and the parents ability to pay.

It will also identify if we don't have a support order yet and we need to establish a support order. It would identify that the characteristics of the family and automatically trigger actions to our attorneys to file in circuit court to establish an order.

The system allocates payments and maintains the balances for all the support orders that we monitor. We interface with over 60 other state.

federal, local and private entities to load data into the system. We also share data back with those entities. It means and delivers work based upon inbound documents. So what would be maybe relevant to this group is each time a support order is established across the state, it can be automatic scanned into our system. It's routed to an individual who updates the terms of that order in the system so that automation can track whether we've received the payments or not and what the balances are. And we provide a 24/7 access to parents. We have about 170,000 parents who go on each day checking how much has been paid, what is owed; what's the status of their case. They can also update and provide us information as to where they're currently living; their contact information. They can also report their employer and other important information that might be relevant to us. Those are the key components of the system.

We wanted to spend a little bit of time talking about support order term compliance and balance tracking. I'm listening to the previous presenter and the questions. You know, I think a lot - what's most in common with the child support program is the actual tracking of the financial obligations. So we wanted to talk a little bit about how we do that.

Financial processing is a partnership between the Department of Revenue, the Florida Association of Court Clerks, the individual Clerks of Court and private vendors. And we all work together on a daily basis to 5 post, process, verify and update all of our records so that we maintain sort of a reconciled balance for the parents no matter whether they're going to an individual clerk's office or whether they're visiting the Department of Revenue portal.

So our payment processing starts with a single remittance unit. So for child support, whether it's a private case or if it's a case handled by the Department of Revenue, the child support payments are being made to a single location. That single location is a private vendor under a contract with the Department of Revenue. So they're receiving all of the child support payments. Even if a child support payment is paid locally at the clerk's office, that data file goes up to the single remittance unit, so that the data can then flow through all the other systems that need to have
the update. If a parent goes in and pays at Access, same thing. It's going to go through the single remittance unit that will pass a single data file each day to everybody who needs to have the payment information so that we can update our system.

That data file each day from our remittance vendor is sent to the Florida Association of Court Clerks. The FACC, they break or parse that file into 67 files and send the specific cases to each clerk of the court. Then the Clerk of the Court will verify that, yes, there's a case in that county. Yes, the support order that has been paid should be processed through the rest of the steps in our process. And then each day the Clerk of the Court sends a file back up to the Florida Association of Court Clerks who combines all the files and then they'll come over to our system, which is called CAMS. And then we'll update our system. And then we will go back through the Florida Association of Court Clerks and back to the single remittance unit to complete the circle. So it's been fully reseeded, updated, and all of the entries, and then the disbursement information is also recorded.

That allows the Clerk of the Court to maintain the official record for payments. So if there are motions for contempt or other hearings that the court would like to have, they can get access to affidavit of arrearage or payment histories. And like I said, for parents whether they're logging on to their web portal or getting information from the local entity of the amount they owe, we're trying to make as much as possible to stay in balance and have the same records. Are there any questions?

MADAM SECRETARY: Yes. Thank you so much. That's very interesting. One thing going back to a little bit of the beginning of the flowchart. So in order for your process to work, is it significant that there would be certain language or certain terminology in a court order?

MS. COFFIN: Yes. We need some certain periodic obligation in order to track some certain amount in order to track. I would say that that would be necessary, because we're trying to determine compliance with periodic payments. And each day we're monitoring to see if somebody was supposed to pay a hundred dollars every Monday, are they paying a hundred dollars every Monday. And when that obligation is fully satisfied that our agency stops taking monitoring action and any type of enforcement action.

However, in addition to financial obligations, we also monitor the coverage of health insurance or other type of medical support or cash medical. So we have the ability to do that. But it does have to be a clear order so that we know what we're looking for and we can monitor compliance with that.

MADAM SECRETARY: What is the function of the state disbursements unit?

MS. COFFIN: The state disbursement unit is pictured on this diagram as the single remittance unit. I tried to use some terms that were maybe more understandable than the same that we call it. But the state disbursement unit is our single remittance unit.

MADAM SECRETARY: And I believe you mentioned during your comments that a parent or somebody who owes a balance or is entitled to a child support payment can actually log in at any time and check that balance and see how it's coming along.

MS. COFFIN: That's accurate, yes.

MADAM SECRETARY: And one other thing you mentioned was an interface with federal, state and local agencies. Can you tell us a little bit more about that?

MS. COFFIN: Yes. We have over 60 partners that we interface with. They will bring in location information for us. So if somebody is incarcerated. A lot of the child support business is all about where is the person that we're trying to either serve to establish a court order or contact because they're not paying or to send them money that we received for them to get that to the family. So we load a lot of location information coming in from most state agencies and federal agencies, Social Security Administration, other state agencies, so that we keep the demographic information on our case members up-to-date. But our interface also expands to financial institutions if we're looking for assets. So it's just a loading of information into the system. We match against the customers that we're providing services to and then we would automatically update their records based upon that information.

MADAM SECRETARY: Do any other members of the working group have questions?

MS. HOLMES: Thank you. You said that the new system started in 2011. How did you get all of the records prior uploaded into this new
MS. COFFIN: Yes. The child support program is a federally funded program. The state receives 65 percent reimbursement of all allowable costs for our program. One of the allowable costs is the maintenance and operation of the automated system. Our annual maintenance and operation budget for CAMS is $14.5 million. So 65 percent of that would be funded. The cost for us to develop that system was also federally funded at the same rate.

MR. PEACOCK: Follow-up, Madam Secretary. And you said one of the business partners in this sort of plan is a private vendor that helps us with the payment process. I'm assuming they've getting some sort of payment fee process in that, that pays for that part of it or are they paid from appropriation? How are they paid?

MS. COFFIN: The contact with our state disbursement unit is the Department of Revenue pays that contract and it's a per disbursement cost. I believe the cost is around $5 million a year. When we include both the payments on the cases we handle plus all the private cases, which would total $1 billion annually. You know, I think it costs around $5 million a year.

MADAM SECRETARY: Any questions? Anyone else. All right, thank you so much for the information. It's very helpful.

Okay, thank you again to our presenters for being here today. And now that we have received information from several entities through the course of our meetings, the work group needs to begin developing our recommendations for the legislature. So we will move to that process now. So I will go back to the beginning of our meeting where we talked about the specific subjects that we are going to be devising recommendations on and we can talk about those one by one.

The first subject is the consolidation of all relevant data necessary to verify the eligibility of a registered voter for the restoration of the voting right. So what we've heard and how we might go about the consolidation of relevant data. Do we have any thoughts on that? If not, I'll share a couple of things that I've observed and see if we can lack things off a little bit. Supervisor Anderson, go ahead.

MR. ANDERSON: Madam Secretary, my thoughts on the consolidation of the data is all these databases that we speak of require access and some
of them may require training and also perhaps background checks as well. So those are some things that I would definitely take a look at as we move forward in the consolidation of the data, making those recommendations.

MADAM SECRETARY: Yes, absolutely right. And some of the information that we have discussed and covered is criminal justice information, which would typically be accessible to all agencies or the public. Any other thoughts so far. Go ahead Mr. Coumou.

MS. COONROD: Madam Chair, we probably need to figure out if we have to have a centralized database. Like you said, the criminal justice information cannot be accessed by certain members of the public. So do we try to develop or recommend a central database that gives access to everybody or just those that are in need of the information.

MADAM SECRETARY: One thing I noted was important during the clerk's presentation is it appeared that they were working on developing a very functional system that could operate on a going forward basis if we had the correct information in a judge's order. Specific, clear

MR. PEACOCK: I'll start Madam Secretary. Thank you. We certainly, the clerks and the association has worked with the judiciary and, many parties to make sure that CCIS is a widely used by a lot of different stakeholders. The concern of information and data sharing on certain things is a concern for everybody. The CCIS is generally determined to be information coming out of our Case Maintenance System, which is a court system as opposed to a state law enforcement database. Although different players use all of it.

