



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 10, 2022



Re: Response to Request for Advisory Opinion – F-22-8

Dear Mr. [REDACTED],

We received on October 3, 2022, your attached request for an advisory opinion. You indicate that you may have more than one felony conviction and that your request is on whether you are eligible to vote in Florida, 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).

Per Rule 1S-2.010(4)(f), the requestor must provide the precise factual circumstances giving rise to the request. You reference two cases, and the Division has found the following felony case associated with your file:

- (1) [REDACTED]-CF-[REDACTED]
- (2) [REDACTED]-CF-[REDACTED]
- (3) [REDACTED]-CF-[REDACTED]

As it relates to case [REDACTED]-CF-[REDACTED], the records indicate that you entered a plea of no contest to a felony, and you were sentenced to 36 months of prison on June 25, 2001. You were also ordered to pay **\$50,000** in cost, fines, and fees. The records indicate that you have paid **\$94.50** of that amount.

October 10, 2022

Page 2 of 2

As it relates to case ■-CF-■, the records indicate that you entered a plea of no contest to one first-degree felony, two second-degree felonies, and two third-degree felonies on March 23, 2009, and you were sentenced to 84 months of prison. The court also ordered you to pay \$50,638.00 in fines, fees, and costs. The records do not indicate that you have paid any money towards this amount.

As it relates to case ■-CF-■, the records indicate that you entered a plea of no contest to a second-degree felony and a first-degree misdemeanor and were sentenced on July 8, 2009, to 60 months of prison, concurrent with your already existing sentence of imprisonment. The court also ordered you to pay \$643.00 in fines, fees, and costs. Case ■-CF-■ contains both a felony conviction and a misdemeanor conviction. There is no delineation in the July 8 judgment and sentence as to which fines, fees, and costs were assessed for the felony conviction and which were assessed for the misdemeanor conviction. Restoration of voting rights is only incumbent upon satisfying the terms of a felony sentence or sentences (not a misdemeanor sentence). Accordingly, the only portion of your fines, fees, and costs that are definitively applied to your felony conviction total \$300.00. The records do not indicate that you have paid any money towards this amount.

You are ineligible to vote until you have completed all the terms of your sentence, including the payment of any fines, fees, and costs ordered by a court as a result of a felony conviction. § 98.0751(2)(a)5.b., Fla. Stat. Accordingly, the Division finds that you must pay \$100,843.50 before you have completed all the terms of your sentences.

Additionally, while it is not addressed in your request for an advisory opinion, it is clear from your correspondence with the Division that you are currently incarcerated in federal prison. A federal felony conviction, and any corresponding fines, fees, and costs, also implicate your eligibility to vote in the future in Florida. Since you have not provided any information concerning your current incarceration or the corresponding conviction(s), the Division declines to address those at this time. If you would like the Division to address the matter in the future, please provide us with the specific information relating to your additional felony, or felonies, and we will process your request.

Please note that the findings in this opinion are based solely upon the cases located from the personal identifying information you provided in your request for an advisory opinion. You have not indicated any other 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 your eligibility.

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

Sincerely,

Florida Division of Elections