



Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

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December 26, 2019

Austin Evers, Executive Director  
American Oversight  
1030 15th St. NW, Suite B255  
Washington, D.C. 20005

Re: Public Records Request

Dear Mr. Evers:

This letter will serve as the official response to your request for public records dated November 8, 2019, and clarified in a phone conversation between Christine Monahan, Fred Baggett and Carolyn Timmann on November 20, 2019, requesting "all email communications (including email messages and email attachments)" between Martin County Clerk of Court and the external parties listed within the attached revised request letter, beginning July 1, 2019 to the date of the search.

Compiling and reviewing these documents to determine which records are responsive to your request required 4 hours of staff time at the labor rate of \$21.13 per hour, plus \$4.99 for the cost of the portable electronic device (USB drive). Pursuant to office policy, we have waived the first two hours of time for review. The total cost for the production of these documents is \$47.25.

As a courtesy, I have enclosed the USB drive containing all responsive records. Please forward funds in the amount of \$47.25 (\$42.26 + \$4.99) to my attention at the following address:

Martin County Clerk of the Circuit Court & Comptroller  
P.O. Box 9016  
Stuart, FL 34995

If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

Ke'Shawnda Chambers  
Public Records Liaison

/kc  
Enclosures

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, July 1, 2019 10:28 AM  
**To:** Richard Herring  
**Cc:** Tara Green (greent@clayclerk.com); Carolyn Timmann; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Butterfield, Stacy; Melvin Cox (cox@flclerks.com)  
**Subject:** FW: Advisory - 19-052 - DOC Communication Related to Voting Restoration  
**Attachments:** 19bull052.pdf

Richard,

Please see the below advisory. Do we know how DOC will be populating the data they will be giving to each inmate upon release? Of special concern are the amounts that are payable to the Clerk (fines, fees and possibly restitution). This is one of the agenda items in our program of work for the Quick Response Team.

Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

---

**From:** Allison L. Newman [mailto:anewman@flclerks.com]  
**Sent:** Monday, July 01, 2019 9:29 AM  
**Subject:** Advisory - 19-052 - DOC Communication Related to Voting Restoration

### Dear Court Clerks and Comptrollers:

Please review the attached Advisory regarding **DOC Communication Related to Voting Restoration**.

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Clerk Staff	<b>Category:</b>	Clerk Administration, Courts, Clerk IT, CCIS, E-Filing
<b>Priority:</b>	High	<b>Action required:</b>	Please review the information regarding the Department of Corrections communication regarding voting restoration.
<b>Executive Summary:</b>	This Advisory is to notify you that the Department of Corrections will be mailing/e-filing financial obligation summaries directly into the case file.		
<b>Clerk outreach:</b>	None needed.		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

ANewman@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com)

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## FCCC ADVISORY

**DOC Communication related to Voting Restoration**

**No. 19-052**

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<b>Date:</b>	July 1, 2019	<b>Contact:</b>	Service Desk
<b>Category:</b>	Clerk Administration, Courts, Clerk IT, CCIS, E-Filing	<b>Telephone:</b>	(850) 414-2210
<b>Page:</b>	1 of 2	<b>E-mail:</b>	<a href="mailto:support@flclerks.com">support@flclerks.com</a>

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Governor Ron DeSantis signed CS/SB 7066 Election Administration on Friday, June 28, 2019. Of specific interest, this comprehensive bill, which takes effect today, July 1, 2019, implements the provisions of Amendment 4, related to voting restoration, which passed during the November 2018 General Election. (For a full summary, please see Advisory Bulletin 19-48.)

One of the changes made by the bill is the requirement that the Florida Department of Corrections notify inmates and offenders of all outstanding terms of sentence, as defined in s. 98.0751, F.S., upon completion of incarceration and/or a term of supervision.

As a result of this requirement, the Department of Corrections has asked that the following information be provided to all Clerks detailing its processes for providing financial obligation summary information to your offices beginning July 1, 2019.

“As the Florida Department of Corrections (“FDC”) prepares to comply with its responsibilities associated with implementing Section 4, Article VI of the State Constitution, and §§940.061 and 944.705, Florida Statutes, we believed it was important to keep other agencies and offices, particularly your office, informed on the procedures and actions FDC will be taking. The processes outlined below will commence on July 1, 2019.

Pursuant to §940.061, FDC will inform inmates and offenders regarding voting rights restoration. As is the current practice, FDC will continue to provide inmates and offenders with information concerning executive clemency and civil rights restoration. Pursuant to §944.705, FDC will notify inmates and offenders of all outstanding terms of sentence upon completion of FDC incarceration and/or supervision. For inmates releasing expiration of sentence, without supervision, FDC will provide a copy of the court ordered financial obligations

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(restitution, fines, fees, and/or costs) as reflected in the official court file in CCIS, as well as a copy of the FDC's record of payment(s) while incarcerated. For offenders, whose supervision has been satisfied or terminated, FDC will provide the offender with any court ordered terms and conditions that were not satisfied, as well as a copy of FDC's record of payment(s) while on supervision.

Upon providing these documents to the offender or inmate, FDC will send a copy to your office. These documents are a complete and exhaustive reflection of FDC records and should alleviate additional inquiries. FDC respects your role and responsibility as the official record custodian for the Courts. For inmates released prior to July 1, 2019, please rely upon the official court file when determining an inmate or offender's remaining financial obligations.

The Department will be working with the [Florida Courts E-Filing] Authority to begin filing the financial obligation summary directly into the inmate/offender court/case file. In the meantime, the Department will be sending the financial obligation summary, via postal mail, directly to the clerk."

Should you have any questions, please contact Carolyn Weber ([cweber@flclerks.com](mailto:cweber@flclerks.com)) or Gia Howell ([ghowell@flclerks.com](mailto:ghowell@flclerks.com)) with FCCC.

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**DIVIDER**

## Carolyn Timmann

**From:** FCCC Legislative <legislative@flclerks.com>  
**Sent:** Monday, July 1, 2019 11:10 AM  
**Subject:** LEGISLATIVE ALERT: Governor DeSantis signs seven bills into law

**Importance:** High

### FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX

<b>Intended audience:</b>	Clerks and Comptrollers, Clerks' and Comptrollers' staff	<b>Category:</b>	Clerk and Comptroller Administration, Legislative, Courts, IT
<b>Priority:</b>	Medium	<b>Action required:</b>	Please review the following legislative alert regarding the Governor's recent action on bills of interest to Clerks and Comptrollers.
<b>Executive summary:</b>	Governor Ron DeSantis took additional executive action late Friday, signing another seven bills into law, including <a href="#">CS/SB 7066</a> , which provides legislative implementing language for Amendment 4, and <a href="#">CS/HB 7125</a> , this year's comprehensive criminal justice reform package. Those bills that may be of interest to Clerks and Comptrollers are listed below by general subject area and effective date. Please note that all bills of interest to Clerks and Comptrollers that passed the 2019 regular session of the Florida Legislature will be summarized and published in the association's annual <i>Legislation of Interest</i> document and related advisories.		
<b>Clerk outreach:</b>	No external outreach is needed.		

### Dear Court Clerks and Comptrollers:

Late last Friday, Governor Ron DeSantis signed an additional seven bills into law, including [CS/SB 7066 Election Administration](#), which provides legislative implementing language for Amendment 4 related to voting restoration, and [CS/HB 7125 Administration of Justice](#), the 2019 Legislature's comprehensive criminal justice reform package. The Governor also vetoed [CS/HB 629 Lottery Games](#); the veto transmittal letter may be accessed [via this link](#).

Only one bill from the 2019 legislative session remains on the Governor's desk awaiting his action, [CS/CS/CS/HB 385 Transportation](#). The Governor has until Thursday, July 11, 2019, to sign or veto this bill, else it will pass into law without his action.

Included among the seven bills signed last Friday are some that may be of interest to Clerks and Comptrollers. These are listed below by general subject area and effective date; brief descriptions of each bill are also included. To access a full list of bills that have been sent to the Governor—along with his action—[please click here](#).

Please note that all bills of interest to Clerks and Comptrollers that passed the 2019 regular session of the Florida Legislature will be summarized and published in the association's annual *Legislation of Interest* document and related advisories.

### **Priority:**

#### [CS/SB 7066 Election Administration](#)

- Effective July 1, 2019, except as otherwise provided; amends the Florida Election Code and implements the provisions of Amendment 4 related to voting restoration, which was approved during the 2018 General Election

#### [CS/HB 7125 Administration of Justice](#)

- Effective October 1, 2019; provides comprehensive criminal justice reform; for example, the bill raises the felony theft threshold, expands certain inmate reentry programs, and includes updates to the criminal justice data transparency initiative

**Board Side:**

CS/CS/HB 7103 Community Development and Housing

- Effective upon becoming a law; revises the minimum requirements for adoption of local impact fees, similar to changes made by CS/HB 207

CS/HB 9 Community Redevelopment Agencies

- Effective October 1, 2019; makes additional requirements of community redevelopment agencies (CRAs) and CRA commissioners

**Courts:**

CS/HB 7107 Controlled Substances

- Effective upon becoming a law; amends the Florida Comprehensive Drug Abuse Prevention and Control Act in Chapter 893, F.S.

Thank you,

Sara



**SARA SANDERS**, *Legislative Manager*

Phone (850) 921-0808 | Direct (850) 577-4518

SSanders@FLClerks.com

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## Carolyn Timmann

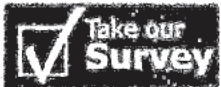
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**From:** Tara Green <greent@clayclerk.com>  
**Sent:** Monday, July 1, 2019 12:33 PM  
**To:** Burke, Ken; Richard Herring  
**Cc:** Carolyn Timmann; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Butterfield, Stacy; Melvin Cox (cox@flclerks.com)  
**Subject:** RE: Advisory - 19-052 - DOC Communication Related to Voting Restoration

It appears that they will be utilizing CCIS for any outstanding CCFF. We may have an issue with older cases that are not in CCIS or in our CMSSs.



**Tara S. Green**  
**Clerk of the Circuit Court**  
Office of Tara S. Green, Clay County Clerk of the Circuit Court  
825 N. Orange Avenue  
P.O. Box 698  
Green Cove Springs, FL 32043  
Phone: 904-269-6317  
Email: greent@clayclerk.com



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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, July 1, 2019 10:29 AM  
**To:** Richard Herring <richard@reherring.com>  
**Cc:** Tara Green <greent@clayclerk.com>; Carolyn Timmann <CTimmann@martinclerk.com>; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com) <tiffany.moorerussell@myorangeclerk.com>; Butterfield, Stacy <StacyButterfield@polk-county.net>; Melvin Cox (cox@flclerks.com) <cox@flclerks.com>  
**Subject:** FW: Advisory - 19-052 - DOC Communication Related to Voting Restoration

Richard,  
Please see the below advisory. Do we know how DOC will be populating the data they will be giving to each inmate upon release? Of special concern are the amounts that are payable to the Clerk (fines, fees and possibly restitution). This is one of the agenda items in our program of work for the Quick Response Team.

Ken

Ken Burke, CPA

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[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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<b>Clerk outreach:</b>	None needed.		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

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**DIVIDER**

## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, July 1, 2019 2:24 PM  
**To:** Chris Hart (chrishart@flclerks.com)  
**Cc:** Richard Herring; Carolyn Timmann; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com)  
**Subject:** Legal Opinion - QRT Amendment 4

Chris,

Today we had our first meeting with Richard Herring on the QRT dealing with Amendment #4. There are two legal questions that the team is asking for assistance that I said I would contact you to discuss.

1. Legal implications of interest on fines and fees converted to civil liens. The questions include: if a felon pays the base amount of fines, fees and court costs but does not pay the interest, under the statute has he/she satisfied the amounts due for voting restoration purposes? Is the interest still due as a lien but not as court fines/fees/costs. The question behind this is that the sentence contains specific amounts and if the felon pays these amounts, he/she in effect has satisfied his/her sentence. The whole question of interest on court fines/fees/costs that have been converted into civil liens needs to be addressed.
2. Clerks are not consistent in sending fines/fees/costs that have been converted to civil liens to collections. There is a school of thought among a minority of clerks that there is no legal authority to send these to collections. A legal opinion on the clerk's role on collection efforts as it relates to fines/fees/costs that have been converted into civil liens would be helpful.

I have copied the QRT top get input from them if I have not properly phrased these questions.

Please let me know the process to secure legal opinions on both of these important topics.

Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
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**DIVIDER**

## Carolyn Timmann

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**From:** Richard <richard@reherring.com>  
**Sent:** Tuesday, July 2, 2019 12:32 PM  
**To:** Burke, Ken  
**Cc:** Carolyn Timmann; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); krushing@scgov.net; Kimberly Renspie; Chris Hart; Savannah Sullivan  
**Subject:** QRT Amendment 4  
**Attachments:** Amendment 4 Lawsuit.pdf; Rocket Docket - Tampa Bay Times.docx

Thanks for yesterday's call. Tremendously helpful to hear your concerns and get direction. Here's our staff "to do" list:

1. Get data on recent releases from DOC to provide to individual Clerks to do some field tests on the work that may be involved. Great call with DOC this morning. They are testing if they can quickly provide us with 10 recent releases per county, including name, case number, and sentencing date. After some further discussions with CCIS and E-Filing Portal folks, I believe we can match that data against our information to add race and gender. With that data we can ensure that we have a sample that includes sentencing over a period of decades (electronic and paper records), and is representative of the demographics of the prison population.

2. Get more information on what DOC has asked to file. There are 3 documents that the DOC and the Division of Community Corrections (within DOC) wish to file through the E-Filing Portal as part of the individual case files:

DOC	Division of Community Corrections
a. Prison Release	a. Termination of Supervision
b. Inmate Obligation Payment History	b. Closing Summary
c. CCIS Financial Screenshot Summary	c. CCIS Financial Screenshot Summary

As DOC is already an agency in the Portal receiving information from Clerks' Offices, Carolyn Weber is setting up DOC as an "organization" so that DOC and the Division of Community Corrections can add their users as necessary and submit these documents electronically. They would be able to send documents using the filing path 'Send Documents to Multiple Cases,' as can any registered user.

3. Get the complaint in the court challenge to the new law. Attached.


4. Follow up on the request from the Department of State for a uniform statement they can provide to the Supervisors. This will be a discussion over a week or more. The Department has initially proposed something like this (as a starting point for discussions):

*To determine if you have completed all the terms of your sentence including parole or as to one or more felony conviction(s), please contact the Florida Department of Corrections [main line 850-488-5021] and/or the Clerk of Court in the county or counties in which you were convicted. If convicted out of state, you will need to contact the clerk of the court in the state in which you were convicted.*

5. A number of related issues, including legal issues on which formal opinions may be needed, were raised during the discussion. We kept notes on those and will ensure follow up on each. We have a meeting with the good folks at Greenberg next Monday to start refining where they can help.

Finally, an article from the Tampa Bay Times on rocket to address financial obligations is attached in case you have not already seen it.

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

BONNIE RAYSOR, and DIANE  
SHERRILL, individually and on  
behalf of others similarly situated,

Plaintiffs,

v.

LAUREL M. LEE, in her official  
capacity as Secretary of State,

Defendant.

Civil Action No. \_\_\_\_\_

[Class Action]

**COMPLAINT**

Plaintiff Bonnie Raysor and Plaintiff Diane Sherrill (“Plaintiffs”) brings this class action against Laurel M. Lee, in her official capacity as Secretary of State (“Defendant”), and allege the following:

**INTRODUCTION**

1. On November 6, 2018, almost two-thirds of Floridians voted for Amendment 4 to restore the right to vote to individuals with past felony convictions. Except for individuals convicted of murder or felony sexual offense, Amendment 4 re-enfranchised otherwise eligible Florida

citizens automatically “upon completion of all terms of sentence including parole or probation.” Fla. Const. art. VI, § 4.

2. On June 28, 2019, Governor Ron DeSantis signed Senate Bill 7066 (“SB 7066”), which purports to “implement” Amendment 4, in part by seeking to define “all terms of sentence” to include the payment of any restitution, fines, and fees (“legal financial obligations” or “LFOs”) ordered by the court “as a part of the sentence *or* that are ordered by the court as a condition of any form of supervision.” S.B. 7066, 2019 Leg., Reg. Sess., § 25 (Fla. 2019) (emphasis added).

3. The natural and foreseeable effect of this “implementing” law will be to drastically reduce the number of people with past convictions who regain the right to vote under Amendment 4; permanently disenfranchise many minor offenders; and dole out the right to vote on the basis of wealth.

4. On its face, SB 7066 discriminates on the basis of wealth. People with the financial means to satisfy their LFOs either during or at the conclusion of their sentence of incarceration or supervision will have their rights automatically restored. But, people whose socioeconomic status prevents them from satisfying their LFOs concurrent with the

termination of their incarceration or supervision will be prohibited from voting until they are able to pay their outstanding balance.

5. As a result, whether otherwise eligible individuals will have the right to vote upon completion of their sentence of incarceration and supervision depends entirely on their ability to pay for it. Indeed, two otherwise eligible individuals with the same conviction, who received the same terms of probation and parole, and the same LFOs, would be treated differently under SB 7066 based solely on whether they have the means to satisfy their LFOs.

6. In short, SB 7066's wealth-based discrimination not only violates the Fourteenth Amendment, but also the Twenty-Fourth Amendment by functioning as a modern-day poll tax.

7. Further, SB 7066 is vague as to its scope. For example, it is internally contradictory with respect to whether fees or costs incurred after sentencing may nonetheless disenfranchise a person. Although the statute states that individuals must pay all LFOs imposed as a condition of supervision, it also states that individuals must pay only the amount specifically ordered by the court at sentencing. Yet, standard conditions of probation, which are imposed at sentencing, often require individuals

to pay off certain debts that are only incurred *after* sentencing. Thus, SB 7066 will confuse potential voters and chill core First Amendment speech.

8. Finally, under SB 7066, it will be extraordinarily difficult for individuals with past convictions to determine their eligibility to vote and the risk of erroneous deprivation of the right to vote is high. Persons with both disqualifying and non-disqualifying LFOs will struggle to disaggregate those outstanding debts. And, the updated state voter registration form provided for in SB 7066 fails to inform people with convictions of the new eligibility requirements the law creates.

9. As a result of SB 7066, people with convictions will often be left in the dark and find themselves in need of a lawyer just to find out their eligibility to vote. Individuals who register in error risk felony prosecution and thus the unique threat of recidivism. Such ambiguity surrounding access to the right to vote violates procedural due process and cannot survive scrutiny under the First and Fourteenth Amendments.

## JURISDICTION AND VENUE

10. This action is brought under the United States Constitution. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

11. This Court has personal jurisdiction over Defendant Lee, who is an appointed state official and a resident of Florida.

12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b). Among other things, the office of Defendant Lee is located in this District.

13. This Court has authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

## PARTIES

14. Plaintiff Bonnie Raysor (née Bonnie Ryan) is fifty-eight years old and has resided in Florida since she was seventeen. She is a United States citizen and currently resides in Boynton Beach, Florida.

15. After becoming addicted to opioids, Plaintiff Raysor was charged in 2009 and convicted in October 2010 of six felony and two misdemeanor drug-related charges. Since she was unable to afford an attorney, Plaintiff Raysor was assigned a public defender for these charges. She was sentenced to one year, six months, and five days in

prison. Plaintiff Raysor was released from prison on March 29, 2011, with no parole or probation. She has no other criminal convictions.

16. Plaintiff Raysor works as an office manager and makes thirteen dollars per hour. She has a mortgage and a car payment and is responsible for the utilities, groceries, and other basic needs for herself and her nineteen-year-old daughter, who is a full-time student. She also has approximately \$48,000 in student loan debt.

17. Voting is important to Plaintiff Raysor. As a Floridian, she knows how important a single vote can be in a close election. Voting gives her the opportunity to make a difference, and to speak her mind politically. It gives her the opportunity to make her voice heard.

18. When Amendment 4 passed, Plaintiff Raysor was thrilled to regain her right to vote. She proactively reached out for help to understand her rights and to ensure that she would be able to register to vote despite her past felony conviction.

19. Under SB 7066, however, Plaintiff Raysor is unable to register and vote in Florida. She has \$4,260 in outstanding fines and fees related to her conviction.

20. Upon information and belief, this sum includes fines and fees associated with her two misdemeanor and felony convictions. Upon information and belief, when Plaintiff Raysor was convicted, all fines and fees levied upon her were in the form of a civil lien. These fines and fees include the following: court costs, cost of prosecution, crime stoppers fund, cost of investigation, drug trust fund, public defender application fee, and public defender fee.

21. Based on her current income and ability to pay, Plaintiff Raysor is on a payment plan with the court, where she pays \$30 per month towards her outstanding balance. Under this payment plan, Plaintiff Raysor will not pay off her LFOs until 2031. Thus, under SB 7066, she will not regain her right to vote for another twelve years, at which time she will be seventy years old.

22. Plaintiff Diane Sherrill is fifty-eight years old and is a Florida resident. She is a United States citizen and currently resides in St. Petersburg, Florida.

23. As a result of her struggle with addiction, Plaintiff Sherrill was convicted of one count of possession of crack cocaine in the third degree, two counts of possession of cocaine in the third degree, and one

count of prostitution in the third degree between 1999 and 2005. For each of these charges, Plaintiff Sherrill was determined to be indigent and was assigned a public defender.

24. Plaintiff Sherrill has been drug-free and sober for over a decade. She has not had any criminal convictions since 2005. She has two adult children who live in the area and one grandchild. She is an active member of her church, Cornerstone Community Church.

25. Plaintiff Sherrill largely lives on a fixed Supplemental Security Income (SSI) of approximately \$770 per month. She lives in public housing and receives approximately \$70 per month in Supplemental Nutrition Assistance Program (SNAP) benefits, otherwise known as food stamps. She has recently obtained part-time work at the local Ruby Tuesdays as a hostess, earning \$8 per hour for 15 hours per week.

26. Plaintiff Sherrill lives by herself and is responsible for her monthly rent of \$200, her utility bills (including electric, internet, and phone), groceries, car insurance and gas, and any other household expenses.



27. Plaintiff Sherrill lost her driver's license as a result of her convictions and unpaid LFOs. After ten years, she was recently able to reinstate her driver's license in order to help care for her first grandchild.

28. Voting is important to Plaintiff Sherrill. As a Floridian, she knows how important a single vote can be in a close election. Voting gives her the opportunity to make a difference, and to speak her mind politically. It gives her the opportunity to make her voice heard.

29. A few years ago, Plaintiff Sherrill's church set up a table for voter registration of congregants. Plaintiff Sherrill inquired about whether she could regain her voting rights. The organizers referred her to the Pinellas County Supervisor of Elections, Deborah Clark. Plaintiff Sherrill wrote to Supervisor Clark about restoring her voting rights and received an application in the mail in response.

30. Plaintiff Sherrill wanted to apply to restore her voting rights but could not understand the confusing application she was sent or the process she was supposed to follow.

31. After the passage of Amendment 4, Plaintiff Sherrill was excited to register to vote and join her political community in voting in

the next election. Since her convictions are well behind her, she believed she would be eligible to vote under Amendment 4.

32. Under SB 7066, however, Plaintiff Sherrill will not be eligible to register to vote and vote in the next election.

33. Plaintiff Sherrill owes \$2,279 in outstanding LFOs related to her convictions. These LFOs include, *inter alia*, the following: indigent criminal defense fees, fines, investigative costs, and court costs. Upon information and relief, these LFOs also include penalties for nonpayment.

34. Upon information and belief, all of these outstanding LFOs were converted to civil liens and sent to a collections agency. Plaintiff Sherrill is living on a financial razor's edge. She is unable to afford to pay these LFOs at this time and cannot foresee a time when she will ever be able to pay these LFOs in full. As a result, SB 7066 may amount to permanent disenfranchisement for Plaintiff Sherrill.

35. Plaintiffs Raysor and Sherrill seek to represent a class for Count 2 (Twenty-Fourth Amendment) and Count 4 (Procedural Due Process) defined as: all persons otherwise eligible to register to vote in

Florida who are denied the right to vote pursuant to SB 7066 because they have outstanding LFOs.

36. Plaintiffs Raysor and Sherrill seek to represent a subclass for Count 1 (Fourteenth Amendment) defined as: all persons otherwise eligible to register to vote in Florida who are denied the right to vote pursuant to SB 7066 because they are unable to pay off their outstanding LFOs due to their socioeconomic status.

37. Defendant Laurel M. Lee is the Secretary of State of Florida (“the Secretary”) and is sued in her official capacity. The Secretary is the head of the Department of State (“the Department”) and the chief election officer of the state. As chief election officer, the Secretary is responsible for obtaining and maintaining “uniformity in the interpretation and implementation of the election laws,” and providing “uniform standards for the proper and equitable interpretation and implementation” of such laws. Fla. Stat. § 97.012(1)-(2). The Secretary is also responsible for administering the statewide voter registration system. *Id.* § 97.012(11).

38. Further, under SB 7066, the Department of State is responsible for identifying registered voters who have been convicted of a felony and whose voting rights have not been restored, and for initiating

the process for removing potentially ineligible individuals from the voter rolls. *See* S.B. 7066, *supra*, §§ 24, 25, *amending* Fla. Stat. § 98.075(5). The Department is similarly responsible for obtaining and reviewing information on new registrants' eligibility for rights restoration, and for initiating the process for rejecting applications from potentially ineligible voters. *See id.* § 25, *enacting* Fla. Stat. § 98.0751(3)(a).

### FACTS

39. The Florida Constitution prohibits individuals with felony convictions from voting unless their voting rights have been restored. Fla. Const. art. VI, § 4. As of January 8, 2019, except for persons convicted of murder or felony sexual offense, voting rights are restored automatically “upon completion of all terms of sentence including parole and probation.” *Id.* Persons convicted of murder or felony sexual offense are permanently disenfranchised but may apply to the Board of Executive Clemency to have their voting rights restored on a case-by-case basis. *See* S.B. 7066, *supra*, § 25, *enacting* Fla. Stat. §98.0751(1).

**SB 7066**

40. On June 28, 2019, Governor DeSantis signed SB 7066 into law. SB 7066 purports to implement the constitutional provision restoring voting rights to individuals with felony convictions, and states:

A person who has been disqualified from voting based on a felony conviction for an offense other than murder or a felony sexual offense must have such disqualification terminated and his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of his or her sentence, including parole or probation.

S.B. 7066, supra, § 25, *enacting* Fla. Stat. § 98.0751(1).

41. But SB 7066 does not merely implement Amendment 4. Rather, it severely restricts access to the right to vote. SB 7066 defines “completion of all terms of sentence” to include not only any term of imprisonment, probation, community control or supervision (collectively, “carceral supervision”), but also the full payment of any LFOs, including restitution, fines and fees “ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision,” even if those obligations have been converted to civil liens. *Id.*, *enacting* Fla. Stat. § 98.0751(2).

42. Governor DeSantis’ signing statement accompanying SB 7066 does not address these financial barriers to voting but does state his

personal opinion that Florida voters made a “mistake” by restoring “voting rights to violent felons.” By requiring the payment of all LFOs—many of which people with past convictions will never be able to pay—Governor DeSantis has ratified a law that will undermine Amendment 4, which he deems a “mistake.”

43. Florida does not require courts to consider ability to pay at the time LFOs are imposed. When seeking to enforce compliance with a legal financial obligation, however, courts may inquire into ability to pay. *See, e.g., Fla. Stat. § 938.30.* Based on the individual’s ability to pay, a court seeking to enforce a legal financial obligation may order the individual to comply with a payment schedule; convert the obligation to a judgment or civil lien against the individual’s property; or may, in limited instances, convert outstanding fines and court costs “into a court-ordered obligation to perform community service.” *Id.* Upon information and belief, many mandatory LFOs cannot be converted to community service.

44. SB 7006 defines the “completion” of LFOs to include: actual payment of the obligation in full; termination of the obligation by the court, with the approval of the payee; or completion of all community service hours where the court has converted the financial obligation to

community service. SB 7066, *supra*, § 25, *enacting* Fla. Stat. § 98.0751(5)(e). Finally, SB 7066 states that “[t]he requirement to pay any financial obligation specified in this paragraph is not deemed completed upon conversion to a civil lien.” *Id.* This language, however, does not directly address the circumstance of Plaintiff Raysor, whose LFOs were imposed as civil liens as an initial matter.

45. While SB 7066 acknowledges that LFOs can be modified by the sentencing court, it does not require any modifications to LFOs, even in cases where indigence or inability to pay is the only barrier to voting rights restoration.

### **IMPACT OF SB 7066**

46. Across all jurisdictions in Florida, over \$700 million in fines, court costs, and other monetary penalties were assessed in 2018 alone. In addition, over \$481 million in fees, service charges, and costs were assessed during 2018. These figures do not include the enormous sum of fines and fees that were assessed prior to 2018 but are still outstanding.

47. Criminal Circuit Courts in Florida assessed over \$275 million in fines and fees during 2018. Of that amount, nearly thirty percent is categorized as at risk for collection due to indigence or reduction to a civil

judgment or lien. In several Circuits, the amount at risk due to indigence is over forty percent. Criminal Circuit Courts in Florida converted only about \$1.2 million in court fines to community service during 2018.

48. The Department of Corrections reported just under \$20 million dollars in revenue from cost of supervision fees in fiscal year 2017-2018, nearly \$50 million dollars in revenue from restitution, fines, and court costs, and over \$20 million dollars in court ordered fees.<sup>1</sup>

49. Individuals with past felony convictions are more likely to have lower incomes than other registered voters, and to live in neighborhoods with higher unemployment than other Florida voters.<sup>2</sup>

50. On information and belief, many individuals with fines, fees, and restitution ordered as part of their sentence or as a condition of supervision related to a felony conviction also have other LFOs assessed through the criminal justice system. These may include LFOs associated with felony convictions but not ordered at the time of sentence or as a condition of supervision. In other instances, LFOs may be related to

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<sup>1</sup> Fla. Dep't of Corr., *2017-2018 Annual Report* 6, [http://www.dc.state.fl.us/pub/annual/1718/FDC\\_AR2017-18.pdf](http://www.dc.state.fl.us/pub/annual/1718/FDC_AR2017-18.pdf).

<sup>2</sup> See Kevin Morris, *Thwarting Amendment 4*, Brennan Ctr. for Justice, [https://www.brennancenter.org/sites/default/files/analysis/2019\\_05\\_FloridaAmendment\\_FI\\_NAL-3.pdf](https://www.brennancenter.org/sites/default/files/analysis/2019_05_FloridaAmendment_FI_NAL-3.pdf).



misdemeanor or civil judgments, rather than a felony conviction. On information and belief, these LFOs are not disaggregated by the County or the court when converted to a civil judgment, lien, community service, or incorporated into a payment plan.

51. For example, upon information and belief, Plaintiff Raysor has fines and fees associated with her misdemeanor convictions, which are a part of the \$4,260 she still owes. Based on the records available to Plaintiff Raysor, she cannot ascertain how much of her \$30 monthly payments go towards her felony versus misdemeanor LFOs. Nor does she know if she may prioritize paying the LFOs associated with her felony convictions, which prevent her from voting.

52. Similarly, Plaintiff Raysor does not know how the outstanding LFOs associated with her felony convictions break down, such that she cannot determine which of these LFOs fall within the scope of SB 7066, and which fall outside the scope of SB 7066. Nor does she know whether the fact that her LFOs were initially imposed as a civil lien—rather than converted—affects their status under SB 7066.

53. Likewise, Plaintiff Sherrill believes that some of her outstanding LFOs are penalties for nonpayment that should not bar her

from voting under SB 7066. But since the full balance has been sent to a collections agency, she does not know if or how she may prioritize paying the LFOs that disqualify her from voting.

54. Plaintiff Sherrill does not know if there are additional fines, fees, and costs within her outstanding balance that fall outside the scope of SB 7066.

55. For individuals whose LFOs have been converted to community service, a civil judgment, or lien, satisfaction of the obligation is often determined by a private third-party. Private non-profit, community, or charitable organizations may all serve as community service agencies for the purpose of court-ordered community service. See Fla. Stat. § 318.18. The responsibility for monitoring and recording community service hours—defined as “uncompensated labor for a community service agency”—falls to these entities. *Id.* Similarly, a county may pursue the collection of outstanding LFOs through private attorneys and collection agencies. Not only does this place the obligation in the hands of a third party, but Florida allows those parties to impose a surcharge of up to forty percent of the balance owed as a collection fee.

56. For example, at times when she was facing financial hardship, Plaintiff Raysor has fallen behind on paying her LFOs. As a result, in 2014, her debts were placed with a collection agency, Penn Credit, which imposed a forty percent surcharge on her balance. Plaintiff Raysor also lost her driver's license as a consequence of her overdue LFOs. Ultimately, she was able to petition the court to remove the surcharge, place her back on a payment plan, and reinstate her driver's license. She currently pays \$30 per month toward her LFO balance.

57. Upon information and belief, Plaintiff Sherrill's outstanding balance includes several substantial fees imposed as penalties for transfer to a collections agency.

58. Fines and fees that may be assessed as part of an individual's sentence include, but are not limited to: mandatory assessments for the Court Cost Clearing Trust Fund, the Crimes Compensation Trust Fund, the Operating Trust Fund of the Department of Law Enforcement, a mandatory \$225 fine for a felony conviction, mandatory fines assessed based on the specific felony conviction or convictions, mandatory costs authorized by local governmental entities, discretionary costs related to

the specific type of case or conviction, and additional surcharges on these costs. *See generally* ch. 983, Fla. Stat.

59. In addition, conditions of carceral supervision imposed at sentencing may include, but are not limited to: payment of debts due to a detention center for medical care, treatment, hospitalization, or transportation; application fees and attorneys' costs and fees if the individual had a public defender appointed; and reimbursement for costs of drawing and transmitting blood or DNA samples to the Department of Law Enforcement. *See, e.g.*, Fla. Stat. § 948.03.

60. In other words, under SB 7066, it appears an individual's right to vote may be conditioned on the payment of outstanding medical debt that accrues after sentencing.

61. Thus, the requirement in SB 7066 that an individual pay off all LFOs "ordered by the court as a condition of any form of supervision," SB 7066, § 25, *enacting* Fla. Stat. § 98.0751(2)(a)(5)(b), is inconsistent with later language stating that payment of LFOs "accrue[d] after the date the obligation is ordered as a part of the sentence" is *not* required to be eligible for rights restoration, *id.*, *enacting* Fla. Stat. § 98.0751(2)(a)(5)(c). This internally incoherent language will undoubtedly

leave Florida citizens in the dark about which LFOs are disqualifying and which LFOs are not disqualifying.

62. Upon information and belief, this confusion will only be compounded by the lack of easy access to records disaggregating the LFOs incurred by a person with a past conviction. Plaintiffs Raysor and Sherrill, even with assistance of counsel, have been unable to ascertain this information with respect to their own outstanding debts.

63. SB 7066 itself recognizes that Florida citizens are not likely to be able to assess their own eligibility to vote under this law. It provides for the creation of a “Restoration of Voting Rights Work Group.” SB 7066, §33. The work group is charged with developing recommendations for the Legislature related to “[t]he process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying . . . eligibility for restoration of voting rights.” *Id.*

64. Yet, SB 7066 becomes effective on July 1, 2019, and these recommendations are not due to the Legislature for consideration until November 1, 2019. *Id.* In other words, the Legislature passed SB 7066 fully aware that eligible Florida citizens will struggle or be unable to ascertain their eligibility to vote.

65. Nonetheless, after July 1, 2019, Florida citizens will risk criminal sanction if they register to vote while their voting rights have not, in fact, been restored under SB 7066's vague and ambiguous language. This is so despite the fact that the updated state voter registration form required by SB 7066 will not mention the LFO requirement at all.

66. The mechanics of SB 7066 are inordinately complicated for affected citizens, and its scope is vague. Its consequences, however, are clear. Under SB 7066, Floridians with past felony convictions who have completed their term of carceral supervision, including incarceration, probation, and parole, and who either do not have LFOs or have paid them off, will automatically have their voting rights restored. Individuals who have outstanding LFOs are denied the right to vote unless or until they are able to satisfy their financial obligations. An individual who is unable to pay off her outstanding LFOs due to her socioeconomic status is permanently denied the right to vote.