So we've got some experience in working with different stakeholders to try to figure out how to solve and provide solutions for everybody generally internally. I think one of the concepts that came out of the DOR's presentation is the fact that stakeholders of government needing to see what their payment history is and those

kind of things. How you would solve for that would be probably a limitation of some sort of system through CCIS. However, I know that there's been contemplation for attorneys and how attorneys get access to court records across the state as opposed to just through individual clerk's records maintenance systems. Throw some ideas out there related to that. But DOR's solution for child support, which was a collaborative effort between the clerks and DOR, because of the relation to court data. And as you see when it was described where it goes from a financial collection piece to the clerk's court records and making sure that the court cases are updated back through a system to where somebody can see it all. It was certainly a good representation of that collaborative effort by a lot of different stakeholders to get things done.

So somehow that collaborative nature working together as opposed to a single database, it's going to be hard to do it with so many kind of disparate kind of solutions that we've got.

MR. CHORVAT: So my history with the clerk's office has been fundamentally technology throughout the years and I've seen CCIS evolve into a system that's no longer a central repository, but a central hub that does live pools even from our clerk's associations. It's more efficient and you run the less risk of having disparate data out there. So I would like to see us go away from a central replicated database that gathers information from other systems when systems may change. We are human processed and we do make mistakes occasionally. So that data would have to be corrected. So if you have a live pooling system similar to CCIS, you're going to have more accurate data to provide to the people that would be needing the services.

MADAM SECRETARY: And another significant piece that I thought during the presentation from the Clerks of Court was their consideration of using a form so that a citizen who may not necessarily have log-in privileges could nonetheless potentially go to a clerk office, request assistance and have information back having completed the form.

Any other thoughts on this subject?

MR. STEELEY: Do we need to think about this from a going forward basis and a going back basis and have two different recommendations. So here's
what we do going forward and here's how we address those in the past?

MADAM SECRETARY: I think that's exactly what we need to do since it seems like a different type of solution depending on which of those. So I think those are all great things on going forward. Does anybody have any thoughts or ideas about how to gather or consolidate relevant data looking backward?

MS. COONROD: Madam Chair.

MADAM SECRETARY: Yes.

MS. COONROD: I have a question that the clerks may be able to answer. But we know that the documents have to be maintained for 75 years. So some are online, but not all of them. So I wonder what does it take to bring all of those records up-to-date.

MR. PEACOCK: I got an easy answer to that. It takes money. That is a challenge for a lot of clerks and a lot of agencies: going in this transition between the paper world to the digital world. There are varying states at the state level and at the clerk level, various states of how far we're along that path. It has been a huge effort by a lot of clerks and a lot of the state system.

The legislature -- I comment regularly that legislature's emphasis on cloud computing and those kind of things that convert the paper world to the digital world for more access to get this information is a good thing. Ultimately it comes down to we've all got the records because of their 75-year retention. We've got all those cases. Some of us go back 20 years into our record system for digital. Some of us go back a little further. Some of us have the resources to convert everything and put it in their digital system. Very few have had those resources. Because it came down to competing interests from a priority standpoint and dollars. Certainly you would hear from the clerks that as we change into this technology based sort of digital world, those dollars and we've gotten some help from the legislature in the past for some records modernization. In order to get everything from the past caught up, that's a significant effort. Going forward, I think we're properly positioned now to do a lot of things going forward. It's that path that's going to cost money. We're prepared to do it. It just costs money to get it done.

MADAM SECRETARY: And just one other point on this subject before we go to another is it seems ending the practice of ordering restitution direct paid to the victim would be important. That is an area that in the past is leading us to a lack of data or information without bringing the potential voter and the victim directly into the analysis of voter eligibility.

MS. HOLMES: If I could comment.

MADAM SECRETARY: Please.

MS. HOLMES: Thank you, Secretary. So in terms of what Senator Pizzo had talked about. There is some prosecutorial discretion when they are entering -- making a plea offer and when they're going through the plea colloquy there is that I don't think that it would be a good recommendation to have a flat out no you cannot have direct payment to the victim at the time of the plea or anything prohibiting that. But allowing the State Attorney's Office to have that discretion in order to be able to maybe they're receiving less of a prison sentence based on paying restitution up front and maybe having a notation that the clerk is making while they're going through the plea colloquy or the judge makes that notation on the judgment and sentence that says that restitution was paid in full at this day of sentencing on it to just be able to allow the Assistant State Attorneys that discretion to be able to make sure that their hands are not being tied so speaking in terms of how they develop their plea offers and going forward. So that's just my input on that. I think we can tweak that a little bit. But that's my comment on that.

MADAM SECRETARY: That's a great point. Do you see that being a challenge on a going forward basis outside of the scenario in the courtroom where a plea is being taken and the defendant and the victim might be there together? Beyond that point, would you have concerns about recommending the judges not order direct pay to victims?

MS. HOLMES: I used to be a prosecutor. So I'm in my prosecutor hat on with this. And I can just see, you know, going forward and everything there were times when I was the prosecutor on the case where I would take the best interest check from defense counsel and then I would give it to my victim advocate to then send to the victim in however they ended up doing that. If they mailed
it or if the victim came to pick it up.
So I think just having -- because there were multiple times on the record where defense counsel would say I am handing Mr. Holmes the restitution check. And I would confirm that I received the restitution check. Restitution is paid in full.
I guess just having some sort of documentation in the clerk file so the Clerk of Courts have record of that going forward I think would be beneficial.
And in terms of what happened in the past, I know the State Attorney's Office files we were required to note in our file to make sure the restitution was paid. So there might be access in terms of getting some of that information with FCOR, contacting the State Attorney's Office to see whether or not there was restitution paid at the time of the plea.

MADAM SECRETARY: That's another good data source. Any more discussion on point number one before we go to point number two?

All right. Point number two is 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. Any thoughts on how we might inform a perspective voter about how to gather or compile this information?

MS. HOLMES: If I may. Going at the time of the plea, having a recommendation of the judge while they're going through their plea colloquy of making a knowingly and voluntarily entered plea to also have the judge alert them of their voting rights being restored. And if there's some form that the clerk might be able to give at the time of sentencing. Now whether or not the person would maintain the records or anything. But just having it on every single step of the process. Informing the person that they have -- how to be able to get their voting rights restored.

MADAM SECRETARY: Mr. Steely.

MR. STEELEY: Well, we have the central spot where all the voting rights are placed. And we already have a duty to inform them of various things when they're being released up to how to get their rights restored. So the easiest place I believe is for us to have whatever the document is going to be that has all the list of the access points. That way if they change from the point that they've convicted to the point they've been released, they have the updated record when they're leaving or how you access this information.

And one way to tie this back to what you were discussing is if you can put a requirement on the individual when they have paid their restitution whether it's to a victim or to file a satisfaction with the court so it's filed in their court file. And it says I have paid my restitution. So then it's there. It's forever there. You don't have to worry about it. And when you go back and look in the record, you can confirm it.

MADAM SECRETARY: Yes, please.

MR. PEACOCK: I want to follow up. That's a good point. Because one of our concerns here is what are we doing looking backwards without having it be a very manual process of that filing a satisfaction of restitution is a solution going backward as well as forward.

