



April 3, 2019

VIA EMAIL

State Affairs Committee
Florida House
The Capitol
400 S. Monroe Street
Tallahassee, FL 3299

Re: Written Testimony in Opposition – HB 7089

Dear Chairman Ingoglia and members of the House State Affairs Committee:

Advancement Project is a next generation, multi-racial civil rights organization. Rooted in the great human rights struggles for equality and justice, we exist to fulfill America's promise of a caring, inclusive and just democracy. Advancement Project's National Office provides this written testimony in opposition to HB 7089. We respectfully request that this testimony be included in the record of the meeting and made available to the public in the committee packet and/or meeting notes. Further, we respectfully request that you withdraw this legislation from consideration for the reasons set forth below.

Background

On November 6, 2018, an overwhelming 64.55% of Florida voters cast their ballots in favor of Amendment 4, the Voting Restoration Amendment. This clearly reflects the will of the people to grant a second chance to citizens with former felony convictions who have paid their debt to society. The passage of Amendment 4 also highlights the paramount importance voters have placed on the right to vote, a cornerstone principle of our nation's democracy.

We are deeply concerned that HB 7089 is unconstitutional in that it is overly broad, vague, and extends far beyond what any reasonable voter would conclude the voters intended when they passed Amendment 4. As you know, the State may only take action to implement an initiative approved by voters that supplements, protects, or furthers the availability of voting rights; it may not modify the right in a way that alters or frustrates the intent of Floridians.

Analysis

This legislation clearly alters and frustrates the intent of Florida's voters by restricting the eligibility to vote for individuals they clearly intended should have their voting rights restored.

Specifically, the bill is deficient in several ways, including but not limited to the following:

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- In the **category of “felony sexual offenses,”** (lines 161-182) the bill includes too many criminal offenses that are not technically sexual offenses as contemplated by Amendment 4. Pursuant to the Florida Constitution, only individuals convicted of sexual battery and felony sexual offenses involving minors are not qualified to vote. The bill expands the scope of “felony sexual offenses” beyond such crimes.
- The bill addresses **financial obligations “arising from a felony conviction,”** (lines 190-191) (emphasis added), which is an overly broad term in that it could include anything related to the events surrounding a conviction. This means financial obligations could inappropriately extend to *any* felony conviction, not just the one specifically for which an individual lost his or her right to vote.
- The bill conditions the restoration of voting rights on **“any financial obligation continued through the civil judgment,”** (lines 192-195) or civil lien. Yet pursuant to Florida law, once financial obligations are converted into civil judgments or liens, they are no longer part of the terms of one’s criminal sentence. Thus, financial obligations for the purpose of restoration should not be extended to civil judgments or liens.
- The bill includes community service, residential treatment, work programs, education, batterer’s intervention programs, and any court-ordered special condition of probation in its **definition of “term of sentence,”** (lines 196-209) none of which was contemplated in Amendment 4.

By expanding the definitions above, the bill effectively maintains lifetime disenfranchisement for returning citizens formerly convicted of non-violent relatively low-level offenses. It is contrary to voters’ will as expressed in Amendment 4.

Moreover, conditioning an indigent returning citizen’s restoration on his or her inability to pay a wide array of financial obligations extends disenfranchisement solely based on poverty. This may violate the 14th or 24th Amendments of the U.S. Constitution.

Finally, this bill is not necessary. Amendment 4 is self-executing and needs no further implementing legislation. As such, the Legislature should exercise its normal and proper oversight function of relevant state agencies to ensure that they implement the amendment in accordance with the will of Florida’s voters, and without delay.

Conclusion

In sum, we urge the Committee to oppose and withdraw this bill. Thank you for your consideration. If you have any questions or would like additional information, please do not hesitate to contact me at SKhan@advancementproject.org, or (202) 728-9557.

Sincerely,



Sabrina Khan
Senior Attorney