



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 17, 2020

██████████
██████████
██████████
(via email – ██████████)

Re: Response to Request for Advisory Opinion F-20-7

Dear ██████████,

On June 25, 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:

- 1) 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.
- 2) A finding that you are unable to pay any such amounts.

The district court's decision has been stayed by the 11th Circuit Court of Appeals. As such, because there is not in existing Florida law any impact upon voting eligibility or ineligibility based upon an inability to pay outstanding fines or restitution, the second question is outside the scope of the Division's legal authority under 106.23(2), Florida Statutes, and Florida Administrative Code Rule 1S-2.010, and will not be answered.

Although the district court's decision has been stayed by the 11th Circuit Court of Appeals, the Division nevertheless responds to your first question 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).

Division of Elections
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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 and other identifying information you provided. Specifically, Division of Elections staff located the following felony cases with convictions in ██████ County:

- ██████-CF-██████████ ****Granted Clemency****
Amount ordered at sentencing: N/A
Amount paid: N/A
- ██████-CF-██████████
Amount ordered at sentencing: \$431.00
Amount paid: \$ 0.00
- ██████-CF-██████████
Amount ordered at sentencing: \$871.00
Amount paid: \$0.00

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 **\$1,302.00**. See Article VI, Fla. Const. and section 98.0751, Fla. Stat. (articulating restoration of voting rights upon all terms of a felony sentence). You may wish to consult section 98.0751(2)(a)5.e., Florida Statutes, for alternative paths to monetarily satisfying the terms of the sentences such as seeking a waiver from the court or conversion of the amounts to community service and subsequent completion of such service.

For ██████ County case number ██████-CF-██████████, we note that on ██████████ you received a Certificate of Restoration of Civil Rights from the Office of Executive Clemency. As of ██████████, according to the Certificate of Restoration, your civil rights were restored in the State of Florida, except the specific authority to possess or own a firearm. As such, the Division finds that as it relates to ██████-CF-██████████, you were granted clemency and you are not required to pay any amount for purposes of restoring voting rights.

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