I had one quick question on DOC. Does everybody go through the process where they're out processed from the system or is it just when they get probation or sentenced? Does everybody get a chance to go through that an out processing standpoint?
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<td>all these systems, they will come to the Supervisors of Election Office. And at some point that information will come to us and we would need to make that determination. And seeing that those things have been certified after it's all been said and done really helps us make those determinations the final determinations. So I think you know having that form, filing that satisfaction is a great starting point.</td>
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<td>MADAM SECRETARY: All right. Anything else?</td>
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<td>Okay. Thank you everyone. So what we will do now is the Department of State will take the lead on developing a draft report based on all of the information and testimony that we’ve heard from the various presenters and also the discussion and ideas that have been proposed by members of the working group. So we will have a draft report ready for you. We are going to have one additional meeting so that we have an opportunity to review and discuss that report. So we will have a draft report ready for review for all working group members by the next meeting at which point we’ll get it to you in advance so that we can discuss it and discuss any edits or revisions that need to be made to the draft report based upon everyone’s input. So at this time -- and at that time we can discuss edits and vote to approve it if appropriate. So at this time I’d like to open up the meeting to public comments. Do we have public comment? Indeed we do. We’ll start with Mr. Bob Rackleff from Big Band Voting Rights.</td>
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<td>MR. RACKLEFF: Thank you, Madam Secretary and Members. I appreciate the opportunity to speak. I am representing the Big Band Voting Rights Project. We are making a special effort to find and register ex-felons to vote. And we expect -- we’ve done this primarily in Leon County, but are now in the midst of expanding to surrounding counties as well such as Gadsden and Jefferson. In the course of doing this, I’ve met dozens of ex-felons. I’ve been to their homes. That’s the only way we can find them. They’re not on a list anywhere with a current address, an accurate address. So we adopted a strategy of going house to house in targeted neighborhoods, which we target by looking at the number of voting age adults in the census records with the number of registered voters. And when there’s a big difference, that’s a precinct that we start walking in. I can tell you a few things about them. Number one is they don’t know anything about Amendment IV as I said before. They are marginalized. They don’t live in very comfortable circumstances. And they’re struggling to make a living and become useful members of this society. They also don’t have a lawyer. I read a comment by a Supervisor of Elections in a newspaper article a few months ago saying well, if they just hire an attorney, a good attorney, they’ll be able to get through this process. Well, if they could hire a good attorney, they wouldn’t be ex-felons probably. So that’s the way our justice system works. I’m very concerned about the accuracy of the information that’s compiled that becomes the main data source. I was -- as a County Commissioner here, I was a member of the canvassing board in the 2000 election in which the Department of State hired a consultant to come up with a list of $8,000 ex-felons that was notorious for being inaccurate and it resulted in the purging of thousands of eligible voters. This should never happen again and I fear that it will. Simply because Florida has not devoted the resources or the will to come up with a system that’s flawless and accessible. I just heard that well if they can get on the CCIS system. Well, they can’t. The system has to be accessible to an individual ex-felon without having to hire a lawyer by using a normal system like online systems. My idea is that an ex-felon to find out if he’s eligible or not can go to the library. And with the help of a librarian go online, find out the data, and determine whether he or she is eligible to vote. Anything less than that will result in what we fear is that if you’re poor, you’re not going to be able to vote. And that’s simply not acceptable in our society. So I wish you well. I also want to mention</td>
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that Professor Dan Smith at the University of Florida procured a study that was part of
the plaintiffs' arguments in an upcoming federal court
case about which he surveyed Clerks of Court
records and found that they were sorely
inadequate. And I will gladly send you a copy of
that if you haven't already seen it. But he's the
Dean of the Department of Political Science. And
it was a very repeatable and contentious report.
Thank you very much.

MADAM SECRETARY: Thank you very much for
your input, sir. I will also note that all
written comments received will be part of the
record. And if you are listening over the phone
and would like to submit public comment, you can
do so in person at one of the next meetings or via
e-mail at the email address that I mentioned
earlier.

We also have present in the room for public
comment Ms. Cecile Scon from the League of Women
Voters. Welcome, Ms. Scon.

MS. SCON: Good afternoon. My name is
Cecile Scon and I'm the first Vice-President of
the League of Women Voters of Florida and the
Action Chair on our Amendment IV efforts.

 wasn't that high expectation, a person with
felonies to be able to pay everything. I don't
think the system was set up looking back to really
document everything. So it kind of seems funny
we're going why didn't they write everything down.
That's why the judges often was a process that was
used. And Madam Holmes was a prosecutor. She
would be very familiar with that. They would
convert things to a civil judgment, because they
wanted to have a document that would -- if a
person ever came into money, it would be paid
And it actually provided more access for the
victims and restitution. Because on the criminal
side there was no enforcement on the past.
They're on paper, but there was no way anybody
could actually collected at least make it a civil
judgment, which was very, very common and it was
often done the day of sentencing. There was an
understanding that when they hit the lottery or
when they changed their lives dramatically or they get
money through a legacy. There would be an
opportunity to automatically start the process to
collect.

So when we look at what happened in the past,
all of those things were in place. The SP 7066

changes a lot of that territory. One thing is it
negates the impact of the civil judgment, which I
think was a terrible mistake, because that's
something that judges had counted on for over 20
years. This is common practice. In Dade County
where I practice, I'm a practicing attorney also,
primarily in civil matters. But my law partner
pretty much does all criminal matters. And I've
talked with State Attorneys and Public Defenders
also to confirm this. But in Dade County, our
sentencing document actually has a line on the
form. Everybody uses convert whatever financial
obligations to a civil judgment. Judges sign it
all the time. And there's another form that goes
right with it and it says civil judgment.

So what happened with Senate Bill 7066 was a
lot of things got changed without addressing the
past expectations. The past expectations was
people would go forward. They would do their
time. They would do their supervision. And the
majority of those people had civil judgments,
which meant the criminal financial obligation was
gone. You can't be civil and criminal at the same
time. The document that the sentencing judge
actually signed says these basic words, conversion
to a civil judgment, and that's just plain English. But that was the intent of the judges. They would often make the announcement. I don't expect this person is going to be able to pay. Therefore, I'm going to do this way. And everybody would have a conversation. The person representing the person being sentenced and the prosecutor would be there and everybody understood that.

So what's happened now is because the system was set up that kind of more fluid, we're now trying to say, we're going to get a magnifying glass and look at a permeable set of information. It wasn't like walled and carefully documented, which I think the hearing people say this is what we need to do going forward. But for all the many, many people who have, you know, changed their ways. They could be 40, 50, 60 in there 20's. But they have the history based on they were sentenced based on people's expectations.

So it seems unfair when the judges have the capability and they actually did commit these sentences to civil judgments. That's what maybe if they knew they couldn't convert them to a civil judgment, the fine wouldn't have been there. Not because of the past and because of that major change about the civil judgments. This is why the new law is going to possibly prevent 80 percent of the people that -- when people voted for Amendment IV, it was commonly said 1.4 million, approximately 1.5 million people will have the ability to vote based on Amendment IV. But one interpretation of the new law because of that line that says civil judgment has no impact, there's no longer a completion of your sentence. That takes it down to 80 percent of the people that everybody voted on. This is what we want. This is what the people said they wanted.

So all of these things are I think should be a concern and something that I think you have the capacity to address. With regards to as you were saying to develop that satisfaction. But concurrently I think there needs to be guidance that the person who is making good faith efforts to find out what was going on, that they not be subject to prosecution. Thank you.

MADAM SECRETARY: Thank you very much for your input. Well, thank you everyone for attending today's meeting. Our final meeting will be on Tuesday, October 15 from two to four.

the fine, that's statutory. But the fees and the costs would have been different. I mean, we're just kind of doing so many things at once and it's very, very concerning.

So I just wanted to bring those factors to mind and that is why the idea of the satisfaction I think sounds good, but it should be taken -- it should be assumed that it's good will, that the person you know has done their best. If someone signs a document saying we don't have the records, but we paid this or we paid that to whatever source, then they should not be subject to prosecution. I mean, that is such a chilling chilling effect on people. Everybody you heard, every single agency has said this is hard. We're not really set up for this. There's a challenge.

We're going to put things in place going forward. But everybody that I've listened to and I've listened to every word, they have all acknowledged this is going to take a lot of resources. It's going to be difficult and that there are holes in the past. So that is why I think it would be fair going forward to acknowledge that the landscape changed traumatically and for you to set forth that kind of policy when you're discussing it.

0'clock. This meeting is now adjourned. (Thereupon, the meeting adjourned.)
CERTIFICATE

I, TRACY LYN FAZIO, FPR, Court Reporter and Transcriptionist, do hereby certify that I was authorized to and did listen to and did stenographically transcribe the foregoing recorded proceedings and that the transcript is a true record to the best of my professional ability.

Dated this 9th day of October, 2019.