67. In short, SB 7066 conditions the restoration of voting rights entirely upon an individual's financial resources, in violation of the Fourteenth and Twenty-Fourth Amendments.

## EXECUTIVE CLEMENCY

68. Under SB 7066, individuals who are disenfranchised solely because of their outstanding LFOs may apply for executive clemency, subject to the “unfettered discretion” of the Florida Governor. *See* SB 7066, § 25, *enacting* Fla. Stat. § 98.0751(1); Fla. R. Exec. Clemency 4. This “unfettered discretion” means the Governor has the authority “to deny clemency at any time, for any reason.” Fla. R. Exec. Clemency 4.

69. Thus, individuals able to pay their LFOs can register and vote automatically upon completing carceral supervision, while those unable to pay are disenfranchised indefinitely, subject to the whim of the Governor.

70. Applying for executive clemency is extremely burdensome. An individual with outstanding LFOs must wait seven years after the completion of carceral supervision to apply for a restoration of civil rights.<sup>3</sup> Fla. R. Exec. Clemency 5. If denied, an applicant must wait for at least two years to reapply. Fla. R. Exec. Clemency 14. Applications must contain certified copies of the charging document, judgment, and

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<sup>3</sup> Individuals with no outstanding restitution may be eligible to apply for rights restoration after five years, depending on their crime of conviction. *See* Fla. R. Exec. Clemency 9.

sentence for each felony conviction. Fla. R. Exec. Clemency 6(B). After applying, the individual is subject to an investigation by the Florida Commission on Offender Review, and her application will be decided at a hearing in Tallahassee.<sup>4</sup> Fla. R. Exec. Clemency 8(B). The applicant must give ten days notice to the Board if she or any other person intends to speak at the hearing on her behalf. Fla. R. Exec. Clemency 12(B). The final determination of any application is subject to the “unfettered discretion” of the Florida Governor. Fla. R. Exec. Clemency 4.

71. Thus, even after completing the burdensome application process, individuals who lack the means to pay their LFOs will not be allowed to vote “unless Florida’s Governor approves restoration of this fundamental right” or a complete remission of their LFOs. *Hand v. Scott*, 285 F. Supp. 3d 1289, 1292 (N.D. Fla. 2018). Meanwhile, similarly

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<sup>4</sup> Prior to January 8, 2019, all Floridians with past felony convictions were permanently disenfranchised unless they applied for and obtained a restoration of civil rights from the Governor and the Board of Clemency. Under this system, individuals who had paid their restitution were eligible to apply for rights restoration without being subject to a hearing. In *Johnson v. Governor of Fla.*, the Eleventh Circuit found the hearing requirement, standing alone, insufficient to support a claim that restoration was conditioned upon an applicant’s financial resources. 405 F.3d 1214, 1216 n.1 (11th Cir. 2005). The Court reserved ruling, however, on the question of “whether conditioning an application for clemency on paying restitution would be an invalid poll tax.” *Id.* Plaintiffs’ claims present exactly the question reserved by the Court. But for their outstanding LFOs, Plaintiffs’ voting rights would be restored. But for their outstanding LFOs, Plaintiffs would not be subject to a discretionary restoration process at all. The entire clemency procedure is conditioned upon otherwise eligible individuals’ inability to pay.



situated individuals—including those convicted of the same crimes—are granted automatic restoration of their voting rights based solely on their ability to pay their LFOs.

72. This process necessarily discriminates on the basis of wealth. Rights restoration is guaranteed to individuals of financial means, while the indigent must not only suffer the indignity of having to beg for their rights to be restored, but they must do so on blind faith, without any notice of the conditions, factors, or whims that will determine if their application is successful.

### CLASS ALLEGATIONS

73. Upon information and belief, at least 500,000 individuals with past felony convictions who are otherwise eligible under Amendment 4 have outstanding LFOs and are therefore not qualified for voting rights restoration under SB 7066, just like Plaintiffs. Countless otherwise eligible individuals will be prevented from exercising their right to vote in the future because they are unable to pay their LFOs due to their socioeconomic status.

74. Pursuant to Federal Rule of Civil Procedure 23, Plaintiffs Raysor and Sherrill bring this action on behalf of themselves and all

other similarly situated persons. Plaintiffs Raysor and Sherrill do not seek claims for compensatory relief. Instead, Plaintiffs seek only declaratory and injunctive relief broadly applicable to members of the Plaintiff Class and the Plaintiff Subclass, as defined above. The requirements of Rule 23, and in particular Rule 23(b)(2), are met with respect to the Plaintiff Class and Plaintiff Subclass as defined in ¶¶ 22 and 23.

75. The members of the Plaintiff Class and Plaintiff Subclass are so numerous that joinder is impracticable. While the exact number of members in the Plaintiff Class and Plaintiff Subclass are not publicly available, upon information and belief, the total number of otherwise eligible citizens of Florida disenfranchised due to some combination of outstanding fines, fees, or restitution exceeds 500,000. The Plaintiff Class and Plaintiff Subclass are ascertainable through Defendant's records and records kept by the Florida State Department of Corrections. Indeed, under SB 7066, it is Defendant's responsibility to identify registrants who are not eligible for rights restoration because they have outstanding LFOs.

76. Common questions of law and fact predominate over questions affecting only individual class and subclass members with respect to allegations in this complaint. Those questions include, but are not limited to, the following:

- a. Whether SB 7066 discriminates on the basis of wealth in violation of the Fourteenth Amendment.
- b. Whether SB 7066 violates the Twenty-Fourth Amendment.
- c. Whether SB 7066 creates an impermissible risk of erroneous deprivation of the fundamental right to vote in violation of the Due Process Clause of the Fourteenth Amendment.

77. Plaintiffs' claims are typical of the Plaintiff Class and Plaintiff Subclass as defined in ¶¶ 22 and 23. Plaintiffs Raysor and Sherrill are not aware of any conflict between their interests and those of the Plaintiff Class and Plaintiff Subclass they seek to represent.

78. Plaintiffs Raysor and Sherrill can fairly and adequately represent the interests of the Plaintiff Class and Plaintiff Subclass because they are similarly situated with class members. Plaintiffs Raysor and Sherrill have retained counsel experienced in class-action and voting

rights litigation to represent them and the Plaintiff Class and Plaintiff Subclass for the purpose of this litigation.

79. Defendants have acted, or refused to act, on grounds generally applicable to the entire class, and final injunctive relief and corresponding declaratory relief are appropriate respecting the class as a whole.

**CLAIMS**  
**Count 1: Wealth-Based Disenfranchisement,**  
**Fourteenth Amendment**

80. Plaintiffs reallege the facts set forth in paragraphs 1-79 above.

81. A state “violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard.” *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 666 (1966); *see also Johnson v. Governor of Fla.*, 405 F.3d 1214, 1217 (11th Cir. 2005).

82. By requiring an otherwise eligible Florida citizen to pay all LFOs before she is eligible to restore her right to vote, SB 7066 impermissibly makes financial payments an electoral standard.

83. By requiring an otherwise eligible Florida citizen to pay all LFOs before she is eligible to restore her right to vote, SB 7066 impermissibly makes the affluence of an otherwise eligible voter an electoral standard.

84. It is well established that “a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction.” *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972).

85. Wealth “is not germane to one’s ability to participate intelligently in the electoral process.” *Harper*, 383 U.S. at 668.

86. Plaintiffs Raysor and Sherrill and members of the Plaintiff Subclass are unable to afford to pay their remaining LFOs, and this is the only reason they are not eligible to vote in the state of Florida.

87. The mere possibility that LFOs could, in some cases, be modified—left to the discretion of individual judges—does nothing to alleviate this unconstitutional barrier to voting for Plaintiffs Raysor and Sherrill and other members of the Plaintiff Subclass. Nor does the possibility that the Governor could, if he felt so moved, exercise his discretion to restore the right to vote to individuals with outstanding LFOs on a case-by-case basis. Indeed, Representative James Grant noted

in enacting SB 7066 that discretionary rights restoration is “a recipe for rampant discrimination.”<sup>5</sup> Moreover, it is well established that imposing additional requirements on voters who cannot pay is no more constitutionally permissible than outright disenfranchisement. See *Harman v. Forssenius*, 380 U.S. 528 (1965).

88. It is also well established that a state may not impose additional punishment<sup>6</sup> or deprive a citizen of a fundamental right solely because “through no fault of his own, he cannot pay the fine.” *Bearden v. Georgia*, 461 U.S. 660, 673 (1983). In other words, *Bearden* requires a careful consideration of ability to pay before fundamental rights are withheld on the basis of failure to pay a fine. Failure to condition the LFOs requirement on an ability to pay inquiry further violates “the fundamental fairness required by the Fourteenth Amendment.” *Id.*

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<sup>5</sup> Tyler Kendall, *Felons in Florida Won Back Their Right to Vote. Now a New Bill Might Limit Who Can Cast a Ballot*, CBS News (May 23, 2019), <https://www.cbsnews.com/news/florida-felons-won-back-right-to-vote-new-bill-might-limit-who-can-cast-ballot-2019-05-23/>.

<sup>6</sup> While not a necessary element of Plaintiffs’ claims, disenfranchisement on the basis of a past conviction—and continued because of inability to pay LFOs—certainly qualifies as punishment. See *Johnson*, 405 F.3d at 1228 (“Indeed, throughout history, criminal disenfranchisement provisions have existed as a punitive device.”); see also Act of June 25, 1868, ch. 70, 15 Stat. 73, 73 (Readmission Act for Florida) (prohibiting any change to the state constitution that “deprive[s] any citizen or class of citizens of the United States of the right to vote . . . except as punishment for such crimes as are now felonies at common law”).

89. Florida has no cognizable interest in withholding the right to vote from citizens solely on the basis that they are unable to pay their LFOs. “[W]ealth or fee paying has . . . no relation to voting qualifications.” *Harper*, 383 U.S. at 670. When the LFOs requirement is applied to those unable to pay, “the statute merely prevents” citizens from voting “without delivering any money at all into the hands of [the State].” *Zablocki v. Redhail*, 434 U.S. 374, 389 (1978); *see also Bearden*, 461 U.S. at 670 (“Revoking the probation of someone who through no fault of his own is unable to make restitution will not make restitution suddenly forthcoming.”).

90. SB 7066 invidiously discriminates between Florida citizens with prior felony convictions who have been discharged from carceral supervision and who are able to pay their LFOs, and Florida citizens with prior felony convictions, who have been discharged from carceral supervision but are unable to pay their LFOs, in violation of the Fourteenth Amendment.

### **Count 2: Poll Tax, Twenty-Fourth Amendment**

91. Plaintiffs reallege the facts set forth in paragraphs 1-90 above.

92. The Twenty-Fourth Amendment provides that “[t]he right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay *any poll tax or other tax.*” U.S. Const. amend. XXIV, § 1 (emphasis added).

93. For those who are otherwise eligible SB 7066 denies the right to vote to those who cannot afford to pay their LFOs solely by reason of their failure to pay fines and fees to the State of Florida.

94. SB 7066 hinges access to the right to vote on the payment of many fines and fees to the government—such as contributions to various state funds and to the costs of the court system itself—that fall well within any reasonable definition of “other tax.” *See U.S. v. State Tax Comm’n of Miss.*, 421 U.S. 599, 606 (1975) (noting that the “standard definition of a tax” is any “enforced contribution to provide for the support of government”).

95. The failure to call SB 7066’s LFOs requirement a “poll tax” does nothing to change its function, which hinges access to the ballot box on the payment of a variety of fines and fees to the state of Florida. *See*



*Harman*, 380 U.S. at 540-41 (“[T]he Twenty-fourth [Amendment] nullifies sophisticated as well as simple-minded modes of impairing the right guaranteed.” (internal quotation marks omitted)).

96. SB 7066 directly conflicts with the prohibition of the Twenty-Fourth Amendment.

**Count 3: Void for Vagueness, First and Fourteenth Amendment**

97. Plaintiffs reallege the facts set forth in paragraphs 1-96, above.

98. The Due Process Clause of the Fourteenth Amendment to the U.S. Constitution requires that a law that imposes penalties give ordinary people reasonable notice of what conduct it prohibits and guard against arbitrary and discriminatory enforcement.

99. The applicability of the void for vagueness doctrine is heightened both when criminal sanctions are attached to a vague law and when the First Amendment is implicated.

100. Here, SB 7066 does both. It attaches threat of criminal sanction to the acts of registering to vote and voting, both of which fall squarely within “core political speech” given the utmost First Amendment protection.

101. SB 7066 does not reasonably inform people with past convictions of which LFOs—imposed as a condition of supervision or imposed in the first instance as civil liens—are disqualifying and which are not. Nor does it, by its own admission, provide citizens with access to the records necessary to determine their eligibility. The reasonable person, like Plaintiffs Raysor and Sherrill, with a variety of outstanding LFOs will not be able to determine which LFOs are disqualifying and which are not.

102. The state voter registration form—as updated by SB 7066—will not provide citizens with meaningful information to determine their eligibility to vote.

103. Nonetheless, the state subjects voters who make an error in determining their eligibility to the threat of criminal prosecution.

104. This cocktail of confusion and obfuscation will undeniably chill the registration and voting of eligible Florida voters in violation of the First and Fourteenth Amendments. The ambiguous portions of the LFOs requirement—as they relate to LFOs imposed as conditions of supervision or as civil liens in the first instance—must be enjoined.

#### **Count 4: Violation of Due Process, Fourteenth Amendment**

105. Plaintiffs reallege the facts set forth in paragraphs 1-104, above.

106. A “claim alleging a denial of procedural due process requires proof of three elements: (1) a deprivation of a constitutionally protected liberty or property interest; (2) state action; and (3) constitutionally inadequate process.” *Grayden v. Rhodes*, 345 F.3d 1225, 1232 (11th Cir. 2003).

107. Plaintiffs Raysor and Sherrill and the members of the Plaintiff Class and Subclass have a constitutionally protected right to vote upon completion of their sentence per Art. VI § 4 of the Florida Constitution and the Fourteenth Amendment to the U.S. Constitution.

108. SB 7066 denies otherwise eligible individuals the right to vote unless and until they pay off certain—but not all—legal financial obligations.

109. Further, SB 7066 fails to provide for adequate procedures to ensure that individuals who qualify for rights restoration are able to register and vote in Florida.

110. Determining what process is due under the Fourteenth Amendment “is a flexible concept that varies with the particular circumstances of each case.” *Id.* Under *Mathews v. Eldridge*, the determination of what process is due rests on the balance between (1) the interest affected; (2) the risk of erroneous deprivation under the current procedures and the “probable value, if any, of additional or substitute procedural safeguards;” and (3) the state’s interest, including the “fiscal and administrative burdens” additional procedures would entail. 424 U.S. 319, 335 (1976).

111. Here, the constitutionally protected interest at stake is no less than the fundamental right to vote, and the risk of erroneous deprivation is high. SB 7066 conditions the restoration of voting rights on payment of unenumerated legal financial obligations, without providing for any process by which an otherwise eligible voter can (1) differentiate between LFOs that are disqualifying and those which are non-disqualifying, or (2) prioritize payment of disqualifying LFOs, such that they are not disenfranchised by their inability to pay off non-disqualifying LFOs.

112. The Florida criminal justice system imposes a dizzying array of fines, fees, and costs on persons with felony convictions, including

processing fees, surcharges, penalties, and costs that are incurred after sentencing, but which must be paid off as a condition of supervision. Not only is SB 7066 itself internally inconsistent about which LFOs disqualifying, it fails to provide any procedures for otherwise eligible individuals to determine which of their LFOs are disqualifying, or to prioritize payment of those LFOs that prevent them from being able to vote.

113. In other words, even those individuals able to pay their disqualifying LFOs may be denied the right to vote because they are unable to determine which LFOs are disqualifying, or because they are not allowed to pay fully their disqualifying LFOs without also paying toward their non-disqualifying LFOs.

114. Further, SB 7066 fails to provide any procedures for how Defendant Lee shall identify registered voters or new registrants whose rights have not been restored due to disqualifying LFOs, including on what basis Defendant Lee shall determine that information related to an individual's disqualifying LFOs is "credible and reliable." S.B. 7066, 2019 Leg., Reg. Sess., § 24 (Fla. 2019).

115. In creating the Restoration of Voting Rights Work Group, SB 7066 acknowledges that Defendant Lee does not yet know what data is necessary to determine an individuals' eligibility to vote under SB 7066, and that no process yet exists for informing registered voters where they may find this information. Indeed, the Work Group's report and recommendations for developing these data sources and procedures are not due until four months after the effective date for SB 7066. And the law makes no provision for when or if these recommendations, or any other such procedures, shall be adopted.

116. The lack of procedural safeguards creates a substantial likelihood that eligible voters will be denied the right to vote upon completion of their sentence based on outstanding but non-disqualifying LFOs.

117. In other words, SB 7066 creates a substantial likelihood that individuals entitled to rights restoration under the Florida Constitution will be erroneously deprived of their right to vote.

118. As stated above, the state has no cognizable interest in discriminating against otherwise eligible voters on the basis of wealth. Nor does the state have any interest in using the right to vote as an

incentive for individuals to pay their LFOs. And even to the extent the state has an interest in ensuring that persons with past felony convictions pay in full their financial obligations associated with their convictions, there is simply no evidence to suggest that withholding voting rights until payment of LFOs is complete assists the state in achieving that end any more so than existing procedures unrelated to voting. Indeed, the fiscal and administrative burdens on the state of ensuring that eligible voters are not denied the right to vote under SB 7066 are substantially higher than they otherwise would be, absent the LFO requirements.

119. SB 7066 therefore violates due process because it creates a procedure for restoration of voting rights that is fundamentally unfair and gives rise to a substantial likelihood of erroneous deprivation of the right to vote, and which cannot be justified by any cognizable state interest.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray that this Court:

- (1) Certify the Plaintiff Class as defined in paragraph 22, and the Plaintiff Subclass as defined in paragraph 23;

- (2) Issue a declaratory judgment that SB 7066, by its terms and as applied, violates the Fourteenth and Twenty-Fourth Amendments of the U.S. Constitution;
- (3) Issue a declaratory judgment that the identified LFOs portions of SB 7066, by their terms and as applied, are void for vagueness in violation of the First and Fourteenth Amendments;
- (4) Issue a declaratory judgment that SB 7066 fails to provide adequate safeguards against unlawful disenfranchisement in violation of the Fourteenth Amendment;
- (5) Enjoin Defendant, her agents, employees, successors, and all those persons acting in concert or participation with them, from enforcing SB 7066 including:
  - a. Enjoining Defendant from initiating a process for the rejection of any voter registration applications on the basis of outstanding LFOs;
  - b. Enjoining Defendant from initiating a process for the removal of any voters from the voter registration rolls on the basis of outstanding LFOs;



- c. Requiring Defendant to instruct county election supervisors that outstanding LFOs do not disqualify any individual from voting rights restoration, and therefore not to remove or reject any registrant based on outstanding LFOs;
  - d. Requiring Defendant to inform those with past felony convictions that the failure to pay LFOs does not disqualify them from voting rights restoration under Amendment 4;
  - e. Requiring Defendant to instruct county election supervisors to restore Florida citizens to the voter registration rolls if they were removed solely on the basis of their outstanding LFOs;
- (6) Award Plaintiffs their costs, expenses, and reasonable attorneys' fees incurred in the prosecution of this action, as authorized by the Civil Rights Attorney's Fees Awards Act of 1973, 42 U.S.C. § 1988(b); and
- (7) Grant such other equitable and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Chad W. Dunn

*Counsel for Plaintiff*

Chad W. Dunn  
Florida Bar No. 0119137  
1200 Brickell Avenue, Suite 1950  
Miami, FL 33131  
Telephone: (305) 783-2190  
Facsimile: (305) 783-2268  
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Danielle Lang (DC Bar No. 1500218)\*  
Mark P. Gaber (DC Bar No. 988077)\*  
Molly E. Danahy (DC Bar No. 1643411)\*  
Blair Bowie (DC Bar No. 252776)\*  
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1101 14<sup>th</sup> Street NW, Suite 400  
Washington, DC 20005  
Telephone: (202) 736-2200  
dlang@campaignlegal.org  
mgaber@campaignlegal.org  
mdanahy@campaignlegal.org  
bbowie@campaignlegal.org  
jdiaz@campaignlegal.org

*\*pro hac vice motion forthcoming*

June 29, 2019 Tampa Bay Times

TAMPA — In 2018, Florida voters approved a constitutional amendment that automatically restored voting rights to felons who have completed their time spent in prison or on probation. Then in the spring, the Legislature limited who benefits from Amendment 4, saying only those who no longer owe court fines and fees can get the back their right to vote.

One of the only ways around that is for felons to ask a judge to waive those costs, or convert them to community service hours.

Hillsborough State Attorney Andrew Warren wants to make that happen en masse.

His office is exploring the possibility of having judges waive court costs in favor of community service for a large number of cases. The idea is to create a “rocket docket,” or special court that could eliminate the debts that hundreds or thousands of defendants owe to the criminal justice system, speeding up the process for those who want to regain their right to vote.

“Our goal is to fulfill the promise of Amendment 4,” Warren told the Tampa Bay Times. “The focus is on people with lower level crimes who have paid their debt to society.”

The plan is far from final. Hurdles include identifying who might be eligible, an arduous task that involves combing through thousands of court records and massive databases.

But Hillsborough leaders are open to the idea. Warren brought it up last month in a meeting organized by County Commissioner Les Miller, and one of the attendees was Hillsborough Chief Judge Ronald Ficarrotta. Both support the idea, but said the details need to ironed out.

“I think they’re going to need to come up with a way of identifying the individuals and then we can sit down and talk,” Ficarrotta said. “We’re in the very early stages of it.”

“Everyone kind of agreed that we needed to work together to implement a program of some type,” Miller said. “It’s not going to happen overnight. ... It’s unfortunate that the public wanted one thing and the Legislature put something else in place.”

Gov. Ron DeSantis signed the controversial bill Friday, which limits how many felons will be able to vote. Critics say the law amounts to a “poll tax,” comparing it to racist laws enacted starting in the 1890s that kept blacks and some poor whites from voting. They say Florida voters passed Amendment 4 — restoring voting rights to felons, except those convicted of murder or felony sex offenses — to finally overturn such laws.

The American Civil Liberties Union and other groups quickly sued to block the new law, arguing on behalf of several felons who registered to vote after the amendment passed but lost that right again under the new law.

Pinellas-Pasco State Attorney Bernie McCabe opposes the rocket docket idea. He said the law implements Amendment 4 just as its supporters had described it in the lead up to the 2018 election.

“I thought what they’ve got now is what they advertised,” McCabe said.

He pointed out that during 2017 oral arguments on Amendment 4 before the Florida Supreme Court, Justice Ricky Polston asked whether the completion of a sentence would include the payment of fines. Attorney Jon Mills, who argued in favor of the amendment’s placement on the ballot, said the answer was yes.

But those who advocated for Amendment 4 say the text of the measure speaks for itself, and needed no fine-tuning from the Legislature.

Many argue that outstanding court debts should not be used to keep someone from voting.

Pinellas-Pasco Public Defender Bob Dillinger is among them.

“I think it’s manifestly unfair and it’s not what the voters wanted,” Dillinger said of the new law.

The rocket docket concept has generated buzz throughout the Sunshine State. The office of Palm Beach State Attorney Dave Aronberg said Monday it’s also exploring the idea.

But it’s still unclear when those courts could start, or what the process would look like.

“It may be multiple rocket dockets depending on what the universe of cases is,” Warren said.

The task of determining who may be eligible could fall on local officials, such as the Hillsborough Clerk of the Circuit Court.

But the office don't have an easy way to determine exactly how many defendants are in debt. Figuring it out involves pulling data from thousands of records.

A spreadsheet provided by the clerk's office underscores the enormity of the task. The sheet details amounts owed by all defendants whose last names start with the letter J. It lists more than 66,000 individual criminal cases.

"Some defendants owe hundreds of thousands and some owe a couple hundred," said Tom Scherberger, a spokesman for Hillsborough Clerk Pat Frank.

Some also owe money over multiple cases, Scherberger said.

The challenge gets more complicated with older cases, he said, for which outstanding court cost data may not be readily available in a database.

Most of the time, the debts don't get paid.

The clerk's data shows that from 2007 to 2017 the clerk's office assessed more than \$503 million that was owed to the court system. Of that total, only about \$15 million — or less than 3 percent — was collected.

The debts that do get paid go toward funding local court systems.

"There is a fair amount of nuance to this," Warren said. "We want to make sure we're doing this the right way and following the law."

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**DIVIDER**

## Carolyn Timmann

---

**From:** Tara Green <greent@clayclerk.com>  
**Sent:** Wednesday, July 3, 2019 5:26 AM  
**To:** Butterfield, Stacy  
**Cc:** Carolyn Timmann  
**Subject:** Re: Meeting with Senator Brandes

Discussion items look good. Do I need to still plan to attend as well?

Tara S Green



**Tara S. Green**  
**Clerk of the Circuit Court**  
Office of Tara S. Green, Clay County Clerk of the Circuit Court  
825 N. Orange Avenue  
P.O. Box 698  
Green Cove Springs, FL 32043  
Phone: 904-269-6317  
Email: [greent@clayclerk.com](mailto:greent@clayclerk.com)



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On Jul 2, 2019, at 1:46 PM, Butterfield, Stacy <[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)> wrote:

Carolyn and Tara,

Senator Brandes has requested a meeting. The meeting is July in Pinellas. Ken Burke ask me to attend the meeting with him. Ken has ask for a pre meeting and Jason has responded with his thoughts on topics. Please let me know your thoughts.

Thanks,  
Stacy

<image002.png>

**Stacy M. Butterfield, CPA**  
CLERK OF THE CIRCUIT COURT AND  
COUNTY COMPTROLLER

POLK COUNTY, FL  
P. O. Box 9000, Drawer CC-1  
Bartow, FL 33831-9000  
PH: (863)534-4522  
FAX: (863)534-4584  
[www.polkcountyclerk.net](http://www.polkcountyclerk.net)

---

**From:** Jason Harrell [<mailto:jasonharrell@flclerks.com>]  
**Sent:** Tuesday, July 2, 2019 12:07 PM  
**To:** Burke, Ken; Chris Hart; Butterfield, Stacy; Kimberly Renspie; tbexley  
**Subject:** [EXTERNAL]: FW: Meeting with Senator Brandes

My first thoughts on topics to discuss.

- Maybe set it up with a quick roundup on last Session, thank him for the changes in 337 and let him know this will net us some funds as a bridge to continuing to work towards the long term solution.
  - It wasn't the fix, but very helpful.
  - Let him know we want to work closely on the study and hope it provides the data the Legislature needs to feel comfortable moving forward.
- Then transition to how can we (Clerks) be helpful to him this Session and in the upcoming years.
- Talk about criminal justice reform issues that are important to him
  - DL suspension and our concept to use payment plans and compliance efforts to reduce D-6s as we continue to work on Clerk funding that will allow ending D-6 in the future.
  - Data transparency update
  - Diversion programs
  - Amendment 4 issues?
- Discuss any areas where we can provide data or present to his Committee this year.
- Finally, close with what we are planning for this Session.
  - Get his feedback on our approach and our prospects for policy bills.
  - Get feedback on approach and setting up for long term solution to funding in upcoming years.

Thoughts?

<image001.png>

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**From:** Sara Sanders <[ssanders@flclerks.com](mailto:ssanders@flclerks.com)>  
**Sent:** Tuesday, July 2, 2019 11:48 AM  
**To:** Jason Harrell <[jasonharrell@flclerks.com](mailto:jasonharrell@flclerks.com)>  
**Subject:** FW: Meeting with Senator Brandes

Sara Sanders  
Legislative Manager

Florida Court Clerks & Comptrollers

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**From:** Tom Bexley <[tbexley@flaglerclerk.com](mailto:tbexley@flaglerclerk.com)>

**Sent:** Tuesday, July 2, 2019 11:42 AM

**To:** Burke, Ken <[kburke@co.pinellas.fl.us](mailto:kburke@co.pinellas.fl.us)>

**Cc:** Jason Welty <[jwelty@flccoc.org](mailto:jwelty@flccoc.org)>; Sara Sanders <[ssanders@flclerks.com](mailto:ssanders@flclerks.com)>; Kimberly Renspie ([krenspie@flclerks.com](mailto:krenspie@flclerks.com)) <[krenspie@flclerks.com](mailto:krenspie@flclerks.com)>; Chris Hart ([chrishart@flclerks.com](mailto:chrishart@flclerks.com)) <[chrishart@flclerks.com](mailto:chrishart@flclerks.com)>; Butterfield, Stacy <[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)>

**Subject:** Re: Meeting with Senator Brandes

We certainly want to focus on Sen Brandes' priorities out of courtesy and fear. I will defer to my colleagues to make other suggestions.

I would pick our top two or three issues and not overwhelm the meeting with extensive clerk "wants".

Tom Bexley

On Jul 2, 2019, at 10:35 AM, Burke, Ken <[kburke@co.pinellas.fl.us](mailto:kburke@co.pinellas.fl.us)> wrote:

Jason and Tom,

Senator Brandes's office reached out to me this morning to set up a phone conference for us to talk prior to the meeting on July 19th. I suggested this to him when we were at the reception at the Summer Conference so that we would be prepared. My question: what items, if any, do we want to place on the agenda? What prep work needs to be done on those items?

Please let me know.

Ken

**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller

Pinellas County, Florida

315 Court Street, Clearwater, FL 33756

Office (727) 464-3341 | Cell (727) 647-1859

[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**DIVIDER**

**Carolyn Timmann**

**From:** Allison L. Newman <anewman@flclerks.com>  
**Sent:** Wednesday, July 3, 2019 2:34 PM  
**Subject:** Advisory - 19-055 - Voting Restoration - Filing Documentation with Clerk (SB 7066)  
**Attachments:** 19bull055.pdf

**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory regarding **Voting Restoration - Filing Documentation with Clerk (SB 7066)**.

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Clerk Staff	<b>Category:</b>	Criminal Court, Clerks, IT
<b>Priority:</b>	High	<b>Action required:</b>	Please review the following information about documents being sent through the E-Filing Portal to criminal cases.
<b>Executive Summary:</b>	As a follow-up to <a href="#">Advisory 19-052</a> , the Department of Corrections (FDC – Institutions & Community Corrections) has begun filing documents through the Florida Courts E-Filing Portal.		
<b>Clerk outreach:</b>	None needed.		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

ANewman@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com)

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## FCCC ADVISORY

**Voting Restoration - Filing Documentation with Clerk (SB 7066)**

**No. 19-055**

**Date:** July 3, 2019

**Contact:** Service Center

**Category:** Criminal Court, Clerks, IT

**Telephone:** (850) 414-2210

**Page:** 1 of 1

**E-mail:** [support@flclerks.com](mailto:support@flclerks.com)

As a follow-up to [Advisory 19-052](#), the Department of Corrections (FDC – Institutions & Community Corrections) has begun filing documents through the Florida Courts E-Filing Portal.

FDC – Institutions & Community Corrections listed the documents being filed in the Florida Courts E-Filing Portal. To correctly identify these documents, please add these descriptions in your case maintenance system, in the Circuit Criminal Division, then link it to the Florida Courts E-Filing Portal to only allow the role of law enforcement officers access to file these descriptions.

- Inmate Payment History
- Financial Obligation Summary
- Termination of Supervision
- Closing Summary
- CCIS Financial Screenshot Summary

Please add the document descriptions to the Florida Courts E-Filing Portal and link them to the law enforcement filer role. These descriptions will be added to the Standard Docket Descriptions and presented to the Best Practices Committee for their approval.

The FDC – Institutions & Community Corrections began filing these documents as of July 1, 2019. The Florida Courts E-Filing Portal team is working with FDC to set up organizations in the Florida Courts E-Filing Portal so they may best manage their filings.

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**DIVIDER**

## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Wednesday, July 3, 2019 2:54 PM  
**To:** Richard Herring  
**Cc:** Carolyn Timmann; Karen Rushing (krushing@scgov.net); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tara Green (greent@clayclerk.com)  
**Subject:** FW: Advisory - 19-055 - Voting Restoration - Filing Documentation with Clerk (SB 7066)  
**Attachments:** 19bull055.pdf

Richard,  
Let's talk about this on Monday. The effort corresponds well to our effort to do a sample test.  
Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

---

**From:** Allison L. Newman [mailto:[anewman@flclerks.com](mailto:anewman@flclerks.com)]  
**Sent:** Wednesday, July 03, 2019 2:34 PM  
**Subject:** Advisory - 19-055 - Voting Restoration - Filing Documentation with Clerk (SB 7066)

### Dear Court Clerks and Comptrollers:

Please review the attached Advisory regarding **Voting Restoration - Filing Documentation with Clerk (SB 7066)**.

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<b>Intended audience:</b>	Clerks and Clerk Staff	<b>Category:</b>	Criminal Court, Clerks, IT
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<b>Clerk outreach:</b>	None needed.		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

ANewman@FLClerks.com

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## FCCC ADVISORY

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**No. 19-055**

**Date:** July 3, 2019

**Contact:** Service Center

**Category:** Criminal Court, Clerks, IT

**Telephone:** (850) 414-2210

**Page:** 1 of 1

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**DIVIDER**

## Carolyn Timmann

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**From:** Carolyn Timmann  
**Sent:** Wednesday, July 3, 2019 3:05 PM  
**To:** Burke, Ken; Richard Herring  
**Cc:** Karen Rushing (krushing@scgov.net); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tara Green (greent@clayclerk.com)  
**Subject:** RE: Advisory - 19-055 - Voting Restoration - Filing Documentation with Clerk (SB 7066)

Yes! This makes me very happy ... I knew they could do it despite their concerns. Now let's see if it works.

Carolyn

---

**From:** Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
**Sent:** Wednesday, July 3, 2019 2:54 PM  
**To:** Richard Herring <richard@reherring.com>  
**Cc:** Carolyn Timmann <CTimmann@martinclerk.com>; Karen Rushing (krushing@scgov.net) <krushing@scgov.net>; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com) <tiffany.moorerussell@myorangeclerk.com>; Tara Green (greent@clayclerk.com) <greent@clayclerk.com>  
**Subject:** FW: Advisory - 19-055 - Voting Restoration - Filing Documentation with Clerk (SB 7066)

Richard,  
Let's talk about this on Monday. The effort corresponds well to our effort to do a sample test.  
Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
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315 Court Street, Clearwater, FL 33756  
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[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

---

**From:** Allison L. Newman [mailto:anewman@flclerks.com]  
**Sent:** Wednesday, July 03, 2019 2:34 PM  
**Subject:** Advisory - 19-055 - Voting Restoration - Filing Documentation with Clerk (SB 7066)

### Dear Court Clerks and Comptrollers:

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Clerk outreach:

None needed.

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

ANewman@FLClerks.com

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**DIVIDER**

## Carolyn Timmann

---

**From:** Richard <richard@reherring.com>  
**Sent:** Wednesday, July 3, 2019 5:03 PM  
**To:** Burke, Ken  
**Cc:** Carolyn Timmann; Karen Rushing (krushing@scgov.net); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tara Green (greent@clayclerk.com)  
**Subject:** Re: FW: Advisory - 19-055 - Voting Restoration - Filing Documentation with Clerk (SB 7066)

That will be great. I'm sure not everyone will be happy about DOC filing. But as I understand it, DOC was going to file a set of documents for each newly released inmate regardless, this process allows for an electronic path for those filings.

On 7/3/2019 2:53 PM, Burke, Ken wrote:

Richard,  
Let's talk about this on Monday. The effort corresponds well to our effort to do a sample test.  
Ken

**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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<b>Clerk outreach:</b>	None needed.		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

ANewman@FLClerks.com

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**BLANK**

**DIVIDER**

## Carolyn Timmann

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**From:** Richard <richard@reherring.com>  
**Sent:** Friday, July 5, 2019 1:06 PM  
**To:** Burke, Ken; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); krushing@scgov.net; Carolyn Timmann; Kimberly Renspie; Chris Hart  
**Subject:** Materials from DOC for Monday's A4 QRT  
**Attachments:** FinancialObligationSummary&InmatePaymentHistory.pdf; Closing Summary- Flowers.pdf; CCIS Financial Screenshot Summary- Flowers.pdf; recent releases for clerks.xlsx

The first 3 documents (PDFs) are examples of the materials DOC is filing for new releasees as of July 1, 2019. These are provided FYI.

