

## Amendment 4 and SB 7066 Implementation and Litigation Timeline

**November 6, 2018:** A supermajority of nearly 65% of Florida voters approve the Voting Restoration Amendment 4, also known as Amendment 4 or Am4.

**January 8, 2019:** Am4 goes into effect. Any Florida citizen who has a felony conviction (“returning citizen”)—except for murder or a felony sexual offense<sup>1</sup>—has their voting rights automatically restored “upon completion of all terms of sentence including parole or probation.” There was no requirement to pay off certain legal financial obligations (“LFOs”) to register to vote and vote.

**January 8, 2019 – June 30, 2019:** Eligible returning citizens who had their rights restored by Am4 register to vote and vote. (**Note: SB 7066’s safe harbor provision, codified at [Fla. Stat. § 104.011\(3\)](#), clearly states that people with past convictions who registered during this period cannot be prosecuted for submitting a false affirmation on a voter registration application about their eligibility to vote.**)

**June 28, 2019:** Governor DeSantis signed Senate Bill (“SB”) 7066 into law, which passed the Florida Legislature on May 3, 2019. SB 7066 was codified largely at Fla. Stat. § 98.0751.

**July 1, 2019:** SB 7066 goes into effect, which, among other changes, provided that returning citizens are not eligible to register to vote or vote until they pay off LFOs (specifically, any fines, fees, costs, and/or restitution) that are “contained in the four corners of the sentencing document.”

**October 18, 2019:** A federal district court [preliminary blocks](#) SB 7066’s LFO requirements. But the court order provides that only named plaintiffs in the *Gruver, McCoy, Raysor, Mendez, and Jones* (collectively, “named Plaintiffs”) can register to vote and vote *if* they assert that they are unable to pay off the disqualifying LFOs. See pgs. 53-54 at ¶ 2-7.

**December 19, 2019:** Based on a stay motion [granted in part](#) by the federal district court, named Plaintiffs can only register to vote. They cannot vote. The stay expires on February 11, 2020. See pg. 12 at ¶ 2.

**January 16, 2020:** The Florida Supreme Court issues an [advisory opinion](#) that the phrase “all terms of sentence,” as used in Am4, encompasses payment of LFOs imposed in conjunction with a felony conviction. But it declined to define the word “completion” in relation to “completion of all terms of sentence.”

**February 19, 2020:** A three-judge panel in the Eleventh Circuit Court of Appeals [affirmed](#) the federal district court’s preliminary injunction, meaning only named Plaintiffs can register to vote and vote if they assert that they are unable to pay off LFOs.<sup>2</sup> See pg. 77.

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<sup>1</sup> But someone convicted of murder or a felony sex offense in Florida may be eligible to register and vote if their voting rights were restored by the Florida Executive Clemency Board. For more information about applying for clemency, visit the Clemency Board’s website at [www.fcor.state.fl.us/restoration.shtml](http://www.fcor.state.fl.us/restoration.shtml).

<sup>2</sup> In **March 2020**, Florida’s Secretary of State adopted what she called the “every-dollar method” for applying payments to specific LFOs included in a sentencing document. Under this method, Florida credits all payments a returning citizen makes towards the LFOs in their sentence document. For example, if a returning citizen pays a fee to set up a payment plan, that fee payment would be counted toward the LFOs included in their sentencing document even though it was used for another purpose. Once a returning citizen has made payments equal to the LFOs included in their sentence document,

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**May 24, 2020:** Following a trial, a federal district court [ruled](#) that many Florida returning citizens, except those with murder or felony sex offense convictions, are eligible to register to vote if they only owed “court costs” or “fees,” only owed “restitution” or “fines” converted to a civil lien or civil judgment, had a public defender for their most recent felony conviction, or were genuinely unable to pay or unable to ascertain what they owe.

The district court also ruled if a returning citizen did not know whether they owed any court “costs,” “fees,” “restitution,” and/or “fines,” they can seek an advisory opinion from Florida’s Division of Elections on their eligibility and the amount owed. A returning citizen can also seek this advisory opinion if they are not sure whether they can afford to pay any outstanding LFOs from a felony conviction(s). If a returning citizen does not receive an advisory opinion on their eligibility and any LFO amount owed within 21 days of the Division receiving their request, the court found that a returning citizen could assume that they were eligible to register to vote and vote under its order. (As noted below, these findings and requirements were reversed and vacated by a panel of the Eleventh Circuit months later.)

The district court further required Florida’s Secretary of State to develop a new voter registration form that would comply with the National Voter Registration Act, which was not challenged on appeal.

**May 24, 2020 – July 1, 2020:** All returning citizens eligible under the federal district court’s order could register to vote and vote.

**July 1, 2020:** A full panel of the Eleventh Circuit Court of Appeals [stayed](#) the district court’s post-trial permanent injunction pending appeal, meaning SB 7066’s disqualifying LFO requirements are temporarily reinstated.

**September 11, 2020:** A full panel of the Eleventh Circuit Court of Appeals [reversed](#) the federal district court’s May 24, 2020 opinion and vacated the challenged portions of its injunction, reinstating SB 7066’s disqualifying LFO requirements permanently. The Eleventh Circuit also said people with felony convictions who registered to vote between January 8, 2019 (Amendment 4’s effective date) and September 11, 2020 (the date of its ruling) are “entitled to vote” unless and until they are removed from the rolls.<sup>3</sup>

Visit [here](#) for a guide, “Voting With a Criminal Record in Florida: What You Need to Know” about implementation of Amendment 4 and SB 7066.

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Florida considers the LFOs completed for purposes of “completion of all terms of sentence including parole or probation.”

<sup>3</sup> *Jones v. Governor of Fla.*, 975 F.3d 1016, 1026 (11th Cir. 2020) (“Florida has yet to complete its screening of any of the registrations. Until it does, it will not have credible and reliable information supporting anyone’s removal from the voter rolls, and all 85,000 felons will be entitled to vote.” (citations omitted)); *id.* at 1035–36 (“The dissenters’ contention that state officials’ implementation of Amendment 4 has prevented any felons from benefitting from the amendment is false. Eighty-five thousand felons are now registered voters, and each one will remain so unless Florida meets its self-imposed burden of gathering the information necessary to prove his ineligibility. Our dissenting colleagues quibble with our assertion that all of these registered voters are “entitled to vote,” but they point to no evidence that any of the 85,000 voters will be unable to cast a ballot in an upcoming election.”) (citations omitted)).