TRACY LYN FAZIO, FPR
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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
MADAM SECRETARY: Good afternoon and welcome everyone. I am Secretary of State Laurel Lee, and this is the fourth meeting of the Restoration of Voting Rights Work Group. I'd like to begin by asking Amber Marconnet to call the role.

MS. MARCONNET: Supervisor Chris Anderson is not present and had provided advance notice.

Vikki Cannon.

MS. CANNON: Here.

MS. MARCONNET: Doug Chorvat.

MR. CHOVAT: Here.

MS. MARCONNET: Melinda Conrod.

MS. COONROD: Here.

MS. MARCONNET: Kaye Holmes.

MS. HOLMES: Here.

MS. MARCONNET: J.D. Peacock.

MR. PEACOCK: Here.

MS. MARCONNET: Kenneth Steely.

MR. STEELEY: Here.

MS. MARCONNET: Laurel Lee.

21. MADAM SECRETARY: Here. Thank you, Amber.

And thank you to all of our work group members for being here this afternoon. For those of you in the audience, please be sure to sign in using the sign-in sheets in the back of the room. We will have an opportunity for public comment toward the end of the meeting. So, if you would like to speak, please fill out a comment card – a speaker card which can be found in the back of the room.

Today the work group will hear from the Honorable Scott Stephens from the Thirteenth Judicial Circuit, the Honorable Angela Cote Dempsey from the Second Judicial Circuit and Mr. Neil Volz who is a representative of the Florida Rights Restoration Coalition.

Thank you Judge Stephens and Judge Dempsey and Mr. Volz for being here today and sharing information with the work group.

After the presentations have concluded, we will have an opportunity for public comment and following public comment, the work group will have an opportunity to discuss our recommendations to the legislature.

As you all know, the work group is charged with developing recommendations on three things: first, the consolidation of all relevant data necessary to verify the eligibility of a registered voter for the restoration of voting rights; second, 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; and third, any other policies or procedures used for verifying the eligibility of a registered voter for registration -- or excuse me, restoration of voting rights all pursuant to the State Constitution and Amendment Four.

The work group must submit a report to the legislature with our recommendations by November 1st of this year.

So at this time I would like to invite Judge Stephens forward to the podium for his presentation.

JUDGE STEPHENS: Oh, Okay.

Well, thank you all for having me here today. I appreciate having the chance to come back to Tallahassee, and -- if I can find the thing. There it is.

I'm going to speak a few words about the sentencing process itself. I understand that some of you are probably very familiar with it, some of you are probably not familiar with it at all. And so I'm probably going to say things that are both too basic and -- and overly complicated at the same time.

But first of all, I want to say that we're going to talk about the sentencing process only in the circuit courts because it's only thing that matters for this purpose as circuit courts are the where the felonies are heard. And felony for those of you who aren't fully aware of what that means, it's something where you can be put in prison by more than a year, and if it's less than a year, you serve the time in county jail, and a felony -- you go into the State Department of Corrections system and do it there. And it's the felonies that cause the loss of the voting rights as you know. So that's why we're just looking at the felonies.

Now, what happens when somebody gets charged in a felony case, the case could take one of two tracks. It can either take a plea, negotiated plea deal track or it can take a track to trial. Upwards of 90 percent -- it's not the same everywhere in the state, but more than 90 percent of the cases are resolved through some sort of negotiated plea. A small -- much smaller amount of cases go through the trial, and at the end of the trial, the defendant is found guilty of some or -- or of some subset of the charges or
is found innocent of all the charges, and at that point the judge could -- could in theory at least pronounce sentence on the spot, but usually they -- the process is put off for awhile.

In the negotiated plea deal then, there track also has two different tracks. One of them is a negotiated plea where the amount of the sentence is agreed to, and the other one is -- is what's called an open plea. That's where the defendant agrees to plead guilty but will then allow the court to -- to pronounce sentence in the same fashion that the court would pronounce sentence if it was from a jury verdict, and the law requires the sentence to be pronounced the same way in both situations.

So, when the plea deal, if we -- if we're talking a plea, when the plea deal is signed, it's a piece of paper and they have to bring it into -- the defendant has to be brought in front of the judge in person and the judge has to ask the defendant a series of questions to make sure that the sentence that they're agreeing to -- the guilty plea that they're agreeing is -- is voluntary on the part of the defendant.

One of the reasons I'm here might be because there was a fairly well-known case where the appellate court, they actually upheld a decision that I made, but it was after a lengthy plea, and the -- the defendant went to the appeals court and said I didn't mean to plead guilty after all and we'd gone through -- through everything. And the appeals court was a little bit critical of the way that the collogpy was conducted, but at the end of the day they said, no, you went through the collogpy properly, you've established that the defendant was voluntarily entering a plea, he just changed his mind later. You don't get to do that. Those become fairly, fairly sticky judgments once they're entered. They're less subject to being challenged than the judgments that get entered after -- after trials. In -- in criminal law all the judgments after trials are -- pretty much all of them are appealed because they're all essentially free for the defendants to appeal. So that happens quite a lot.

Now, in either case when -- when the -- when the judge is asked to pronounce a sentence, he has to hold a proceeding, and the first thing is there's a -- a pre-sentence investigation that can be conducted, and the Department of Corrections actually is the one who is responsible for conducting the PSI at the request of the judge, and -- and that is entitled -- they're entitled to look at all kinds of different things that they're not allowed to look at when you're determining guilt or innocence and consider those. You're also entitled to consider the financial condition of the defendant.

And the reason I mention that is one of the important themes for what this body needs to be looking at it is -- is when does the financial condition of the defendant or the offender matter. And it doesn't get -- I mean it matters when they try to go get and the public defender to represent them, but it -- it doesn't really matter when -- when guilt or innocence is being decided. It does matter later when the question of the sentence is going to be decided.

And the sentence, of course, there's a score sheet. There are sentencing guidelines. The guidelines are implemented through a score sheet, and the score sheet takes into account all kinds of things. I can't read my notes. So that's why I'm kind of going a little quicker than I thought, but that's okay.

The -- the score sheet takes into account things like the severity of the crime, there's a list, a priority list for which crimes are more severe, up to a factor of ten for the really bad ones, down to a one for the -- the least severe ones. Severity of the crime, whether it's happened before with the same -- the same offender, whether the offender qualifies as a prison releasee, re-offender or as a habitual felony offender, whether the crime was -- certain kinds of crimes are sentenced more harshly for different reasons.

There's a whole big list of them that aren't really going to interest you that much now. But the -- at the end of the day, the -- the guidelines produce a minimum sentence and a maximum sentence, and the judge is responsible for putting on the -- for applying discretion and setting the sentence at any one -- any level between -- between the minimum and the maximum.

To go below the minimum sentence, the judge would have to make specific factual
findings that would justify a unique and unusual
departure from the -- from the minimum sentencing
guidelines, and in my time on the criminal bench
I did it never so, and as far as I know, my
colleagues also did it the same amount which is
zero. The -- you can't sentence more than the
maximum either. Probably the most common
sentencing approach used was -- was just to use
the lowest sentence that the guidelines
permitted, and that was a fairly frequent
occurrence.

