



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 11, 2024



Re: Response to Request for Advisory Opinion – F-24-3

Dear [REDACTED],

We received your request for an advisory opinion. You indicate that you have one or more felony convictions and request whether you are eligible to vote, including whether you have any outstanding legal financial obligations under section 98.0751, Florida Statutes, which would otherwise make you ineligible to vote and, if so, a statement of the amount that must be paid to make you eligible to vote, and an explanation of how the amount was calculated.

The Division hereby responds to your request pursuant to its legal authority under section 106.23(2), Florida Statutes, and Florida Administrative Code Rule 1S-2.010, to provide an advisory opinion to you as an individual seeking to be involved in a political activity (voting) and the particular activity in your inquiry (eligibility to vote).

The Division applies a “first dollar” policy to give effect to the requirements of section 4, Article VI of the Florida Constitution and section 98.0751(2), Florida Statutes. 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 effective when an individual pays an amount towards fines, fees, costs, and/or restitution in a felony case that exceeds the amount ordered in the felony judgment and sentence. The Division considers whether the amount due for fines, fees, costs, and/or restitution has been paid to the court and does not consider whether the court has applied that payment to the specific fines, fees, costs, and/or restitution balance.

Division of Elections
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Per Rule 1S-2.010(4)(f), the requestor must provide the precise factual circumstances giving rise to the request. Based on the information that you provided, the Division was able to find the following felony cases associated with your file:

In ██████ County:

1. ██████-CF-█████

As it relates to case ██████-CF-█████, our records indicate that you were sentenced to 24 months for “Fraudulent use of a Credit Card More than Twice in 6 Months.” You were also ordered to pay **\$553.00** in fines, fees, and costs and **\$221.69** in restitution. This totals **\$774.69**. You later violated your probation and were sentenced to 24 months imprisonment for “On Site Violation of Probation,” section 948.06(1), Florida Statutes. Your VOP sentence was set to run concurrently with other sentences. You completed 24 months imprisonment. Our records further indicate that, as of April 9, 2024, you have paid **\$599.00** and served 24 months imprisonment. At the time of this letter, the remaining amount that you must pay to restore your voting rights as relates to this sentence is **\$175.69**.

2. ██████-CF-█████

As it relates to case ██████-CF-█████, our records indicate that you were sentenced to 24 months for “Burglary of a Conveyance,” section 810.02(4)(b), Florida Statutes and “Trafficking in Stolen Property,” section 812.019(1), Florida Statutes, both to run concurrently. You completed 24 months incarceration. On Count 1, “Burglary of a Conveyance,” you were ordered to pay **\$451.00** in fines, fees, and costs and **\$505.99** in restitution, a total of **\$956.99**. Our records further indicate that, as of April 9, 2024, you have paid **\$583.00** and served 24 months imprisonment. At the time of this letter, the remaining amount that you must pay to restore your voting rights as relates to this sentence is **\$373.99**.

3. ██████-CF-█████

As it relates to case ██████-CF-█████, our records indicate that you were sentenced to 24 months for “False Verification Ownership to Pawnbrokers,” section 539.001, Florida Statutes. You completed 24 months imprisonment. You were also ordered to pay **\$251.00** in fines, fees, and costs and **\$150.00** in restitution, totaling **\$401.00**. As of April 9, 2024, you have paid **\$623.00**. Although this money has not been applied to restitution, Florida follows the first dollar principle and considers the amount paid, not how the court allocates the payment. As such, you have paid your fines, fees, and costs and restitution and this conviction no longer makes you ineligible to vote.

Accordingly, due to the remaining **\$549.68** combined amount from ██████-CF-█████ and ██████-CF-█████, you have not paid all fines, fees, and costs and restitution associated with your felony and are ineligible to vote. *See* Article VI, Fla. Const. § 98.0751(1), (2)(a)5. b., Fla. Stat.

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(articulating restoration of voting rights upon completion of a felony sentence including the payment of all fines, fees, and costs). We conclude, based upon the information we located, that you are ineligible to vote.

Nothing in this opinion should be construed as evaluating your voting eligibility with respect to any other felony convictions you may have.

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

Sincerely,
Florida Division of Elections