The 4th document (Excel file) is the list of recent DOC releasees -10 per county - with name, case number, and release date. This is provided for you to consider the next step in dealing with this issue.



STATE OF FLORIDA  
DEPARTMENT OF CORRECTIONS  
FINANCIAL OBLIGATION SUMMARY

Date: 06/17/2019

Name: [REDACTED]

The Clerk of Court from the county of sentencing has provided the following information regarding outstanding financial obligations. The balance may include, unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the county of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Seminole	797.25	0

Information contained in this document is for informational purposes only and should not be construed as modifying, satisfying, or negating any legal sentence or obligation.

All record of payments available to the Florida Department of Corrections is reflected in the attached document. Any payments made to the Clerk of Court or other government entity may not be reflected on the Florida Department of Corrections' record.

[REDACTED]  
Inmate

6/17/19  
Date

*J. Washington*  
FDC Staff

6/17/19  
Date

DCI NO: 832791 NAME: BURGER, RENE

PAYEE NAME	CASE NUMBER	OBLIGATION	PAYMENT		PAYMENT DATE	TRANSACTION TYPE
			AMOUNT	BALANCE		
BENINGUE COUNTY CLERK OF COURT	19-1660242	791.25	0.00	797.25	2018-02-22	COP ORIG.PAY.AMOUNT
			182.29	614.96	2018-12-14	COP REG.DISBURSEMENT
			119.51	495.45	2018-01-11	COP REG.DISBURSEMENT
			92.43	403.02	2018-02-16	COP REG.DISBURSEMENT
TOTAL PAYMENTS:			424.23			



6/17/19  
DATE

*[Signature]*  
STAFF SIGNATURE

6-17-19  
DATE

ATTENTION: THE PAYMENT INFORMATION PROVIDED ON THIS DOCUMENT IS TO ASSIST YOU WITH COMPLETING THE REMAINING TERMS OF YOUR SENTENCE AS OUTLINED IN FLORIDA STATUTE 94.0711. THE BALANCE MAY INCLUDE UNPAID RESTITUTION, COURT COSTS, FEES, OR FINES ASSOCIATED WITH YOUR CURRENT COMMITMENT. ANY QUESTIONS TO YOUR FINANCIAL OBLIGATIONS SHOULD BE DIRECTED TO THE CLERK OF COURT IN THE COUNTY OF SENTENCING. \*INFORMATION CONTAINED IN THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE CONSTRUED AS MODIFYING, SATISFYING, OR NEGATING ANY LEGAL SENTENCE OR OBLIGATION.\*

**Florida Department of Corrections  
Voter Restoration Information Sheet**

Pursuant to Florida Statute 98.0751, if you were convicted of a felony offense, other than murder or a sex offense, you may be eligible to have your voting rights restored immediately upon the completion of all terms of your sentence, including, but not limited to any unpaid restitution, court costs, fees or fines.

**No Supervision:**

If you are being released without Florida Department of Corrections monitored supervision to follow, you will be provided with a summary of any unpaid restitution, court costs, fines and fees as provided by the Clerk of Courts in the county you were sentenced.

**Supervision to follow:**

If you are being released to probation, Conditional Release, Addiction Recovery, parole or any other type of supervision monitored by the Florida Department of Corrections, your supervising officer will notify you of the remaining terms of your sentence, including restitution and court costs, fees and fines.

Individuals who do not qualify for automatic restoration of voting rights under Florida Statute 98.0751, will not be qualified to vote until their civil rights are restored as outlined in Article IV, section 8 of the Florida Constitution.

The Florida Department of Corrections cannot provide legal advice or determine if you are eligible to vote. For additional information related to the restoration of voting rights process under Florida Statute 98.0751 or your eligibility to vote, contact your local Supervisor of Elections.

DC6-1011 (Issued 6/7/19)

Florida Department of Corrections  
Record of Inmate Discharge

The Department of Corrections protects the public by operating a safe, secure, humane and efficient corrections system.

Date of Release	July 1, 2019	Inmate Name	[REDACTED]
Type of Release	EOS/No Supervision	Inmate DC Number	[REDACTED]
County of Discharge	ORANGE		

Release Address	Sister [REDACTED] [REDACTED] [REDACTED] Phone: [REDACTED]	Supervision Reporting Address	_____ _____ _____ Phone: ( ) - _____
Inmate Reporting Instructions	_____ _____ _____	<b>Inmate Instructed on the Following</b> <input type="checkbox"/> Supervision orders under court jurisdiction <input type="checkbox"/> Supervision orders under Commission on Offender Review <input type="checkbox"/> Provisional Release Supervision / Other	

• Detainer	No	Agency	Waiver Signed: N/A
• Discharge Gratuity	No		
• Transportation	No	Family Pick up	
• Medication	No		
• Clothing / ID	Yes	Released with Birth Certificate, ID, and SSI Card	
• Pending Actions	No	Does the inmate have any pending actions such as grievances or claims?	
Additional Comments and/or Instructions	Inmate instructed to register with the sheriff's office within 48 hours of being released.		<b>Inmate Instructed on the Following</b> <input checked="" type="checkbox"/> Office of Executive Clemency Information Sheet - Restoration of Civil Rights <input checked="" type="checkbox"/> Registration - F.S. 775.13 (DC6-176) <input checked="" type="checkbox"/> Warning Notice - F.S. 775.082 (DC6-103) <input type="checkbox"/> Career Offender Registration (DC3-2001A/B) <input type="checkbox"/> Sex Offender/Predator Registration (DC3-203A/B) <input checked="" type="checkbox"/> Voter Restoration Information Sheet (DC6-1011) <input checked="" type="checkbox"/> Financial Obligation Summary/Payment History

• Releasing Facility	ORLANDO BRIDGE		
• Inmate Signature	[REDACTED]	Date	June 17, 2019
• Staff Signature	[REDACTED]	Date	June 17, 2019

DC6-168 (Revised 6/7/19)

Original: Inmate File  
Copy: Inmate

Detach and keep this certificate with you

Florida Department of Corrections  
Certificate of Discharge

Ron DeSantis, Governor  
Mark S. Ingh, Secretary

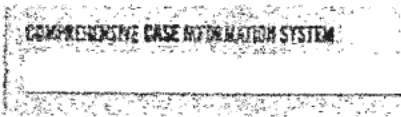
Name	[REDACTED]
DC Number	[REDACTED]
Release Type	EOS/No Supervision
Date of Release	07/01/2019
Facility	ORLANDO BRIDGE

Registration of Convicted Felons: Florida Statute 775.13 requires that you register with the Sheriff's Office within 48 hours after entering any county in this state, or in lieu thereof such registration may be made in person with the Florida Department of Law Enforcement. Refer to the Acknowledgment of Registration Requirements information form supplied to you by facility staff.

The above named person sentenced to imprisonment in the custody of the Florida Department of Corrections is hereby discharged

Signed by the facility designee on behalf of the Secretary

DC6-168A (Revised 6/7/19)



Expand All

Collated

No

Case Number

Filed Date

Disposition Date

County

Case Type

Status



07/17/2015

02/15/2016

COLUMBIA

CIRCUIT FELONY

CLOSED

Charge #

Description

Date

Phase

Trial

1

CREDIT CARD FRAUD; STOLEN CARD-FELONY

02/15/2016

Court Adjourned on Willhold

No Trial

Party Type

Attorney

Bar ID



JUDGE

JUDGE AT DISPOSITION

DEFENDANT

VICTIM

100614

LAKE CITY POLICE DEPARTMENT

Doctabs

Judge Assignment History

Court Events

Statistics

Warnings / Citations / Screens

Financial Summary

Financial Summary			
Assessment	Total: \$1,318.00	Paid to Date: \$1,318.00	Balance Due: \$0.00
Revolutions	Total: \$250.00	Paid to Date: \$250.00	Balance Due: \$0.00

Financial Details

Court	Assessment Due	Assessment Paid to Date	Revolutions Due	Revolutions Paid to Date	Last Payment Date
	\$1,318.00	\$1,318.00	\$250.00	\$250.00	

Reopen History

STATE OF FLORIDA  
DEPARTMENT OF CORRECTIONS CLOSING SUMMARY

June 17, 2019

Dear [REDACTED]

Please see the below details in reference to any outstanding terms for the case number listed below at the time of termination, including, but not limited to, uncompleted conditions, unpaid restitution, court costs, fees and fines.

Sentencing Judge: Honorable Judge Douglas  
County of Sentence:  
Case No: [REDACTED]

Supervision  
Community Supervision  
-----

Sentence Date	Offense	Offense Date	County	Case Number	Supervision Length
02/15/2016	FRAUD-CREDIT-CARD	03/13/2015	COLUMBIA	[REDACTED]	003Y 00M 00D

Termination

Date of Termination	Type of Termination	Disposition Reason (If appropriate)
02/14/2019	NORMAL TERMINATION	

Restitution

Case Number	Payee Name	Original Obligation	Current Balance	Last Payment Amt	Date
[REDACTED]	T D BANK SURCHARGE	250.00 10.00	0.00 0.00	100.00 0.00	06/08/2016

Court Costs/Fines

Case Number	Payee Name	Original Obligation	Current Balance	Last Payment Amt	Date
** See attached Clerk Printout **					

State Accounts

Case Number	Payee Name	Original Obligation	Current Balance	Last Payment Amt	Date
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## State Accounts

Case Number	Payee Name	Original Obligation	Current Balance	Last Payment Amt	Date
	DEPARTMENT OF CORRECTIONS DRUG	30.00	0.00	10.93	12/27/2018
	DC OFFICER TRAINING/EQUIPMENT	72.00	0.00	2.00	01/02/2019
	STATE OF FLORIDA COST OF SUPER	720.00	0.00	20.00	01/02/2019
	SURCHARGE	32.88	0.00	0.00	

## Others

Case Number	Payee Name	Original Obligation	Current Balance	Last Payment Amt	Date
** NO OTHER ACCOUNTS **					

## Community Service Hours

Court Ordered Hours	Monthly Minimum Hours Required	Hours Completed	Hours Remaining
** NO PUBLIC SERVICE HOURS ORDERED **			

## Treatment Status

(Summary of offender's current and prior participation in treatment, educational, and vocational programs):

Treatment Date	Program Description	Termination Date	Status	Termination Reason
** NO TREATMENT RECORD **				

## Status of Other Special Conditions

Case Number	Special Condition	Begin Date	Due Date	End Date	Status
	RESTITUTION	02/15/2016	02/14/2019	06/08/2016	COMPLETED
	PAY FOR DRUG TESTING	02/15/2016	02/14/2019	12/27/2018	COMPLETED
	NO CONTACT W VICTIM/V FAMILY	02/15/2016	02/14/2019	02/14/2019	COMPLETED
	MAINTAIN FULL-TIME EMPLOY/SCHL	02/15/2016	02/14/2019	02/14/2019	COMPLETED

The foregoing is true and correct to the best of my knowledge and belief.

Robbi Snipes \_\_\_\_\_ Officer \_\_\_\_\_ Date

Angela Summers \_\_\_\_\_ Supervisor \_\_\_\_\_ Date

CC: Clerk of Court  
 CC: Offender File  
 CC: Florida Commission on Offender Review, if applicable

Recently Released Inmates

DC Number	INMATE LAST NAME	INMATE FIRST NAME	CASE NUMBER	UNIFORM CASE NUMBER	Release Date	COUNTY WHERE CONVICTED
					06/28/2019	ALACHUA
					06/27/2019	ALACHUA
					06/26/2019	ALACHUA
					06/26/2019	ALACHUA
					06/24/2019	ALACHUA
					06/23/2019	ALACHUA
					06/23/2019	ALACHUA
					06/23/2019	ALACHUA
					06/22/2019	ALACHUA
					06/22/2019	ALACHUA
					06/27/2019	BAKER
					06/26/2019	BAKER
					06/21/2019	BAKER
					06/12/2019	BAKER
					06/10/2019	BAKER
					06/09/2019	BAKER
					06/07/2019	BAKER
					06/02/2019	BAKER
					06/01/2019	BAKER
					06/01/2019	BAKER
					06/30/2019	BAY
					06/29/2019	BAY
					06/29/2019	BAY
					06/29/2019	BAY
					06/27/2019	BAY
					06/27/2019	BAY
					06/25/2019	BAY
					06/25/2019	BAY
					06/22/2019	BAY
					06/22/2019	BAY
					06/29/2019	BRADFORD
					06/24/2019	BRADFORD
					06/17/2019	BRADFORD
					06/15/2019	BRADFORD
					06/08/2019	BRADFORD
					05/31/2019	BRADFORD
					05/27/2019	BRADFORD
					05/24/2019	BRADFORD
					05/19/2019	BRADFORD
					05/16/2019	BRADFORD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/29/2019	BREVARD
					06/29/2019	BREVARD
					06/28/2019	BREVARD
					06/28/2019	BREVARD
					06/27/2019	BREVARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD



06/29/2019	BROWARD
06/29/2019	BROWARD
06/29/2019	BROWARD
06/28/2019	BROWARD
06/28/2019	CALHOUN
06/14/2019	CALHOUN
06/14/2019	CALHOUN
06/04/2019	CALHOUN
05/29/2019	CALHOUN
05/19/2019	CALHOUN
05/01/2019	CALHOUN
04/28/2019	CALHOUN
04/27/2019	CALHOUN
04/24/2019	CALHOUN
06/29/2019	CHARLOTTE
06/27/2019	CHARLOTTE
06/26/2019	CHARLOTTE
06/24/2019	CHARLOTTE
06/18/2019	CHARLOTTE
06/17/2019	CHARLOTTE
06/11/2019	CHARLOTTE
06/08/2019	CHARLOTTE
06/07/2019	CHARLOTTE
06/06/2019	CHARLOTTE
06/29/2019	CITRUS
06/29/2019	CITRUS
06/25/2019	CITRUS
06/24/2019	CITRUS
06/24/2019	CITRUS
06/23/2019	CITRUS
06/20/2019	CITRUS
06/20/2019	CITRUS
06/18/2019	CITRUS
06/16/2019	CITRUS
06/30/2019	CLAY
06/27/2019	CLAY
06/23/2019	CLAY
06/23/2019	CLAY
06/21/2019	CLAY
06/17/2019	CLAY
06/13/2019	CLAY
06/11/2019	CLAY
06/11/2019	CLAY
06/10/2019	CLAY
06/30/2019	COLLIER
06/29/2019	COLLIER
06/28/2019	COLLIER
06/26/2019	COLLIER
06/26/2019	COLLIER
06/26/2019	COLLIER
06/25/2019	COLLIER
06/24/2019	COLLIER
06/23/2019	COLLIER
06/23/2019	COLLIER
06/29/2019	COLUMBIA
06/29/2019	COLUMBIA
06/28/2019	COLUMBIA
06/28/2019	COLUMBIA
06/27/2019	COLUMBIA
06/27/2019	COLUMBIA
06/26/2019	COLUMBIA

06/23/2019	COLUMBIA
06/22/2019	COLUMBIA
06/21/2019	COLUMBIA
06/30/2019	MIAMI-DADE
06/30/2019	MIAMI-DADE
06/29/2019	MIAMI-DADE
06/29/2019	MIAMI-DADE
06/28/2019	MIAMI-DADE
06/27/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/25/2019	MIAMI-DADE
06/27/2019	DESOTO
06/25/2019	DESOTO
06/16/2019	DESOTO
06/15/2019	DESOTO
06/12/2019	DESOTO
06/11/2019	DESOTO
06/11/2019	DESOTO
06/07/2019	DESOTO
06/03/2019	DESOTO
06/01/2019	DESOTO
06/13/2019	DIXIE
06/01/2019	DIXIE
05/26/2019	DIXIE
05/20/2019	DIXIE
05/07/2019	DIXIE
05/02/2019	DIXIE
04/24/2019	DIXIE
04/23/2019	DIXIE
04/23/2019	DIXIE
04/18/2019	DIXIE
06/30/2019	DUVAL
06/30/2019	DUVAL
06/30/2019	DUVAL
06/30/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/28/2019	DUVAL
06/30/2019	ESCAMBIA
06/30/2019	ESCAMBIA
06/29/2019	ESCAMBIA
06/28/2019	ESCAMBIA
06/28/2019	ESCAMBIA
06/27/2019	ESCAMBIA
06/26/2019	ESCAMBIA
06/26/2019	ESCAMBIA
06/25/2019	ESCAMBIA
06/24/2019	ESCAMBIA
06/26/2019	FLAGLER
06/17/2019	FLAGLER
06/04/2019	FLAGLER
06/02/2019	FLAGLER
06/01/2019	FLAGLER
05/31/2019	FLAGLER
05/11/2019	FLAGLER
05/10/2019	FLAGLER

05/06/2019	FLAGLER
05/01/2019	FLAGLER
06/24/2019	FRANKLIN
06/02/2019	FRANKLIN
05/28/2019	FRANKLIN
05/10/2019	FRANKLIN
04/12/2019	FRANKLIN
04/12/2019	FRANKLIN
04/06/2019	FRANKLIN
03/28/2019	FRANKLIN
03/26/2019	FRANKLIN
03/06/2019	FRANKLIN
06/27/2019	GADSDEN
06/23/2019	GADSDEN
06/13/2019	GADSDEN
06/01/2019	GADSDEN
05/27/2019	GADSDEN
05/24/2019	GADSDEN
05/23/2019	GADSDEN
05/22/2019	GADSDEN
05/22/2019	GADSDEN
05/16/2019	GADSDEN
06/30/2019	GILCHRIST
06/11/2019	GILCHRIST
06/10/2019	GILCHRIST
06/08/2019	GILCHRIST
06/01/2019	GILCHRIST
05/30/2019	GILCHRIST
05/24/2019	GILCHRIST
05/24/2019	GILCHRIST
05/21/2019	GILCHRIST
05/15/2019	GILCHRIST
06/09/2019	GLADES
06/01/2019	GLADES
05/02/2019	GLADES
04/30/2019	GLADES
04/30/2019	GLADES
04/16/2019	GLADES
03/18/2019	GLADES
03/15/2019	GLADES
02/11/2019	GLADES
02/07/2019	GLADES
06/24/2019	GULF
06/20/2019	GULF
06/17/2019	GULF
06/08/2019	GULF
06/02/2019	GULF
05/27/2019	GULF
05/21/2019	GULF
05/13/2019	GULF
05/08/2019	GULF
05/06/2019	GULF
06/08/2019	HAMILTON
06/03/2019	HAMILTON
05/13/2019	HAMILTON
05/03/2019	HAMILTON
05/01/2019	HAMILTON
04/05/2019	HAMILTON
04/01/2019	HAMILTON
03/05/2019	HAMILTON
02/27/2019	HAMILTON

02/27/2019	HAMILTON
06/26/2019	HARDEE
06/07/2019	HARDEE
06/04/2019	HARDEE
06/02/2019	HARDEE
05/29/2019	HARDEE
05/21/2019	HARDEE
05/12/2019	HARDEE
04/30/2019	HARDEE
04/20/2019	HARDEE
04/19/2019	HARDEE
06/25/2019	HENDRY
06/20/2019	HENDRY
06/14/2019	HENDRY
06/14/2019	HENDRY
06/09/2019	HENDRY
06/05/2019	HENDRY
06/02/2019	HENDRY
06/02/2019	HENDRY
06/02/2019	HENDRY
06/01/2019	HENDRY
06/29/2019	HERNANDO
06/29/2019	HERNANDO
06/28/2019	HERNANDO
06/28/2019	HERNANDO
06/23/2019	HERNANDO
06/23/2019	HERNANDO
06/21/2019	HERNANDO
06/21/2019	HERNANDO
06/20/2019	HERNANDO
06/20/2019	HERNANDO
06/28/2019	HIGHLANDS
06/25/2019	HIGHLANDS
06/25/2019	HIGHLANDS
06/23/2019	HIGHLANDS
06/23/2019	HIGHLANDS
06/23/2019	HIGHLANDS
06/22/2019	HIGHLANDS
06/18/2019	HIGHLANDS
06/16/2019	HIGHLANDS
06/13/2019	HIGHLANDS
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/29/2019	HILLSBOROUGH
06/29/2019	HILLSBOROUGH
06/29/2019	HILLSBOROUGH
06/25/2019	HOLMES
06/18/2019	HOLMES
06/13/2019	HOLMES
06/06/2019	HOLMES
05/24/2019	HOLMES
05/15/2019	HOLMES
05/14/2019	HOLMES
05/06/2019	HOLMES
05/03/2019	HOLMES
05/01/2019	HOLMES

06/30/2019	INDIAN RIVER
06/27/2019	INDIAN RIVER
06/25/2019	INDIAN RIVER
06/21/2019	INDIAN RIVER
06/21/2019	INDIAN RIVER
06/20/2019	INDIAN RIVER
06/13/2019	INDIAN RIVER
06/11/2019	INDIAN RIVER
06/10/2019	INDIAN RIVER
06/08/2019	INDIAN RIVER
06/28/2019	JACKSON
06/27/2019	JACKSON
06/26/2019	JACKSON
06/18/2019	JACKSON
06/16/2019	JACKSON
06/15/2019	JACKSON
06/09/2019	JACKSON
06/05/2019	JACKSON
06/02/2019	JACKSON
05/27/2019	JACKSON
06/06/2019	JEFFERSON
05/08/2019	JEFFERSON
04/01/2019	JEFFERSON
04/01/2019	JEFFERSON
04/01/2019	JEFFERSON
03/30/2019	JEFFERSON
03/19/2019	JEFFERSON
03/05/2019	JEFFERSON
01/13/2019	JEFFERSON
12/24/2018	JEFFERSON
06/18/2019	LAFAYETTE
06/10/2019	LAFAYETTE
05/01/2019	LAFAYETTE
12/05/2018	LAFAYETTE
12/01/2018	LAFAYETTE
11/23/2018	LAFAYETTE
11/01/2018	LAFAYETTE
10/06/2018	LAFAYETTE
08/11/2018	LAFAYETTE
07/24/2018	LAFAYETTE
06/30/2019	LAKE
06/30/2019	LAKE
06/29/2019	LAKE
06/29/2019	LAKE
06/29/2019	LAKE
06/29/2019	LAKE
06/29/2019	LAKE
06/27/2019	LAKE
06/26/2019	LAKE
06/25/2019	LAKE
06/23/2019	LAKE
06/30/2019	LEE
06/30/2019	LEE
06/29/2019	LEE
06/28/2019	LEE
06/28/2019	LEE
06/27/2019	LEE
06/26/2019	LEE
06/26/2019	LEE
06/26/2019	LEE
06/26/2019	LEE
06/30/2019	LEON

06/30/2019	LEON
06/29/2019	LEON
06/29/2019	LEON
06/29/2019	LEON
06/26/2019	LEON
06/25/2019	LEON
06/25/2019	LEON
06/25/2019	LEON
06/24/2019	LEON
06/26/2019	LEVY
06/15/2019	LEVY
06/01/2019	LEVY
06/01/2019	LEVY
05/30/2019	LEVY
05/24/2019	LEVY
05/19/2019	LEVY
05/18/2019	LEVY
04/30/2019	LEVY
04/28/2019	LEVY
06/30/2019	LIBERTY
06/17/2019	LIBERTY
06/01/2019	LIBERTY
04/22/2019	LIBERTY
04/03/2019	LIBERTY
03/21/2019	LIBERTY
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06/11/2019	MONROE
06/09/2019	MONROE
06/21/2019	NASSAU
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06/23/2019	OKEECHOBEE
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06/13/2019	OKEECHOBEE
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06/21/2019	SARASOTA
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06/06/2019	SUMTER
06/29/2019	SUWANNEE
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06/22/2019	WASHINGTON
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06/17/2019	WASHINGTON

06/16/2019	WASHINGTON
06/14/2019	WASHINGTON
06/07/2019	WASHINGTON
06/04/2019	WASHINGTON

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**DIVIDER**

## Carolyn Timmann

---

**From:** Karen Rushing <krushing@scgov.net>  
**Sent:** Friday, July 5, 2019 1:34 PM  
**To:** Richard  
**Cc:** Burke, Ken; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Carolyn Timmann; Kimberly Renspie; Chris Hart  
**Subject:** Re: Materials from DOC for Monday's A4 QRT

Richard, what is the difference between uniform case number and case number ? Who's case number ?

Why are the formats different from doc regarding case numbers.

Karen Rushing

On Jul 5, 2019, at 7:08 PM, Richard <[richard@reherring.com](mailto:richard@reherring.com)> wrote:

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The first 3 documents (PDFs) are examples of the materials DOC is filing for new releasees as of July 1, 2019. These are provided FYI.

The 4th document (Excel file) is the list of recent DOC releasees -10 per county - with name, case number, and release date. This is provided for you to consider the next step in dealing with this issue.

<FinancialObligationSummary&InmatePaymentHistory.pdf>

<Closing Summary [REDACTED].pdf>

<CCIS Financial Screenshot Summary- Flowers.pdf>

<recent releases for clerks.xlsx>

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**DIVIDER**

## Carolyn Timmann

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**From:** Richard <richard@reherring.com>  
**Sent:** Friday, July 5, 2019 2:16 PM  
**To:** Karen Rushing  
**Cc:** Burke, Ken; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Carolyn Timmann; Kimberly Renspie; Chris Hart; Carolyn Weber  
**Subject:** Re: Materials from DOC for Monday's A4 QRT

Clerk Rushing - There are 3 case numbers in the DOC Excel file. As I understand it, the first 2 are for the Department's use - the first "DC Number" is their unique identifier for each inmate, the second "Case Number" (not UCN) puzzles me. The third - UCN - is the one we must rely on. In the three DOC PDF documents, I only see the UCN on the "CCIS Financial Screen Shot Summary."

DOC must use the UCN as they file their documents with Clerks. Regarding the DOC Excel file, I will have to go back at them for UCNs (most of which are blank), but I'd like to do that after the Monday call in case we need to ask for other things in addition. - Richard

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<CCIS Financial Screenshot Summary- Flowers.pdf>

<recent releases for clerks.xlsx>

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**DIVIDER**



## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Friday, July 5, 2019 4:58 PM  
**To:** Richard; Karen Rushing  
**Cc:** Burke, Ken; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Kimberly Renspie; Chris Hart; Carolyn Weber  
**Subject:** RE: Materials from DOC for Monday's A4 QRT

Well, this first short list for my county is already identifying some challenges. Some are what I expected: multiple cases; old scanned records in bulk instead of individually imaged to the docket lines; need to search OR records; missing case numbers on the Excel list; probably sexual crimes, but no statute numbers are easily available; even some typos of the defendant's name on a judge's order.

Can't wait to hear what you all found on your first run through.

Is there call-in info for Monday?

Thanks.



**Carolyn Timmann**

### Clerk of the Circuit Court & Comptroller

Martin County, Florida

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[772-288-5576](tel:772-288-5576) | Fax: [772-288-5548](tel:772-288-5548)

100 SE Ocean Blvd., PO Box 9016, Stuart, FL 34994

[ctimmann@martinclerk.com](mailto:ctimmann@martinclerk.com) | [MartinClerk](#)

---

**From:** Richard [richard@reherring.com]  
**Sent:** Friday, July 05, 2019 2:16 PM  
**To:** Karen Rushing  
**Cc:** Burke, Ken; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Carolyn Timmann; Kimberly Renspie; Chris Hart; Carolyn Weber  
**Subject:** Re: Materials from DOC for Monday's A4 QRT

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<CCIS Financial Screenshot Summary- [REDACTED].pdf>

<recent releases for clerks.xlsx>

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**DIVIDER**

## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Sunday, July 7, 2019 4:38 PM  
**To:** Carolyn Timmann; Karen Rushing (krushing@scgov.net); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tara Green (greent@clayclerk.com); Richard Herring  
**Cc:** Butterfield, Stacy  
**Subject:** Amendment 4 QRT

Carolyn, Karen, Tiffany, Tara and Stacy,

We will have a call tomorrow at 2:00 for our amendment 4 QRT. The following is the call information:

Call in number: 888-585-9008

Passcode: XXXXXXXXXX

Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller

Pinellas County, Florida

315 Court Street, Clearwater, FL 33756

Office (727) 464-3341 | Cell (727) 647-1859

[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**Carolyn Timmann**

**From:** Allison L. Newman <[anewman@flclerks.com](mailto:anewman@flclerks.com)>  
**Sent:** Monday, July 8, 2019 9:29 AM  
**Subject:** ALERT: Amendment 4/Restoration of Voting Rights and Amendment 6/Marsy's Law Quick Response Teams

**Importance:** High

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Comptrollers	<b>Category:</b>	Clerk Administration, Courts
<b>Priority:</b>	High	<b>Action required:</b>	Please review the following information regarding the Amendment 4/Restoration of Voting Rights and Amendment 6/Marsy's Law Quick Response Teams (QRT).
<b>Clerk outreach:</b>	No external outreach needed.		

**Dear Court Clerks and Comptrollers:**

FCCC would like all Clerks to be aware of the Amendment 4/Restoration of Voting Rights and Amendment 6/Marsy's Law Quick Response Teams (QRT).

The Honorable Ken Burke, CPA (Pinellas), is leading the Amendment 4 QRT. Members of the Amendment 4 QRT are the Honorable Carolyn Timmann (Martin), the Honorable Tara S. Green (Clay), the Honorable Tiffany Moore Russell, Esq. (Orange), and the Honorable Karen Rushing (Sarasota). Clerks' offices are encouraged to contact Richard Herring ([rherring@flclerks.com](mailto:rherring@flclerks.com)) and Kimberly Renspie ([krenspie@flclerks.com](mailto:krenspie@flclerks.com)) with any questions or concerns regarding Amendment 4/Restoration of Voting Rights.

The Honorable Laura Roth, Esq. (Volusia), is leading the Amendment 6 QRT. Members of the Amendment 6 QRT are the Honorable Roger D. Eaton (Charlotte), Tom Hall, Esq., Cindy Guerra, Esq. (Palm Beach), and Jean Sperbeck, Esq. (Alachua). If there are any questions or concerns regarding Amendment 6/Marsy's Law, please contact Cyndi Andrews ([candrews@flclerks.com](mailto:candrews@flclerks.com)).

As a reminder, for guidance on, or to alert FCCC about any media issues, please contact Savannah Sullivan ([ssullivan@flclerks.com](mailto:ssullivan@flclerks.com)).

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

[ANewman@FLClerks.com](mailto:ANewman@FLClerks.com)

[www.FLClerks.com](http://www.FLClerks.com)

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[/FloridaClerks](https://www.instagram.com/FloridaClerks)

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## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, July 8, 2019 10:29 AM  
**To:** Richard Herring  
**Cc:** Carolyn Timmann; Tara Green (greent@clayclerk.com); Karen Rushing (krushing@scgov.net); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com)  
**Subject:** FW: Materials from DOC for Monday's A4 QRT  
**Attachments:** Pinellas County-Recently Released Inmates 2019.xlsx; Pinellas County-Financial Obligations-

Richard,

Please see the email below and the attachments. The attachments represent the 10 cases for Pinellas. What we did was to complete the form based on the case number you provided in the Excel spreadsheet. Will you check this information against what CCIS shows as the balances being due? That will help determine if there are inconsistencies.

Let me point out one of the many problem areas. One of the attachments is for Mr. Delano. You provided a case number for his current prison sentence. Mr. Delano has 4 prior felony convictions where he previously served his time and was released but still owes fines/fees/costs. DOC will need to do a review of prior felonies that are still due. If DOC just gives Mr. Delano a document showing the amount due for his current prison sentence, it would be very misleading and not follow their obligation as I understand it under the new law. Mr. Delano is required to pay what he owes under the felony case he is being currently released from prison but also for his prior felony convictions where he previously served prison time.

Our jail is working on a report of its population of convicted felons who have been sentenced to county jail. It will be interesting to see.

Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

---

**From:** Burgess, Bill  
**Sent:** Monday, July 08, 2019 10:10 AM  
**To:** Burke, Ken <kburke@co.pinellas.fl.us>; Anderson, Velyn D <vanderson@co.pinellas.fl.us>  
**Cc:** Daniels, Connie M <cmdaniel@co.pinellas.fl.us>; Dimovski, Dennis <ddimovski@co.pinellas.fl.us>; Clayton, Tiffany <tclayton@co.pinellas.fl.us>; Church, Brenda R <bchurch@co.pinellas.fl.us>; Del Rio, Teresa <tdelrio@co.pinellas.fl.us>  
**Subject:** RE: Materials from DOC for Monday's A4 QRT



Good Morning Ken,

Attached are 10 letters which correspond to the 10 defendants listed on the original spreadsheet for Pinellas. Also, the first attachment is a spreadsheet which will sum up only our County as a quick reference for you. A couple of the defendants had additional cases in our system than what was listed on the original spreadsheet, however we did not list those cases since the example sent out seemed to indicate they were only interested in the case listed.

Please let us know if you need any additional information or clarification.

**William R. Burgess**

Manager, Criminal Court Records  
Office of Ken Burke, Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
14250 49th Street N.  
Clearwater, FL 33762  
Office 727-464-6878 / Fax 727-453-7456  
[wburgess@pinellasclerk.org](mailto:wburgess@pinellasclerk.org) | [www.pinellasclerk.org](http://www.pinellasclerk.org)

---

**From:** Burke, Ken

**Sent:** Sunday, July 7, 2019 4:51 PM

**To:** Burgess, Bill <[wburgess@co.pinellas.fl.us](mailto:wburgess@co.pinellas.fl.us)>; Anderson, Velyn D <[vanderson@co.pinellas.fl.us](mailto:vanderson@co.pinellas.fl.us)>

**Cc:** Daniels, Connie M <[cmdaniel@co.pinellas.fl.us](mailto:cmdaniel@co.pinellas.fl.us)>; Dimovski, Dennis <[ddimovski@co.pinellas.fl.us](mailto:ddimovski@co.pinellas.fl.us)>; Clayton, Tiffany <[tclayton@co.pinellas.fl.us](mailto:tclayton@co.pinellas.fl.us)>; Church, Brenda R <[bchurch@co.pinellas.fl.us](mailto:bchurch@co.pinellas.fl.us)>; Del Rio, Teresa <[tdelrio@co.pinellas.fl.us](mailto:tdelrio@co.pinellas.fl.us)>

**Subject:** FW: Materials from DOC for Monday's A4 QRT

Bill or Vel (not sure who would handle this),

Please go to the excel spreadsheet – it's the last attachment and go to the ones for Pinellas. Determine based on our records what the amount assessed in fines/fees/costs and restitution was at sentencing and what we show as the amount still due for each of the 10 felons from Pinellas. You can use the first attachment as a guide to the information being requested.

Can this be worked on Monday morning? I would like to have the information prior to noon.

Let me know if you have any questions.

Ken

**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
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**From:** Richard [<mailto:richard@reherring.com>]

**Sent:** Friday, July 05, 2019 1:06 PM

**To:** Burke, Ken <[kburke@co.pinellas.fl.us](mailto:kburke@co.pinellas.fl.us)>; Tara Green ([greent@clayclerk.com](mailto:greent@clayclerk.com)) <[greent@clayclerk.com](mailto:greent@clayclerk.com)>; Tiffany Moore Russell ([tiffany.moorerussell@myorangeclerk.com](mailto:tiffany.moorerussell@myorangeclerk.com)) <[tiffany.moorerussell@myorangeclerk.com](mailto:tiffany.moorerussell@myorangeclerk.com)>; [krushing@scgov.net](mailto:krushing@scgov.net); Carolyn Timmann <[CTimmann@martinclerk.com](mailto:CTimmann@martinclerk.com)>; Kimberly Renspie <[krenspie@flclerks.com](mailto:krenspie@flclerks.com)>; Chris Hart <[chrishart@flclerks.com](mailto:chrishart@flclerks.com)>

**Subject:** Materials from DOC for Monday's A4 QRT

The first 3 documents (PDFs) are examples of the materials DOC is filing for new releasees as of July 1, 2019. These are provided FYI.