The interesting and difficult thing for
this group is about the other aspects of the
sentence besides just the -- besides just the
number of days, weeks, months or years that
someone was going to have to spend incarcerated.
The -- there are fines, and in some cases
mandatory fines. Some drug dealing offenses,
drug trafficking offenses carry fines in the --
in the tens of hundreds of thousands of dollars
even depending on the number of counts and the
number of different substances involved.
So there are also of course plenty of
court costs. There is a whole -- there are five
or six statutory sections that talk about

even done that yet, and some of the other places
that are more resistant to the advancement of
technology are probably not going to do it for
awhile because the statute doesn't require it.
It just lets people do that.
So, the -- there are other costs that
can arise later. I'm -- I don't know if you've
seen the -- I forget what they're called because
I just saw them the other day, but the documents
that the DOC produces when they release somebody
or the documents that the -- the client sends
when they -- when they release someone that tells
them what charges they -- what costs they still
owe. Some of those are the cost of incarceration
and things like that. Those aren't on the
judgment and sentence forms because they relate
to events that occurred after that J&S was
entered and... I might be done.
Oh, we haven't talked about the data
yet, right, where the data is kept.
We have, as I'm sure you know, a
computer system that is run by the -- the FGC,
the Florida Group of Clerks. I'm not even sure
what the acronym stands for, but they have their
CCIS, Comprehensive Case Information System, and

mandatory court costs that have to be assessed,
cost of prosecution, cost of public defender. I
used -- you have to say it when you pronounce
sentence. So I've said it so often that I can
probably go through the whole colloquy right now;
although, it's not that interesting
So the mandatory court costs have to be
applied. Then there's a category of costs that
can be applied, and all of these turn out to be
included in -- and this is the important thing
They're included on the judgment and sentence
form, and that's the thing that the judge signs
that is the adjudication of guilty and specifies
the sentence.
So there are -- at the time the
sentence is entered, the judgment and sentence is
entered, those things are -- they've already
quantified. The number is already on that piece
of paper and, yes, the judgment and sentence form
is one of the last holdouts of the old paper
world that everything used to be based on.
It's -- there's a recent change in the statute to
allow the J&S to be done electronically.
We're fairly advanced in the electronic
stuff in Hillsborough and I don't think we've

for what it covers, it's really quite good.
It -- it does contain the amounts of costs that
were entered on the judgment and sentence. And
that's -- it corresponds pretty much accurately
with the field that they have that they -- that
it reports if you look up a case.
CCIS is only available to governmental
users. I have an account, but I had to ask for
it, and I did some spot checking of some cases
that I remembered being responsible for, and
the small I looked at the judgments and
sentences and the data field where
you look at the court costs is -- it corresponds
like it should.
So that by far is -- I'm not -- you
know, I'm not testifying that it's accurate
because that would take a much bigger study and
more -- more time and effort we'd spend, and
because we know from anecdotal reports that much
of the other kind of data can be inaccurate
sometimes. It's a really big job to take all the
different information that grows up in 57
different counties and standardize it and get it
all under the same computer system where -- where
you can read it and try to interpret it and mean
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1. the same thing every time.
2. I'm going to tell you that I think that
3. CCIS -- this is from an outside viewpoint of
4. somebody who's a big consumer of data -- and I --
5. I think that they've done a pretty good job of
6. producing a fairly reliable system. In other
7. words, if you wanted to rely on it, I think
8. you -- you'd be well justified in doing that.
9. And it tells how much of the money that's been
10. paid that got paid through the clerk.
11. So it -- it's pretty easy to access the
12. necessary information when it's there and the
13. limitations are. One, we're not sure what the
14. accuracy rate is, but I think it's accurate
15. enough in the first instance at least in the
16. absence of any other data that tells you
17. different, it's accurate enough to rely on it;
18. and second of all, the -- the time coverage isn't
19. that great.
20. If you go back to 2014 when they
21. started to require the files to be kept in
22. electronic format, the Supreme Court required the
23. files to be kept in electronic format, many
24. places still didn't do it and some places kept it
25. in electronic format but required the clerks to

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1. print them out so that they could still have
2. paper files. And so the coverage when you look
3. back into time of these things is not very
4. uniform.
5. And for some of these people who are
6. getting off of 20-year sentences, the old
7. documents are going to be available only on
8. microfiche and they're not going to be entered in
9. the clerk's systems. So it's going to be much
10. more difficult to gain access to the necessary
11. data that -- that is required to make the
12. determination that has to be made. But for
13. anything that's fairly recent, I think that the
14. CCIS system is going to be there and it's going
15. to do what you need and it's going to be pretty
16. reliable for elements of restitution, fines and
17. costs.
18. But there's convent to that, and that is
19. a restitution that is listed in CCIS that you can
20. find anywhere really is only the restitution that
21. is ordered to be paid through the clerk.
22. Sometimes restitution will be ordered to be paid
23. directly or made directly. I actually heard of a
24. sentence where the fellow was required to go back
25. over to the people's house and fill in the holes

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1. that he had gouged with his car and -- and that's
2. restitution of a sort.
3. I don't know that you're ever going to
4. be able to capture whether that kind of
5. restitution, in-kind restitution or whether any
6. financial restitution that was ordered by the
7. court but ordered to be paid outside the clerk
8. process. And the clerk takes a little hop on the
9. money sometimes, so a fee for -- for transferring
10. the funds, depending on the context in which it's
11. done. So that might be why some of the judges
12. are inclined to order things paid outside of the
13. normal process or they might just not want to do
14. it. It's very similar to the way child support
15. is handled.
16. In child support like in terms of
17. restitution or in court costs, you can enforce
18. them through an income deduction order, and that
19. means that you get the court to send an order to
20. the employer that says the employer will send a
21. portion of the money to the payee rather than to
22. the person they would normally send it to. So
23. you can enforce child support either that way or
24. you can just pay the child support directly and
25. it's much easier to prove what's been paid or not

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1. paid when it's done through an income deduction
2. order than it is when it's done indirectly -- or
3. when it's done directly. Excuse me.
4. So that's kind of the one thing that I
5. don't see that there's any way around, and that
6. is I don't know how it's possible to determine
7. whether -- whether restitution that was ordered
8. to be paid outside of the clerk process, it has
9. actually been paid. That's -- that's one of the
10. difficulties that the statutory scheme
11. faces.
12. And I'd be happy to answer any
13. questions any of you might have. My voice is
14. still holding on. I was -- I had laryngitis on
15. Friday. I've been getting better ever since, but
16. I'd still be happy to answers any questions.
17. MADAM SECRETARY: I do have just a couple
18. questions, Judges Stephens. One would be, in your
19. experience on the bench, have you seen other types
20. of sanctions or penalties that might be imposed as
21. part of a criminal sentence beyond incarceration or
22. supervision or these financial penalties, for
23. example, community service or things like that?
24. Are there sometimes other elements of a sentence
25. that are included as well?

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JUDGE STEPHENS: Well, there certainly are problems that -- I'm trying to think about whether that data is kept in the CCIS. I don't think it is. So I think that would be another leakage. I realize that it's a relatively minor thing. It doesn't have to be a whole new crime, but if it is a new crime, it's automatically a violation of the original sentence. The original sentence can be a new sentence and then be imposed. It can include community service.

Something else that is another interesting thing is that introduced by the prospect of supervision is that people can ask to have their costs converted to community service hours. And for early termination of probation, they'll frequently come in. I can't afford to pay the money, will you convert it to community service hours. And there is a rate at which -- kind of an unspoken rate. I don't think there's any -- anything written anywhere at which those are -- are converted and some portion is done that way. Restitution however is not done that way. Restitution is a right that the other -- you know that a third party holds and you can't -- you can't convert that to community service hours.

But I don't think -- to answer your question, I don't think that there is any place it would be in the judgment and sentence. There's a -- there's a place in there to require community service hours, but I don't know about the tracking of that. I don't think that there is going to be an accurate way to track that to determine whether it's been done short of going back to the original clerk's well, if there's a probation going on, there will be probation records and then -- other than that, going -- doing that on -- in each individual case will be difficult but possible I suppose.

MADAM SECRETARY: And then another question I had is, do you have any experience or have you ever seen individual defendants come back seeking some sort of modification of their sentence later?

JUDGE STEPHENS: Yes.

MADAM SECRETARY: How does that work?

JUDGE STEPHENS: They would kind of do it all the time if we ever did that. It is possible for them to seek a modification of the sentence, but it's very rare to get that done by the same judge who originally issued the sentence unless you can show them that something's different from the factual underpinnings that led to the decision being made in the first place. So, if that happens it's recorded in a new judgment and sentence on which it would be picked up by the -- by the recordkeeping. The clerk would pick it up in their recordkeeping pretty, pretty reliably especially because it's relatively rare.

MADAM SECRETARY: Do any other members of the work group have questions for Judge Stephens?

