



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 1, 2022

[Redacted]

Re: Response to Request for Advisory Opinion – F-22-3A

Dear [Redacted],

We received on January 31, 2022, your attached request for an advisory opinion. You indicate that you have more than one felony conviction and that your request is on 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 seven separate cases in which you believe you were adjudicated guilty of committing at least one felony:

- (1) [Redacted] CF [Redacted],
(2) [Redacted] CF [Redacted],
(3) [Redacted] CF [Redacted],
(4) [Redacted] CF [Redacted],
(5) [Redacted] CF [Redacted],
(6) [Redacted] CF [Redacted], and
(7) [Redacted] CF [Redacted]

However, you did not provide any information about whether you believe you have satisfied any part or all of your financial obligations.



The Division of Elections staff located the following cases you provided, determined which cases involve felony offenses, and the attendant legal financial obligations with each case:

██████████ CF ██████████

One felony charge: adjudication withheld
One misdemeanor charge: adjudicated guilty

██████████ CF ██████████

One felony charge: no Information filed

██████████ CF ██████████

One felony charge: adjudicated guilty
Amount ordered at sentencing: \$1,373.00
Amount paid: \$1,373.00

██████████ CF ██████████

One felony charge: adjudicated guilty
Amount ordered at sentencing: \$1,059.00
Amount paid: \$1,059.00

██████████ CF ██████████

One felony charge: adjudicated guilty
Amount ordered at sentencing: \$1,049.00
Amount paid: \$1,049.00

██████████

One felony charge: no prosecution

██████████ CF ██████████

One felony charge: adjudicated guilty
Amount ordered at sentencing: \$1,445.00
Amount paid: \$1,456.00

Please see the attached Judgments and orders assessing costs, as well as the Leon County Clerk's records with financial payment detail.

As it relates to case ██████████ CF ██████████, you were originally sentenced to a term of probation on March 26, 2009. As part of your sentence, you were ordered to pay \$1,195.00 in fines, fees, and costs. On September 28, 2009, a violation of probation affidavit was filed and on October 16, 2009, you entered an admission to the violation of probation. The court then reinstated and modified

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your probation and ordered you to pay an additional \$250.00 in fees and costs. A review of the clerk's records indicates that you have paid a total of \$1,456.00 in case [REDACTED] CF [REDACTED].

Please note that 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, or restitution in a felony case that exceeds the amount ordered in the felony judgment and sentence.

Accordingly, the total amount you had to pay in case [REDACTED] CF [REDACTED] in order to restore your voting rights was \$1,445.00.

The Division of Election thus 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 **\$0.00**. See Article VI, Fla. Const. § 98.0751, Fla. Stat. (articulating restoration of voting rights upon completion of a felony sentence). We conclude based upon the information we located that you are eligible to vote.

Please note that the finding in this opinion is based solely upon the seven cases located from the personal identifying information you provided in your request for an advisory opinion. 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.

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

Sincerely,

Florida Division of Elections