The 4th document (Excel file) is the list of recent DOC releasees -10 per county - with name, case number, and release date. This is provided for you to consider the next step in dealing with this issue.

DC Number	INMATE LAST NAME	INMATE FIRST NAME	CASE NUMBER	UNIFORM CASE NUMBER	Release Date	COUNTY WHERE CONVICTED	Fines/Costs Owed at Sentencing	Restitution Ordered	Amount Still Owing	Comments
					06/30/2019	PINELLAS	\$ 700.00	\$ -	\$ 700.00	
					06/30/2019	PINELLAS	\$ 1,302.00	\$ -	\$ 1,302.00	
					06/29/2019	PINELLAS	\$ 1,000.00	\$ -	\$ 1,000.00	
					06/29/2019	PINELLAS	\$ 1,077.00	\$ -	\$ 1,077.00	
					06/29/2019	PINELLAS	\$ 887.42	\$ 2,460.00	\$777.60 (F/C only)	Unable to determine if Restituion was paid-Payable direct to victim
					06/27/2019	PINELLAS	\$ 862.50	\$ 4,067.14	\$862.50 (F/C only)	Unable to determine if Restituion was paid-Payable direct to victim
					06/27/2019	PINELLAS	\$ 932.00	\$ -	\$ 932.00	
					06/26/2019	PINELLAS	\$ 850.00	\$ -	\$ 671.89	
					06/25/2019	PINELLAS	\$ 1,100.00	\$ -	\$ 1,100.00	
					06/23/2019	PINELLAS	\$ 101,307.50	\$ 1,565.77	\$ 126,634.38	Unable to determine if Restituion was paid-Payable direct to victim

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED] DC#: [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$2,460.00	Order & Judgment of Restitution Entered – Payable directly to multiple victims (5)

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$887.42	\$777.60

Information contained in this document is for informational purposes only and should not be construed as modifying, satisfying, or negating any legal sentence or obligation.

All record of payments available to the Florida Department of Corrections is reflected in the attached document. Any payments made to the Clerk of Court or other government entity may not be reflected on the Florida Department of Correction’s record.

\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED] DC#: [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$700.00	\$700.00

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\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED]

DC#: [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	932.00	932.00

Information contained in this document is for informational purposes only and should not be construed as modifying, satisfying, or negating any legal sentence or obligation.

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\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED] DC#: [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$1,000.00	\$1,000.00

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\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED]

DC#: [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$4,067.14	Payable directly to Nancy Weaver (victim)

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$862.50	\$862.50

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\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date



**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED] DC#: R27484

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$1,565.77	Payable directly to Pinellas County Sheriff (victim)

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$101,307.50	\$126,634.38

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All record of payments available to the Florida Department of Corrections is reflected in the attached document. Any payments made to the Clerk of Court or other government entity may not be reflected on the Florida Department of Correction's record.

\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED]

DC#: [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$1,100.00	\$1,100.00

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\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED] DC#: [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$1,077.00	\$1,077.00

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\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

Date: 7/8/19

Name: [REDACTED] DC#: [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	\$1,302.00	\$1,302.00

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\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

**State of Florida  
Department of Corrections  
Financial Obligation Summary – Pinellas County**

**Date:** 7/8/19

**Name:** [REDACTED]      **DC#:** [REDACTED]

The Pinellas County Clerk of the Circuit Court & Comptroller has provided the following information regarding outstanding financial obligations assessed at sentencing. The balance may include unpaid restitution, court costs, fees or fines. The purpose of this letter is to assist you with completing the remaining terms of your sentence as outlined in Florida Statute 98.0751. Any questions in reference to your financial obligations should be directed to the Clerk of Court in the County of sentencing.

**Restitution (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance

**Court Fines/Costs/Fees (Provided by the Clerk of Court)**

Case Number	County	Original Obligation	Current Balance
[REDACTED]	Pinellas	850.00	671.89

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\_\_\_\_\_  
Inmate

\_\_\_\_\_  
Date

\_\_\_\_\_  
FDC Staff

\_\_\_\_\_  
Date

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**DIVIDER**

## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, July 8, 2019 11:13 AM  
**To:** Carolyn Timmann; Tara Green; Karen Rushing; Tiffany Moore Russell  
**Subject:** Fw: Monday's meeting - 3 items

Please see Matt's comments below. He is general counsel for the Manatee Clerk.

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell(727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**From:** Matt Whyte <Matt.Whyte@ManateeClerk.com>  
**Sent:** Monday, July 8, 2019 11:09 AM  
**To:** Burke, Ken  
**Subject:** RE: Monday's meeting - 3 items

Thank you for sharing this information. Since I am not sure if I can participate in the call, I'd like to add some notes below (in red) based on the conversations I've had with our staff. Please forgive me if I am missing the point or comment on a matter that has already been discussed or decided.

Stephen Mathew (Matt) Whyte  
General Counsel/Director of Human Resources for Angelina "Angel" Coloneso  
Manatee County Clerk of the Circuit Court and Comptroller  
[www.ManateeClerk.com](http://www.ManateeClerk.com)  
Tel. 941-741-4005  
Fax 941-741-4082  
*"Pride in Service with a Vision to the Future"*

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**From:** Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
**Sent:** Monday, July 08, 2019 10:34 AM  
**To:** Matt Whyte  
**Subject:** FW: Monday's meeting - 3 items

FYI

**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

**From:** Richard [mailto:richard@reherring.com]

**Sent:** Friday, July 05, 2019 12:36 PM

**To:** Burke, Ken <kburke@co.pinellas.fl.us>; Kimberly Renspie <krenspie@flclerks.com>; Melvin Cox <cox@flclerks.com>

**Subject:** Monday's meeting - 3 items

Clerk Burke - Hope you're getting a (great) long weekend. Three potential items for you to consider for the Monday call:

**1. FALL CONFERENCE.** Kristin Frank and the FCCC team are already sketching out the plan for Fall Conference sessions. Do you think the A4 QRT would like a session at conference? We should let Member Services know sooner rather than later.

**2. CCIS DISCLAIMER.** Staci Winston (Marion Clerk's Office) raised a good issue. Now that we know DOC will be using the CCIS Financial Summary to file and provide to releasees, is it worth discussing adding a disclaimer to CCIS, directing the user to contact the individual Clerk's Offices for up-to-date financial information? Staci has a specific concern that in some counties converted financial information may not be accurate, especially when the county has had several CMS providers. She also points out that not all Clerk's Offices capture restitution information in their CMS/CCIS nor interest that may be part of a lien ordered in a case. I completely understand why DOC is going to pull data from CCIS to present to the offender, as that will show what was ordered by the Court, and I agree that there needs to be a warning in CCIS and on the paperwork being given to the offender to contact the Clerk's office to get an accurate total.

With this said, if DOC is just pulling the financial information from CCIS and sending it back to us, I don't think that will help since CCIS is our data. What we'd like to see from DOC is a report stating exactly how much money DOC has processed for the offender, less any processing or handling fees. This will mean a lot more to Clerks, since we can then compare the data in our CMS with what DOC says it has received/processed. We can then amend our records as necessary to give a more accurate total to the offender when he/she contacts us. Considering we are going to try and get accurate amounts due from paper records in the preelectronic CMS days and from CMS systems that may have changed one or more times since inception and with the knowledge that there are inherent delays from the time when money is received by DOC through J-Pay and then sent to our offices, we think the best data DOC could send us is not what we already have but rather send us what monies their records show have been received or processed by DOC.

**3. CLERK PAYMENTS STATEWIDE.** Kim, Savannah and I met with Melvin Wednesday morning on another issue, but raised the issue of a Clerk being able to accept a payment due to another Clerk.

He told us about a site that's under development: [www.PayFloridaClerk.com](http://www.PayFloridaClerk.com), a system for paying traffic fines (especially for out-of-state folks). It is simply a front end that links to each Clerk's online traffic payment system. Those individual systems control for decisions like how credit card transactions are handled and whether a personal appearance in the Clerk's office is required to opt for traffic school. Each Clerk gets to decide how to handle online credit card payments, which I understand are easier to dispute than in person credit card payments where the Clerk will have a copy of the receipt issued.



PayFloridaClerk does not itself accept any payments, but if an individual came into a Clerk's office wanting to make a payment due elsewhere in the state, the local Clerk could use PayFloridaClerk to assist the individual in paying the other Clerk.

We talked about how, in the traffic situation, a Clerk might not want to directly accept a payment due another Clerk in situation related to to D-6 suspensions. When a person makes a payment that would result in a license reinstatement, that person will want some proof of satisfaction. Having one Clerk's office issue that proof for another Clerk may be an issue.

Something like this might be an option for payments to to Clerks outside traffic that would leave the individual Clerks in control of their receipts but give them a way to assist anyone who walks in the door. I'm sure Melvin would be happy to walk the A4 QRT through the traffic system at some point so you can get a better idea of how it will work than my poor description above. I have not thought about a Clerk accepting payments that are due to another Clerk, but I would be very hesitant to take that step without learning a lot more. Richard raises some good questions. Perhaps making computers available for people to go online and use PayFloridaClerk.com, but I don't think we'd be keen on accepting payments for another Clerk.

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**DIVIDER**

## Carolyn Timmann

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**From:** Richard <richard@reherring.com>  
**Sent:** Monday, July 8, 2019 1:05 PM  
**To:** Burke, Ken; Carolyn Timmann; Tara Green (greent@clayclerk.com); Karen Rushing (krushing@scgov.net); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com)  
**Cc:** Kimberly Renspie; Savannah Sullivan  
**Subject:** Re: FW: Materials from DOC for Monday's A4 QRT  
**Attachments:** Clerk Issues Identified July 3-8.docx

I am attaching a short list of issues about the DOC filings that I have seen in the last few days. I'm sure it will grow. I have asked DOC for a meeting time later this week to open a channel of communication about these and other issues as they are identified.

**Restoration of Voting Rights**  
**Clerk Issues Identified from 7/3/2019 to 7/8/2019**

DOC notice to releasees – does not address terms of sentence for prior/other felony offenses that involve DOC supervision.

DOC notice to releasees – does not address terms of sentence for felonies with no DOC supervision (ex.: county detention facility).

DOC notice to releasees – can we identify releasees with felony offenses to which restoration of voting rights do NOT apply? We may want to add the statute violated.

DOC notice to releasees – does FCCC want to ask DOC to add a CCIS disclaimer that there may be data inaccuracies or Clerk data that is not comprehensive (ex.: restitution may be payable directly to the victim)?

Clerk responsibilities – when DOC files its documents, must the Clerk do anything other than normal processing of the new filings – especially prior to a request from the individual involved?

Does restoration of voting rights affect any other civil rights (like firearm possession)? If not, is executive clemency the appropriate (or only) process for those rights? Chapter 940, F.S.

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**DIVIDER**

## Carolyn Timmann

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**From:** Richard <richard@reherring.com>  
**Sent:** Monday, July 8, 2019 3:05 PM  
**To:** Burke, Ken; Carolyn Timmann; Tara Green (greent@clayclerk.com); Karen Rushing (krushing@scgov.net); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com)  
**Cc:** Kimberly Renspie; Savannah Sullivan  
**Subject:** Excerpts from the new law on restoration of voting rights  
**Attachments:** CS-SB 7066 Election Administration Excerpts.docx

Here's a 4-page document that includes excerpts from the 64-page CS/SB 7066 related to restoration of voting rights. See especially page 4 which includes the language on the Restoration of Voting Rights Work Group.

**CS/SB 7066 Election Administration  
Excerpts**

**Section 21.**

97.052 The uniform statewide voter registration application must elicit from the applicant whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored pursuant s. 4, Art. VI of the State Constitution, by including the statement “If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation.” and providing a box for the applicant to check to affirm the statement.

**Section 22.**

97.053 To be complete and accepted by the supervisor of elections, the voter registration application must include a mark in the applicable checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored through executive clemency, or has had his or her voting rights restored.

**Section 23.**

98.045 The supervisor must determine whether a voter registration applicant is ineligible because the applicant has been convicted of a felony for which his or her voting rights have not been restored.

**Section 24.**

98.075 The Department of State must identify those registered voters who have been convicted of a felony and whose voting rights have not been restored by comparing information received from, but not limited to, **a clerk of the circuit court**, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney’s Office.

**Section 25.**

98.0751 A person who has been disqualified from voting based on a felony conviction for an offense other than murder or a felony sexual offense must have such disqualification terminated and his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of his or her sentence, including parole or probation.

“Completion of all terms of sentence” means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:

1. Release from any term of imprisonment ordered by the court as a part of the sentence;

2. Termination from any term of probation or community control ordered by the court as a part of the sentence;

3. Fulfillment of any term ordered by the court as a part of the sentence;

4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as a part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

5.b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

5.c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. 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.

5.d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in United States Constitution or the State Constitution.

5.e. Financial obligations required under sub-subparagraph a. or sub-subparagraph b. are considered completed in the following manner or in any combination thereof:

5.e.(I) Actual payment of the obligation in full.

5.e.(II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to a payee, including, but not limited to, a victim, or the court.

5.e.(III) Completion of all community service hours, if the court converts the financial obligation to community service.

A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term. The requirement to pay any financial obligation specified in this paragraph is not deemed completed upon conversion to a civil lien.

The department shall obtain and review information related to a person who registers to vote and make an initial determination on whether such information is credible and reliable regarding whether the person is eligible pursuant to s. 4., Art. VI of the State Constitution and this section. Upon making an initial determination of the credibility and reliability of such



information, the department shall forward such information to the supervisor of elections. A local supervisor of elections shall verify and make a final determination regarding whether the person who registers to vote is eligible. The supervisor of elections may request additional assistance from the department in making the final determination, if necessary.

For the purpose of determining a voter registrant's eligibility, the provisions of this section shall be strictly construed. If a provision is susceptible to differing interpretations, it shall be construed in favor of the registrant.

**Section 26.**

104.011 False swearing; submission of false voter registration information; prosecution prohibited. 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.

**Section 27.**

940.061 The Department of Corrections shall inform and educate inmates and offenders on the restoration of voting rights resulting from the removal of the disqualification to vote pursuant to s. 4, Art. VI of the State Constitution.

**Section 29.**

944.705 The Department of Corrections must notify every inmate, in the inmate's release documents of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department.

**Section 30.**

947.24 Upon the termination of an offender's term of supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole, the commission must notify the offender in writing of all outstanding terms at the time of termination to assist the offender in determining his or her status with regard to the completion of all terms of sentence.

**Section 31.**

948.041 Upon the termination of an offender's term of probation or community control, the Department of Corrections must notify the offender in writing of all outstanding terms at

the time of termination to assist the offender in determining his or her status with regard to the completion of all terms of sentence.

**Section 32.**

951.29 With respect to a person who has been convicted of a felony and is serving a sentence in a county detention facility, the administrator of the county detention facility shall provide the prisoner, information explaining voting rights restoration; and written notification of all outstanding terms of the prisoner's sentence at the time of release to assist the prisoner in determining his or her status with regard to the completion of all terms of sentence.

**Section 33.**

The Restoration of Voting Rights Work Group is created within the Department of State for the purpose of conducting a comprehensive review of the department's process of verifying registered voters who have been convicted of a felony, but who may be eligible for restoration of voting rights. The work group is comprised of the Secretary of State or his or her designee, the Secretary of Corrections or his or her designee, the executive director of the Department of Law Enforcement or his or her designee, the Chairman of the Florida Commission on Offender Review or his or her designee, **two clerks of the circuit court appointed by the Governor.**

The work group is directed to undertake a comprehensive review of the Department of State's process of verifying registered voters who have been convicted of a felony, but who may be eligible for restoration of voting rights, to develop recommendations for the Legislature, related to:

(a) The consolidation of all relevant data necessary to verify the eligibility of a registered voter for restoration of voting rights. If any entity is recommended to manage the consolidated relevant data, the recommendations must provide the feasibility of such entity to manage the consolidated relevant data and a timeline for implementation of such consolidation.

(b) The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility for restoration of voting rights.

(c) Any other relevant policies or procedures for verifying the eligibility of a registered voter for restoration of voting rights.

The work group must submit a report of its findings, conclusions, and recommendations for the Legislature to the President of the Senate and the Speaker of the House of Representatives by November 1, 2019.

**BLANK**

**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Wednesday, July 10, 2019 8:54 AM  
**To:** Matt Whyte (Matt.Whyte@ManateeClerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tara Green (greent@clayclerk.com); Karen Rushing (krushing@scgov.net); Butterfield, Stacy; Richard Herring; Carolyn Timmann; Cheri Vancura; Savannah Sullivan (ssullivan@ficlerks.com); Sara Sanders  
**Subject:** Amendment 4 Meeting Notes  
**Attachments:** Amendment 4 Conference Call 7-8-2019.docx

Good morning,

Attached are the draft notes from our QRT meeting on Amendment 4. Please send to me any corrections or additions. It is very helpful to have these notes.

Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
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Amendment #4 (Restoration of Voting Rights for Felons)  
Telephone Conference  
July 8, 2019

Ken Burke, Pinellas County Clerk of the Circuit Court and Comptroller  
Carolyn Timmann, Martin County Clerk of the Circuit Court and Comptroller  
Cheri Vancura, Martin County Clerk's office  
Tara Green, Clay County Clerk of the Circuit Court  
Melissa Geist, Orange County Clerk's office  
Jared Brooks, General Counsel, Orange County Clerk's office  
Tiffany Moore Russell, Orange County Clerk of the Circuit Court  
Stacy Butterfield, Polk County Clerk of the Circuit Court and Comptroller  
Matt Whyte, General Counsel, Manatee County Clerk's office  
Richard Herring  
Bill Burgess, Manager, Pinellas County Clerk's office  
Savannah Sullivan, FCCC

Not Present:

Karen Rushing, Sarasota County Clerk of the Circuit Court and Comptroller

Ken Burke opened the meeting and took roll call. Minutes of the meeting are being taken and will be sent out to the participants.

Richard Herring prepared an agenda for the meeting. Richard will be meeting with DOC to discuss any issues that we have identified with them. They are willing to listen to our concerns. They have provided a list of 10 recent releases per county. When asked if we wanted to send these lists out to all of the counties, Ken responded that this should be kept with the committee first. The committee counties will go through the exercise before getting the other Clerk's offices involved so that we can give pointers and good information to them about what to look for. Part of the process is to double check to verify that CCIS and the case management systems are the same.

Ken stated that one of the challenges is that DOC only has case numbers for the most recent cases but not the whole history of cases where money is still owed. If the person had a prior felony, the information was not accurate. Any prior conviction amounts were left off. We are attempting to find out why only current cases are listed. We want DOC to go back and look at all cases, so that we don't have to second guess DOC. This could cause a problem if we have information that is different from the DOC. Richard stated that any of these types of issues should be sent to him to present to the DOC, such as issues with uniform case numbers, prior convictions, etc., and whether they need to include a disclaimer regarding CCIS data.

Bill Burgess and Ken Burke provided the following information on the cases from Pinellas County:

- It took 2 employees 1 hour to check the 10 cases.
- Six of the ten cases were accurate.
- We did not use CCIS data. We used our internal Odyssey system to come up with the correct amounts owed. This is the concern – we want to make sure that DOC matches this data. The concern is that CCIS is not accurate. Tiffany Moore Russell shared that they compared Odyssey to CCIS and they were the same.
- Bill did spot check and for the most part, it was accurate.

- Restitution is a big problem. CCIS did not have information if there was restitution to be paid directly to the victim.

Melissa Geist, Orange County, provided the following information on cases from Orange County:

- It took them 2 hours to complete.
- For some cases they had to go to FDLE for the case numbers to cross reference with Odyssey.
- Everything matched perfectly.
- There were no examples of restitution paid directly to the victim.

Ken stated that we will give these pointers from Bill and Melissa to the rest of the Clerks when sending out these forms to them. We will let them know that they should be able to get this done in a two-hour timeframe. We are trying to make sure the data is accurate and consistent throughout the state.

Carolyn Timmann stated they ran through a lot of these this weekend and there were challenges that they came across:

- Some had no case numbers.
- Multiple cases in other counties.
- Bulk scanning is their biggest issue. Judgements, sentencing and financial information was not individually scanned. It was bulk scanned so the information cannot be easily found. Tara Green stated that this will also be a problem for Clay County.
- Judgement and sentencing was recorded in Official Records, but when they converted to a new system the original index did not convert. They are working with the vendor now to fix this.
- Not all restitution orders used to be recorded.
- Some look like sexual crime convictions. There is an issue with the statues disappearing when you open the record. This appears to be an issue with CCIS that will hopefully be a simple fix.
- Name misspellings. It would be helpful for DOC to provide date of birth.
- Amount owed discrepancy. For old data you must go and physically verify if the amount was reduced due to community service, etc.
- No restitution was listed on the case number provided by DOC, but the person had restitution on another cases that was due and not listed.
- Their system does not show credit for restitution.

Ken stated that this has brought up a lot of bigger issues. Carolyn stated that most of the issues were with the first case she worked on. She spent over 2 hours on the first case because it opened up these issues. They did have some accurate cases. The problem is with the old convictions, 2014 and before. Bill Burgess stated that the oldest case they looked at was 2006 and it was accurate, and Melissa had a 2001 case that was accurate. Ken/Bill stated that they did not go to the Official Records in Pinellas. They took the information from Case Management. Carolyn stated that this has been very useful to her staff and asked if DOC had an automated list of releases as they are coming out so the cases could be check.

When asked what criteria was being used, when the case was created versus the release date, Ken replied that the date provided by DOC was used and not random dates.

Tiffany Moore Russell stated that we are talking about the most recently released, but there are a lot of citizens who have been released over the years, and we need to come up with procedures for that as well. Ken stated that we need to concentrate on this effort first. Orange County and Pinellas County are

already completed, with Martin County in the process. Clay, Sarasota and Manatee need to complete the process (Monday at the latest). We will be able to provide helpful hits and a checklist to the other counties to use when reviewing their 10 cases. The objective is quality control on CCIS data.

Richard Herring

- Clerks will need to identify issues with legacy systems, and what improvements can be made with the information provided by DOC.
- **Fall Conference** - Ken stated that we do want to designate a time slot for a session on Amendment 4 at the fall conference. This should be a long session. We may want to include a representative from the DOC and Jamie Grant from the Legislature to participate in this session.
- **Disclaimer** - Do we want to write a disclaimer as it relates to CCIS and Clerk's data? Ken stated that we should conduct our study first to find out where the problems are before we come up with a disclaimer. Carolyn stated that she would send a list of talking points that she used when she was speaking to the Legislature on this.

Tiffany Moore Russell stated that a Best Practice is needed on how to handle a person coming in to our office asking if they owe money even if the felony did not occur in our county. We would look up in CCIS for information from another county, but would need to include a disclaimer that the information is not coming from our own county. Ken asked Tiffany to spearhead this effort, and she agreed that she would work on this with Richard.

Ken asked if there were any other concerns or comments:

Tara Green

- No, right on track. While we are gathering these questions and challenges on behalf of the Clerks, are we going to turn our work over to the work group that is being established by Governor DeSantis? Ken stated that it is not clear what our role with the work group will be. We are trying to make sure that we are coordinated with the DOC and the information we are providing. This will be a head start for the group with the Clerks doing their due diligence and pointing out any issues they have found. Carolyn stated that it is important for us to be organized as we identify the challenges and bring these forward to the work group with ideas for legislative changes and to set up a statewide system, which is part of the mission of the work group.

Tiffany Moore Russell

- No, on track.

Carolyn Timmann

- With part of the mission of the work group to come up with the statewide database and system to determine the status of cases, Clerks may be asked that CCIS be used as the master clearing house. We have built up to the legislature that we can do it all and that CCIS is a good master system. We should be able to answer yes to this question, but if the answer is no, we have to be able to explain why not.

Richard Herring

- Will make sure Melvin Cox is included on the next call.
- Will talk to Chris Hart regarding Carolyn's comments on CCIS. CCIS has been operating at a deficit. If it becomes the statewide database there needs to be funding from the state for this.

Cheri Vancura

- No issues.

Melissa Geist

- No issues.

Savannah Sullivan

- No issues

The next conference call be held next Monday, July 15, at 2:00 p.m.



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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Wednesday, July 10, 2019 3:16 PM  
**To:** Chris Hart (chrishart@flclerks.com)  
**Cc:** Richard Herring; Carolyn Timmann; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com)  
**Subject:** RE: Legal Opinion - QRT Amendment 4

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Ken

### Ken Burke, CPA

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**Sent:** Monday, July 01, 2019 2:24 PM  
**To:** Chris Hart (chrishart@flclerks.com) <chrishart@flclerks.com>  
**Cc:** Richard Herring <richard@reherring.com>; Carolyn Timmann <CTimmann@martinclerk.com>; Tara Green (greent@clayclerk.com) <greent@clayclerk.com>; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com) <tiffany.moorerussell@myorangeclerk.com>  
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I have copied the QRT top get input from them if I have not properly phrased these questions.

Please let me know the process to secure legal opinions on both of these important topics.

Ken

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## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Wednesday, July 10, 2019 4:57 PM  
**To:** Richard; Chris Hart (chrishart@flclerks.com)  
**Cc:** Carolyn Timmann; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Karen Rushing (krushing@scgov.net); Butterfield, Stacy  
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**From:** Richard [mailto:richard@reherring.com]  
**Sent:** Wednesday, July 10, 2019 4:50 PM  
**To:** Burke, Ken <kburke@co.pinellas.fl.us>; Chris Hart (chrishart@flclerks.com) <chrishart@flclerks.com>  
**Cc:** Carolyn Timmann <CTimmann@martinclerk.com>; Tara Green (greent@clayclerk.com) <greent@clayclerk.com>; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com) <tiffany.moorerussell@myorangeclerk.com>  
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Ken

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**Cc:** Richard Herring <[richard@reherring.com](mailto:richard@reherring.com)>; Carolyn Timmann <[CTimmann@martinclerk.com](mailto:CTimmann@martinclerk.com)>; Tara Green ([greent@clayclerk.com](mailto:greent@clayclerk.com)) <[greent@clayclerk.com](mailto:greent@clayclerk.com)>; Tiffany Moore Russell ([tiffany.moorerussell@myorangeclerk.com](mailto:tiffany.moorerussell@myorangeclerk.com)) <[tiffany.moorerussell@myorangeclerk.com](mailto:tiffany.moorerussell@myorangeclerk.com)>

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**Carolyn Timmann**

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**Subject:** FCCC QRT - Amendment 4 Conference Call  
**Start:** Mon 7/15/2019 2:00 PM  
**End:** Mon 7/15/2019 3:00 PM  
**Show Time As:** Tentative  
**Recurrence:** (none)  
**Organizer:** Burke, Ken

Call in number: 888-585-9008

Passcode: [REDACTED]

Ken

**BLANK**

**DIVIDER**

## Carolyn Timmann

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**Sent:** Thursday, July 11, 2019 8:53 AM  
**To:** Richard; Chris Hart (chrishart@flclerks.com)  
**Cc:** Carolyn Timmann; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Karen Rushing (krushing@scgov.net); Butterfield, Stacy; Kimberly Renspie  
**Subject:** RE: Legal Opinion - QRT Amendment 4

Richard,  
Please get with Chris and determine what approval process is needed to move forward with the legal opinions. Can he authorize the legal work or does it need to go through the Exec Committee. If Exec Com approval is needed, I will get with Stacy and request this be placed on the agenda ASAP.  
Ken

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**Subject:** Re: Legal Opinion - QRT Amendment 4

Will do, I'll have something for you over the weekend.

Call scheduled with the good folks from Orange on Thursday concerning a Best Practice.

Meeting with DOC Friday afternoon, mostly to establish face-to-face relationship, but also to mention some possible issues.

I'll summarize the possible legal issues, some of which may morph into Best Practices or FCCC-Clerk agreements.

The minutes looked great to me.

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Today we had our first meeting with Richard Herring on the QRT dealing with Amendment #4. There are two legal questions that the team is asking for assistance that I said I would contact you to discuss.

1. Legal implications of interest on fines and fees converted to civil liens. The questions include: if a felon pays the base amount of fines, fees and court costs but does not pay the interest, under the statute has he/she satisfied the amounts due for voting restoration purposes? Is the interest still due as a lien but not as court fines/fees/costs. The question behind this is that the sentence contains specific amounts and if the felon pays these amounts, he/she in effect has satisfied his/her sentence. The whole question of interest on court fines/fees/costs that have been converted into civil liens needs to be addressed.
2. Clerks are not consistent in sending fines/fees/costs that have been converted to civil liens to collections. There is a school of thought among a minority of clerks that there is no legal authority to send these to collections. A legal opinion on the clerk's role on collection efforts as it relates to fines/fees/costs that have been converted into civil liens would be helpful.

I have copied the QRT top get input from them if I have not properly phrased these questions.

Please let me know the process to secure legal opinions on both of these important topics.

Ken

**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Friday, July 12, 2019 4:43 PM  
**To:** Richard Herring  
**Cc:** Carolyn Timmann; Karen Rushing (krushing@scgov.net); Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Burgess, Bill; Matt Whyte (Matt.Whyte@ManateeClerk.com); Butterfield, Stacy; Fred Baggett (baggett@gtlaw.com); Melvin Cox (cox@flclerks.com); Savannah Sullivan (ssullivan@flclerks.com); Chris Hart (chrishart@flclerks.com)  
**Subject:** Agenda - Amendment 4 QRT

Richard,

The following is a draft of the agenda for our call on Monday:

Status of Legal concerns – Fred & Richard

1. Is amount pronounced in court the amount due or can collection fees/judgment interest be added?
2. Should fines/fees/costs converted to civil liens be sent to collections

Report on meeting with DOC – Richard

Status of Clerks testing data in CCIS with CMS – Tara, Matt, Karen, Carolyn, Bill, Tiffany

Clerks giving information to released felons on amounts due/ability to collect payment from other counties – Melvin (best practice)

Negotiating fees/fines/costs converted to civil judgments: establish a subcommittee – Ken

Please let me know your thoughts on the agenda and any items that need to be added.

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**Subject:** RE: Agenda - Amendment 4 QRT  
**Attachments:** A4 QRT agenda 7-15-2019.docx; FCCC\_DOC\_Meeting\_7\_12\_2019.docx

Group,  
Richard is several steps ahead of me. Attached is the agenda for Monday's meeting and the notes from the DOC meeting.  
Ken

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**Clerks' Amendment 4 Quick Response Team**  
**7/15/2019 Conference Call - Agenda**

**A. Chairman's Issues**

**B. QRT Member Issues**

**C. Results of Clerk's comparison of CCIS and CMS data on recent releasees.**

**D. Results of 7/12 meeting with DOC.**

Great face-to-face to improve working relationship. Discussed a wide range of issues, including those on our attached agenda. DOC agreed to provide us with:

- an index that will explain the first alpha character in their DC number (a number unique to each inmate, and permanently assigned to the individual),
- an explanation of the first 1-2 digits (indicating year) of the local case number,
- the possibility of identifying releasees with prior DOC supervision for other offenses,
- the possibility of providing Clerks with the DOB for each individual,
- a list of DOC offense codes (a 4-digit code that indicates the statute involved), and
- the possibility of providing Clerks with periodic lists of planned future releases (complicated by the fact that future release dates may be delayed for a number of reasons).

DOC also agreed to:

- consider adding a qualifier in the documents they file that the documents relate only to the current sentence and that terms of prior sentences would also have to be completed.
- participate in our Fall Conference A4 QRT session if requested.

DOC raised 2 issues for us:

- the difficulty of e-filing in Miami-Dade County, and
- expansion of DOC-Sheriff-Clerk pilot for paperless sentencing orders (FCCC Advisory on this issue attached):

**E. Status of Best Practice on Clerks answering restoration questions about cases in other counties.**

**F. Negotiating fees/fines/costs converted to civil judgments: establish a subcommittee.**

**G. Suggestions for A4 QRT presentation at for Fall Conference?**

**H. Clerk Timmann's legislative talking points.**

**I. FCCC process for approving requests for legal opinions.**

Expenditures are budgeted at FCCC. QRT approval or QRT-approved process for approval.

**J. Possible issues for legal opinion (expect these to be refined/narrowed substantially)**

1. Legal status of FCCC and CCIS in regard to public records.
  - a. Application of provisions of Florida Statutes and Court Rules.
  - b. Impact of the memorandum of understanding between FCCC and the Office of the State Courts Administrator concerning CCIS on how the Clerks handle requests related to restoration of voting rights.
  - c. Legal status of the data contained in CCIS? Recent requests require programming and run special reports not currently generated by the system.
  - d. *Legal limitations on the costs incurred in fulfilling the requests. Possible Adoption of FCCC Policy*
  - e. FCCC's legal obligation or ability to have individual Clerks review the data before it is provided.
2. Requests to Clerks for potentially voluminous records access/review.
  - a. Legal requirements, including charges, to provide the requestor with space, access to individual records in whatever format they are retained, and staff time to pull records and monitor the requestor
  - b. Legal requirements concerning the charge for copies of court records, paper vs electronic.
  - c. Clerk's legal responsibility (other than through accepting the filing of court records) for maintaining comprehensive information on each individual as to release from any term of imprisonment, termination from any term of probation or supervision, fulfillment of any term ordered by the court as part of the sentence, full payment of fines or fees ordered by the court.
  - d. Clerk's legal responsibility (other than through accepting the filing of court records) for maintaining comprehensive information on each individual as to full payment of restitution, as ordered in the sentencing document, to persons, their estates, entities, the state, and the Federal government.
3. Any options Clerks have regarding negotiation of liens against individuals who are in the process of having their voting rights restored.
4. Status of interest on court fines/fees/costs that have been converted into civil liens.

- a. Legal implications of interest on fines and fees converted to civil liens especially if the individual has paid all other fines, fees, court costs, and restitution.
  - b. Authority to sending fines/fees/costs that have been converted to civil liens to collections.
5. Clerk's role when an individual or their attorney enters a plea for relief (seeks to have the sentencing Court modify the terms of sentencing), including modifying the financial obligations of the original sentence.
6. *The CCIS written agreement between FCCC/CCIC and the individual Clerks is outdated. Possible Agreement Revision*
7. *Guidance on serving individuals who may have had felony sentences from more than one county or more than one state. Possible Best Practice*
8. *Any actions (beyond normal processing) required of Clerk in processing restoration-related documents filed by DOC, county detention facilities, etc.*
9. *Impact of restoration of voting rights on any other civil rights, like juries running for public office, firearm possession. Possible Best Practice*



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## Meeting with the Department of Corrections 7/12/2019

### Department of Corrections

Kenneth Steely, General Counsel

Joe Winkler, Assistant Secretary, Office of Community Corrections

Michelle Palmer, Acting Chief, Bureau of Admission and Release

Todd Studley, Assistant General Counsel

### Clerk's Amendment 4 Quick Response Team

The FCCC Amendment 4 QRT is composed of the Honorable Ken Burke, CPA (Pinellas), the Honorable Tara S. Green (Clay), the Honorable Tiffany Moore-Russell, Esq. (Orange), the Honorable Karen E. Rushing (Sarasota), and the Honorable Carolyn Timmann (Martin).

Staff include Richard Herring ([rherring@flclerks.com](mailto:rherring@flclerks.com), 850-264-6531) and Kimberly Renspie ([krenspie@flclerks.com](mailto:krenspie@flclerks.com), 813-748-4133).

### DOC Notice to Releasees

- Terms of sentence for prior/other felony offenses that involved DOC supervision (especially when multiple counties/states are involved).<sup>1</sup>
- Terms of sentence for felonies with no DOC supervision (ex.: county detention facility).
- Felony offenses to which restoration of voting rights do NOT apply.<sup>2</sup> Statute violated.

<sup>1</sup> 944.705 The Department of Corrections must notify every inmate, in the inmate's release documents of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department.