JUDGE STEPHENS: Thank you so much for inviting me. Secretary Lee and other members of the work group. I'm happy to be here this afternoon. I'm a circuit judge here in Tallahassee in the Second Circuit, and I've been so since 2015.

During those 14 years, I've served in all divisions of the court but about nine of them have been in criminal. So I have a fair amount of experience in criminal. I'm also the criminal track leader for the conference of circuit judges which is the group of 600 of us in Florida that meet annually for judicial education. We're required to do the same number of hours as lawyers, but it can't be legal education.

It has to be specifically for judges, and so as the criminal track leader, I help develop the courses that are taught on the criminal track by myself and other judges. And
... one reason that I mention that is because I feel that that's a potential resource for you all. If the statute or what have you ends up getting amended, that's a way that we could — that you could teach those changes to the judges in the state.

And then as the Secretary Lee mentioned, I'm also the vice-chair of the Criminal Rules Committee. We're actually meeting this Friday in Tampa. We meet about three times a year just like the other bar committees. There's numerous bar committees that are filled with lawyers and judges across the state. On the rules committee, there's 44 of us that are selected by the bar president and they try to keep it pretty balanced between state attorneys or similar type lawyers, lawyers for sheriffs and defense attorneys and judges. So there's a pretty good balance on that committee.

We receive referrals suggesting amendments or new rules from other lawyers, judges, the Supreme Court. Or if there's a statutory or case law change, we'll look into amending or adding rules to comply with that. For example, last year there was a change in the...
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<td>1. questioning of Judge Stephens.</td>
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<td>2. they're voluntarily entering into the plea and</td>
<td>2. I think the community service</td>
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<td>3. they're not on drugs and all that. We go over</td>
<td>3. conversion rate is in the statute is my</td>
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<td>4. a number of things with them.</td>
<td>4. recollection. Being able to do community service</td>
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<td>5. Historically, and I guess generally</td>
<td>5. for fines and cost is definitely a statutory</td>
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<td>6. it's still true, that we're not required to</td>
<td>6. creature. It's in the statutes. And then when</td>
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<td>7. inform them of what are considered collateral</td>
<td>7. you were asking about other conditions of</td>
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<td>8. consequences. I think historically what you all</td>
<td>8. probation in addition to community service. I</td>
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<td>9. are working on might have been considered a</td>
<td>9. thought of letters of apology. And then in DUIs</td>
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<td>10. collateral consequence, but so... but deportation</td>
<td>10. there's a bunch of conditions; DUI school</td>
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<td>11. I think used to be considered that too. So I</td>
<td>11. victim's awareness program, vehicle</td>
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<td>12. don't think that would necessarily be a barrier</td>
<td>12. immobilization, driver's license suspension, a</td>
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<td>13. or a problem.</td>
<td>13. number of things.</td>
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<td>14. You guys are probably aware there is a</td>
<td>14. And then regarding modification of</td>
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<td>15. judicial work group on fines and costs that's</td>
<td>15. sentence, in general that comes under Rule 3.800</td>
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<td>16. working right now. It's six judges from around</td>
<td>16. sub C, and normally those have to be filed within</td>
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<td>17. the state and they're considering innovative</td>
<td>17. 60 days of either the judgment being pronounced</td>
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<td>18. methods to reduce the disproportionate impact</td>
<td>18. or the mandate after an appeal if an appeal is</td>
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<td>19. that fines and costs can have on low income</td>
<td>19. filed. So, in general those can't be filed years</td>
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<td>20. people. I have the Supreme Court order on that</td>
<td>20. later, but there are other parts of that rule</td>
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<td>21. if you guys are interested in that. Their report</td>
<td>21. that allow you to file a motion to modify</td>
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<td>22. actually is not due till June 30th of next year.</td>
<td>22. sentence if there's an allegation that the</td>
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<td>23. but I felt like you guys -- I wanted to make sure</td>
<td>23. sentence is illegal or there's some other problem</td>
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<td>24. you all were aware of that. And then just a</td>
<td>24. with it. And I believe that concludes my</td>
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<td>25. couple of notes I made I think during the</td>
<td>25. prepared remarks, but I'm happy to answer any</td>
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<td>1. questions.</td>
<td>1. circumstance where someone is being sentenced for a</td>
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<td>2. MADAM SECRETARY: Yes. I do have just a</td>
<td>3. felony and a misdemeanor at the same sentencing</td>
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<td>3. couple.</td>
<td>4. hearing, could the judgment and sentence be</td>
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<td>4. Going back to the Florida Bar Criminal</td>
<td>5. formatted in a way to distinguish fees that are</td>
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<td>Procedure Rules Committee process, I think it</td>
<td>6. being associated with each of those offenses. Are</td>
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<td>would be helpful to us to know a little bit more</td>
<td>7. things like that would those things potentially be</td>
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<td>about how that process works starting with where</td>
<td>8. appropriate for consideration by a rules committee</td>
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<td>do proposals to the rules committee generally</td>
<td>9. looking at forms?</td>
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<td>come from. Do they happen internally because of</td>
<td>10. JUDGE DEMPSEY. Well, we do have that</td>
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<td>statutory changes, or do you accept submissions</td>
<td>11. judgment and sentence form. That -- it's kind of</td>
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<td>from members or outside groups as well?</td>
<td>12. bare bones though I think, and the clerks sort of</td>
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<td>12. JUDGE DEMPSEY: Yeah. So they -- they come</td>
<td>13. fill the rest of that information in. What -- I</td>
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<td>13. from all of those sources that you just mentioned.</td>
<td>14. know what we do in Leon County, if there's a felony</td>
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<td>14. I mean we're trying to make sure we're catching any</td>
<td>15. and a misdemeanor is we apply the fines and costs</td>
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<td>15. statutory or case law changes, but we also</td>
<td>16. just for the felony. We don't like double up on</td>
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<td>16. definitely get referrals primarily I guess from</td>
<td>17. it.</td>
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<td>17. lawyers, but also from other groups and from the</td>
<td>18. For -- as far as the committee, I don't</td>
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<td>18. Supreme Court directly. They sometimes give us</td>
<td>19. think we would get into fines and costs. We</td>
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<td>19. referrals.</td>
<td>20. might get into the form, and it's been my</td>
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<td>20. MADAM SECRETARY: And some of the things that</td>
<td>21. experience -- I mean obviously every case is</td>
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<td>21. have been mentioned or discussed during the working</td>
<td>22. different. It depends how the sentence is</td>
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<td>22. group process so far, I think you already touched</td>
<td>23. structured but normally restitution is paid to</td>
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<td>23. on one, which was restitution being paid directly</td>
<td>24. the probation officer, and if someone is not</td>
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<td>24. to the clerk as opposed to maybe directly to the</td>
<td>25. being placed on probation, I think more likely</td>
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<td>25. clerk, maybe to a victim or, you know, in a</td>
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restitution.

MADAM SECRETARY: And one other thing you
mentioned that has also come up is that the
judgment and sentence form can vary from county to
county. Are there any challenges that you would
foresee if — if there were a recommendation to
seek more uniformity in the format of the judgment
and sentence, or do you think that's a feasible
thing for us to be pursuing?

JUDGE DEMPSEY: I think you would get
resistance from the clerks.

MADAM SECRETARY: In the 67 counties?

JUDGE DEMPSEY: Honestly, yeah. I mean I
don't mean to say that to say anything negative
against the clerks that are here but maybe not.
And maybe just logistically it would be hard
because people might not be able to agree on what
needs to be included and what doesn't. Possibly.

MADAM SECRETARY: Any other questions for
Judge Dempsey? Yes, go ahead.

MR. PEACOCK: Thank you, Your Honor, for
being here. I find as one clerk like uniformity
in — in the documents.

JUDGE DEMPSEY: Okay, good.

MR. PEACOCK: It would help us immensely. I
had a quick question on — you mentioned civil
judgment conversion, and I want to make sure I'm
correct on this. The conversion of the financial
obligations in the — the judgment document.
Conversion to a civil judgment does not relieve the
obligation of the sentencing financial obligations.
It's just a collection tool; is that correct?

