



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 1, 2020

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

Re: Response to Request for Advisory Opinion F-20-15

Dear ██████████,

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 reversed by the 11th Circuit Court of Appeals, the Division is responding 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 the date of birth you provided. Your mother additionally called and spoke with an attorney with our Office of General Counsel in August and provided additional information regarding the county of conviction. As such, the Division of Elections staff located the following felony case with convictions in ██████████ 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](https://dos.myflorida.com/elections)



- ■-CF-■
Amount ordered at sentencing: \$513.00¹
Amount paid: \$0.00

The Division of Elections finds that the amount of legal financial obligations related to your felony conviction in the above-referenced case that must be paid to make you eligible to vote is \$513.00.² See Article VI, Fla. Const. and section 98.0751, Fla. Stat. (articulating restoration of voting rights upon all terms of a felony sentence). Please see attached Comprehensive Case Information System records as well as the Judgment and sentencing documents. It does not appear that any payments toward this amount have been made.

You may wish to consult section 98.0751(2)(a)5.e., Florida Statutes, for alternative paths to monetarily satisfying the terms of the sentence such as seeking a waiver from the court or conversion of the amounts to community service and subsequent completion of such service.

Please note that the finding in this opinion is based upon cases located from the personal identifying and county of conviction information you and your mother 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 number noted above, please advise and we will gladly research further to ascertain whether any other amounts ordered and unpaid likewise preclude you from voting at this time.

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

Sincerely,

Florida Division of Elections

¹ The Division notes that in addition to the \$513 in felony related fines, fees, and costs, \$250 was ordered to be paid to the State Attorney for the cost of prosecution and \$150 was ordered to be paid to the ■ County Sheriff's Office for investigation costs. Because you were convicted of both a felony and misdemeanor, however, and there is no indication of how the latter costs were attributed as to each count, the Division does not include them in calculating the amount of fines, fees, and costs related to your felony conviction that must be paid to restore your eligibility to vote.

² The Division notes that the Clerk of Court's financial balance shows \$553.00 due and owing. However, this total includes a \$40 public defender application fee that was assessed following the sentencing upon a violation of probation. Although still owed to the Clerk, this fee is not part of the terms of the felony sentence so as to be required to be satisfied for purposes of restoration of voting rights.