<sup>2</sup> "Felony sexual offense" means any of the following:

1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;

2. Section 491.0112;	7. Section 826.04;
3. Section 784.049(3)(b);	8. Section 847.012;
4. Section 794.08;	9. Section 872.06(2);
5. Section 796.08;	10. Section 944.35(3)(b)2.;
6. Section 800.101;	11. Section 951.221(1); or

- FCCC is considering a CCIS disclaimer re: data inaccuracies or data that is not - comprehensive (ex.: restitution may be payable directly to the victim)
- Clerks are checking a sample of cases to ensure CCIS payment records exactly match CMS records.
  - Issue: A restitution order subsequently converted to community service may not be indicated in the payment records.

#### DOC List of 10 Releasees Per County

- Case numbers.
- Possibility of adding DOB. (Clerks are finding discrepancies in names in court orders.)
- Statutes violated.
- Possibility of providing Clerks a periodic list of pending releasees.

#### Other Clerk Issues

- Not all restitution orders used to be recorded.
- Old case records sometimes scanned in bulk, without index to judgements/sentencing documents.

#### Voting Rights vs. Full Restoration

- Restoration of voting rights does not affect other civil rights (jury participation, elected office, firearm possession).<sup>3</sup> See: Chapter 940, F.S.

---

12. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

“Murder” means either of the following:

1. A violation of any of the following sections which results in the actual killing of a human being:

a. Section 775.33(4).      b. Section 782.04(1),(2), or (3).      c. Section 782.09.2.

Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.

<sup>3</sup> From the Florida Commission on Offender Review:

Regarding the Restoration of Civil Rights (RCR) process and the passage of Amendment Four:

For those offenders covered by the amendment, only the right to vote, not the right to sit on a jury or the right to hold public office, is contemplated by the amendment. Restoration of the right to sit on a jury and to hold public office can only be obtained through application to the Board of Executive Clemency.

As to those offenders not covered by the amendment, namely those convicted of murder or a felony sexual offense or those who have not completed all terms of their sentence, the restoration of the right to vote, to sit on a jury, and to hold public office can only be obtained through application to the Board of Executive Clemency.



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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Friday, July 12, 2019 6:14 PM  
**To:** Carolyn Timmann; Tara Green; Tiffany Moore Russell; Karen Rushing; Matt Whyte; Burgess, Bill  
**Cc:** Richard Herring  
**Subject:** Fw: Senate Bill 7066

Please read the below exchange of emails. The Citrus email raises some points that we need to discuss.

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
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**From:** Richard <richard@reherring.com>  
**Sent:** Friday, July 12, 2019 6:01 PM  
**To:** Chris Hart; Kathy Davis; Kimberly Renspie; Burke, Ken; richard@reherring.com  
**Cc:** Angela Vick; Traci Phillips; Frank Roberts; Melvin Cox  
**Subject:** Re: Senate Bill 7066

As I understand, DOC decided file these documents to comply with their interpretation of the new law (below). We were going to get paper or electronic documents from them. Clerk staff are not expected to verify the figures unless the individual, or his attorney, requests Court records for the purposes of restoration of that individual's voting rights. (The academic literature suggests this is rare for new releasees, more common - 5% to 15% - for individuals out of prison for some years. DOC is not filing anything for prior releasees.)

The Amendment 4 QRT is trying to identify the data problems, both with DOC filings and in our historic records. Each member of the QRT is checking some of the DOC data against their local CMS as part of this process. I will provide your description of this problem to them. - Richard

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From CS/SB 7066:

940.061 The Department of Corrections shall inform and educate inmates and offenders on the restoration of voting rights resulting from the removal of the disqualification to vote pursuant to s. 4, Art. VI of the State Constitution.

944.705 The Department of Corrections must notify every inmate, in the inmate's release documents of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department.

**From:** Kathy Davis <KDavis@citrusclerk.org>

**Sent:** Wednesday, July 3, 2019 1:25 PM

**To:** Chris Hart <chrishart@flclerks.com>

**Cc:** Angela Vick <AVick@citrusclerk.org>; Traci Phillips <TPhillips@citrusclerk.org>; Frank Roberts <FRoberts@citrusclerk.org>

**Subject:** FW: Senate Bill 7066

The FCCC advisory 19-052 provided us with the detail as to how DOC will be providing information about the terms of a defendant's sentence and outstanding fine/fees through CCIS. I am not sure who DOC consulted with for this new process to send the clerk a copy thru the portal? Is the expectation that the clerk staff will now have to verify the figures? The reason I ask is yesterday DOC contacted our office, I have attached a copy of what they provided to the defendant. This is 8 pages of items of which some are duplicates of what is in the court case file. The bottom of page one shows copies provided and indicates Clerk of Court (**if required**) – **can we opt out?** The information provided shows restitution for Citrus case to First Step inc. which we do not have ordered on our case. The backup for the fines, they looked up the Okeechobee case number in CCIS for Citrus County and provided detail for an entire different defendant named Steven Ray Sharp. So now this document is on Mr. Posila case with erroneous information, as well as it was provided to the defendant. We directed them to remit an amended form.

I would prefer not to have to track and accept these documents, we don't have the resources to add yet another process without additional funding. I don't believe the bill directs anything to be filed with the Clerk's office.

As you probably know, the bill already has opposition and pending litigation. One item for sure that will cause some conflict is the incarceration fees. In Citrus, and possibly the Fifth Circuit, the Judges do assess incarceration fees. They believe it to be mandatory fee and follow Florida Statute 960.293 "a liquidated damage amount of \$50 per day of the convicted offender's sentence shall be assessed against the convicted offender and in favor of the state or its local subdivisions". Yet they consider it to be a lien but not part of probation. per an email that circulated regarding this fee. Again this is a court fee that the Clerk's statewide do not include in the mandatory/discretionary report. Some circuits assess the fee, others do not. So here in Citrus, we will collect if paid, we release a defendant's suspension without full

payment of these fees.; however, they will and do appear as an outstanding balance in CCIS. I think this will raise some questions and concerns.

I wanted to bring both of these concerns to your attention. We each will also have our local detention centers providing the same type information to the defendants per the bill, and would prefer to be out of the loop and not have it submitted to the case file maintained by the Clerk. I am hoping this can be addressed and take the clerk out of this process. '

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Citrus County Clerk of Court and Comptroller

352-341-6431

[kdavis@citrusclerk.org](mailto:kdavis@citrusclerk.org)

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**Sent:** Friday, July 12, 2019 6:22 PM  
**To:** 'Burke, Ken'; 'Tara Green'; 'Tiffany Moore Russell'; 'Karen Rushing'; 'Matt Whyte'; 'Burgess, Bill'  
**Cc:** 'Richard Herring'  
**Subject:** RE: Senate Bill 7066

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**DIVIDER**

## Carolyn Timmann

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**From:** Karen Rushing <krushing@scgov.net>  
**Sent:** Saturday, July 13, 2019 2:02 AM  
**To:** Carolyn Timmann; Burke, Ken; Tara Green; Tiffany Moore Russell; Matt Whyte; Burgess, Bill  
**Cc:** Richard Herring  
**Subject:** Re: Senate Bill 7066

I have read Kathy's email a bit more carefully and I agree with her. If we start to get erroneous information filed in the cms, in the end it will be likely be considered the Clerk's problem for not noticing that the information is not correct or contradicts what the judge has ordered. I think we have found over the years offense is a better plan than defense. Perhaps, even though DOC, has determined these documents are necessary to comply with the law, perhaps we should discuss this issue with them. This will end up being embarrassing for all in government but if the past is a predictor of the future will will get the hardest kick.

---

**From:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Sent:** Friday, July 12, 2019 6:22 PM  
**To:** Burke, Ken; Tara Green; Tiffany Moore Russell; Karen Rushing; Matt Whyte; Burgess, Bill  
**Cc:** Richard Herring  
**Subject:** RE: Senate Bill 7066

**Caution:** This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

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**From:** Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
**Sent:** Friday, July 12, 2019 6:14 PM  
**To:** Carolyn Timmann <CTimmann@martinclerk.com>; Tara Green <greent@clayclerk.com>; Tiffany Moore Russell <tiffany.moorerussell@myorangeclerk.com>; Karen Rushing <krushing@scgov.net>; Matt Whyte <Matt.Whyte@ManateeClerk.com>; Burgess, Bill <wburgess@co.pinellas.fl.us>  
**Cc:** Richard Herring <richard@reherring.com>  
**Subject:** Fw: Senate Bill 7066

Please read the below exchange of emails. The Citrus email raises some points that we need to discuss.

**Ken Burke, CPA**  
Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, Foff33756  
Office (727) 464-3341 | Cell(727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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Follow the Clerk:



**From:** Richard <[richard@reherring.com](mailto:richard@reherring.com)>  
**Sent:** Friday, July 12, 2019 6:01 PM  
**To:** Chris Hart; Kathy Davis; Kimberly Renspie; Burke, Ken; [richard@reherring.com](mailto:richard@reherring.com)  
**Cc:** Angela Vick; Traci Phillips; Frank Roberts; Melvin Cox  
**Subject:** Re: Senate Bill 7066

As I understand, DOC decided file these documents to comply with their interpretation of the new law (below). We were going to get paper or electronic documents from them. Clerk staff are not expected to verify the figures unless the individual, or his attorney, requests Court records for the purposes of restoration of that individual's voting rights. (The academic literature suggests this is rare for new releasees, more common - 5% to 15% - for individuals out of prison for some years. DOC is not filing anything for prior releasees.) The Amendment 4 QRT is trying to identify the data problems, both with DOC filings and in our historic records. Each member of the QRT is checking some of the DOC data against their local CMS as part of this process. I will provide your description of this problem to them. - Richard

----/  
From CS/SB 7066:  
940.061 The Department of Corrections shall inform and educate inmates and offenders on the restoration of voting rights resulting from the removal of the disqualification to vote pursuant to s. 4, Art. VI of the State Constitution.  
944.705 The Department of Corrections must notify every inmate, in the inmate's release documents of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department.

**From:** Kathy Davis <[KDavis@citrusclerk.org](mailto:KDavis@citrusclerk.org)>  
**Sent:** Wednesday, July 3, 2019 1:25 PM  
**To:** Chris Hart <[chrishart@fleclerks.com](mailto:chrishart@fleclerks.com)>  
**Cc:** Angela Vick <[AVick@citrusclerk.org](mailto:AVick@citrusclerk.org)>; Traci Phillips <[TPhillips@citrusclerk.org](mailto:TPhillips@citrusclerk.org)>; Frank Roberts <[FRoberts@citrusclerk.org](mailto:FRoberts@citrusclerk.org)>  
**Subject:** FW: Senate Bill 7066

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we do not have ordered on our case. The backup for the fines, they looked up the Okeechobee case number in CCIS for Citrus County and provided detail for an entire different defendant named Steven Ray Sharp. So now this document is on Mr. Posila case with erroneous information, as well as it was provided to the defendant. We directed them to remit an amended form.

I would prefer not to have to track and accept these documents, we don't have the resources to add yet another process without additional funding. I don't believe the bill directs anything to be filed with the Clerk's office.

As you probably know, the bill already has opposition and pending litigation. One item for sure that will cause some conflict is the incarceration fees. In Citrus, and possibly the Fifth Circuit, the Judges do assess incarceration fees. They believe it to be mandatory fee and follow Florida Statute 960.293 "a liquidated damage amount of \$50 per day of the convicted offender's sentence shall be assessed against the convicted offender and in favor of the state or its local subdivisions". Yet they consider it to be a lien but not part of probation. per an email that circulated regarding this fee. Again this is a court fee that the Clerk's statewide do not include in the mandatory/discretionary report. Some circuits assess the fee, others do not. So here in Citrus, we will collect if paid, we release a defendant's suspension without full payment of these fees.; however, they will and do appear as an outstanding balance in CCIS. I think this will raise some questions and concerns.

I wanted to bring both of these concerns to your attention. We each will also have our local detention centers providing the same type information to the defendants per the bill, and would prefer to be out of the loop and not have it submitted to the case file maintained by the Clerk. I am hoping this can be addressed and take the clerk out of this process.

Kathy Davis  
Business Analyst Administrator  
Citrus County Clerk of Court and Comptroller  
352-341-6431  
[kdavis@citrusclerk.org](mailto:kdavis@citrusclerk.org)

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**DIVIDER**

## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Saturday, July 13, 2019 1:20 PM  
**To:** Karen Rushing  
**Subject:** Re: Senate Bill 7066

Hi Karen,  
Let's chat about this when you have a chance.  
Carolyn

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

On Jul 13, 2019, at 2:01 AM, Karen Rushing <[krushing@segov.net](mailto:krushing@segov.net)> wrote:

I have read Kathy's email a bit more carefully and I agree with her. If we start to get erroneous information filed in the cms, in the end it will be likely be considered the Clerk's problem for not noticing that the information is not correct or contradicts what the judge has ordered. I think we have found over the years offense is a better plan than defense. Perhaps, even though DOC, has determined these documents are necessary to comply with the law, perhaps we should discuss this issue with them. This will end up being embarrassing for all in government but if the past is a predictor of the future will will get the hardest kick.

---

**From:** Carolyn Timmann <[CTimmann@martinclerk.com](mailto:CTimmann@martinclerk.com)>  
**Sent:** Friday, July 12, 2019 6:22 PM  
**To:** Burke, Ken; Tara Green; Tiffany Moore Russell; Karen Rushing; Matt Whyte; Burgess, Bill  
**Cc:** Richard Herring  
**Subject:** RE: Senate Bill 7066

**Caution:** This email originated from an external source. **Be Suspicious of Attachments, Links and Requests for Login Information**

Thanks for sharing. I look forward to the discussion. We referenced many times the value of receiving that document electronically, including the easiest way being the e-Portal, as a helpful tool when needed.

Carolyn

**From:** Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
**Sent:** Friday, July 12, 2019 6:14 PM  
**To:** Carolyn Timmann <CTimmann@martinclerk.com>; Tara Green <greent@clayclerk.com>; Tiffany Moore Russell <tiffany.moorerussell@myorangeclerk.com>; Karen Rushing <krushing@scgov.net>; Matt Whyte <Matt.Whyte@ManateeClerk.com>; Burgess, Bill <wburgess@co.pinellas.fl.us>  
**Cc:** Richard Herring <richard@reherring.com>  
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**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, Foff33756  
Office (727) 464-3341 | Cell(727) 647-1859  
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<image001.png>

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**Follow the Clerk:**

<image002.png> <image003.png> <image004.png> <image005.png>

---

**From:** Richard <richard@reherring.com>  
**Sent:** Friday, July 12, 2019 6:01 PM  
**To:** Chris Hart; Kathy Davis; Kimberly Renspie; Burke, Ken; [richard@reherring.com](mailto:richard@reherring.com)  
**Cc:** Angela Vick; Traci Phillips; Frank Roberts; Melvin Cox  
**Subject:** Re: Senate Bill 7066

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payment of these fees.; however, they will and do appear as an outstanding balance in CCIS. I think this will raise some questions and concerns.

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Kathy Davis

Business Analyst Administrator

Citrus County Clerk of Court and Comptroller

352-341-6431

[kdavis@citrusclerk.org](mailto:kdavis@citrusclerk.org)

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**DIVIDER**

## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Monday, July 15, 2019 12:00 PM  
**To:** Ken Burke; Karen Rushing; Tiffany Moore Russell; Richard Herring  
**Subject:** Florida Law Throws Voter Rights Restoration Into Chaos

Hello,

I wanted to make sure you caught this article in our clips.

<https://truthout.org/articles/florida-law-throws-voter-rights-restoration-into-chaos/>.

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller Martin County, Florida

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, July 15, 2019 12:43 PM  
**To:** Carolyn Timmann; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Karen Rushing (krushing@scgov.net); Richard Herring; Angela Vick; Matt Whyte (Matt.Whyte@ManateeClerk.com); Tamayo, Maria (COC); Kathy Davis  
**Cc:** Butterfield, Stacy  
**Subject:** Meeting Notes - Amendment 4 QRT  
**Attachments:** Amendment 4 Conference Call 7-8-2019.docx

Attached are the meeting notes from last Monday's call.

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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Amendment #4 (Restoration of Voting Rights for Felons)  
Telephone Conference  
July 8, 2019

Ken Burke, Pinellas County Clerk of the Circuit Court and Comptroller  
Carolyn Timmann, Martin County Clerk of the Circuit Court and Comptroller  
Cheri Vancura, Martin County Clerk's office  
Tara Green, Clay County Clerk of the Circuit Court  
Melissa Geist, Orange County Clerk's office  
Jared Brooks, General Counsel, Orange County Clerk's office  
Tiffany Moore Russell, Orange County Clerk of the Circuit Court  
Stacy Butterfield, Polk County Clerk of the Circuit Court and Comptroller  
Matt Whyte, General Counsel, Manatee County Clerk's office  
Richard Herring  
Bill Burgess, Manager, Pinellas County Clerk's office  
Savannah Sullivan, FCCC

Not Present:

Karen Rushing, Sarasota County Clerk of the Circuit Court and Comptroller

Ken Burke opened the meeting and took roll call. Minutes of the meeting are being taken and will be sent out to the participants.

Richard Herring prepared an agenda for the meeting. Richard will be meeting with DOC to discuss any issues that we have identified with them. They are willing to listen to our concerns. They have provided a list of 10 recent releases per county. When asked if we wanted to send these lists out to all of the counties, Ken responded that this should be kept with the committee first. The committee counties will go through the exercise before getting the other Clerk's offices involved so that we can give pointers and good information to them about what to look for. Part of the process is to double check to verify that CCIS and the case management systems are the same.

Ken stated that one of the challenges is that DOC only has case numbers for the most recent cases but not the whole history of cases where money is still owed. If the person had a prior felony, the information was not accurate. Any prior conviction amounts were left off. We are attempting to find out why only current cases are listed. We want DOC to go back and look at all cases, so that we don't have to second guess DOC. This could cause a problem if we have information that is different from the DOC. Richard stated that any of these types of issues should be sent to him to present to the DOC, such as issues with uniform case numbers, prior convictions, etc., and whether they need to include a disclaimer regarding CCIS data.

Bill Burgess and Ken Burke provided the following information on the cases from Pinellas County:

- It took 2 employees 1 hour to check the 10 cases.
- Six of the ten cases were accurate.
- We did not use CCIS data. We used our internal Odyssey system to come up with the correct amounts owed. This is the concern – we want to make sure that DOC matches this data. The concern is that CCIS is not accurate. Tiffany Moore Russell shared that they compared Odyssey to CCIS and they were the same.
- Bill did spot check and for the most part, it was accurate.

- Restitution is a big problem. CCIS did not have information if there was restitution to be paid directly to the victim.

Melissa Geist, Orange County, provided the following information on cases from Orange County:

- It took them 2 hours to complete.
- For some cases they had to go to FDLE for the case numbers to cross reference with Odyssey.
- Everything matched perfectly.
- There were no examples of restitution paid directly to the victim.

Ken stated that we will give these pointers from Bill and Melissa to the rest of the Clerks when sending out these forms to them. We will let them know that they should be able to get this done in a two-hour timeframe. We are trying to make sure the data is accurate and consistent throughout the state.

Carolyn Timmann stated they ran through a lot of these this weekend and there were challenges that they came across:

- Some had no case numbers.
- Multiple cases in other counties.
- Bulk scanning is their biggest issue. Judgements, sentencing and financial information was not individually scanned. It was bulk scanned so the information cannot be easily found. Tara Green stated that this will also be a problem for Clay County.
- Judgement and sentencing was recorded in Official Records, but when they converted to a new system the original index did not convert. They are working with the vendor now to fix this.
- Not all restitution orders used to be recorded.
- Some look like sexual crime convictions. There is an issue with the statues disappearing when you open the record. This appears to be an issue with CCIS that will hopefully be a simple fix.
- Name misspellings. It would be helpful for DOC to provide date of birth.
- Amount owed discrepancy. For old data you must go and physically verify if the amount was reduced due to community service, etc.
- No restitution was listed on the case number provided by DOC, but the person had restitution on another cases that was due and not listed.
- Their system does not show credit for restitution.

Ken stated that this has brought up a lot of bigger issues. Carolyn stated that most of the issues were with the first case she worked on. She spent over 2 hours on the first case because it opened up these issues. They did have some accurate cases. The problem is with the old convictions, 2014 and before. Bill Burgess stated that the oldest case they looked at was 2006 and it was accurate, and Melissa had a 2001 case that was accurate. Ken/Bill stated that they did not go to the Official Records in Pinellas. They took the information from Case Management. Carolyn stated that this has been very useful to her staff and asked if DOC had an automated list of releases as they are coming out so the cases could be check.

When asked what criteria was being used, when the case was created versus the release date, Ken replied that the date provided by DOC was used and not random dates.

Tiffany Moore Russell stated that we are talking about the most recently released, but there are a lot of citizens who have been released over the years, and we need to come up with procedures for that as well. Ken stated that we need to concentrate on this effort first. Orange County and Pinellas County are

already completed, with Martin County in the process. Clay, Sarasota and Manatee need to complete the process (Monday at the latest). We will be able to provide helpful hits and a checklist to the other counties to use when reviewing their 10 cases. The objective is quality control on CCIS data.

Richard Herring

- Clerks will need to identify issues with legacy systems, and what improvements can be made with the information provided by DOC.
- **Fall Conference** - Ken stated that we do want to designate a time slot for a session on Amendment 4 at the fall conference. This should be a long session. We may want to include a representative from the DOC and Jamie Grant from the Legislature to participate in this session.
- **Disclaimer** - Do we want to write a disclaimer as it relates to CCIS and Clerk's data? Ken stated that we should conduct our study first to find out where the problems are before we come up with a disclaimer. Carolyn stated that she would send a list of talking points that she used when she was speaking to the Legislature on this.

Tiffany Moore Russell stated that a Best Practice is needed on how to handle a person coming in to our office asking if they owe money even if the felony did not occur in our county. We would look up in CCIS for information from another county, but would need to include a disclaimer that the information is not coming from our own county. Ken asked Tiffany to spearhead this effort, and she agreed that she would work on this with Richard.

Ken asked if there were any other concerns or comments:

Tara Green

- No, right on track. While we are gathering these questions and challenges on behalf of the Clerks, are we going to turn our work over to the work group that is being established by Governor DeSantis? Ken stated that it is not clear what our role with the work group will be. We are trying to make sure that we are coordinated with the DOC and the information we are providing. This will be a head start for the group with the Clerks doing their due diligence and pointing out any issues they have found. Carolyn stated that it is important for us to be organized as we identify the challenges and bring these forward to the work group with ideas for legislative changes and to set up a statewide system, which is part of the mission of the work group.

Tiffany Moore Russell

- No, on track.

Carolyn Timmann

- With part of the mission of the work group to come up with the statewide database and system to determine the status of cases, Clerks may be asked that CCIS be used as the master clearing house. We have built up to the legislature that we can do it all and that CCIS is a good master system. We should be able to answer yes to this question, but if the answer is no, we have to be able to explain why not.

Richard Herring

- Will make sure Melvin Cox is included on the next call.
- Will talk to Chris Hart regarding Carolyn's comments on CCIS. CCIS has been operating at a deficit. If it becomes the statewide database there needs to be funding from the state for this.

Cheri Vancura

- No issues.



Melissa Geist

- No issues.

Savannah Sullivan

- No issues

The next conference call be held next Monday, July 15, at 2:00 p.m.

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**DIVIDER**

## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Monday, July 15, 2019 1:53 PM  
**To:** Ken Burke (kburke@pinellascounty.org)  
**Subject:** FW: Copy of Martin County-Recently Released Inmates 2019.xlsx

Ken,

This is for the group.

Thanks,  
Carolyn

---

**From:** Cheri Vancura  
**Sent:** Monday, July 15, 2019 1:11 PM  
**To:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Subject:** FW: Copy of Martin County-Recently Released Inmates 2019.xlsx

For the QRT call this afternoon.

-Cheri

---

**From:** Tammy Copus  
**Sent:** Wednesday, July 10, 2019 2:33 PM  
**To:** Cheri Vancura <CVancura@martinclerk.com>  
**Subject:** Copy of Martin County-Recently Released Inmates 2019.xlsx



Copy of Martin  
County-Recentl...

I believe the information you are requesting is complete. If I can be of further assistance, please let me know.

Thank you.

Tammy L. Copus  
**772-288-5550**

DC Number	INMATE LAST NAME	INMATE FIRST NAME	CASE NUMBER	UNIFORM CASE NUMBER	Release Date	COUNTY WHERE CONVICTED	Fines/Costs Owed at Sentencing	Restitution Ordered	Amount Still Owing	Comments
					6/30/2019	MARTIN	\$ 1,236.00	\$ 5,632.00	\$ 5,705.81	*LIENS PLACED AFTER SENTENCING WILL BE ADDITIONAL COST UNTIL SATISFIED-SENT TO COLLECTIONS
					6/27/2019	MARTIN	\$ 2,335.00	-	\$ 21.95	*SENT TO COLLECTIONS
					6/26/2019	MARTIN	\$ 760.00	-	\$ 53.67	INTEREST DUE FROM LIEN/JUDGMENT
					6/24/2019	MARTIN	\$ 687.05	-	\$ 647.05	*SENT TO COLLECTIONS
					6/23/2019	MARTIN	\$ 1,179.00	\$ 499.00	\$ 680.00	COST AND RESTITUTION TO LIEN/WILL BE ADDITIONAL COST*SENT TO COLLECTIONS
					6/21/2019	MARTIN	\$ 660.00	-	\$ 660.00	*SENT TO COLLECTIONS
					6/21/2019	MARTIN	\$ 3,199.00	-	\$ 2,031.77	*SENT TO COLLECTIONS
					6/18/2019	MARTIN	\$ 1,015.00	-	\$ 801.91	*SENT TO COLLECTIONS
					6/14/2019	MARTIN	\$ 2,043.23	-	\$ 2,043.23	*ADDITIONAL COSTS WILL APPLY TO SATISFY LIEN
					6/11/2019	MARTIN	\$ 2,180.00	-	-	PAID IN FULL

ALL CASE NUMBERS WERE INDENTIFIABLE BY CASE NUMBER PROVIDED

DATE OF BIRTH WOULD BE HELPFUL FOR INDENTIFIABLE CRITERIA

FINES AND COSTS ARE PLACED TO LIEN/MUST PAY SATISFACTION FEE OF \$17.00 PER SATISFACTION

FINES/COSTS IN CLERICUS AND CCIS			
SAME	\$5,705.81	1 add'l case with total balance of \$40.00	
SAME	\$21.95	10 add'l cases with total balance of \$3918.00	
SAME	\$53.67	2 add'l cases with total balance of \$84.72	
SAME	\$647.05	4 add'l cases with total balance of \$1840.55	
SAME	\$680.00	12 add'l cases with total balance of \$3970.04	
SAME	\$660.00	17 add'l cases with total balance of \$10,248.05	
SAME	\$2,031.77	4 add'l cases with total balance of \$1152.00	
SAME	\$801.91	3 add'l cases with total balance of \$726.73	
SAME	\$2,043.23	3 add'l cases with total balance of \$2060.00	
SAME	\$0.00	ALL CASES PAID IN FULL	

\*\*\*

Breakdown of case

ORIGINAL SENT COSTS	\$1,236.00
VOP SENT. COSTS	\$350.00
RESTITUTION BALANCE	\$4,119.81
	\$5,705.81

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, July 15, 2019 3:19 PM  
**To:** Carolyn Timmann  
**Subject:** Tom

Carolyn,

Do you want Tom from your office added to the distribution list for the Amendment 4 workgroup. If so, please ask him to send me an email so I can add him to my Outlook directory.

Thanks  
Ken

**Ken Burke, CPA**  
Clerk of the Circuit Court and Comptroller  
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## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Monday, July 15, 2019 3:27 PM  
**To:** 'Burke, Ken'  
**Subject:** RE: Tom Harmer

Thank you, Ken. Yes – I'll have Tom send that. (He's a retired law enforcement Captain, too).

Great call today!

Carolyn

**From:** Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
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Thanks  
Ken

**Ken Burke, CPA**  
Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

**Tell us how we're doing by filling out a comment card!**



**Sign up today and protect yourself from FRAUD!**

Follow the Clerk:



Please Note: All mail sent to and from Pinellas County is subject to the Public Records Laws of Florida.



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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, July 15, 2019 3:28 PM  
**To:** Carolyn Timmann  
**Subject:** RE: Tom Harmer

Thank God we have Richard. On these big task we need strong staff support.

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**From:** Carolyn Timmann [mailto:CTimmann@martinclerk.com]  
**Sent:** Monday, July 15, 2019 3:27 PM  
**To:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Subject:** RE: Tom Harmer

Thank you, Ken. Yes – I'll have Tom send that. (He's a retired law enforcement Captain, too).

Great call today!

Carolyn

**From:** Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
**Sent:** Monday, July 15, 2019 3:19 PM  
**To:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Subject:** Tom

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**DIVIDER**

## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Monday, July 15, 2019 3:35 PM  
**To:** 'Burke, Ken'  
**Subject:** RE: Tom Harmer

Indeed!!

**From:** Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
**Sent:** Monday, July 15, 2019 3:28 PM  
**To:** Carolyn Timmann <CTimmann@martinclerk.com>  
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**DIVIDER**

## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Monday, July 15, 2019 10:02 PM  
**To:** Burke, Ken  
**Cc:** Richard Herring  
**Subject:** FW: Amd 4 QRT Data - Martin  
**Attachments:** Copy of Martin County-Recently Released Inmates 2019.xlsx

Ken,

For the team - I think I sent this right before our call today, but wanted to make sure you have it for distribution as needed.

Thanks!  
Carolyn

## Carolyn Timmann

**Clerk of the Circuit Court & Comptroller**  
Martin County, Florida

[772-288-5576](tel:772-288-5576) | Fax: [772-288-5548](tel:772-288-5548)  
100 SE Ocean Blvd., PO Box 9016, Stuart, FL 34994  
[ctimmann@martinclerk.com](mailto:ctimmann@martinclerk.com) | [MartinClerk](#)

---

**From:** Cheri Vancura  
**Sent:** Monday, July 15, 2019 9:11 PM  
**To:** Carolyn Timmann  
**Cc:** Tom Harmer; Holly Chase  
**Subject:** Amd 4 QRT Data - Martin

Carolyn,

Attached is the data that Tammy Copus compiled for the 10 cases assigned to in connection with the UCR QRT.

As you will see from attached, the outstanding balance in our CMS matches the balance in CCIS in every case.

You will also see the anomaly in the first case (Orielle Wallace) in that there were costs associated with the VOP above and beyond the costs owed at sentencing.

Please let me know if you need any additional information.

-Cheri



DC Number	INMATE LAST NAME	INMATE FIRST NAME	CASE NUMBER	UNIFORM CASE NUMBER	Release Date	COUNTY WHERE CONVICTED	Fines/Costs Owed at Sentencing	Restitution Ordered	Amount Still Owing	Comments
					6/30/2019	MARTIN	\$ 1,236.00	\$ 5,632.00	\$ 5,705.81	*LIENS PLACED AFTER SENTENCING WILL BE ADDITIONAL COST UNTIL SATISFIED-SENT TO COLLECTIONS
					6/27/2019	MARTIN	\$ 2,335.00	\$ -	\$ 21.95	*SENT TO COLLECTIONS
					6/26/2019	MARTIN	\$ 760.00	\$ -	\$ 53.67	INTEREST DUE FROM LIEN/JUDGMENT
					6/24/2019	MARTIN	\$ 687.05	\$ -	\$ 647.05	*SENT TO COLLECTIONS
					6/23/2019	MARTIN	\$ 1,179.00	\$ 499.00	\$ 680.00	COST AND RESTITUTION TO LIEN/WILL BE ADDITIONAL COST*SENT TO COLLECTIONS
					6/21/2019	MARTIN	\$ 660.00	\$ -	\$ 660.00	*SENT TO COLLECTIONS
					6/21/2019	MARTIN	\$ 3,193.00	\$ -	\$ 2,031.77	*SENT TO COLLECTIONS
					6/19/2019	MARTIN	\$ 1,015.00	\$ -	\$ 801.91	*SENT TO COLLECTIONS
					6/14/2019	MARTIN	\$ 2,043.23	\$ -	\$ 2,043.23	*ADDITIONAL COSTS WILL APPLY TO SATISFY LIEN
					6/11/2019	MARTIN	\$ 2,180.00	\$ -	\$ -	PAID IN FULL

ALL CASE NUMBERS WERE INDENTIFIABLE BY CASE NUMBER PROVIDED

DATE OF BIRTH WOULD BE HELPFUL FOR INDENTIFIABLE CRITERIA

FINES AND COSTS ARE PLACED TO LIEN/MUST PAY SATISFACTION FEE OF \$17.00 PER SATISFACTION



FINES/COSTS IN CLERICUS AND CCIS	SAME	Amount	Description
	SAME	\$5,705.81	1 add'l case with total balance of \$40.00
	SAME	\$21.95	10 add'l cases with total balance of \$3918.00
	SAME	\$53.67	2 add'l cases with total balance of \$84.72
	SAME	\$647.05	4 add'l cases with total balance of \$1840.55
	SAME	\$680.00	12 add'l cases with total balance of \$3570.04
	SAME	\$660.00	17 add'l cases with total balance of \$10,248.05
	SAME	\$2,031.77	4 add'l cases with total balance of \$1152.00
	SAME	\$801.91	3 add'l cases with total balance of \$726.73
	SAME	\$2,043.23	3 add'l cases with total balance of \$2060.00
	SAME	\$0.00	ALL CASES PAID IN FULL

***	Breakdown of case	ORIGINAL SENT COSTS	VOP SENT. COSTS	RESTITUTION BALANCE
		\$1,236.00	\$350.00	\$4,119.81
				\$5,705.81

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**DIVIDER**

## Carolyn Timmann

---

**From:** Richard <richard@reherring.com>  
**Sent:** Monday, July 15, 2019 11:04 PM  
**To:** Carolyn Timmann; Burke, Ken  
**Subject:** Re: FW: Amd 4 QRT Data - Martin

thank you ma'am

On 7/15/2019 10:02 PM, Carolyn Timmann wrote:

Ken,

For the team - I think I sent this right before our call today, but wanted to make sure you have it for distribution as needed.

Thanks!  
Carolyn

### Carolyn Timmann

**Clerk of the Circuit Court & Comptroller**  
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-Cheri

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Tuesday, July 16, 2019 12:01 PM  
**To:** Angela Vick; Burgess, Bill; Carolyn Timmann; Fred Baggett (baggett@gtlaw.com); Geist, Melissa (Melissa.Geist@myorangeclerk.com); Karen Rushing (krushing@scgov.net); Kathy Davis (KDavis@citrusclerk.org); Kelli Leighton; Kimberly Renspie (krenspie@flclerks.com); Matt Whyte (Matt.Whyte@ManateeClerk.com); Pattavina, Diane ; Richard Herring; Savannah Sullivan (ssullivan@flclerks.com); Tamayo, Maria; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tom Harmer  
**Subject:** FW: DRAFT Advisory - 19-056 - Amendment 4/Restoration of Voting Rights QRT data review request  
**Attachments:** 19bull056.docx; DOC- Recent Releases by County.xlsx

Group,  
Below and attached are the items contained in the draft Advisory. Kim needs to hear from you right away with any input. If she does not hear from you by 2:00 today, we will assume you are fine with the advisory as worded.  
Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
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[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

**From:** Kimberly Renspie [mailto:krenspie@flclerks.com]  
**Sent:** Tuesday, July 16, 2019 11:45 AM  
**To:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Cc:** Richard <richard@reherring.com>; Burgess, Bill <wburgess@co.pinellas.fl.us>  
**Subject:** DRAFT Advisory - 19-056 - Amendment 4/Restoration of Voting Rights QRT data review request

Good morning, again!

Per yesterday's call, Richard and I have drafted the attached Advisory to be sent to all Clerks. Please let us know if you would like to see changes or if the draft is approved.

Thank you,  
Kimberly

\*\*\*\*\*

### Dear Court Clerks and Comptrollers:

Please review the attached Advisory regarding the **Amendment 4/Restoration of Voting Rights QRT data review request**.

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Comptrollers	<b>Category:</b>	Clerk Administration, Courts
<b>Priority:</b>	High	<b>Action required:</b>	Please review the following information regarding the Amendment 4/Restoration of

		Voting Rights request to compare information found in the local CMS.
Clerk outreach:	No external outreach needed.	