JUDGE DEMPSEY: That's my understanding, yes.

MR. PEACOCK: Thank you very much.

JUDGE DEMPSEY: I mean, and I — sometimes
when defendants are not totally understanding what
that is, I'll usually explain it as this is a
judgment. Like if someone sued you and got a
judgment, it's like any other judgment in any other
case, and it's out there and they might — if you
don't have any money, they probably won't be able
to collect, but they'll try to collect and if you come into money, they'll
probably try to collect it.

MR. PEACOCK: Thank you. And I want to sort
of clarify that because I think there's a
misunderstanding in some places that somehow that
removes it from the criminal sentence sort of part
of it and makes it some sort of other obligation,
but I wanted to make sure we —
And next up I would like to invite Mr. Volz to the podium. Mr. Volz, welcome.

MR. VOLZ: Thanks. I appreciate the opportunity to be here. I guess I’d just like to start by letting folks know that I’m not a judge.

I really appreciated that conversation. This might take a little bit of a different tenor because I’m here as a returning citizen. I’m somebody with a past felony conviction who was directly impacted by passage of Amendment Four.

I am the deputy director for the Florida Rights Restoration Coalition, an organization that is led by returning citizens, made up of returning citizens. We advocate for returning citizens. We have 20-plus chapters all over the state, and we’re more impacted by your decisions than I think anybody else involved in this conversation. So from the start, I definitely want to say I appreciate when we got the phone call to be a part of this.

We think it’s really important for the returning citizen community to be a healthy member of this conversation. We’d like to open the door and say that that’s the way we view it.

You think about Amendment Four and you think about the one year anniversary of the passage of Amendment Four. One of the things I like to do in moments like this is to just kind of realign our thinking a little bit about why we’re here and who we’re here for.

Last November the voters voted to pass Amendment Four and expand democracy in our country in the largest amount in 50 years. I think that’s a pretty cool thing. I know we get -- appropriately get into the nuances of managing systems and making policy decisions, but when you think about what our state did, right, I mean expanding freedoms, liberating almost a million and a half people. I mean that’s, you know, the shoulders of the Nineteenth Amendment and Women’s Suffrage and the 60s Civil Rights Movement, and we did it here in our state and we’re honored to walk it out with anyone who wants to, you know, continue to move that process forward and witness what we witnessed which is a daily celebration going on all over the state.

And then there’s trust within the community that when you’ve been through something. You see it in other areas too. I’m sure judge to judge, right? Like there’s just something that happens, okay, you’ve been through that, okay, I can take the -- you know, the walls come down a little bit. And we feel like that’s one of the things that allows us to be a positive force in this conversation is relationships with the community that we are all trying to help.

And so we get there and we try to frame up and remind people what happened, that for 150 years we had a lifetime ban in this state. We were one of four states permanent ban, you know, aside from kind of mercy from the governor, but as a policy we had a lifetime ban. In November that came down. And then we working through this process of clarification, right, but that means that there are hundreds of thousands of people right now who under the law, what was passed, what we operate under and that is our -- like that’s how we work. We’ve got the law.
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<td>1. We're going to operate under that. New policies come onboard, we're going to operate under those. We're going to just keep doing what we've been doing. It took us almost ten years to get this thing on the ballot. We're just going to keep doing what we're doing in the communities and get people registered. So we see two -- you know, three groups of people really, but in our community meetings we need ... we need to frame it up so that people who want to participate have the clarity and confidence to get involved. There are hundreds of thousands of people eligible under the law right now to register. We're helping them get registered. There are also people who are not eligible under Amendment Four because they committed murder or a felony sexual offense and don't qualify under the law, and then there are hundreds of thousands of people who are not yet eligible. They still have financial obligations, and what we have been doing is working at the local level, you know, with different judicial districts to talk with them about how they are operating under the law and come along side them.</td>
<td>1. to be helpful and let that be a process that will, you know -- we'll see -- because we were here obviously when the bill was passed and had some conversations about the forms. We had conversations about what happens when people have financial hardships, and there's a belief that somebody should have access to the courts in that case, so that if they have a financial hardship that isn't the reason why they can't fully participate in the community. So we're in every community because there's a million-plus thousand of us, right. So there's lots of different conversations of all different kinds of layers and we're working with local judicial districts to get access to the courts and try and get people registered to vote, get people's sentences completed, and we're just trying to be a positive influence in this process. And I guess that being said I'd love to be -- answer any questions you have, but just as importantly would love to kind of tee it up that we see this longer term walk together; that we all are going to be in this, you know, going forward and we'd like be a positive force in terms of</td>
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<td>1. understanding the returning citizens' side of this conversation because that is who we're all here serving; that is who we want to see participate in the community. We believe that that creates safe communities and stronger families, at least all the data shows that and I know I get to see it every single day. So there's not a bigger evangelist for democracy than somebody who lost the ability to vote and now has it. So you got an army of folks who really believe in democracy, really believe in voting who want to get educated and want to be positive members of the community who are here available to -- to help us walk this out because clearly there's going to be a lot of steps ahead. MADAM SECRETARY. Thank you, Mr. Volz, for being here to share your experience and your perspective.</td>
<td>1. had conversations with citizens who some are confident that they have completed the terms of their sentence and so they can register to vote and they're -- and they're interested in doing it the way that every other citizen has the opportunity to and usually they prefer the online voter registration system. However, some of the calls I've received are from citizens who are not confident that they have completed the terms of their sentence, and I wondered if you have any recommendations as to what the needs are in that regard because I would like to be able -- and I'm sure supervisors of elections would love to be able to give one number, specific contact, email toll free and with persons who can assist them and provide something in writing. And so I just wanted to hear your comments on that. MR. VOLZ. Thank you for the question, and that's an experience many of the folks on our team have as well. We have an 800 number. It's 877-MYVOTE0. 877-MYVOTE0 and what -- what that allows for is a returning citizen, somebody who's interested in participating in the community in this way can talk to another returning citizen.</td>
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TSG Reporting - Worldwide - 877-702-9560
who's been trained in the process.

We have an attorney assistance program
in which we try to get individual with
individuals, right, because you know we can't all
just white board it out in every case all the
time, you know, this is -- cause different people
have different issues in different jurisdictions
or out of state and things like that, but we do
have a pretty -- pretty decent process in place
now where somebody can talk to somebody else and
if they need some legal advice, then they can
work with our attorney assistance program where
they connect with somebody and walk that out.

Yeah, I appreciate what you're saying
too about kind of the online. We see a definite
preference and even a better ability, you know,
for -- for people to register online.

If I can say anything about the form, I
mean we were here before the law passed and we --
you know we let folks know that we had some
concerns about the new form. We thought it would
create a registry and have kind of a chilling
affect in terms of the registration process. We
worked with, you know, folks on the house side.

They ... they -- they took the ... that language

registry that separates us from other people.

and -- and we see that when you give somebody the
other form and all of a sudden somebody wants to
take a step back from participating, and we
believe we all benefit when somebody steps
forward to participate, and so our preference was
the -- the old form and we shared that then, we
share that now.

MADAM SECRETARY: So, generally speaking
if -- if this, you know, the effect of the new form
then and the additional information, would it be
correct to say you didn't find that to be -- or
your group isn't finding that to be clarifying? I
know there was some -- some confusion generally
about the effect of Amendment Four and how does
this change things in Florida and who's eligible
but you didn't find -- turn that --

We'll pause for a technical challenge.

Give me just a moment.

MR. VOLZ: Sir, turn off the phone.

MADAM SECRETARY: All right. We'll work on
that.

So -- so the revised form then in your
observation hasn't added clarity. It's been more
of a deter -- tell me -- tell me --

and were prepared to use the old form, but we
just couldn't get the bill back into the senate.

So we think that there's some good
healthy conversations that can take place around
the form as well, and again we're open, sit down
in any setting to the best of our ability and
have whatever conversation you'd like.

MADAM SECRETARY. Mr. Volz, would you
evaluate a little bit on what you just mentioned
about the form. You referred to a chilling effect
and a registry. Can you tell us just a little bit
more about your concerns about the form as it
exists now and what you think would be a preferable
form to be promulgated?

