



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 1, 2020

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

Re: Response to Request for Advisory Opinion F-20-16

Dear [REDACTED],

On August 13, 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, you followed up with us via telephone and provided additional personal identifying information, as well as information regarding the counties and nature of your convictions. As such, the Division of Elections staff located the following felony cases with convictions in [REDACTED] and [REDACTED] counties:

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: \$885.50¹
Amount paid: \$0.00
- ■-CF-■■■■
Amount ordered at sentencing: \$785.50²
Amount paid: \$0.00
- ■-CF-■■■■
Amount ordered at sentencing: \$935.50³
Amount paid: \$0.00
- ■-CF-■■■■
Amount ordered at sentencing: \$935.50⁴
Amount paid: \$0.00
- ■-CF-■■■■

¹ The Clerk of Court shows a balance of \$902.50 owing. This opinion makes no finding as to the total amount owed to the Clerk. Rather, it finds that \$885.50 was ordered in the sentencing documents and as such, \$885.50 is the amount that must be satisfied as to the felony conviction under this case number for purposes of restoration of voting rights.

² The Clerk of Court shows a balance of \$34,339.50 owing (largely attributable to costs of incarceration incurred subsequent to sentencing). This opinion makes no finding as to the total amount owed to the Clerk. Rather, it finds that \$785.50 was ordered in the sentencing documents and directly attributable to the felony convictions (as opposed to the misdemeanor conviction also contained therein), and as such, the \$785.50 is the amount that must be satisfied as to the felony convictions under this case number for purposes of restoration of voting rights. In this case, \$150 was assessed for the costs of prosecution. Where the statutory minimum costs of prosecution were \$100 at the time of conviction, it is unclear what portion of the costs above \$100 were directly attributable to the felony convictions. As such, the Division only includes \$100 in costs of prosecution in the total attributable to the felony convictions under this case number. The Division also does not include the \$15 assessed under section 938.13, Florida Statutes, for misdemeanor use of drugs and alcohol.

³ The Clerk of Court shows a balance of \$22,409.50 owing (largely attributable to costs of incarceration incurred subsequent to sentencing). This opinion makes no finding as to the total amount owed to the Clerk. Rather, it finds that only \$935.50 was ordered in the sentencing documents and directly attributable to the felony convictions (as opposed to the misdemeanor conviction also contained therein), and as such, the \$935.50 is the amount that must be satisfied as to the felony convictions under this case number for purposes of restoration of voting rights. In this case \$550.00 was assessed for the public defender fee. Where the statutory minimum public defender fee was \$100 at the time of conviction, it is unclear what portion of the costs above \$100 were directly attributable to the felony convictions. As such, the Division only includes \$100 of the public defender fee in the total attributable to the felony convictions under this case number.

⁴ The Clerk of Court shows a balance of \$1,402.50 owing. This opinion makes no finding as to the total amount owed to the Clerk. Rather, it finds that \$935.50 was ordered in the sentencing documents and directly attributable to the felony convictions (as opposed to the misdemeanor conviction also contained therein), and as such, the \$935.50 is the amount that must be satisfied as to the felony convictions under this case number for purposes of restoration of voting rights. In this case \$550.00 was assessed for the public defender fee. Where the statutory minimum public defender fee was \$100 at the time of conviction, it is unclear what portion of the costs above \$100 were directly attributable to the felony convictions. As such, the Division only includes \$100 of the public defender fee in the total attributable to the felony convictions under this case number.

Amount ordered at sentencing: \$675.50⁵
Amount paid: \$0.00

- ■-CF-■
Amount ordered at sentencing: \$396.00
Amount paid: \$0.00
- ■-CF-■
Amount ordered at sentencing: \$396.00⁶
Amount paid: \$0.00
- ■-CF-■
Amount ordered at sentencing: \$396.00⁷
Amount paid: \$0.00
- ■-CF-■
Amount ordered at sentencing: \$1,000.00
Amount paid: \$0.00
- ■-CF-■
Amount ordered at sentencing: \$253.00⁸
Amount paid: \$0.00

The Division of Elections finds that the amount of legal financial obligations related to your felony convictions in the above-referenced cases that must be paid to make you eligible to vote is **\$6,658.50**. 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.

⁵ The Clerk of Court shows a balance of \$758.50 owing. This opinion makes no finding as to the total amount owed to the Clerk. Rather, it finds that \$675.50 was ordered in the sentencing documents, and as such, \$675.50 is the amount that must be satisfied as to the felony convictions under this case number for purposes of restoration of voting rights. Restitution appears to have been reserved but an amount was never ordered.

⁶ This case number includes felonies and a misdemeanor. However, all the legal financial obligations assessed are directly attributable to being convicted of a felony. See also Case Number ■-CF-■, above, where the sole conviction was a felony and identical assessments were imposed.

⁷ This case number includes felonies and a misdemeanor. However, all the legal financial obligations assessed are directly attributable to being convicted of a felony. See also Case Number ■-CF-■, above, where the sole conviction was a felony and identical assessments were imposed.

⁸ This opinion makes no finding as to the total amount owed to the Clerk. Rather, it finds that \$253.00 was ordered in the sentencing documents and directly attributable to the felony conviction (as opposed to the misdemeanor conviction also contained therein), and as such, the \$253.00 is the amount that must be satisfied as to the felony conviction under this case number for purposes of restoration of voting rights. In this case \$450.00 was assessed for the public defender fee. Where there was no minimum statutory public defender fee at the time of conviction, it is unclear what portion of the \$450 public defender fee was directly attributable to the felony conviction. As such, the Division does not include the public defender fee in the total attributable to the felony conviction under this case number.

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 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 numbers 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