# FCCC ADVISORY

**Amendment 4/Restoration of Voting Rights**

**No. 19-056**

<b>Date:</b>	July 16, 2019	<b>Contact:</b>	Richard Herring; Kimberly Renspie
<b>Category:</b>	Clerk Administration, Courts	<b>Telephone:</b>	(850) 921-0808
<b>Page:</b>	1 of 1	<b>E-mail:</b>	<a href="mailto:rherring@flclerks.com">rherring@flclerks.com</a> ; <a href="mailto:krenspie@flclerks.com">krenspie@flclerks.com</a>

The Amendment 4 Quick Response Team (QRT) has been working with the Department of Corrections (DOC) to obtain information on recently released felons. To help understand issues that may arise, DOC provided the attached list, *DOC Recent Releases by County*, which contains 10 recently released individuals per county, including financial obligations. The QRT requests that you review the 10 cases in your county and provide any issues you find during your review. The review should compare the CCIS information about the individual with the information in your local CMS. Each member of the QRT has already completed this review for their county and found it to be a valuable exercise in checking our data integrity. Please provide the results of your review to [Richard Herring](#) and [Kimberly Renspie](#) at the association by close of business Friday, July 26, 2019 in order to provide this information for discussion during the Quick Response Team on Monday, July 29, 2019.

**Items to be aware of:**

- **DC Number** - This is the number assigned to an inmate by DOC. The DC number, like a social security number, is a lifetime number.
- **Case number** - This number is a portion of the UCN, the first 1 or 2 digits indicate the year, and the CF case type is always omitted.
- **Uniform Case Number** - Expect the UCN to be blank in most cases. The DOC system does not routinely maintain the UCN.

**QRT review results:**

- There have been name misspellings and other data entry issues.
- It should take approximately 1-2 hours to complete this exercise.

The FCCC Amendment 4 QRT is composed of the Honorable Ken Burke, CPA (Pinellas), the Honorable Tara S. Green (Clay), the Honorable Tiffany Moore Russell, Esq. (Orange), the Honorable Karen E. Rushing (Sarasota), and the Honorable Carolyn Timmann (Martin).

For questions please contact [Richard Herring](#) at (850) 264-6531 and/or [Kimberly Renspie](#) at (813) 748-4133.



# FCCC ADVISORY

**Amendment 4/Restoration of Voting Rights**

**No. 19-056**

<b>Date:</b>	July 16, 2019	<b>Contact:</b>	Richard Herring; Kimberly Renspie
<b>Category:</b>	Clerk Administration, Courts	<b>Telephone:</b>	(850) 921-0808
<b>Page:</b>	1 of 1	<b>E-mail:</b>	<a href="mailto:rherring@flclerks.com">rherring@flclerks.com</a> ; <a href="mailto:krenspie@flclerks.com">krenspie@flclerks.com</a>

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Recently Released Inmates

DC Number	INMATE LAST NAME	INMATE FIRST NAME	CASE NUMBER	UNIFORM CASE NUMBER	Release Date	COUNTY WHERE CONVICTED
					06/28/2019	ALACHUA
					06/27/2019	ALACHUA
					06/26/2019	ALACHUA
					06/26/2019	ALACHUA
					06/24/2019	ALACHUA
					06/23/2019	ALACHUA
					06/23/2019	ALACHUA
					06/23/2019	ALACHUA
					06/22/2019	ALACHUA
					06/22/2019	ALACHUA
					06/27/2019	BAKER
					06/26/2019	BAKER
					06/21/2019	BAKER
					06/12/2019	BAKER
					06/10/2019	BAKER
					06/09/2019	BAKER
					06/07/2019	BAKER
					06/02/2019	BAKER
					06/01/2019	BAKER
					06/01/2019	BAKER
					06/30/2019	BAY
					06/29/2019	BAY
					06/29/2019	BAY
					06/29/2019	BAY
					06/27/2019	BAY
					06/27/2019	BAY
					06/25/2019	BAY
					06/25/2019	BAY
					06/22/2019	BAY
					06/22/2019	BAY
					06/29/2019	BRADFORD
					06/24/2019	BRADFORD
					06/17/2019	BRADFORD
					06/15/2019	BRADFORD
					06/08/2019	BRADFORD
					05/31/2019	BRADFORD
					05/27/2019	BRADFORD
					05/24/2019	BRADFORD
					05/19/2019	BRADFORD
					05/16/2019	BRADFORD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/29/2019	BREVARD
					06/29/2019	BREVARD
					06/28/2019	BREVARD
					06/28/2019	BREVARD
					06/27/2019	BREVARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD

06/29/2019	BROWARD
06/29/2019	BROWARD
06/29/2019	BROWARD
06/28/2019	BROWARD
06/28/2019	CALHOUN
06/14/2019	CALHOUN
06/14/2019	CALHOUN
06/04/2019	CALHOUN
05/29/2019	CALHOUN
05/19/2019	CALHOUN
05/01/2019	CALHOUN
04/28/2019	CALHOUN
04/27/2019	CALHOUN
04/24/2019	CALHOUN
06/29/2019	CHARLOTTE
06/27/2019	CHARLOTTE
06/26/2019	CHARLOTTE
06/24/2019	CHARLOTTE
06/18/2019	CHARLOTTE
06/17/2019	CHARLOTTE
06/11/2019	CHARLOTTE
06/08/2019	CHARLOTTE
06/07/2019	CHARLOTTE
06/06/2019	CHARLOTTE
06/29/2019	CITRUS
06/29/2019	CITRUS
06/25/2019	CITRUS
06/24/2019	CITRUS
06/24/2019	CITRUS
06/23/2019	CITRUS
06/20/2019	CITRUS
06/20/2019	CITRUS
06/18/2019	CITRUS
06/16/2019	CITRUS
06/30/2019	CLAY
06/27/2019	CLAY
06/23/2019	CLAY
06/23/2019	CLAY
06/21/2019	CLAY
06/17/2019	CLAY
06/13/2019	CLAY
06/11/2019	CLAY
06/11/2019	CLAY
06/10/2019	CLAY
06/30/2019	COLLIER
06/29/2019	COLLIER
06/28/2019	COLLIER
06/26/2019	COLLIER
06/26/2019	COLLIER
06/26/2019	COLLIER
06/25/2019	COLLIER
06/24/2019	COLLIER
06/23/2019	COLLIER
06/23/2019	COLLIER
06/29/2019	COLUMBIA
06/29/2019	COLUMBIA
06/28/2019	COLUMBIA
06/28/2019	COLUMBIA
06/27/2019	COLUMBIA
06/27/2019	COLUMBIA
06/26/2019	COLUMBIA

06/23/2019	COLUMBIA
06/22/2019	COLUMBIA
06/21/2019	COLUMBIA
06/30/2019	MIAMI-DADE
06/30/2019	MIAMI-DADE
06/29/2019	MIAMI-DADE
06/29/2019	MIAMI-DADE
06/28/2019	MIAMI-DADE
06/27/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/25/2019	MIAMI-DADE
06/27/2019	DESOTO
06/25/2019	DESOTO
06/16/2019	DESOTO
06/15/2019	DESOTO
06/12/2019	DESOTO
06/11/2019	DESOTO
06/11/2019	DESOTO
06/07/2019	DESOTO
06/03/2019	DESOTO
06/01/2019	DESOTO
06/13/2019	DIXIE
06/01/2019	DIXIE
05/26/2019	DIXIE
05/20/2019	DIXIE
05/07/2019	DIXIE
05/02/2019	DIXIE
04/24/2019	DIXIE
04/23/2019	DIXIE
04/23/2019	DIXIE
04/18/2019	DIXIE
06/30/2019	DUVAL
06/30/2019	DUVAL
06/30/2019	DUVAL
06/30/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/28/2019	DUVAL
06/30/2019	ESCAMBIA
06/30/2019	ESCAMBIA
06/29/2019	ESCAMBIA
06/28/2019	ESCAMBIA
06/28/2019	ESCAMBIA
06/27/2019	ESCAMBIA
06/26/2019	ESCAMBIA
06/26/2019	ESCAMBIA
06/25/2019	ESCAMBIA
06/24/2019	ESCAMBIA
06/26/2019	FLAGLER
06/17/2019	FLAGLER
06/04/2019	FLAGLER
06/02/2019	FLAGLER
06/01/2019	FLAGLER
05/31/2019	FLAGLER
05/11/2019	FLAGLER
05/10/2019	FLAGLER

05/06/2019	FLAGLER
05/01/2019	FLAGLER
06/24/2019	FRANKLIN
06/02/2019	FRANKLIN
05/28/2019	FRANKLIN
05/10/2019	FRANKLIN
04/12/2019	FRANKLIN
04/12/2019	FRANKLIN
04/06/2019	FRANKLIN
03/28/2019	FRANKLIN
03/26/2019	FRANKLIN
03/06/2019	FRANKLIN
06/27/2019	GADSDEN
06/23/2019	GADSDEN
06/13/2019	GADSDEN
06/01/2019	GADSDEN
05/27/2019	GADSDEN
05/24/2019	GADSDEN
05/23/2019	GADSDEN
05/22/2019	GADSDEN
05/22/2019	GADSDEN
05/16/2019	GADSDEN
06/30/2019	GILCHRIST
06/11/2019	GILCHRIST
06/10/2019	GILCHRIST
06/08/2019	GILCHRIST
06/01/2019	GILCHRIST
05/30/2019	GILCHRIST
05/24/2019	GILCHRIST
05/24/2019	GILCHRIST
05/21/2019	GILCHRIST
05/15/2019	GILCHRIST
06/09/2019	GLADES
06/01/2019	GLADES
05/02/2019	GLADES
04/30/2019	GLADES
04/30/2019	GLADES
04/16/2019	GLADES
03/18/2019	GLADES
03/15/2019	GLADES
02/11/2019	GLADES
02/07/2019	GLADES
06/24/2019	GULF
06/20/2019	GULF
06/17/2019	GULF
06/08/2019	GULF
06/02/2019	GULF
05/27/2019	GULF
05/21/2019	GULF
05/13/2019	GULF
05/08/2019	GULF
05/06/2019	GULF
06/08/2019	HAMILTON
06/03/2019	HAMILTON
05/13/2019	HAMILTON
05/03/2019	HAMILTON
05/01/2019	HAMILTON
04/05/2019	HAMILTON
04/01/2019	HAMILTON
03/05/2019	HAMILTON
02/27/2019	HAMILTON

02/27/2019	HAMILTON
06/26/2019	HARDEE
06/07/2019	HARDEE
06/04/2019	HARDEE
06/02/2019	HARDEE
05/29/2019	HARDEE
05/21/2019	HARDEE
05/12/2019	HARDEE
04/30/2019	HARDEE
04/20/2019	HARDEE
04/19/2019	HARDEE
06/25/2019	HENDRY
06/20/2019	HENDRY
06/14/2019	HENDRY
06/14/2019	HENDRY
06/09/2019	HENDRY
06/05/2019	HENDRY
06/02/2019	HENDRY
06/02/2019	HENDRY
06/02/2019	HENDRY
06/01/2019	HENDRY
06/29/2019	HERNANDO
06/29/2019	HERNANDO
06/28/2019	HERNANDO
06/28/2019	HERNANDO
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06/20/2019	HERNANDO
06/20/2019	HERNANDO
06/28/2019	HIGHLANDS
06/25/2019	HIGHLANDS
06/25/2019	HIGHLANDS
06/23/2019	HIGHLANDS
06/23/2019	HIGHLANDS
06/23/2019	HIGHLANDS
06/22/2019	HIGHLANDS
06/18/2019	HIGHLANDS
06/16/2019	HIGHLANDS
06/13/2019	HIGHLANDS
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/30/2019	HILLSBOROUGH
06/29/2019	HILLSBOROUGH
06/29/2019	HILLSBOROUGH
06/29/2019	HILLSBOROUGH
06/25/2019	HOLMES
06/18/2019	HOLMES
06/13/2019	HOLMES
06/06/2019	HOLMES
05/24/2019	HOLMES
05/15/2019	HOLMES
05/14/2019	HOLMES
05/06/2019	HOLMES
05/03/2019	HOLMES
05/01/2019	HOLMES

06/30/2019	INDIAN RIVER
06/27/2019	INDIAN RIVER
06/25/2019	INDIAN RIVER
06/21/2019	INDIAN RIVER
06/21/2019	INDIAN RIVER
06/20/2019	INDIAN RIVER
06/13/2019	INDIAN RIVER
06/11/2019	INDIAN RIVER
06/10/2019	INDIAN RIVER
06/08/2019	INDIAN RIVER
06/28/2019	JACKSON
06/27/2019	JACKSON
06/26/2019	JACKSON
06/18/2019	JACKSON
06/16/2019	JACKSON
06/15/2019	JACKSON
06/09/2019	JACKSON
06/05/2019	JACKSON
06/02/2019	JACKSON
05/27/2019	JACKSON
06/06/2019	JEFFERSON
05/08/2019	JEFFERSON
04/01/2019	JEFFERSON
04/01/2019	JEFFERSON
04/01/2019	JEFFERSON
03/30/2019	JEFFERSON
03/19/2019	JEFFERSON
03/05/2019	JEFFERSON
01/13/2019	JEFFERSON
12/24/2018	JEFFERSON
06/18/2019	LAFAYETTE
06/10/2019	LAFAYETTE
05/01/2019	LAFAYETTE
12/05/2018	LAFAYETTE
12/01/2018	LAFAYETTE
11/23/2018	LAFAYETTE
11/01/2018	LAFAYETTE
10/06/2018	LAFAYETTE
08/11/2018	LAFAYETTE
07/24/2018	LAFAYETTE
06/30/2019	LAKE
06/30/2019	LAKE
06/29/2019	LAKE
06/29/2019	LAKE
06/29/2019	LAKE
06/29/2019	LAKE
06/29/2019	LAKE
06/27/2019	LAKE
06/26/2019	LAKE
06/25/2019	LAKE
06/23/2019	LAKE
06/30/2019	LEE
06/30/2019	LEE
06/29/2019	LEE
06/28/2019	LEE
06/28/2019	LEE
06/27/2019	LEE
06/26/2019	LEE
06/26/2019	LEE
06/26/2019	LEE
06/26/2019	LEE
06/26/2019	LEE
06/30/2019	LEON

06/30/2019	LEON
06/29/2019	LEON
06/29/2019	LEON
06/29/2019	LEON
06/26/2019	LEON
06/25/2019	LEON
06/25/2019	LEON
06/25/2019	LEON
06/24/2019	LEON
06/26/2019	LEVY
06/15/2019	LEVY
06/01/2019	LEVY
06/01/2019	LEVY
05/30/2019	LEVY
05/24/2019	LEVY
05/19/2019	LEVY
05/18/2019	LEVY
04/30/2019	LEVY
04/28/2019	LEVY
06/30/2019	LIBERTY
06/17/2019	LIBERTY
06/01/2019	LIBERTY
04/22/2019	LIBERTY
04/03/2019	LIBERTY
03/21/2019	LIBERTY
03/10/2019	LIBERTY
03/02/2019	LIBERTY
02/27/2019	LIBERTY
02/25/2019	LIBERTY
06/09/2019	MADISON
06/01/2019	MADISON
05/01/2019	MADISON
04/27/2019	MADISON
04/12/2019	MADISON
04/05/2019	MADISON
03/12/2019	MADISON
03/12/2019	MADISON
03/03/2019	MADISON
03/02/2019	MADISON
06/29/2019	MANATEE
06/27/2019	MANATEE
06/25/2019	MANATEE
06/25/2019	MANATEE
06/25/2019	MANATEE
06/25/2019	MANATEE
06/22/2019	MANATEE
06/22/2019	MANATEE
06/22/2019	MANATEE
06/21/2019	MANATEE
06/30/2019	MARION
06/30/2019	MARION
06/30/2019	MARION
06/30/2019	MARION
06/29/2019	MARION
06/28/2019	MARION
06/27/2019	MARION
06/26/2019	MARION
06/26/2019	MARION
06/25/2019	MARION
06/30/2019	MARTIN
06/27/2019	MARTIN

06/26/2019	MARTIN
06/24/2019	MARTIN
06/23/2019	MARTIN
06/21/2019	MARTIN
06/21/2019	MARTIN
06/18/2019	MARTIN
06/14/2019	MARTIN
06/11/2019	MARTIN
06/26/2019	MONROE
06/26/2019	MONROE
06/23/2019	MONROE
06/19/2019	MONROE
06/19/2019	MONROE
06/18/2019	MONROE
06/15/2019	MONROE
06/11/2019	MONROE
06/11/2019	MONROE
06/09/2019	MONROE
06/21/2019	NASSAU
06/20/2019	NASSAU
06/05/2019	NASSAU
06/02/2019	NASSAU
06/01/2019	NASSAU
06/01/2019	NASSAU
05/05/2019	NASSAU
05/05/2019	NASSAU
05/05/2019	NASSAU
04/27/2019	NASSAU
06/27/2019	OKALOOSA
06/27/2019	OKALOOSA
06/27/2019	OKALOOSA
06/26/2019	OKALOOSA
06/26/2019	OKALOOSA
06/23/2019	OKALOOSA
06/22/2019	OKALOOSA
06/19/2019	OKALOOSA
06/19/2019	OKALOOSA
06/18/2019	OKALOOSA
06/30/2019	OKEECHOBEE
06/27/2019	OKEECHOBEE
06/23/2019	OKEECHOBEE
06/15/2019	OKEECHOBEE
06/14/2019	OKEECHOBEE
06/13/2019	OKEECHOBEE
06/13/2019	OKEECHOBEE
06/08/2019	OKEECHOBEE
06/05/2019	OKEECHOBEE
06/05/2019	OKEECHOBEE
06/30/2019	ORANGE
06/30/2019	ORANGE
06/29/2019	ORANGE
06/29/2019	ORANGE
06/28/2019	ORANGE
06/28/2019	ORANGE
06/28/2019	ORANGE
06/28/2019	ORANGE
06/27/2019	ORANGE
06/27/2019	ORANGE
06/29/2019	OSCEOLA
06/28/2019	OSCEOLA
06/27/2019	OSCEOLA



06/24/2019	OSCEOLA
06/24/2019	OSCEOLA
06/23/2019	OSCEOLA
06/23/2019	OSCEOLA
06/21/2019	OSCEOLA
06/20/2019	OSCEOLA
06/19/2019	OSCEOLA
06/30/2019	PALM BEACH
06/28/2019	PALM BEACH
06/28/2019	PALM BEACH
06/27/2019	PALM BEACH
06/27/2019	PALM BEACH
06/26/2019	PALM BEACH
06/26/2019	PALM BEACH
06/26/2019	PALM BEACH
06/25/2019	PALM BEACH
06/25/2019	PALM BEACH
06/30/2019	PASCO
06/30/2019	PASCO
06/30/2019	PASCO
06/30/2019	PASCO
06/29/2019	PASCO
06/28/2019	PASCO
06/28/2019	PASCO
06/27/2019	PASCO
06/27/2019	PASCO
06/26/2019	PASCO
06/30/2019	PINELLAS
06/30/2019	PINELLAS
06/29/2019	PINELLAS
06/29/2019	PINELLAS
06/29/2019	PINELLAS
06/27/2019	PINELLAS
06/27/2019	PINELLAS
06/26/2019	PINELLAS
06/25/2019	PINELLAS
06/23/2019	PINELLAS
06/30/2019	POLK
06/30/2019	POLK
06/30/2019	POLK
06/30/2019	POLK
06/29/2019	POLK
06/29/2019	POLK
06/29/2019	POLK
06/29/2019	POLK
06/28/2019	POLK
06/28/2019	POLK
06/30/2019	PUTNAM
06/30/2019	PUTNAM
06/29/2019	PUTNAM
06/29/2019	PUTNAM
06/27/2019	PUTNAM
06/26/2019	PUTNAM
06/23/2019	PUTNAM
06/21/2019	PUTNAM
06/20/2019	PUTNAM
06/19/2019	PUTNAM
06/30/2019	ST. JOHNS
06/29/2019	ST. JOHNS
06/27/2019	ST. JOHNS
06/27/2019	ST. JOHNS

06/27/2019	ST. JOHNS
06/25/2019	ST. JOHNS
06/25/2019	ST. JOHNS
06/25/2019	ST. JOHNS
06/25/2019	ST. JOHNS
06/24/2019	ST. JOHNS
06/30/2019	ST. LUCIE
06/30/2019	ST. LUCIE
06/28/2019	ST. LUCIE
06/28/2019	ST. LUCIE
06/27/2019	ST. LUCIE
06/27/2019	ST. LUCIE
06/27/2019	ST. LUCIE
06/26/2019	ST. LUCIE
06/26/2019	ST. LUCIE
06/26/2019	ST. LUCIE
06/30/2019	SANTA ROSA
06/28/2019	SANTA ROSA
06/27/2019	SANTA ROSA
06/22/2019	SANTA ROSA
06/20/2019	SANTA ROSA
06/17/2019	SANTA ROSA
06/17/2019	SANTA ROSA
06/13/2019	SANTA ROSA
06/13/2019	SANTA ROSA
06/12/2019	SANTA ROSA
06/30/2019	SARASOTA
06/30/2019	SARASOTA
06/29/2019	SARASOTA
06/28/2019	SARASOTA
06/27/2019	SARASOTA
06/25/2019	SARASOTA
06/24/2019	SARASOTA
06/24/2019	SARASOTA
06/22/2019	SARASOTA
06/21/2019	SARASOTA
06/28/2019	SEMINOLE
06/28/2019	SEMINOLE
06/27/2019	SEMINOLE
06/27/2019	SEMINOLE
06/26/2019	SEMINOLE
06/24/2019	SEMINOLE
06/24/2019	SEMINOLE
06/24/2019	SEMINOLE
06/21/2019	SEMINOLE
06/21/2019	SEMINOLE
06/26/2019	SUMTER
06/25/2019	SUMTER
06/20/2019	SUMTER
06/19/2019	SUMTER
06/14/2019	SUMTER
06/11/2019	SUMTER
06/11/2019	SUMTER
06/10/2019	SUMTER
06/07/2019	SUMTER
06/06/2019	SUMTER
06/29/2019	SUWANNEE
06/29/2019	SUWANNEE
06/24/2019	SUWANNEE
06/20/2019	SUWANNEE
06/12/2019	SUWANNEE

06/08/2019	SUWANNEE
06/06/2019	SUWANNEE
06/06/2019	SUWANNEE
06/05/2019	SUWANNEE
06/03/2019	SUWANNEE
06/29/2019	TAYLOR
06/28/2019	TAYLOR
06/19/2019	TAYLOR
06/15/2019	TAYLOR
06/12/2019	TAYLOR
06/11/2019	TAYLOR
06/10/2019	TAYLOR
06/02/2019	TAYLOR
06/01/2019	TAYLOR
05/30/2019	TAYLOR
06/20/2019	UNION
06/07/2019	UNION
06/02/2019	UNION
05/28/2019	UNION
05/22/2019	UNION
05/13/2019	UNION
05/11/2019	UNION
04/13/2019	UNION
04/06/2019	UNION
04/03/2019	UNION
06/30/2019	VOLUSIA
06/30/2019	VOLUSIA
06/30/2019	VOLUSIA
06/29/2019	VOLUSIA
06/29/2019	VOLUSIA
06/29/2019	VOLUSIA
06/28/2019	VOLUSIA
06/28/2019	VOLUSIA
06/28/2019	VOLUSIA
06/27/2019	VOLUSIA
06/17/2019	WAKULLA
06/16/2019	WAKULLA
05/24/2019	WAKULLA
05/16/2019	WAKULLA
05/03/2019	WAKULLA
04/27/2019	WAKULLA
04/05/2019	WAKULLA
04/01/2019	WAKULLA
03/14/2019	WAKULLA
02/28/2019	WAKULLA
06/21/2019	WALTON
06/08/2019	WALTON
06/08/2019	WALTON
06/03/2019	WALTON
06/01/2019	WALTON
05/31/2019	WALTON
05/30/2019	WALTON
05/27/2019	WALTON
05/26/2019	WALTON
05/25/2019	WALTON
06/30/2019	WASHINGTON
06/27/2019	WASHINGTON
06/23/2019	WASHINGTON
06/22/2019	WASHINGTON
06/22/2019	WASHINGTON
06/17/2019	WASHINGTON

06/16/2019	WASHINGTON
06/14/2019	WASHINGTON
06/07/2019	WASHINGTON
06/04/2019	WASHINGTON

**BLANK**

**DIVIDER**

**Carolyn Timmann**

**From:** Allison L. Newman <anewman@flclerks.com>  
**Sent:** Tuesday, July 16, 2019 2:45 PM  
**Subject:** Advisory - 19-057- Amendment 4/Restoration of Voting Rights QRT Data Review Request  
**Attachments:** 19bull057.docx.pdf; 19bull057\_Attach\_1\_DOC- Recent Releases by County.xlsx

**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory regarding the **Amendment 4/Restoration of Voting Rights QRT Data Review Request**.

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Comptrollers	<b>Category:</b>	Clerk Administration, Courts
<b>Priority:</b>	High	<b>Action required:</b>	Please review the following information regarding the Amendment 4/Restoration of Voting Rights request to compare information found in the local CMS.
<b>Clerk outreach:</b>	No external outreach needed.		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

ANewman@FLClerks.com

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## FCCC ADVISORY

**Amendment 4/Restoration of Voting Rights QRT Data Review Request**      **No. 19-057**

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<b>Date:</b>	July 16, 2019	<b>Contact:</b>	Richard Herring; Kimberly Renspie
<b>Category:</b>	Clerk Administration, Courts	<b>Telephone:</b>	(850) 921-0808
<b>Page:</b>	1 of 1	<b>E-mail:</b>	<a href="mailto:rherring@flclerks.com">rherring@flclerks.com</a> ; <a href="mailto:krenspie@flclerks.com">krenspie@flclerks.com</a>

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The Amendment 4 Quick Response Team (QRT) has been working with the Department of Corrections (DOC) to obtain information on recently released felons. To help understand issues that may arise, DOC provided the attached list, *DOC Recent Releases by County*, which contains 10 recently released individuals per county, including financial obligations. The QRT requests that you review the 10 cases in your county and provide any issues you find during your review. The review should compare the CCIS information about the individual with the information in your local CMS. Each member of the QRT has already completed this review for their county and found it to be a valuable exercise in checking our data integrity. Please provide the results of your review to [Richard Herring](#) and [Kimberly Renspie](#) at the association by close of business Friday, July 26, 2019 in order to provide this information for discussion during the Quick Response Team on Monday, July 29, 2019.

#### Items to be aware of:

- **DC Number** - This is the number assigned to an inmate by DOC. The DC number, like a social security number, is a lifetime number.
- **Case number** - This number is a portion of the UCN, the first 1 or 2 digits indicate the year, and the CF case type is always omitted.
- **Uniform Case Number** - Expect the UCN to be blank in most cases. The DOC system does not routinely maintain the UCN.

#### QRT review results:

- There have been name misspellings and other data entry issues.
- It should take approximately 1-2 hours to complete this exercise.

The FCCC Amendment 4 QRT is composed of the Honorable Ken Burke, CPA (Pinellas), the Honorable Tara S. Green (Clay), the Honorable Tiffany Moore Russell, Esq. (Orange), the Honorable Karen E. Rushing (Sarasota), and the Honorable Carolyn Timmann (Martin).

For questions please contact [Richard Herring](#) at (850) 264-6531 and/or [Kimberly Renspie](#) at (813) 748-4133.

**FLCLERKS.COM**

FCCC | 3544 Maclay Blvd | Tallahassee, Florida 32312 | (850) 921-0808

Recently Released Inmates

DC Number	INMATE LAST NAME	INMATE FIRST NAME	CASE NUMBER	UNIFORM CASE NUMBER	Release Date	COUNTY WHERE CONVICTED
					06/28/2019	ALACHUA
					06/27/2019	ALACHUA
					06/26/2019	ALACHUA
					06/26/2019	ALACHUA
					06/24/2019	ALACHUA
					06/23/2019	ALACHUA
					06/23/2019	ALACHUA
					06/23/2019	ALACHUA
					06/22/2019	ALACHUA
					06/22/2019	ALACHUA
					06/27/2019	BAKER
					06/26/2019	BAKER
					06/21/2019	BAKER
					06/12/2019	BAKER
					06/10/2019	BAKER
					06/09/2019	BAKER
					06/07/2019	BAKER
					06/02/2019	BAKER
					06/01/2019	BAKER
					06/01/2019	BAKER
					06/30/2019	BAY
					06/29/2019	BAY
					06/29/2019	BAY
					06/29/2019	BAY
					06/27/2019	BAY
					06/27/2019	BAY
					06/25/2019	BAY
					06/25/2019	BAY
					06/22/2019	BAY
					06/22/2019	BAY
					06/29/2019	BRADFORD
					06/24/2019	BRADFORD
					06/17/2019	BRADFORD
					06/15/2019	BRADFORD
					06/08/2019	BRADFORD
					05/31/2019	BRADFORD
					05/27/2019	BRADFORD
					05/24/2019	BRADFORD
					05/19/2019	BRADFORD
					05/16/2019	BRADFORD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/30/2019	BREVARD
					06/29/2019	BREVARD
					06/29/2019	BREVARD
					06/28/2019	BREVARD
					06/28/2019	BREVARD
					06/27/2019	BREVARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD
					06/30/2019	BROWARD



06/29/2019	BROWARD
06/29/2019	BROWARD
06/29/2019	BROWARD
06/28/2019	BROWARD
06/28/2019	CALHOUN
06/14/2019	CALHOUN
06/14/2019	CALHOUN
06/04/2019	CALHOUN
05/29/2019	CALHOUN
05/19/2019	CALHOUN
05/01/2019	CALHOUN
04/28/2019	CALHOUN
04/27/2019	CALHOUN
04/24/2019	CALHOUN
06/29/2019	CHARLOTTE
06/27/2019	CHARLOTTE
06/26/2019	CHARLOTTE
06/24/2019	CHARLOTTE
06/18/2019	CHARLOTTE
06/17/2019	CHARLOTTE
06/11/2019	CHARLOTTE
06/08/2019	CHARLOTTE
06/07/2019	CHARLOTTE
06/06/2019	CHARLOTTE
06/29/2019	CITRUS
06/29/2019	CITRUS
06/25/2019	CITRUS
06/24/2019	CITRUS
06/24/2019	CITRUS
06/23/2019	CITRUS
06/20/2019	CITRUS
06/20/2019	CITRUS
06/18/2019	CITRUS
06/16/2019	CITRUS
06/30/2019	CLAY
06/27/2019	CLAY
06/23/2019	CLAY
06/23/2019	CLAY
06/21/2019	CLAY
06/17/2019	CLAY
06/13/2019	CLAY
06/11/2019	CLAY
06/11/2019	CLAY
06/10/2019	CLAY
06/30/2019	COLLIER
06/29/2019	COLLIER
06/28/2019	COLLIER
06/26/2019	COLLIER
06/26/2019	COLLIER
06/26/2019	COLLIER
06/25/2019	COLLIER
06/24/2019	COLLIER
06/23/2019	COLLIER
06/23/2019	COLLIER
06/29/2019	COLUMBIA
06/29/2019	COLUMBIA
06/28/2019	COLUMBIA
06/28/2019	COLUMBIA
06/27/2019	COLUMBIA
06/27/2019	COLUMBIA
06/26/2019	COLUMBIA

06/23/2019	COLUMBIA
06/22/2019	COLUMBIA
06/21/2019	COLUMBIA
06/30/2019	MIAMI-DADE
06/30/2019	MIAMI-DADE
06/29/2019	MIAMI-DADE
06/29/2019	MIAMI-DADE
06/28/2019	MIAMI-DADE
06/27/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/26/2019	MIAMI-DADE
06/25/2019	MIAMI-DADE
06/27/2019	DESOTO
06/25/2019	DESOTO
06/16/2019	DESOTO
06/15/2019	DESOTO
06/12/2019	DESOTO
06/11/2019	DESOTO
06/11/2019	DESOTO
06/07/2019	DESOTO
06/03/2019	DESOTO
06/01/2019	DESOTO
06/13/2019	DIXIE
06/01/2019	DIXIE
05/26/2019	DIXIE
05/20/2019	DIXIE
05/07/2019	DIXIE
05/02/2019	DIXIE
04/24/2019	DIXIE
04/23/2019	DIXIE
04/23/2019	DIXIE
04/18/2019	DIXIE
06/30/2019	DUVAL
06/30/2019	DUVAL
06/30/2019	DUVAL
06/30/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
06/29/2019	DUVAL
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**DIVIDER**

## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Wednesday, July 17, 2019 10:57 AM  
**To:** Kelli Leighton  
**Cc:** Carolyn Timmann; Tom Harmer; Butterfield, Stacy; Richard Herring; Kimberly Renspie (krenspie@flclerks.com)  
**Subject:** FCCC Amendment 4 - negotiating fines and fees converted to civil liens  
**Categories:** Red Category

Kelli,

Thanks for recruiting several of your colleagues from other Clerks' offices as part of a workgroup under the Amendment 4 QRT. The workgroup will be tasked with suggesting guidelines/best practices for negotiating of criminal fines/fees/costs that are converted to civil liens. You may want to reach out to Palm Beach since they seem to have the most documented set of procedures on this topic as a possible member of the workgroup. It would be good to have a Clerk's office that currently does not negotiate to get their vantage point. You probably want to limit to 5 people.

The additional 4 to 5 people will be attorneys from Clerks' offices. Jerrod from Orange is doing that recruitment.

The combination of your group and the legal team will make up the full workgroup with you and Jarrod serving as co-chairs.

Let me know if this is agreeable with you or if you have any questions.

Thanks for your help with this important issue.

Ken

### **Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Thursday, July 18, 2019 2:58 PM  
**To:** Richard Herring; Angela Vick; Burgess, Bill; Carolyn Timmann; Fred Baggett (baggett@gtlaw.com); Geist, Melissa (Melissa.Geist@myorangeclerk.com); Karen Rushing (krushing@scgov.net); Kathy Davis (KDavis@citrusclerk.org); Kelli Leighton; Kimberly Renspie (krenspie@flclerks.com); Laura Roth (laura@clerk.org); Matt Whyte (Matt.Whyte@ManateeClerk.com); Pattavina, Diane ; Savannah Sullivan (ssullivan@flclerks.com); Tamayo, Maria; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tom Harmer  
**Subject:** FW: Amendment #4 Returning Citizens Voting Rights

Please see the below email exchange.

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**From:** Roth, Laura [mailto:Lroth@Clerk.org]  
**Sent:** Thursday, July 18, 2019 2:53 PM  
**To:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Subject:** FW: Amendment #4 Returning Citizens Voting Rights

Just an FYI, I asked DOC if there was a contact where defendants could obtain proof that probation supervision has terminated in cases pre-dating July 1st, and they responded below.

-----Original Message-----

**From:** Mintell, Brenda [mailto:Brenda.Mintell@fdc.myflorida.com]  
**Sent:** Thursday, July 18, 2019 2:44 PM  
**To:** Roth, Laura  
**Cc:** Jaimes, Antonio; Isaacson, David  
**Subject:** RE: Amendment #4 Returning Citizens Voting Rights

Good Afternoon,

I sincerely apologize for the delayed response as I have been in and out of the office these past few days. For those individuals pre-dating July 1 it is suggested they contact the office in the county of supervision. If unknown, then contact the county of sentencing. Hope this helps.

Thank you,

Brenda Mintell  
Circuit Administrator  
Circuit 7  
Florida Department of Corrections  
210 N. Palmetto Ave., Suite A104  
Daytona Beach, FL 32114  
Direct: (386)281-6812

Fax: (386)238-4892

Inspiring Success by Transforming One Life at a Time Respect • Integrity • Courage • Selfless Service • Compassion CONFIDENTIALITY & PUBLIC RECORDS NOTICE: This message and any attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information that is exempt from public disclosure. Any unauthorized review, use, disclosure, or distribution is prohibited. If you have received this message in error, please contact the sender by phone and destroy the original and all copies. Please be aware that the State of Florida has a broad public records law and that any correspondence sent to this email address may be subject to public disclosure.