MR. VOLZ: Our preference was the old form.

We thought that provided the clarity and tools
necessary. We see that in the field where the old
form works better. And, yeah, -- we had some
concerns about being singled out in data management
systems because of our past felony convictions. I
liked it to my fellow Second Amendment fans who,
you know, have some concerns about being registered
for your guns, right.

So that -- we -- this is our lives. We
just would prefer not to have some sort of

MR. VOLZ: It's more a deter. I think
that's a good word. I mean for us it's kind of cut
and dry in terms of how people -- you know, so we
have returning citizens talking to returning
citizens, right. Like that's our frame work.

That's what we -- we believe that's the most
effective way to make sure that people feel
comfortable, right? If somebody knocked on my door
and was like, hey, I hear you're a felon, you know,
you want to do this, I'm probably going to say no.

But if it's like, oh, you know, we -- we got
this thing together. During those conversations,
it is the -- the original form works better.

MADAM SECRETARY: Anything else you'd like to
add for us?

MR. VOLZ: No, just that we're available and
love to talk.

MADAM SECRETARY: Oh, you have another
question.

MR. STEELY: Sorry, one last question. When
you're -- when you're returning, yeah, as a
returning citizen and your contacts with the
criminal justice system, one of the things that
we're tasked to do is -- is to educate those who
are returning.
What do you think is the most critical point of receiving that information? So we’ve -- we’ve heard from the point of -- of plea deals. We’ve heard you know out-processing from the Department of Corrections. Is -- what would be a time when receiving this information would be most beneficial? Is it at out-processing? Is it from a local person inside the community? I mean I don’t --

MR. VOLZ: That’s a really good question. I would say that -- so I live down in Lee County, and there’s a really powerful re-entry coalition that’s working around these issues, and it seems to be a little bit of both of those things, where you have kind of, you know, the -- the system so to speak, giving somebody information as they’re leaving, but also an acknowledgment that for somebody to be able to have a better chance at re-integration into the community, there’s something else when they get out. You know, if they don’t have family or anything like that, that that also might be the best time to actually communicate with somebody.

So it’s a little bit of an and, more than an or. I don’t want to like dodge your question. You know, I’m happy to kind of dig into it further if you want me to, but I think it’s a little bit of trying to do both of those things at the same time.

MR. STEELY: That’s good. Thank you.

MADAM SECRETARY: Anything else for Mr. Volz.

All right, thank you very much for being here today. We appreciate it.

MR. VOLZ: Appreciate it.

MADAM SECRETARY: All right. And just by the way of a bit of an update for the working group members, as you all know Amendment Four is currently the subject of multiple lawsuits. These were a significant hearing held last week. Much was discussed at that hearing. One particular issue that came up at the hearing that I wanted to -- to raise for all of you in case any of you weren’t watching is related to the scope of our duties, and it was the provision of Section 98.0731 Florida Statute that addresses the modification of the original sentencing order or the conversion of financial obligations to community service.

So I know we’ve heard some testimony today that’s right on point about those subjects and how they work, but that’s something that was featured in the hearing that might be our subject in the next meeting.

that we want to consider as we go forward with our recommendations.

Now at this time I would like to open up the meeting to public comment. Do we have any public -- oh, I don’t have any public comment cards today. So with that, if there is anyone who is participating by phone and thus not here in person to provide public comment but wants to submit them, you may submit written comments to the work group via our email address at rrworkgroup@sos.myflorida.com. Any written comments received will be incorporated as part of the record.

All right. So with that, then I want to turn to our discussion of our recommendations for the Florida Legislature. Since the work group received three presentations this afternoon, we thought it would be best to wait until after we received these presentations before providing the work group with a written draft product to consider and discuss, but I would like to talk through some of the high points that we discussed at our last meeting in terms of recommendations so that we can consider them and begin drafting them up in a document for submission to the legislature.

So let’s begin by our addressing our first charge, and that is to develop recommendations as it relates to the consolidation of all relevant data necessary to verify the eligibility of registered voters.

At the last meeting we discussed recommending the Clerk of Courts Financial Account System be enhanced to allow for the breakdown and tracking of financial obligations, and that the Florida Legislature explore the option of developing a system similar to that of the Department of Revenues Child Support Payment System.

Does -- do any work group members have additional thoughts or feedback on this particular subject area for recommendation?

All right. Moving onto the second one. We must also develop recommendations for the process of informing registered voters of sources of information about their eligibility. Now based on the information that we’ve received in various presentations on this subject, it may be beneficial for the work group to recommend...
ensuring the provision by the Florida Department of Corrections that outstanding terms apply solely to the conviction for which a person is currently serving their sentence and there may be more prior convictions or past convictions for which they also have outstanding terms: it may also be beneficial for the work group to recommend that each clerk of court and all stakeholder agencies in the process designate one or more employees to act as a liaison who can assist members of the public seeking information about financial obligation. Let's see, and then a third one would be to also consider recommending that uniform information be posted on the websites of the various stakeholder agencies for persons to find out how to restore civil rights and voting rights.

Do any working group members have thoughts or feedback about those recommendations or any other thoughts that they think we may want to incorporate under this section which would be the process of informing registered voters of sources of information?

M.S. HOLMES: Could you repeat the last one that you had said about number three, about the website?

MADAM SECRETARY: Yes, yes. That we should consider recommending uniform information be posted on websites of stakeholder agencies. For example, clerks, supervisors of elections, Department of State, that we might want to develop uniform content so that we all have the same information that's readily accessible to a citizen who wants more information.

M.S. HOLMES: Okay. Thank you.

MADAM SECRETARY: Okay. Our final charge is to recommend any other relevant policies or procedures for verifying the eligibility of registered voters. Based upon the information we've received in prior presentations and upon some of the thoughts and feedback that were provided in our prior discussions, the work group may consider recommending that the Florida Commission on Offender Review be authorized to assist the Department of State and supervisors of elections in researching information to determine outstanding financial obligations when that information is not available after a diligent search. This may include reaching out to the voter to inquire as

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F-Core customarily does during the clemency review process. Next, since the tracking of restitution payment varies greatly, the work group should consider recommending that restitution payments be made through the clerks of court to allow for uniform tracking of this information on a going-forward basis. Based on Judge Denzey's presentation today, it may also be beneficial for the work group to consider recommending that the Florida Bar's Criminal Procedure Rules Committee develop and use a uniform judgment and sentencing document so that we can ensure that that is being done in a consistent way throughout all of the judicial circuits.

Do working group members have any thoughts or feedback on those ideas or any others that you wish to add to our... our list so far?

MR. PEACOCK: Thank you, Madam Secretary. Go and pardon me, if you can go back to the very first recommendation.

MADAM SECRETARY: Yes.

MR. PEACOCK: I'm not sure I heard it correctly. Didn't register with me, if you'll...
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legislature.

So one question that I have for all of you is, our next meeting I had anticipated conducting that telephonically, getting you all a work product and then having a call-in number. Certainly we can be available to do this in-person and facilitate doing it in-person if you all would prefer it, but I know at this point you've been to Tallahassee for four meetings. So I wanted to open it up to the work group members particularly those of you who travel here each time for your preference.

MR. PEACOCK: I'm certainly fine with a telephonically or (unintelligible).

MADAM SECRETARY: All right. Okay. Then that's what we'll do. The Department of State then will coordinate a call-in number for that for that purpose.

So, more information on the date and time of the conference call will be shared with you to come once we have a better timeline on when we're ready to give you an opportunity to review and consider the work product. Also, if any of you have any thoughts or ideas or written submissions that you want to provide, you can submit those to us as well.

They'll be incorporated into the draft document that we all review together.

And with that I just want to thank you all again for your attendance and your participation at today's meeting. We appreciate your time, and we are adjourned.

(End of recording.)

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CERTIFICATE

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.

Dated this 20th day of October, 2019.

Teresa H. Bell, FPR
Florida Professional Reporter

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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.