



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 17, 2020

[REDACTED]
[REDACTED]
[REDACTED]
(via email – [REDACTED])

Re: Response to Request for Advisory Opinion F-20-6

Dear [REDACTED],

On July 15, 2020, we received from you the attached request for an advisory opinion pursuant to the form and procedure articulated by the court in Jones et al. v. DeSantis et al.; U.S. District Court, Northern District, Case No. 4:19cv300-RH/MJF.

Specifically, you requested:

A statement of the amount of any fine or restitution that must be paid to make you eligible to vote and an explanation of how the amount was calculated.

Although the district court's decision has been stayed by the 11th Circuit Court of Appeals, the Division nevertheless responds to your request pursuant to its legal authority under section 106.23(2), Florida, Statutes, and Florida Administrative Code Rule 1S-2.010, in that you are an individual seeking to be involved in political activity (voting) and the inquiry concerns that activity (eligibility to vote).

Rule 1S-2.010(f) requires the requestor to provide the precise factual circumstances giving rise to the request. Although in your written request you did not provide information regarding any of your felony convictions, and as a result, your request would not otherwise satisfy the requirements of the Rule, we were able to locate Florida felony records for you using your address. Specifically, Division of Elections staff located the following felony cases with convictions in [REDACTED] County:

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



- ■-CF-■
Amount ordered at sentencing: \$663
Amount paid: \$1,433.73
- ■-CF-■
Amount ordered at sentencing: \$719.05
Amount paid: \$472.00

Please see attached Judgments and orders assessing costs, as well as Comprehensive Case Information System records with financial payment detail. The Division of Elections finds that the amount of legal financial obligations related to your felony convictions in the above-referenced cases that must be paid to make you eligible to vote is **\$0.00**. See Article VI, Fla. Const. and section 98.0751, Fla. Stat. (articulating restoration of voting rights upon all terms of a felony sentence). We conclude based upon the information we located that you are eligible to vote. An explanation of this conclusion follows below.

The Division applies a “first dollar” policy so as to effectuate the requirements of section 4, Article VI of the Florida Constitution and section 98.0751(2), Florida Statutes, that the financial obligations required to be paid for restoration of voting rights 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. More specifically, automatic restoration is effectuated when an individual pays an amount towards fines, fees, costs, or restitution in a felony case that exceeds the amount ordered in the felony judgment and sentence.

In case number ■-CF-■, credible and reliable evidence indicates that you paid an amount toward fines, fees, and costs (\$1,433.73) that exceeded the amount ordered at sentencing (\$663). As such, there is no barrier to restoration of voting rights as to case ■-CF-■.

In case number ■-CF-■, credible and reliable evidence indicates that you paid an amount toward fines, fees, and costs (\$472) that has not yet met the amount ordered at sentencing (\$719.05). If this was only a felony conviction case, upon payment of another \$247, you would have paid the total amount ordered at sentencing for purposes of restoring voting rights, notwithstanding that the balance owing to the Clerk of Court remains at \$507.93. However, case number ■-CF-■ not only includes a felony conviction, but also a misdemeanor conviction. There is no delineation in the ■, Order Assessing Additional Charges, Costs, and Fines and Entering Judgment between those fees, fines, and costs assessed for the felony conviction and those assessed for the misdemeanor conviction. Because restoration of voting rights is only incumbent upon satisfying the terms of a felony sentence or sentences (not of a misdemeanor sentence), and having no credible and reliable evidence as to which fees, fines, and costs were specifically allocated or attributable to the felony conviction, the Division errs in favor of you, the voter, and finds that no amount in case ■-CF-■ is required to be paid for purposes of restoring voting rights.¹

¹ Of course, this has no impact upon the amount still due and owing to the Clerk of Court.

Please note that the finding in this opinion is based upon cases located from the personal identifying information you provided. You have not indicated any specific convictions in any statewide or national jurisdictions and the Division does not opine as to whether any other convictions exist nor whether any such other convictions would interfere with eligibility. If you have any other felony convictions other than those in the case numbers noted above, please advise and we will gladly research further to ascertain whether any other amounts ordered and unpaid preclude you from voting.

Thank you for submitting your request. Should you have any questions, please don't hesitate to contact us.

Sincerely,

Florida Division of Elections