-----Original Message-----

From: Roth, Laura <Lroth@Clerk.org>  
Sent: Friday, July 12, 2019 11:57 AM  
To: Mintell, Brenda <Brenda.Mintell@fdc.myflorida.com>  
Cc: Jaimes, Antonio <ajaimes@Clerk.org>; Isaacson, David <Disaacson@Clerk.org>  
Subject: Fwd: Amendment #4 Returning Citizens Voting Rights

Hi Brenda you'll see below the types of questions we're starting to get. So of course I can let them know that we will only be able to let them know if there are any outstanding court cost fines and fees for a Volusia County case but is there someone they can reach out to you to obtain proof that they've terminated DOC supervision? These will be instances pre-dating July 1 where no termination has been filed in the case usually.

Thank you!

Begin forwarded message:

From: Web Reply <WReply@Clerk.org<mailto:WReply@Clerk.org>>  
Date: July 12, 2019 at 11:40:05 AM EDT  
To: "Roth, Laura" <Lroth@Clerk.org<mailto:Lroth@Clerk.org>>, "Jaimes, Antonio" <ajaimes@Clerk.org<mailto:ajaimes@Clerk.org>>  
Subject: FW: Amendment #4 Returning Citizens Voting Rights

From: Linda Straubel <straue75@gmail.com<mailto:straue75@gmail.com>>  
Sent: Friday, July 12, 2019 11:17 AM  
To: Web Reply <WReply@Clerk.org<mailto:WReply@Clerk.org>>  
Subject: Amendment #4 Returning Citizens Voting Rights

Dear Ms. Roth, Clerk of Volusia Circuit Court,

As Chair of our Port Orange Democratic Club's Amendment #4 Committee, I am writing to confirm information I've received before passing it on to the rest of our committee.

As I understand it, it is the ex-felons' responsibility to confirm that they have met all conditions to have their voting rights restored and can check with your office to ensure that they have. As I also understand it, we cannot help them to register until they have done so. My biggest concern is that they may have added courts cost and other fines that they have not yet been informed of. I am also concerned that they can get into trouble if they try to register still having unpaid fines levied against them.



While I have done online research, I'm find a lot of the information dated since the Florida Legislature and our governor passed a law making it more difficult for these returning citizens to register.

I would deeply appreciate any advice you can give me. Thank you in advance.

L. Straubel, PODC Board of Directors  
Amendment #4 Committee Chair

Link to author's page on Amazon.com<<http://Amazon.com>>:  
[amazon.com/author/lindastraubel](http://amazon.com/author/lindastraubel)<<http://amazon.com/author/lindastraubel>>

HINT: Buy and review my book, Mystic Fruit, an historical novel set in the '60s, available in paperback or Kindle version; see site for information on my editing services. P.S. You can review it even if you don't read it all.

Former Chair/Publicity, Arts & Letters Committee Assoc. Prof. Humanities & Communication  
Retired May 12, 2016

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**DIVIDER**

## Carolyn Timmann

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**From:** Carolyn Timmann  
**Sent:** Thursday, July 18, 2019 3:35 PM  
**To:** Burke, Ken  
**Cc:** Richard Herring; Angela Vick; Burgess, Bill; Fred Baggett (baggettf@gtlaw.com); Geist, Melissa (Melissa.Geist@myorangeclerk.com); Karen Rushing (krushing@scgov.net); Kathy Davis (KDavis@citrusclerk.org); Kelli Leighton; Kimberly Renspie (krenspie@flclerks.com); Laura Roth (laura@clerk.org); Matt Whyte (Matt.Whyte@ManateeClerk.com); Pattavina, Diane; Savannah Sullivan (ssullivan@flclerks.com); Tamayo, Maria; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tom Harmer  
**Subject:** Re: Amendment #4 Returning Citizens Voting Rights

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Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

On Jul 18, 2019, at 2:58 PM, Burke, Ken <kburke@co.pinellas.fl.us> wrote:

Please see the below email exchange.

**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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Thank you,

Brenda Mintell  
Circuit Administrator  
Circuit 7  
Florida Department of Corrections  
210 N. Palmetto Ave., Suite A104  
Daytona Beach, FL 32114  
Direct: (386)281-6812  
Fax: (386)238-4892

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Sent: Friday, July 12, 2019 11:17 AM  
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Dear Ms. Roth, Clerk of Volusia Circuit Court,

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I would deeply appreciate any advice you can give me. Thank you in advance.

L. Straubel, PODC Board of Directors  
Amendment #4 Committee Chair

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HINT: Buy and review my book, Mystic Fruit, an historical novel set in the '60s, available in paperback or Kindle version; see site for information on my editing services. P.S. You can review it even if you don't read it all.

Former Chair/Publicity, Arts & Letters Committee Assoc. Prof. Humanities & Communication Retired May 12, 2016

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**DIVIDER**

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210 N. Palmetto Ave., Suite A104  
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**DIVIDER**

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**From:** Richard <richard@reherring.com>  
**Sent:** Thursday, July 18, 2019 5:08 PM  
**To:** Burke, Ken; Carolyn Timmann  
**Cc:** Angela Vick; Burgess, Bill; Fred Baggett (baggettf@gtlaw.com); Geist, Melissa (Melissa.Geist@myorangeclerk.com); Karen Rushing (krushing@scgov.net); Kathy Davis (KDavis@citrusclerk.org); Kelli Leighton; Kimberly Renspie (krenspie@flclerks.com); Laura Roth (laura@clerk.org); Matt Whyte (Matt.Whyte@ManateeClerk.com); Pattavina, Diane; Savannah Sullivan (ssullivan@flclerks.com); Tamayo, Maria; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tom Harmer  
**Subject:** Re: Amendment #4 Returning Citizens Voting Rights

Absolutely, we will discuss with DOC. On Monday we will report the results of recent discussions with DOC.

To the best of my knowledge, the response from DOC relates to contacting the local DOC office. It appears to be limited to individuals released prior to 7/1/2019 from either DOC offender status (probation) or DOC inmate status (incarceration). These are 2 separate "sides" of the Department.

Note that the new law does not require DOC to "educate" prior (pre-7/1/2019) releasees on restoration. But DOC would need to document completion of any term of incarceration or supervision for those individuals. On an individual basis, such documentation could include completion of multiple terms if the individual had been sentenced to DOC on more than one occasion.

Responding to the question from the Port Orange Democratic Club's Amendment #4 Committee, I think we should be clear that it is not the Clerk's responsibility to confirm that individuals have met all conditions to have their voting rights restored. We do not have every piece of information needed by the individual. As examples, we would not have documentation of completion of incarceration for persons released in prior years. Nor would we have records of restitution paid directly to victims, as ordered by the Court. Ultimately, the new law places the final burden on the Department of State and local Supervisor of Elections. What Clerks can do is provide the records they do have, particularly sentencing documents and any subsequent modifications to those, as well as any documents filed with the Clerk/Court concerning the terms set out in those documents.

I believe it is appropriate for Clerks to suggest to organizations interested in the issue that, while continuing their work, they will want to monitor or comment to the Department of State's Restoration of Voting Rights Work Group (required in the new law), which should be getting organized within the next couple weeks.

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Humanities & Communication Retired May 12, 2016

**BLANK**

**DIVIDER**



## Carolyn Timmann

**From:** Sean Hudson <shudson@flclerks.com>  
**Sent:** Monday, July 22, 2019 4:24 PM  
**Subject:** Advisory - 19-060 - Federal subpoenas being issued regarding SB7066/Amendment 4  
**Attachments:** 19bull060.pdf

**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory regarding **Federal subpoenas being issued regarding SB7066/Amendment 4.**

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks	<b>Category:</b>	Clerk Administration
<b>Priority:</b>	High	<b>Action required:</b>	Please notify <a href="#">Chris Hart</a> if you have been served so a uniform response can be provided and limit the demands as much as possible on the Clerks.
<b>Executive Summary:</b>	Florida's Clerks may have been served today with subpoenas for deposition and to produce documents in the Federal case being brought to challenge the constitutionality of Senate Bill 7066, which was enacted by the 2019 Florida Legislature to implement recently adopted Amendment 4 to the Florida Constitution. This was the "Voting Restoration Amendment" that was placed on the 2018 General Election ballot by the Constitution Revision Commission to allow former felons who have "completed all conditions" of their sentence to register to vote. FCCC General Counsel has been asked to review the demands and advise how Clerks should best respond.		
<b>Clerk outreach:</b>	No external outreach is needed		

Thank you,



**SEAN C. HUDSON**, *Director of Administration & Member Services*

Phone (850) 921-0808

SHudson@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com) [f/FloridaClerks](https://www.facebook.com/FloridaClerks) [/FloridaClerks](https://www.instagram.com/FloridaClerks)

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## FCCC ADVISORY

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**Federal subpoenas being issued regarding SB 7066/Amendment 4 No. 19-060**

---

<b>Date:</b>	July 22, 2019	<b>Contact:</b>	Chris Hart
<b>Category:</b>	Clerk Administration	<b>Telephone:</b>	(850) 921-0808
<b>Page:</b>	1 of 1	<b>E-mail:</b>	<a href="mailto:chrishart@flclerks.com">chrishart@flclerks.com</a>

---

Florida's Clerks may have been served today with subpoenas for deposition and to produce documents in the case of Jones vs. DeSantis, Civil Action No. 4:19-cv-300, now pending in the U.S. District Court for the Northern District of Florida. This is a case being brought to challenge the constitutionality of Senate Bill 7066, which was enacted by the 2019 Florida Legislature to implement recently adopted Amendment 4 to the Florida Constitution. This was the "Voting Restoration Amendment" that was placed on the 2018 General Election ballot by a citizen petition initiative process to allow former felons who have "completed all conditions" of their sentence to register to vote.

The subpoenas are requiring appearance for deposition and to produce voluminous records. While we do not know the extent of the intended subjects of the deposition, the document production requires records and communications regarding implementation of Amendment 4, as well as SB 7066. Further, it requires all records and communications regarding the process for determining voter ineligibility because of outstanding or financial obligations related to prior convictions.

FCCC General Counsel has been asked to review the demands and advise how Clerks should best respond. We ask that if you have been served with these or similar subpoenas, please refrain from immediately responding and advise FCCC. We would like to have a uniform, if not joint, response to limit the demands as much as possible. It is FCCC's intent to provide further guidance later this week. The Federal Rules provide 14 days from the date of service for you to object to the production of documents request.

Please contact Chris Hart if you have any further questions or have been served regarding this case.

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**DIVIDER**

## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Monday, July 22, 2019 4:27 PM  
**To:** Sean Hudson; Chris Hart IV; Fred Baggett  
**Cc:** Stacy Butterfield  
**Subject:** Re: Advisory - 19-060 - Federal subpoenas being issued regarding SB7066/Amendment 4

This was not placed on the ballot by the CRC. It was a Citizen's Initiative.

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

On Jul 22, 2019, at 4:24 PM, Sean Hudson <[shudson@flclerks.com](mailto:shudson@flclerks.com)> wrote:

### Dear Court Clerks and Comptrollers:

Please review the attached Advisory regarding **Federal subpoenas being issued regarding SB7066/Amendment 4.**

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks	<b>Category:</b>	Clerk Administration
<b>Priority:</b>	High	<b>Action required:</b>	Please notify <a href="#">Chris Hart</a> if you have been served so a uniform response can be provided and limit the demands as much as possible on the Clerks.
<b>Executive Summary:</b>	Florida's Clerks may have been served today with subpoenas for deposition and to produce documents in the Federal case being brought to challenge the constitutionality of Senate Bill 7066, which was enacted by the 2019 Florida Legislature to implement recently adopted Amendment 4 to the Florida Constitution. This was the "Voting Restoration Amendment" that was placed on the 2018 General Election ballot by the Constitution Revision Commission to allow former felons who have "completed all conditions" of their sentence to register to vote. FCCC General Counsel has been asked to review the demands and advise how Clerks should best respond.		
<b>Clerk outreach:</b>	No external outreach is needed		

Thank you,

<image001.png>

<19bull060.pdf>

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**DIVIDER**

## Carolyn Timmann

---

**From:** Chris Hart <chrishart@flclerks.com>  
**Sent:** Tuesday, July 23, 2019 11:36 AM  
**To:** Butterfield, Stacy; Tara Green; Angel Colonnese; Carolyn Timmann; Barry Baker  
**Subject:** FW: EOG - Article V REC follow up meeting

FYI

In addition to the notes below, I was also able to provide them with the names of Clerks (Burke & Timmann) for consideration by the Governor for appointment to the Amendment 4 Task Force.

**From:** Chris Hart <chrishart@flclerks.com>  
**Sent:** Tuesday, July 23, 2019 11:33 AM  
**To:** 'Tom Bexley' <tbexley@flaglerclerk.com>; 'Jason Harrell' <jasonharrell@flclerks.com>  
**Subject:** EOG - Article V REC follow up meeting

Tom and Jason,

I met with Shane Strum and Stephanie Kopelousos yesterday to discuss our preferred outcome at the next meeting of the Article V REC. The meeting went very well.

Takeaways:

- They understand the fundamental request by the FCCC is to honor the legislative intent that Clerks receive carryforward funds THIS year.
- They plan to speak with OPB to ensure their representative is helpful.
- They want to assist with our future needs and have offered to meet ahead of the 2020 session.

Chris



**CHRIS HART IV**, *Chief Executive Officer*  
Phone (850) 921-0808 | Mobile (850) 274-2412  
ChrisHart@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com)  /FloridaClerks  /FloridaClerks

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## Carolyn Timmann

---

**From:** Sean Hudson <shudson@flclerks.com>  
**Sent:** Monday, July 22, 2019 4:30 PM  
**To:** Carolyn Timmann; Chris Hart IV; Fred Baggett  
**Cc:** Stacy Butterfield  
**Subject:** RE: Advisory - 19-060 - Federal subpoenas being issued regarding SB7066/Amendment 4

I'm sorry, I changed that in the actual Advisory but I forgot to change the Executive Summary.

**From:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Sent:** Monday, July 22, 2019 4:27 PM  
**To:** Sean Hudson <shudson@flclerks.com>; Chris Hart IV <chrishart@flclerks.com>; Fred Baggett <BaggettF@gtlaw.com>  
**Cc:** Stacy Butterfield <StacyButterfield@polk-county.net>  
**Subject:** Re: Advisory - 19-060 - Federal subpoenas being issued regarding SB7066/Amendment 4

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Thank you,

<image001.png>

<19bull060.pdf>



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**DIVIDER**

## Carolyn Timmann

---

**From:** Tara Green <greent@clayclerk.com>  
**Sent:** Wednesday, July 24, 2019 8:34 AM  
**To:** Butterfield, Stacy  
**Cc:** Chris Hart; Angel Colonnese; Carolyn Timmann; Barry Baker  
**Subject:** Re: [EXTERNAL]: FW: EOG - Article V REC follow up meeting  
**Attachments:** image001.jpg

Great! Thank you.

Tara S Green



**Tara S. Green**  
**Clerk of the Circuit Court**  
Office of Tara S. Green, Clay County Clerk of the Circuit Court  
825 N. Orange Avenue  
P.O. Box 698  
Green Cove Springs, FL 32043  
Phone: 904-269-6317  
Email: [greent@clayclerk.com](mailto:greent@clayclerk.com)



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[clayclerk.com](http://clayclerk.com)

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On Jul 23, 2019, at 2:20 PM, Butterfield, Stacy <[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)> wrote:

Thank you Chris, it seems you had a productive meeting.

*Sent from my Verizon LG Smartphone*

----- Original message-----

**From:** Chris Hart  
**Date:** Tue, Jul 23, 2019 11:36 AM  
**To:** Butterfield, Stacy; Tara Green; Angel Colonnese; Carolyn Timmann; Barry Baker;  
**Cc:**  
**Subject:** [EXTERNAL]: FW: EOG - Article V REC follow up meeting

FYI

In addition to the notes below, I was also able to provide them with the names of Clerks (Burke & Timmann) for consideration by the Governor for appointment to the Amendment 4 Task Force.

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**Sent:** Tuesday, July 23, 2019 11:33 AM

**To:** 'Tom Bexley' <[tbexley@flaglerclerk.com](mailto:tbexley@flaglerclerk.com)>; 'Jason Harrell' <[jasonharrell@flclerks.com](mailto:jasonharrell@flclerks.com)>

**Subject:** EOG - Article V REC follow up meeting

Tom and Jason,

I met with Shane Strum and Stephanie Kopelousos yesterday to discuss our preferred outcome at the next meeting of the Article V REC. The meeting went very well.

Takeaways:

- They understand the fundamental request by the FCCC is to honor the legislative intent that Clerks receive carryforward funds THIS year.
- They plan to speak with OPB to ensure their representative is helpful.
- They want to assist with our future needs and have offered to meet ahead of the 2020 session.

Chris



**CHRIS HART IV**, *Chief Executive Officer*

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[www.FLClerks.com](http://www.FLClerks.com)

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Thursday, July 25, 2019 11:03 AM  
**To:** Butterfield, Stacy  
**Cc:** Carolyn Timmann; Fred Baggett (baggett@gtlaw.com); Richard Herring; Chris Hart (chrishart@flclerks.com)  
**Subject:** Amendment 4 QRT

Stacy,

The Amendment 4 QRT has suspended our work based on your request. Is it fine to resume our work?

Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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## Carolyn Timmann

---

**From:** Butterfield, Stacy <StacyButterfield@polk-county.net>  
**Sent:** Thursday, July 25, 2019 11:08 AM  
**To:** 'Burke, Ken'  
**Cc:** Carolyn Timmann; Fred Baggett (baggettfgtlaw.com); Richard Herring; Chris Hart (chrishart@flclerks.com)  
**Subject:** RE: Amendment 4 QRT

Ken,

Good morning. I would like to get a status from Chris and Fred before we resume. I will follow up today.

Stacy



### *Stacy M. Butterfield, CPA*

CLERK OF THE CIRCUIT COURT AND  
COUNTY COMPTROLLER  
POLK COUNTY, FL  
P. O. Box 9000, Drawer CC-1  
Bartow, FL 33831-9000  
PH: (863)534-4522  
FAX: (863)534-4584  
[www.polkcountyclerk.net](http://www.polkcountyclerk.net)

---

**From:** Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
**Sent:** Thursday, July 25, 2019 11:03 AM  
**To:** Butterfield, Stacy  
**Cc:** Carolyn Timmann (ctimmann@martin.fl.us); Fred Baggett (baggettfgtlaw.com); Richard Herring; Chris Hart (chrishart@flclerks.com)  
**Subject:** [EXTERNAL]: Amendment 4 QRT

Stacy,

The Amendment 4 QRT has suspended our work based on your request. Is it fine to resume our work?

Ken

**Ken Burke, CPA**  
Clerk of the Circuit Court and Comptroller  
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[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**DIVIDER**

## Carolyn Timmann

---

**From:** BaggettF@gtlaw.com  
**Sent:** Friday, July 26, 2019 4:04 PM  
**To:** kburke@co.pinellas.fl.us  
**Cc:** StacyButterfield@polk-county.net; chrishart@fclerks.com; Carolyn Timmann  
**Subject:** FCCC opinion on Amendment 4 issues.DOCX  
**Attachments:** FACC opinion on Amendment 4 issues.DOCX

Ken, attached is our draft opinion as to issues dealing with "completion of sentence" requirement of Amendment 4. I tried calling you to go over the findings before issuance. I also wanted to give you an update on the deposition/request for document subpoena issues in Martin county. We have been in contact with the attorney for the Plaintiffs as to what he is after. He says that (1) he is not going to subpoena all clerks, (2) he picked Carolyn because of her familiarity with the issue having been active on the CRC even though Amendment 4 was the product of a citizen petition initiative (3) he is trying to find out how the clerk is able to determine what is owed for fines, fees, cost, restitution etc. and (4) how the clerk will inform the supervisor or secretary of state of the outstanding amounts. We have already told him that Clerks are not responsible for restitution and are currently only responsible for communicating the other amounts owed when requested by either the individual or the state. I believe you asked Stacy if the ORT should continue its calls and I see no reason that it shouldn't. We believe Plaintiff's lawyer will be cancelling the deposition of Carolyn. If not we will be filing a motion to quash and also seeking to narrow the request for documents. Hope this is helpful

---

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**Memorandum**

**TO:** Chris Hart  
Florida Court Clerks and Comptroller

**FROM:** Fred Baggett  
Hope Keating  
Mike Moody

**DATE:** July 26, 2019

**RE:** *Issues Pertaining to Restoration of Voting Rights*

---

***INTRODUCTION***

Amendment 4 to the Florida Constitution was passed by ballot initiative in 2018 and amended Article VI, Section 4, of the Florida Constitution. Article VI, Section 4, now provides in part that “any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.” Art. VI, § 4(a), Fla. Const.

**Implementing Legislation**

Chapter 2019-162 was passed by the Florida Legislature pursuant to Senate Bill 7066 and creates section 98.0751, Florida Statutes, effective July 1, 2019. Section 98.0751 provides in pertinent part:

(2) For purposes of this section, the term:

(a) “Completion of all terms of sentence” means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:

1. Release from any term of imprisonment ordered by the court as a part of the sentence;
2. Termination from any term of probation or community control ordered by the court as a part of the sentence;

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 2

3. Fulfillment of any term ordered by the court as a part of the sentence;
  4. Termination from any term of supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and
- 5.a. Full payment of restitution ordered to a victim by the court as part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.
- b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.
- c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. 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.
- d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in United States Constitution or the State Constitution.
- e. Financial obligations required under sub-subparagraph a. or sub-paragraph b. are considered in the following manner or in any combination thereof:
- (I) Actual payment of the obligation in full.
  - (II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to payee, including but not limited to, a victim, or the court.
  - (III) Completion of all community service hours, if the court, unless otherwise prohibited by law of the State Constitution, converts the financial obligation to community service.

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 3

### **Questions Presented**

In light of the amendment to Article VI, Section 4, and the new implementing language pertaining to “completion of all terms of sentence” as set forth above, you have posed the following questions:

1. Does the requirement of “completion of all terms of sentence” include any statutory interest?
2. Does the requirement of “completion of all terms of sentence” include fees paid to a collection agent engaged by a clerk for the collection of fees, fines and court costs?
3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order?

Of course, the new constitutional amendment and the new statute will be subject to interpretation by the courts. To this end, case law and other interpreting authority does not yet exist. Nonetheless, you have asked us to analyze the new law in conjunction with existing Florida law and to provide our thoughts as to the questions posed. Our responses to the questions are as follows:

- 1. Does the requirement of “completion of all terms of sentence” include any statutory interest?**

As set forth above, section 98.0751(2)(a) states that “completion of all terms of sentence” means full payment of restitution ordered to a victim by the court as a part of the sentence and full payment of fines or fees ordered by the court as a part of the sentence. § 98.0751(2)(a)5.a. and b. The statute goes on to state that such financial obligations “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.” § 98.0751(2)(a)5.c. (emphasis added). The statute does not address interest, nor does it address what is meant by “any fines, fees, or costs.”

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 4

Pursuant to section 775.089, Florida Statutes – the criminal restitution statute – restitution may be ordered as part of a criminal sentence.<sup>1</sup> § 775.089(1)(a), Fla. Stat. The outstanding unpaid amount of the restitution bears interest in accordance with section 55.03, Florida Statutes (the statutory interest statute). § 775.089(5), Fla. Stat. Thus, to the extent restitution is included in a criminal judgment sentencing order, interest accrues on such restitution pursuant to statute.

As previously noted, there is no case law or other authority to provide guidance on this issue. Also, the Bill Analyses for CS/SB 7066, the implementing legislation, does not reference “completion of all terms of sentence.” However, we believe that on the issue of interest, section 98.0751 and section 775.089 must be read *pari materia*. “The doctrine of *pari materia* is a principle of statutory construction that requires that statutes relating to the same subject or object be construed together to harmonize the statutes and to give effect to the Legislature’s intent.” *E.A.R. v. State*, 4 So. 3d 614, 629 (Fla. 2009). Given the language in section 98.0751(2)(a) requiring full payment of restitution ordered as part of a sentence, and the language in section 775.089(5) mandating the accrual of interest on restitution, we believe that when read together a reasonable interpretation of the new law would be – and certainly an argument can be made – that statutory interest is an obligation incurred on the date restitution is ordered as a part of the sentence and, thus, payment of such interest is required to complete the sentence. Of course, the new law will be subject to future interpretation by courts and this has not yet occurred.

The new law also requires “[f]ull payment of fines or fees ordered by the court as a part of the sentence.” § 98.0751(2)(a). Section 938.30, Florida Statutes, provides that when a person is liable for payment of any financial obligation in a criminal case, the judgment setting forth such financial obligations “must secure all unpaid court-imposed financial obligations that are due . . . as well as *interest* and reasonable costs for issuing a satisfaction and recording the satisfaction in the official records.” § 938.30(8) (emphasis added). The Bill Analysis for CS/SB 7086, the companion legislation to CS/SB 7086, discusses “completion of all terms of sentence,” and while it does not state that interest is included within the meaning of that term, it acknowledges and quotes section 938.39(8) stating that a judgment on court-imposed financial obligations must secure “interest.”

Thus, to the extent that a fine, fee, or cost is made a part of the criminal judgment/sentencing order and interest is included in the judgment, we believe that a reasonable interpretation of the new law when read in *pari materia* with section 938.39 is – and an argument can be made – that payment of such interest is required to complete the sentence.

---

<sup>1</sup> In addition to ordering restitution to be paid to victims, restitution may also be ordered to be paid to the state. See § 775.089(a)2; Fla. Stat. § 960.17, Fla. Stat.

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 5

**2. Does the requirement of “completion of all terms of sentence” include fees paid to a collection agent engaged by the clerk for the collection of fees, fines, and court costs?**

It is our understanding that a collection fee paid to a collection agent is a fee that is in addition to, and is added to the balance of, the unpaid financial obligations. § 28.246(6), Fla. Stat. It is further our understanding that such fee paid to a collection agent would necessarily accrue after the date the financial obligations of the sentence are ordered.

The new law provides that “completion of all terms of sentence” means payment of “only the amount specifically ordered by the court as part of the sentence and do[es] not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.” § 98.0751(2)(a)5.c. As noted above, there is no authority interpreting the new law. However, given the plain language of the statute, we believe it is likely that a court would find that, unless otherwise specifically ordered in the criminal judgment, fees owed to a collection agent that are in addition to, and added to the balance of, the unpaid financial obligations would not be included in the definition of “completion of all terms of sentence.” See *Germ v. St. Luke’s Hosp. Ass’n*, 993 So. 2d 576 (Fla. 1st DCA 2008) (courts should give statutory language its plain and ordinary meaning, and may not add words that were not included by the legislature).

Such plain language interpretation is reinforced by case law stating that additional costs may not be added to a sentence after a defendant begins serving the sentence. See *Martinez v. State*, 91 So. 3d 878 (Fla. 5th DCA 2012).

**3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order?**

Florida case law indicates that statutory financial obligations imposed by a court – such as costs of prosecution, attorney’s fees, court costs under chapter 938 and criminal restitution under section 775.089 – are criminal sanctions that are ordinarily imposed during the sentencing process and are criminal sanctions. See *Martinez*, 91 So. 3d at 880; *Woods*, 879 So. 2d 651, 653 (Fla. 5th DCA 2004); *State v. Sandomeno*, 217 So. 3d 110, 111 (Fla. 4th DCA 2017). If such financial obligations are made a part of the criminal judgment and a condition of the sentence, the court’s reduction of the amounts owed to a civil judgment or lien for enforcement purposes does not alter the criminal nature of the sanction, or the fact that it is part of the criminal sentence. *Martinez*, 91 So. 3d at 880 n.2. See also *Cammelleri v. State*, 270 So. 3d 369 (Fla. 4th



To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 6

DCA 2019) (civil lien for incarceration costs included in the criminal judgment was considered by the court to be part of the sentence).

Unless included in the criminal judgment, a civil judgment or lien is collateral to the criminal judgment. *See Cruz v. State*, 742 So. 2d 489, 490 (Fla. 3d DCA 1999). Generally, a civil judgment for money or lien is a non-criminal remedy for the recovery of an underlying debt or reimbursement of particular expenses owed. *Id.* A “lien” is defined as “[a] legal right or interest that a creditor has in another's property, lasting usually until a debt or duty that it secures is satisfied.” BLACK'S LAW DICTIONARY (10th ed. 2014). In this regard, we believe it significant that immediately before the passage of CS/SB 7066, an amendment was rejected that contained the following language:

5. Payment of all restitution, fees, or fines that are ordered by the court as part of the sentence or that are ordered by a court as a condition of any form of supervision including, but not limited to, probation, community control, or parole. *A financial obligation required under this subparagraph is deemed to have been completed to the extent that the financial obligation has been converted to a civil lien.*

Fla. S. Jour. 875 (Reg. Sess. May 2, 2019) (emphasis added).

There is no case law to provide guidance on this issue in the context of the new law. However, given the authority discussed above, we believe that a reasonable interpretation of the new law would be that the reduction of amounts owed pursuant to a criminal judgment/sentencing order to a civil judgment or lien does not eliminate the obligation to pay the amounts owed as provided for in the criminal judgment/sentencing order.

We note that to the extent a trial court imposes only a civil judgment or lien for amounts owed and does not make them part of the criminal judgment and sentence, case law indicates that the financial obligations could be considered to be independent of the criminal sentence. *Woods*, 879 So. 2d at 653 n. 1 (where sentence included the payment of public defender's fees and trial court later tried to make payment of supplemental fees part of criminal sentence, appellate court held that request was made out of time for modification of sentence; Appellate court further indicated that if trial court had issued a civil lien for the fees, such proceeding would have been independent of the criminal proceeding); *Doctor v. State*, 679 So. 2d 76, 77 (Fla. 4th DCA 1996) (criminal defendant could not challenge civil restitution lien by way of rule 3.850 motion applicable to criminal sentences; civil restitution lien is not a criminal penalty); *Cruz*, 742 So. 2d at 490 (civil restitution lien need not be considered in a plea agreement or accepted by sentencing court).

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 7

Our research thus far has uncovered no case law to support the premise that a civil judgment issued separate and apart from a sentence would be construed as being part of the sentence.

ACTIVE 44706889v5

DRAFT

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Friday, July 26, 2019 4:10 PM  
**To:** BaggettF@gtlaw.com  
**Cc:** StacyButterfield@polk-county.net; Chris Hart; Carolyn Timmann  
**Subject:** Re: FCCC opinion on Amendment 4 issues.DOCX

Fred,  
Thanks for your email. It is very helpful. Is it fine to share with those on the QRT on amendment 4?  
Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell(727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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Follow the Clerk:



**From:** BaggettF@gtlaw.com  
**Sent:** Friday, July 26, 2019 4:03 PM  
**To:** Burke, Ken  
**Cc:** StacyButterfield@polk-county.net; chrishart@flclerks.com; CTimmann@martinclerk.com  
**Subject:** FCCC opinion on Amendment 4 issues.DOCX

Ken, attached is our draft opinion as to issues dealing with "completion of sentence" requirement of Amendment 4. I tried calling you to go over the findings before issuance. I also wanted to give you an update on the deposition/request for document subpoena issues in Martin county. We have been in contact with the attorney for the Plaintiffs as to what he is after. He says that (1) he is not going to subpoena all clerks, (2) he picked Carolyn because of her familiarity with the issue having been active on the CRC even though Amendment 4 was the product of a citizen petition initiative (3) he is trying to find out how the clerk is able to determine what is owed for fines, fees, cost, restitution etc. and (4) how the clerk will inform the supervisor or secretary of state of the outstanding amounts. We have already told him that Clerks are not responsible for restitution and are currently only responsible for communicating the other amounts owed when requested by either the individual or the state. I believe you asked Stacy if the ORT should continue its calls and I see no reason that it shouldn't. We believe Plaintiff's lawyer will be cancelling the deposition of Carolyn. If not we will be filing a motion to quash and also seeking to narrow the request for documents. Hope this is helpful

---

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**DIVIDER**

## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Friday, July 26, 2019 4:21 PM  
**To:** Chris Hart; Burke, Ken; BaggettF@gtlaw.com  
**Cc:** StacyButterfield@polk-county.net  
**Subject:** RE: FCCC opinion on Amendment 4 issues.DOCX

Tom Bexley said they tried to serve him yesterday. Maybe they are recalling additional subpoenas.

Carolyn

---

**From:** Chris Hart [mailto:chrishart@flclerks.com]  
**Sent:** Friday, July 26, 2019 4:20 PM  
**To:** Burke, Ken <kburke@co.pinellas.fl.us>; BaggettF@gtlaw.com  
**Cc:** StacyButterfield@polk-county.net; Carolyn Timmann <CTimmann@martinclerk.com>  
**Subject:** RE: FCCC opinion on Amendment 4 issues.DOCX

Thank you, Fred. Very helpful...also, nice to know the request appears to be more limited than initially believed.

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Friday, July 26, 2019 4:10 PM  
**To:** BaggettF@gtlaw.com  
**Cc:** StacyButterfield@polk-county.net; Chris Hart <chrishart@flclerks.com>; CTimmann@martinclerk.com  
**Subject:** Re: FCCC opinion on Amendment 4 issues.DOCX

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Ken

**Ken Burke, CPA**  
Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell(727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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Follow the Clerk:



**From:** [BaggettF@gtlaw.com](mailto:BaggettF@gtlaw.com)

**Sent:** Friday, July 26, 2019 4:03 PM

**To:** Burke, Ken

**Cc:** [StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net); [chrishart@flclerks.com](mailto:chrishart@flclerks.com); [CTimmann@martinclerk.com](mailto:CTimmann@martinclerk.com)

**Subject:** FCCC opinion on Amendment 4 issues.DOCX

Ken, attached is our draft opinion as to issues dealing with "completion of sentence" requirement of Amendment 4. I tried calling you to go over the findings before issuance. I also wanted to give you an update on the deposition/request for document subpoena issues in Martin county. We have been in contact with the attorney for the Plaintiffs as to what he is after. He says that (1) he is not going to subpoena all clerks, (2) he picked Carolyn because of her familiarity with the issue having been active on the CRC even though Amendment 4 was the product of a citizen petition initiative (3) he is trying to find out how the clerk is able to determine what is owed for fines, fees, cost, restitution etc. and (4) how the clerk will inform the supervisor or secretary of state of the outstanding amounts. We have already told him that Clerks are not responsible for restitution and are currently only responsible for communicating the other amounts owed when requested by either the individual or the state. I believe you asked Stacy if the ORT should continue its calls and I see no reason that it shouldn't. We believe Plaintiff's lawyer will be cancelling the deposition of Carolyn. If not we will be filing a motion to quash and also seeking to narrow the request for documents. Hope this is helpful

---

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**DIVIDER**



**Carolyn Timmann**

---

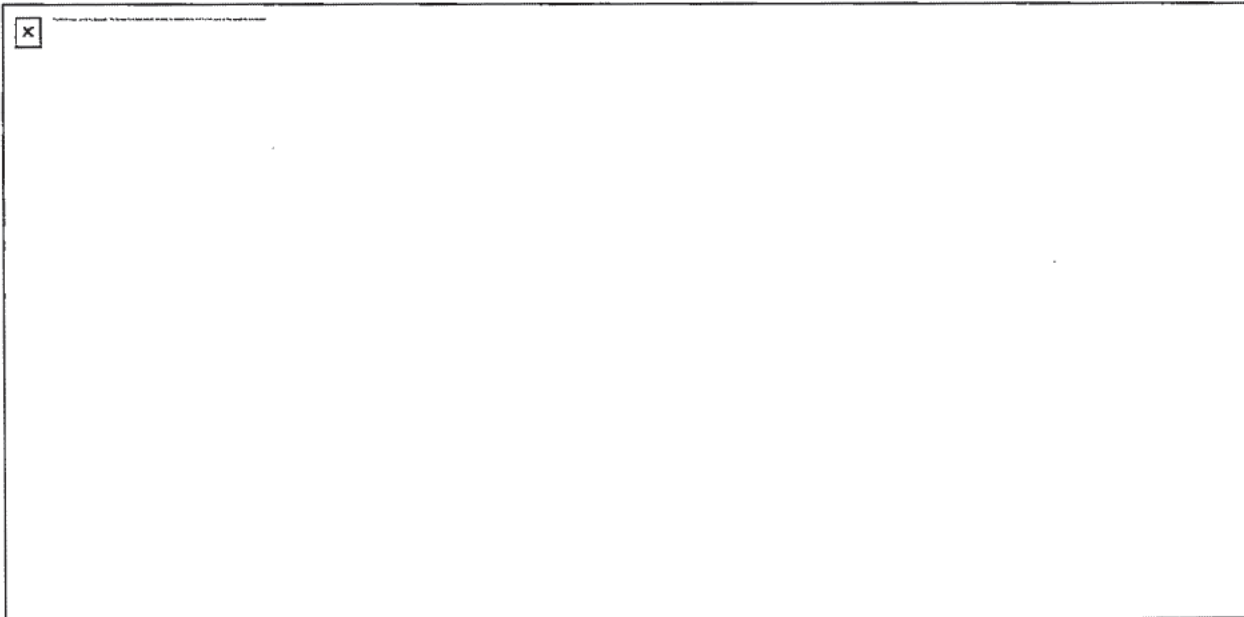
**From:** Sean Hudson <shudson@flclerks.com>  
**Sent:** Friday, August 2, 2019 4:58 PM  
**Subject:** Advisory - 19-067 - Restoration of Voting Rights Task Force  
**Attachments:** 19bull067.pdf

**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory Bulletin regarding **Restoration of Voting Rights Task Force**.

