

The Delray Democrat

Florida Statute Claims to “Fix” Amendment 4 But Only Creates More Ambiguity¹

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In the last election, voters overwhelmingly approved Amendment 4 (by 64.55% of the vote), which “restores the voting rights of Floridians with felony convictions after they complete all the terms of their sentence, including parole and probation.” The amendment does not apply to those convicted of murder or sexual offenses.

Claiming that Amendment 4 did not specify the meaning of “after they complete all the terms of their sentence,” the Florida Legislature passed a law that, among other things, requires felons to pay court costs and fees before a sentence would be considered complete.

The law raises more questions than the one it purports to address, however. Since many felons are financially unable to pay court costs and fees, a provision was made in the new law to allow the court to convert payments to community service. However, the legislature did not specify the procedures for converting monies owed to community service.

Moreover, it is unclear whether a court can modify the original sentencing order to waive fines or fees for returning citizens. What is clear, however, is that converting the outstanding debt to a civil lien is of no benefit, because returning citizens remain responsible for payments even after an outstanding debt has been converted.

The demand that returning citizens fulfill monetary obligations unrelated to their sentences did not exist in the past when former felons went before the state’s clemency board. Most states have actually taken the opposite tack, mitigating restrictions on felons’ voting rights. In addition to Florida, only seven other states require that returning citizens pay all fines, fees and restitution in order to vote.

A lawsuit filed by the NAACP, the ACLU and the League of Women Voters on behalf of 11 plaintiffs argues that the bill passed by the Florida legislature, SB 7066, “makes restoration of voting rights contingent on a person’s wealth” and that, “It is well established that people with felony convictions in Florida are disproportionately Black—a product of higher rates of police stops, arrest, prosecution, and conviction of Black citizens in the criminal justice system. It is also well established that a large majority of returning citizens have LFOs (legal financial obligations) that they cannot pay now or in the foreseeable future.” The suit further argues that “lawmakers expressly refused to consider evidence about the racial and socioeconomic impact of the law and the foreseeable harm to Black communities, and rejected

¹ *The Delray Democrat*, August 2019, p. 1.

ameliorative amendments that they were advised could have lessened the law's impact on Black returning citizens.”

Meanwhile, some individual judicial circuits/counties are attempting to sort out how they can streamline the process for returning citizens to register to vote within the confines of the law. Three of these circuits — Palm Beach, Broward, Miami-Dade — are located in Blue counties. The fourth, Hillsborough County, has a State Attorney who ran as a Democrat. Whether returning citizens will be helped in Red counties is, at least at this time, questionable at best.

Given all these constraints, what can Democrats do to help? I would suggest that voter registration efforts target areas where returning citizens are likely to reside. As previously mentioned, the law adversely impacts a significant number of poor people and communities of color, so those neighborhoods should be covered.

Another way to help would be to make a financial donation. The Florida Rights Restoration Coalition has a web page where you can contribute directly by clicking on “help with fines/fees” (<https://wegotthevote.org/finesandfees/>). Donations are tax deductible and go entirely to helping returning citizens complete the monetary obligations imposed on them by Florida Republicans.