



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 17, 2020

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

Re: Response to Request for Advisory Opinion F-20-9

Dear [REDACTED]:

On August 10, 2020, we received from you the attached request for an expedited advisory opinion regarding your eligibility to vote after felony convictions.

You requested an opinion as to whether you are eligible to vote under Florida law in the upcoming August 18, 2020, election and beyond based upon the factual information provided in your request.

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**. Based on the factual information provided in your request, 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 you paid an amount towards fines, fees, costs, or restitution in your felony convictions that exceeds the amount ordered in your felony sentences.

More specifically, you stated that you were ordered to pay \$1,698¹ in legal financial obligations for Case Numbers [REDACTED], [REDACTED], [REDACTED], and [REDACTED] in [REDACTED]

¹ Our review indicates \$1,671 originally ordered (\$258 in [REDACTED] and \$471 in each of the other three).

County. You further stated that after your release from prison in [REDACTED], you made monthly payments toward your financial obligations, first with money orders, and later through the private correctional payment service, JPay. You stated that the Florida Department of Corrections' probations services confirmed to you that you paid \$2,3088.88 between [REDACTED] and [REDACTED], and that the payments were transmitted to the [REDACTED] Clerk of Court's Office. You stated that your attorney affirmed in a Motion to Modify Probation that you had "paid all fines and court costs" as of [REDACTED]. You stated that notwithstanding the confirmation of payments and satisfaction, the [REDACTED] Clerk of Court still lists outstanding balances as to legal financial obligations and that a collections agency, Alliance One, Inc., seeks additional collection fees.

The Division understands that collections fees may be due to a third party and that you remain in the process of attempting to reconcile and rectify amounts showing as owing with the Clerk of Court. However, based upon the resources available to the Division and based upon your statements herein as to the amounts that were confirmed to you (with such satisfaction also affirmed by your attorney in a Motion to Modify Probation), and seeing no credible and reliable evidence to the contrary, the Division finds that your voting rights have been restored by operation of law by virtue of you having paid an amount exceeding the amounts ordered in your felony sentences.

The Division applies this "first dollar" policy so as to effectuate the requirements of to 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. Thus, while you may or may not still owe some amounts to the [REDACTED] Clerk of Court or others, the Division finds that based on the facts and circumstances that you have asserted in your request, you would be eligible to vote.

To the extent the judgments and sentences we compiled in our review of original amounts ordered may assist you in your continued efforts at monetary reconciliation with the Clerk of Court, and to the extent such documents helped inform our conclusions, 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