

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 offense¹—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.

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.

(Note: SB 7066’s safe harbor provision, codified at Fla. Stat. § 104.011(3), provides: “A person may not be charged or convicted for a violation of this section for affirming that he or she has not been convicted of a felony or that, if convicted, he or she has had voting rights restored, if such violation is alleged to have occurred on or after January 8, 2019, but before July 1, 2019.”)

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.”

¹ 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.

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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.² See pg. 77.

May 24, 2020: Following a trial, a federal district court [ruled](#) that many Florida returning citizens with felony convictions are eligible to register to vote and vote even if they still owe disqualifying LFOs from their felony convictions, but they still cannot have a disqualifying felony (i.e., murder or felony sexual offense) and had to complete prison, probation, and parole. If the returning citizen only owed court “costs” and/or “fees,” they were eligible to register to vote and vote. If the court sentenced a returning citizen to pay a “fine” or “restitution” to a victim, but they were unable to pay, they would also be eligible to register to vote and vote.

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.

The district court also 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.

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.

² 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, Florida considers the LFOs completed for purposes of “completion of all terms of sentence including parole or probation.”