



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 5, 2020

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

Re: Response to Request for Advisory Opinion F-20-18

Dear ██████████:

On September 4, 2020, we received from you the attached request for an advisory opinion regarding your eligibility to register and vote after a felony conviction. We received addendums to your request on September 16, 2020, and October 2, 2020.

You requested an opinion as to whether you are eligible to register and vote under Florida law in the upcoming November 3, 2020, General Election and beyond based upon the factual information provided in your request and addendums.

The Division 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).

The answer to your question is **Yes**. As discussed more fully below, based on the factual information provided in your request and addendums, your right to vote has been restored pursuant to section 4, Article VI of the Florida Constitution (Amendment 4) and Section 98.0751, Florida Statutes, because credible and reliable information indicates that you paid an amount towards fines, fees, costs, and restitution in your felony convictions that exceeds the amount ordered in your felony sentences.

More specifically, you provided judgments for eight case numbers with felony convictions between the years of 2000 and 2003 in ██████████, ██████████, and ██████████. You stated that in April of 2004, you completed all conditions of probation and were released from supervision

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



under the Department of Corrections. You additionally affirmed in an addendum your knowledge and belief that you have satisfied all financial obligations in all cases and that you have no amounts outstanding. As to the reason for this specific knowledge, you stated that in 2004 you and your wife took out a second mortgage on your home in the amount of \$26,000.00, to pay off all of the restitution orders and court costs outstanding at that time so that you could complete all terms of your probation. You provided a letter from the Department of Corrections dated [REDACTED], 2004, stating that you completed all terms of your supervision.

The Division's review of each of the cases indicates fines, fees, and costs paid in amounts equal to or exceeding the amounts ordered at sentencing.¹ A handful of the cases indicate restitution ordered at sentencing payable to third parties.² Although our review of Clerk of Court records does not show satisfaction or other record of payment of the restitution in the court records, the Department considers your affirmation statement of full payment in 2004, coupled with the letter dated [REDACTED], 2004, from the Department of Corrections stating that you completed all terms of your supervision, to be credible and reliable evidence of satisfaction. A thorough review of the records available does not provide credible and reliable evidence to the contrary. As such, the Division finds that for purposes of eligibility to register and vote, you have restored eligibility because you paid an amount towards fines, fees, costs, and restitution in your felony convictions that exceeds the amount ordered in the sentences related to those convictions.

To the extent the judgments and sentences we compiled in our review of sentencing amounts ordered may assist you for your records, and to the extent such documents helped inform our conclusion, we are attaching them hereto.

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

Sincerely,

Florida Division of Elections

Enclosures

cc:

[REDACTED] (via email – [REDACTED])

¹ The Division finds a total of \$2,406.00 in fines, fees, and costs ordered at sentencing in the following case numbers: [REDACTED] (■-CF-[REDACTED] and ■-CF-[REDACTED], ■-CF-[REDACTED]); [REDACTED] (■-CF-[REDACTED]); and [REDACTED] (■-CF-[REDACTED], ■-CF-[REDACTED], and ■-CF-[REDACTED]).

² The Division finds a total of \$13,118.43 in restitution ordered at sentencing in the following case numbers: [REDACTED] (■-CF-[REDACTED] and ■-CF-[REDACTED]); and [REDACTED] (■-CF-[REDACTED], ■-CF-[REDACTED], and ■-CF-[REDACTED]). The Division does not include additional restitution amounts that were added in orders modifying probation unless a new sentencing document was entered. The Division notes that including such later amounts, however, would have brought the total of fines, fees, costs, and restitution in all the cases to just under \$26,000.00, further substantiating the affirmation statement about the loan amount and satisfaction made in the addendum to the request.