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Comptrollers	<b>Category:</b>	Clerk Administration
<b>Priority:</b>	High	<b>Action required:</b>	None.
<b>Executive Summary:</b>	Governor Ron DeSantis today announced the appointments of Clerk JD Peacock II (Okaloosa) and Clerk Doug Chorvat Jr. (Hernando) to the State's Voting Rights Task Force, which is charged with reviewing the process of verifying registered voters who have been convicted of a felony, but who may be eligible for voting rights restoration under Amendment 4.		

Thank you,





# FCCC ADVISORY

---

**Restoration of Voting Rights Task Force****No. 19-067****Date:** August 2, 2019**Contact:** Kimberly Renspie**Category:** Clerk Administration,  
Communications**Telephone:** (850) 921-0808**Page:** 1 of 1**E-mail:** krenspie@flclerks.com

---

Governor Ron DeSantis announced the appointments to the state's new Voting Rights Task Force today, which includes two Clerks of Court: the Honorable JD Peacock II (Okaloosa) and the Honorable Doug Chorvat Jr. (Hernando). This task force is a requirement within the language of Senate Bill 7066, which deals with the implementation of Amendment 4.

The bill establishes the task force within the Department of State (DOS), for the purpose of conducting a comprehensive review of DOS's process of verifying registered voters who have been convicted of a felony, but who may be eligible for voting rights restoration under Amendment 4. The group must submit a report of its findings, conclusions, and recommendations to the President of the Senate and the Speaker of the House by November 1, 2019. The report is to include recommendations for consolidating data necessary to verify the eligibility of individuals for restoration of voting rights under Amendment 4, and for a process for informing such individuals about the custodians of information needed to verify eligibility. Following the report's submission, the workgroup is dissolved.

The governor also appointed the Honorable Chris Anderson, Supervisor of Elections in Seminole County, and the Honorable Vikki Cannon, Supervisor of Elections in Nassau County. The governor's press release can be found [here](#).

**BLANK**

**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, August 5, 2019 11:34 AM  
**To:** Kelli Leighton; Jared.Brooks (Jared.Brooks@MyOrangeClerk.com)  
**Cc:** Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Carolyn Timmann; Richard Herring; Kimberly Renspie (krenspie@flclerks.com); Butterfield, Stacy  
**Subject:** QRT - Amendment 4

Kelli and Jared,

Thanks for co-chairing the workgroup tasked with developing a best practice in the area of "Negotiating fees/fines/costs converted to civil judgments." Richard Herring and Kim Renspie will provide staff support for your work. During today's call you will be asked when your work will be completed. We need to establish a deadline. Please give it some thought and let me know during the call.

Also, you may want to poll your workgroup members and develop a time schedule with weekly calls. FCCC can help set up the conference calls.

Since your committee has such a fabulous make up, I respectfully request that you take on two more items that require more immediate attention:

1. Page 18 of our meeting packet includes a CCIS disclaimer. Will your workgroup review the wording and provide a properly worded disclaimer?
2. Page 2 of our meeting packet includes a uniform statement that DOC has drafted some initial language. Their draft is problematic in that includes information that the Clerk cannot provide. Will your workgroup please take a look at this language and provide more acceptable language to be used?

Thanks for your help with these items.

Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**DIVIDER**

## Carolyn Timmann

---

**From:** Kristin Frank <kfrank@ficlerks.com>  
**Sent:** Monday, August 5, 2019 3:05 PM  
**To:** Angel Colonnese; Carolyn Timmann; Angela Vick; Tara Green; armando.ramirez@osceolaclerk.org; alexa@waltonclerk.com; Burke, Ken  
**Cc:** Barbara Owsianka; marquartv@clayclerk.com; Tammi Hunnicutt; Jessica.Echavarria@osceolaclerk.org  
**Subject:** RE: [EXTERNAL] Committee Feedback on Speaker

Dear Education Committee,

Below is the current curriculum for the 2019 Fall Conference.

As discussed, Tax Deed and Homeland Security Investigations (Marriage Licensees) were removed from the agenda. Tax Deeds was removed because it was determined there are no tax deeds related changes due to recently passed legislation. Homeland Security Investigations (Marriage Licensees) was removed because an identical session was held during the 2018 Fall Conference.

Sessions and speakers have been confirmed, with the exception of those sessions highlighted in yellow. Please let me know if you have speaker recommendations for those sessions. There is also an available slot under the records track that still needs to be filled.

Based on the feedback received, we are also offering ethics training at this conference. Instead of replacing a session from the Executive track with ethics, would the committee prefer to add an "alternative track" and have ethics as a session under that track? The only downside to this option is that ethics training would be competing against a session on the Executive Track. Another option would be to move ethics to Friday, although the committee has expressed in the past this would not be their preference.

My goal is to have all sessions and speakers confirmed by **Monday, August 12**.

### **WEDNESDAY, OCTOBER 2**

**10:20 a.m. – 12:00 p.m.**

**Executive Track – CCOC Session**

*Presenters: CCOC Staff*

**10:20 a.m. – 12:00 p.m.**

**Records Track – Electronic Destruction Workflow Processes**

*Presenters: Kelly Locke, Program Analyst, Manatee County Clerk and Comptroller's Office; Nancy Stockton, PMP, FCRM, RMLO, Records Manager, Manatee County Clerk and Comptroller's Office; and Jeff Taylor, PMP, MBA, Technology Services, Manatee County Clerk and Comptroller's Office*

**1:20 p.m. – 3:00 p.m.**

**Executive Track – Communications Focused Session**

*Presenters: FCCC Legislative & Public Affairs Team*

**1:20 p.m. – 3:00 p.m.**

**Records Track – Artificial Intelligence and its Role in Records Management**

*Panel: Scott Curran, Vista Solutions Group; Michele Nelson, Director of Court Operations, Palm Beach County Clerk and Comptroller's Office; Henry Sal, President, Computing System Innovations; and Jeff Taylor, Director of IT, Manatee County Clerk and Comptroller's Office*

**3:20 p.m. – 5:00 p.m.**

**Executive Track – Legislative Focused Session**

*Presenters: FCCC Legislative & Public Affairs Team*

**3:20 p.m. – 5:00 p.m.**

**Records Track – Sovereign Citizens and Managing the Paper Flow**

*Presenters: The Honorable Angel Colonnese, Esq., Manatee County Clerk and Comptroller; Charlie Lawrence, Assistant State Attorney, State Attorney's Office, Twelfth Circuit; Matt Whyte, General Counsel and Human Resources Director, Manatee County Clerk and Comptroller's Office*

### **THURSDAY, OCTOBER 3**

**10:20 a.m. – 12:00 p.m.**

**Executive Track – Things we do Differently Part II – Official Records**

*Presenter: The Honorable Tara S. Green, Clay County Clerk*

**10:20 a.m. – 12:00 p.m.**

**Records Track – Review of Best Practices I**

*Presenters: Kathy Savor, Palm Beach County Clerk and Comptroller's Office; and Jean Sperbeck, General Counsel, Alachua County Clerk and Comptroller's Office*

**1:20 p.m. – 3:00 p.m.**

**Executive Track - Statewide Disposition Data Improvement Initiatives**

The Statewide Disposition Data Improvement Initiatives session provides an overview of multiple statewide initiatives that FDLE is evaluating in our continued efforts to improve Florida's overall disposition rate and the quality of data maintained within the Computerized Criminal History (CCH) repository. Topics include, but are not limited to, Historical Disposition Reporting (HDR), Offender Based Transaction System (OBTS) reporting, CCH Modernization and its impact on disposition statewide reporting numbers, and other projects that FDLE is conducting.

*Presenters: Jessica Andrews, Senior management Analyst Supervisor, Criminal History Record Maintenance (CHRM), Florida Department of Law Enforcement; and Justin Blue, Criminal Justice Consultant II, Florida Department of Law Enforcement (pending confirmation)*

**1:20 p.m. – 3:00 p.m.**

**Records Track – Review of Best Practices I**

*Presenters: Kathy Savor, Palm Beach County Clerk and Comptroller's Office; and Jean Sperbeck, General Counsel, Alachua County Clerk and Comptroller's Office*

**3:20 p.m. – 5:00 p.m.**

**Executive Track – Amendment 4**

*Moderator: Kimberly Renspie, Legislative Manager, FCCC*

*Presenters: Members of the QRT Workgroup (Richard Herring); Department of Corrections, General Counsel*

**3:20 p.m. – 5:00 p.m.**

**Records Track – TBD**

*Presenters: TBD*

**FRIDAY, OCTOBER 4**

**8:30 a.m. – 10:30 a.m.**

**Executive Track - Potential Vulnerabilities - Guardianships**

(Processes and Procedures that may leave us vulnerable. Recommendation to send survey out to gather these potential vulnerabilities. My suggestion is that we do a session at the conference as a reminder of our responsibilities regarding guardianships. We can reference our best practices on the subject, which I think are comprehensive. Also we can update everybody on the OPG professional guardian investigative alliance, and any developments as related to this partnership.)

*Presenters: TBD*

**8:30 a.m. – 9:30 a.m.**

**Records Track – eCertification/eNotary (Related to HB 348)**

*Presenters: TBD*

**9:30 a.m. – 10:30 a.m.**

**Records Track - Documentary Stamp Tax & Intangible Tax**

*Presenters: Attorney?*

Your knowledge and guidance is much appreciated!



**KRISTIN FRANK, CMP, Member Services Education Manager**  
Phone (850) 577-4515  
KFrank@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com)  FloridaClerks  FloridaClerks

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**Fall CONFERENCE** **BUILDING CONFIDENCE**  
OCT. 2-4, 2019  
TideWinds Island Resorts | St. Pete Beach

**From:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Sent:** Friday, August 2, 2019 12:29 PM  
**To:** Angel Colonnese <Angel.Colonnese@manateeclerk.com>  
**Cc:** Angela Vick <AVick@citrusclerk.org>; Kristin Frank <kfrank@flclerks.com>; Tara Green <greent@clayclerk.com>; armando.ramirez@osceolaclerk.org; alexa@waltonclerk.com; Burke, Ken <kburke@co.pinellas.fl.us>; Barbara Owsianka <barbara.owsianka@manateeclerk.com>; marquartv@clayclerk.com  
**Subject:** Re: [EXTERNAL] Committee Feedback on Speaker

Great - I didn't realize there were others. I support diversifying vendor perspectives when possible.

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida



On Aug 2, 2019, at 11:18 AM, Angel Colonnese <[Angel.Colonnese@manateeclerk.com](mailto:Angel.Colonnese@manateeclerk.com)> wrote:

I think they too would recommend Scott. Maybe Melvin could speak too?

*Sent from my Verizon LG Smartphone*

----- Original message-----

**From:** Angela Vick

**Date:** Fri, Aug 2, 2019 10:15 AM

**To:** 'Kristin Frank'; Angel Colonnese; 'Carolyn Timmann'; 'Tara Green'; Angela Vick; [armando.ramirez@osceolaclerk.org](mailto:armando.ramirez@osceolaclerk.org); [alexa@waltonclerk.com](mailto:alexa@waltonclerk.com); 'Burke, Ken';

**Cc:** Barbara Owsianka; [marquartv@clayclerk.com](mailto:marquartv@clayclerk.com);

**Subject:** RE: [EXTERNAL] Committee Feedback on Speaker

Here is Clerk Vick's response:

I agree and would inquire with the FCCC team specifically Melvin Cox as the Director. I would hope they have some insight into this very hot topic.

Thanks!

*Tammi Hunnicutt*

**Executive Assistant to  
Angela Vick, Clerk of the Circuit Court and Comptroller  
110 North Apopka Avenue  
Inverness, FL 34450  
Direct Dial: 352-341-6414  
Fax: 352-341-6491**

*~Serving Together...Dedicated to Excellence~*

---

**From:** Kristin Frank [<mailto:kfrank@flclerks.com>]

**Sent:** Thursday, August 01, 2019 3:17 PM

**To:** 'Angel Colonnese'; 'Carolyn Timmann'; 'Tara Green'; Angela Vick; [armando.ramirez@osceolaclerk.org](mailto:armando.ramirez@osceolaclerk.org); [alexa@waltonclerk.com](mailto:alexa@waltonclerk.com); 'Burke, Ken'

**Cc:** [barbara.owsianka@manateeclerk.com](mailto:barbara.owsianka@manateeclerk.com); Tammi Hunnicutt; [marquartv@clayclerk.com](mailto:marquartv@clayclerk.com)

**Subject:** [EXTERNAL] Committee Feedback on Speaker

**Dear Education Committee:**

I have a lead on the *Artificial Intelligence and its Role in Records Management* session, tentatively scheduled for Wednesday, October 2 from 1:20 p.m. – 3:00 p.m., that I would like the committee's feedback on.

Henry Sal with Computing System Innovations (CSI) is very familiar with Clerks using AI in OR for auto indexing. I am proposing to have Henry Sal on a panel that includes two staff members from Clerks' offices currently using AI in OR for Records Management. Henry was the moderator for an AI session we had at the 2018 Summer Conference that was more courts focused.

The *Artificial Intelligence and its Role in Records Management* session would not be vendor driven; however, I wanted to check with the committee to see if you have any concerns with Henry participating.

Thank you, and I appreciate your feedback.

<image001.png>

---

**From:** Tara Green <[greent@clayclerk.com](mailto:greent@clayclerk.com)>  
**Sent:** Thursday, August 1, 2019 3:12 PM  
**To:** Carolyn Timmann <[CTimmann@martinclerk.com](mailto:CTimmann@martinclerk.com)>; Angel Colonnese <[Angel.Colonnese@ManateeClerk.com](mailto:Angel.Colonnese@ManateeClerk.com)>; Tammi Hunnicutt <[THunnicutt@citrusclerk.org](mailto:THunnicutt@citrusclerk.org)>  
**Cc:** 'Burke, Ken ([kburke@co.pinellas.fl.us](mailto:kburke@co.pinellas.fl.us))' <[kburke@co.pinellas.fl.us](mailto:kburke@co.pinellas.fl.us)>; 'armando.ramirez@osceolaclerk.org' <[armando.ramirez@osceolaclerk.org](mailto:armando.ramirez@osceolaclerk.org)>; 'alexa@waltonclerk.com' <[alexa@waltonclerk.com](mailto:alexa@waltonclerk.com)>; 'Kristin Frank ([kfrank@flclerks.com](mailto:kfrank@flclerks.com))' <[kfrank@flclerks.com](mailto:kfrank@flclerks.com)>; Angela Vick <[AVick@citrusclerk.org](mailto:AVick@citrusclerk.org)>  
**Subject:** RE: Recommendation from Clerk Vick / Fall 2019 Conference

I agree.

Tara

<image002.png> **Tara S. Green**  
**Clerk of the Circuit Court**  
Office of Tara S. Green, Clay County Clerk of the Circuit Court  
825 N. Orange Avenue  
P.O. Box 698  
Green Cove Springs, FL 32043  
Phone: 904-269-6317  
Email: [greent@clayclerk.com](mailto:greent@clayclerk.com)

<image003.png> Have I helped you today?  
Please take our survey.

<image004.png> <image005.png> <image006.png> <image007.png> <image008.png>

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---

**From:** Carolyn Timmann <[CTimmann@martinclerk.com](mailto:CTimmann@martinclerk.com)>  
**Sent:** Wednesday, July 31, 2019 5:18 PM  
**To:** Angel Colonnese <[Angel.Colonnese@ManateeClerk.com](mailto:Angel.Colonnese@ManateeClerk.com)>; Tammi Hunnicutt <[THunnicutt@citrusclerk.org](mailto:THunnicutt@citrusclerk.org)>  
**Cc:** 'Burke, Ken ([kburke@co.pinellas.fl.us](mailto:kburke@co.pinellas.fl.us))' <[kburke@co.pinellas.fl.us](mailto:kburke@co.pinellas.fl.us)>; Tara Green

<greent@clayclerk.com>; 'armando.ramirez@osceolaclerk.org' <armando.ramirez@osceolaclerk.org>;  
'alexa@waltonclerk.com' <alexa@waltonclerk.com>; 'Kristin Frank (kfrank@flclerks.com)'  
<kfrank@flclerks.com>; Angela Vick <AVick@citrusclerk.org>

**Subject:** RE: Recommendation from Clerk Vick / Fall 2019 Conference

Clerks always seem to appreciate the opportunity to join the Ethics classes in person rather than online. Plus, it's a good opportunity to ask questions.

Carolyn

**From:** Angel Colonnese [mailto:Angel.Colonnese@ManateeClerk.com]

**Sent:** Wednesday, July 31, 2019 3:36 PM

**To:** Tammi Hunnicutt <THunnicutt@citrusclerk.org>

**Cc:** 'Burke, Ken (kburke@co.pinellas.fl.us)' <kburke@co.pinellas.fl.us>; 'greent@clayclerk.com' <greent@clayclerk.com>; 'armando.ramirez@osceolaclerk.org' <armando.ramirez@osceolaclerk.org>; 'alexa@waltonclerk.com' <alexa@waltonclerk.com>; 'Kristin Frank (kfrank@flclerks.com)' <kfrank@flclerks.com>; Angela Vick <AVick@citrusclerk.org>; Carolyn Timmann <CTimmann@martinclerk.com>

**Subject:** Re: Recommendation from Clerk Vick / Fall 2019 Conference

I agree.

*Sent from my Verizon LG Smartphone*

----- Original message-----

**From:** Tammi Hunnicutt

**Date:** Wed, Jul 31, 2019 3:32 PM

**To:** Angel Colonnese;

**Cc:** 'Burke, Ken

(kburke@co.pinellas.fl.us)'; 'greent@clayclerk.com'; 'armando.ramirez@osceolaclerk.org'; 'alexa@waltonclerk.com';

Kristin Frank (kfrank@flclerks.com)'; Angela Vick; Carolyn Timmann';

**Subject:** Recommendation from Clerk Vick / Fall 2019 Conference

Good Afternoon, Clerk Colonnese:

Clerk Vick recommends inclusion of a session on ethics in the curriculum for the Fall 2019 Conference. A session of this nature would be of benefit to clerks, with many taking advantage of this opportunity if it were offered.

Thank you for your consideration of Clerk Vick's request.

Sincere regards,

*Tammi Hunnicutt*

*Executive Assistant*

Angela Vick, Citrus County Clerk of Court and Comptroller

110 North Apopka Avenue

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**DIVIDER**

## Carolyn Timmann

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**From:** Carolyn Timmann  
**Sent:** Thursday, August 15, 2019 4:29 PM  
**To:** BaggettF@gtlaw.com  
**Cc:** LondotJ@gtlaw.com; chrishart@flclerks.com; kburke@co.pinellas.fl.us  
**Subject:** Re: Amendment 4 hearing today

Um ... thanks for sharing

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

On Aug 15, 2019, at 4:17 PM, "[BaggettF@gtlaw.com](mailto:BaggettF@gtlaw.com)" <[BaggettF@gtlaw.com](mailto:BaggettF@gtlaw.com)> wrote:

O'Boy, this is from this afternoon's Florida News Service. Read down the article to where Judge Hinkle is talking about needed a clerk to testify as to what information is available in court records and how accurate the data is. He references he gets from Florida Clerks of Court as being inconsistent and hard to understand. Carolyn, you may be more than a deposition witness.

### JUDGE RAISES NEW QUESTION IN FELONS VOTING FIGHT

August 15, 2019

Dara Kam

TALLAHASSEE --- A federal judge added a new twist Thursday in the legal battle over whether convicted felons who've served their time behind bars should be required to pay court-ordered financial obligations before voting rights are restored.

Plaintiffs in the case are challenging a state law that carries out a constitutional amendment granting voting rights to felons "who have completed all terms of their sentence, including parole or probation." The amendment, approved by voters in November, excluded people "convicted of murder or a felony sexual offense."

Under a measure approved by the Republican-dominated Legislature this spring and signed into law by Gov. Ron DeSantis, felons have to pay all "financial obligations" ordered by courts as part of sentencing -- including fees, fines and restitution --- to be eligible to have their voting rights restored.

Voting- and civil-rights groups who filed the lawsuit allege that hinging the right to vote on finances amounts to an unconstitutional "poll tax" and is a vestige of Jim Crow-era policies aimed at preventing black voters from participating in elections.

But during a telephone hearing Thursday, U.S. District Judge Robert Hinkle said he wants both sides to address an issue that hasn't been dealt with in court filings: whether the amendment itself is unconstitutional, and what it would mean if it is.

The law passed this spring by the Legislature "makes clear that a plaintiff cannot vote until the plaintiff has satisfied all the financial obligations," Hinkle said during the hour-long hearing.

"If it should turn out that the Florida constitutional provision, Amendment 4, also provides that a plaintiff cannot vote unless the plaintiff satisfies all the financial obligations, then the question becomes, what happens if that's unconstitutional?" the judge said.

Plaintiffs maintain that about 1.4 million Floridians have been convicted of felonies but are no longer incarcerated. The requirement to pay financial obligations would prevent about 80 percent of them from having their voting rights automatically restored, the lawyers argued.

While offering myriad reasons why the financial-obligations requirement runs afoul of the U.S. Constitution, the plaintiffs' lawyers have focused solely on the state law and avoided consideration about whether those complaints mirror concerns about Amendment 4.

But Hinkle instructed them to tackle the issue by Aug. 29.

"If the plaintiffs are correct that requiring felons to satisfy the financial obligations is unconstitutional as applied to 80 percent of the otherwise eligible felons, does that mean that the financial obligation requirement should essentially be severed from Amendment 4, at least as applied to that 80 percent, or does it mean that Amendment 4 is unconstitutional and we're back where we were before it was passed?" Hinkle asked lawyers Wednesday. "Nobody's raised that, but it seems to me to be a question that at some point has got to be addressed."

Voting-rights advocates launched the effort to change the Florida Constitution because the state's restoration-of-rights process has been cumbersome, often taking years to navigate.

Republican lawmakers said they needed to pass legislation this spring to carry out details of the constitutional amendment. That prompted a highly contentious debate during the legislative session, which was followed by the voting- and civil-rights groups going to federal court.

GOP lawmakers and attorneys representing the DeSantis administration defend the law, maintaining that it is more permissive than the language of the constitutional amendment.

DeSantis and Laurel Lee, appointed by the governor as secretary of state early this year, have asked Hinkle to toss the lawsuit, arguing in part that it belongs in state and not federal court.

In a motion to dismiss filed this month, lawyers for the state wrote that, even if the newly passed law is struck down, Florida felons would still be unable to vote because Amendment 4's "use of the phrase 'all terms of sentence' would serve as a bar to relief even if the statute being challenged was found unconstitutional."

But Hinkle on Wednesday said he was "not impressed" by that argument.

"I'm not worried about the argument that, well you wouldn't be able to vote anyway under the Florida Constitution," he told the lawyers.

Plaintiffs have also argued that the law is unconstitutional because the state lacks a single centralized database where felons, referred to as "returning citizens," can find out if they have outstanding financial obligations. Local databases maintained by county clerks have "inconsistent, incomplete and inaccurate" information, the plaintiffs' lawyers wrote this month.

Hinkle set an Oct. 7 hearing on the plaintiffs' request for a preliminary injunction to block the law and suggested it "might be helpful" to have a witness "who really knows how this stuff works," such as a county clerk of court.

The judge said he routinely sees records related to Florida convictions, which must be taken into account when sentencing defendants in federal court.

The ability of court officers responsible for compiling the documents to obtain accurate information is hit and miss, Hinkle indicated.

“Sometimes we get a one-page sheet that’s a little bit hard to figure out,” he said, adding it “might very well be helpful to have a good description of what is and is not available, and how one would determine who is eligible to vote and who is not.”

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## Carolyn Timmann

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**From:** Carolyn Timmann  
**Sent:** Tuesday, August 20, 2019 9:04 AM  
**To:** Burke, Ken  
**Subject:** Re: Amendment 4 QRT - Conference Call

Thanks! Just called in

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller Martin County, Florida

> On Aug 20, 2019, at 9:02 AM, Burke, Ken <kburke@co.pinellas.fl.us> wrote:  
>  
>  
>  
> -----Original Appointment-----  
> From: Burke, Ken [mailto:kburke@co.pinellas.fl.us]  
> Sent: Monday, August 19, 2019 9:53 AM  
> To: Burke, Ken; Angela Vick; Burgess, Bill; Butterfield, Stacy; Doris  
> Maitland; Fred Baggett (baggettf@gtlaw.com); Geist, Melissa  
> (Melissa.Geist@myorangeclerk.com); Jared.Brooks  
> (Jared.Brooks@MyOrangeClerk.com); JD Peacock II; Jean A. Sperbeck;  
> Karen Rushing (krushing@scgov.net); Kathy Davis  
> (KDavis@citrusclerk.org); Kelli Leighton; Kimberly Renspie  
> (krenspie@flclerks.com); Laura Roth (laura@clerk.org); Linda Doggett;  
> Matt Whyte (Matt.Whyte@ManateeClerk.com); Melvin Cox  
> (cox@flclerks.com); Pattavina, Diane ; Richard Herring; Savannah  
> Sullivan (ssullivan@flclerks.com); Tamayo, Maria; Tara Green  
> (greent@clayclerk.com); Tiffany Moore Russell  
> (tiffany.moorerussell@myorangeclerk.com); Tom Harmer  
> Subject: Amendment 4 QRT - Conference Call  
> When: Tuesday, August 20, 2019 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).  
> Where:  
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>  
>  
> Call in number – 888-585-9008  
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> Participant code: [REDACTED]  
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> <A4 QRT agenda 8-19-2019.docx>  
> <meeting.ics>

**Carolyn Timmann**

**From:** Allison L. Newman <anewman@flclerks.com>  
**Sent:** Friday, August 16, 2019 2:20 PM  
**Subject:** Advisory - 19-071 - Restoration of Voting Rights - Effect on Other Civil Rights  
**Attachments:** 19bull071.pdf

**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory regarding **Restoration of Voting Rights - Effect on Other Civil Rights**.

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Comptrollers	<b>Category:</b>	Clerk Administration, Courts
<b>Priority:</b>	Medium	<b>Action required:</b>	Please review the following regarding Advisory regarding questions received on the restoration of voting rights.
<b>Executive Summary:</b>	The Amendment 4 Quick Response Team has been advised that several Clerks have received questions about the new law on restoration of voting rights and its impact on <u>other</u> civil rights, such as jury service, holding public office, or firearm possession.		
<b>Clerk outreach:</b>	No external outreach is needed		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

ANewman@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com)

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FLORIDA COURT CLERKS & COMPTROLLERS 2019 *Fall* CONFERENCE  
OCT. 2-4, 2019  
Tradewinds Island Resorts | St. Pete Beach  
BUILDING CONFIDENCE



## FCCC ADVISORY

**Restoration of Voting Rights – Effect on Other Civil Rights**

**No. 19-071**

**Date:** August 16, 2019

**Contact:** Richard Herring

**Category:** Clerk Administration, Courts

**Telephone:** (850) 264-6531

**Page:** 1 of 1

**E-mail:** [rherring@flclerks.com](mailto:rherring@flclerks.com)

The Amendment 4 Quick Response Team has been advised that several Clerks have received questions about the new law on restoration of voting rights and its impact on other civil rights, such as jury service, holding public office, or firearm possession.

The new law, Chapter 2019-162, Laws of Florida, (CS/SB 7066, 2019) distinguishes between restoration of civil rights pursuant to s. 8, Art. IV of the State Constitution and voting rights restoration pursuant to s. 4., Art. VI of the State Constitution. Section 4, Art. VI of the State Constitution and the recent amendments to Chapter 98, Florida Statutes, provide the requirements for restoration of voting rights only. Meeting those requirements does not restore other civil rights.

Persons seeking information on restoration of civil rights generally may be referred to the Florida Commission on Offender Review. The Commission's Office of Executive Clemency has rules, forms, and processes for persons seeking restoration of civil rights, pardon, firearm authority, and other forms of clemency. See: <https://www.fcor.state.fl.us/restoration.shtml>  
Specific to the right to vote, the Office of Executive Clemency website says:

*Regarding the Restoration of Civil Rights (RCR) process and the passage of Amendment Four:*

*For those offenders covered by the amendment, only the right to vote, not the right to sit on a jury or the right to hold public office, is contemplated by the amendment. Restoration of the right to sit on a jury and to hold public office can only be obtained through application to the Board of Executive Clemency.*

*As to those offenders not covered by the amendment, namely those convicted of murder or a felony sexual offense or those who have not completed all terms of their sentence, the restoration of the right to vote, to sit on a jury, and to hold public office can only be obtained through application to the Board of Executive Clemency.*

**Carolyn Timmann**

**From:** Allison L. Newman <anewman@flclerks.com>  
**Sent:** Friday, August 16, 2019 1:59 PM  
**Subject:** Advisory - 19-070 - Restoration of Voting Rights - Legal Opinion  
**Attachments:** 19bull070.pdf; 19bull070\_Attach\_1\_FACC opinion on Amendment 4 issues.pdf

**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory regarding **Restoration of Voting Rights - Legal Opinion**.

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Comptrollers	<b>Category:</b>	Clerk Administration, Courts
<b>Priority:</b>	Medium	<b>Action required:</b>	Please review the following legal opinion concerning several issues related to the restoration of voting rights.
<b>Executive Summary:</b>	The Amendment 4 Quick Response Team, through the FCCC, has requested and received a legal opinion from FCCC General Counsel, Greenberg Traurig, concerning several issues related to restoration of voting rights, both the constitutional and statutory language. Specifically, these issues address several of the financial aspects of the law. The full legal opinion is attached.		
<b>Clerk outreach:</b>	No external outreach is needed		

Thank you,



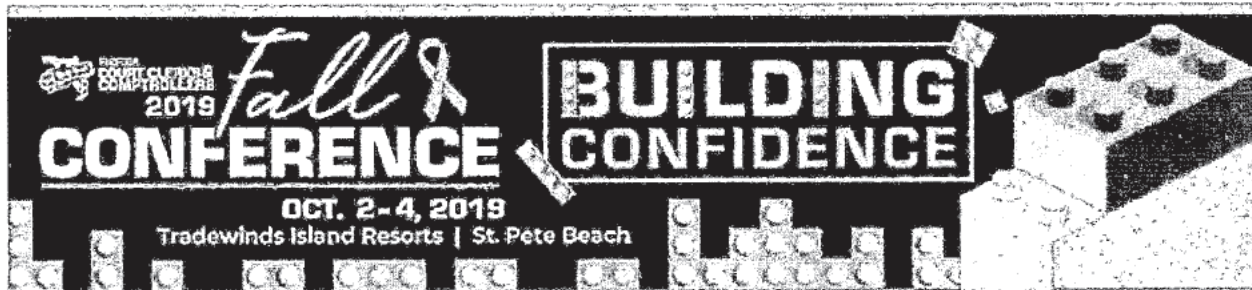
**ALLISON L. NEWMAN**, *Member Outreach Manager*

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# FCCC ADVISORY

**Restoration of Voting Rights- Legal Opinion**

**No. 19-070**

**Date:** August 16, 2019

**Contact:** Richard Herring

**Category:** Clerk Administration, Courts

**Telephone:** (850) 921-0808

**Page:** 1 of 1

**E-mail:** [rherring@flclerks.com](mailto:rherring@flclerks.com)

The Amendment 4 Quick Response Team, through the FCCC, has requested and received a legal opinion from FCCC General Counsel, Greenberg Traurig, concerning several issues related to restoration of voting rights, both the constitutional and statutory language. Specifically, these issues address several of the financial aspects of the law. The full legal opinion is attached.

In brief, without the associated legal reasoning and caveats included in the legal opinion, a summary is:

1. Does the requirement of "completion of all terms of sentence" include any statutory interest? *Only if the fine, fee, or cost is made a part of the criminal judgment/ sentencing order and interest is specifically included in the judgment.*
2. Does the requirement of "completion of all terms of sentence" include fees paid to a collection agent engaged by a clerk for the collection of fees, fines and court costs? *Unless otherwise specifically ordered in the criminal judgment, fees owed to a collection agent that are in addition to, and added to the balance of, the unpaid financial obligations would not be included in the definition of "completion of all terms of sentence."*
3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order? *The reduction of amounts owed pursuant to a criminal judgment/sentencing order to a civil judgment or lien does not eliminate the obligation to pay the amounts owed as provided for in the criminal judgment/sentencing order.*

**Memorandum**

**TO:** Chris Hart  
Florida Court Clerks & Comptrollers

**FROM:** Fred Baggett  
Hope Keating  
Mike Moody

**DATE:** July 26, 2019

**RE:** *Issues Pertaining to Restoration of Voting Rights*

---

*INTRODUCTION*

Amendment 4 to the Florida Constitution was passed by ballot initiative in 2018 and amended Article VI, Section 4, of the Florida Constitution. Article VI, Section 4, now provides in part that “any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.” Art. VI, § 4(a), Fla. Const.

**Implementing Legislation**

Chapter 2019-162 was passed by the Florida Legislature pursuant to Senate Bill 7066 and creates section 98.0751, Florida Statutes, effective July 1, 2019. Section 98.0751 provides in pertinent part:

- (2) For purposes of this section, the term:
- (a) “Completion of all terms of sentence” means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:
1. Release from any term of imprisonment ordered by the court as a part of the sentence;
  2. Termination from any term of probation or community control ordered by the court as a part of the sentence;
  3. Fulfillment of any term ordered by the court as a part of the sentence;

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 2

4. Termination from any term of supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. 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.

d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in United States Constitution or the State Constitution.

e. Financial obligations required under sub-subparagraph a. or sub-paragraph b. are considered in the following manner or in any combination thereof:

- (I) Actual payment of the obligation in full.
- (II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to payee, including but not limited to, a victim, or the court.
- (III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.

#### **Questions Presented**

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 3

In light of the amendment to Article VI, Section 4, and the new implementing language pertaining to “completion of all terms of sentence” as set forth above, you have posed the following questions:

1. Does the requirement of “completion of all terms of sentence” include any statutory interest?
2. Does the requirement of “completion of all terms of sentence” include fees paid to a collection agent engaged by a clerk for the collection of fees, fines and court costs?
3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order?

Of course, the new constitutional amendment and the new statute will be subject to interpretation by the courts. To this end, case law and other interpreting authority does not yet exist. Nonetheless, you have asked us to analyze the new law in conjunction with existing Florida law and to provide our thoughts as to the questions posed. Our responses to the questions are as follows:

**1. Does the requirement of “completion of all terms of sentence” include any statutory interest?**

As set forth above, section 98.0751(2)(a) states that “completion of all terms of sentence” means full payment of restitution ordered to a victim by the court as a part of the sentence and full payment of fines or fees ordered by the court as a part of the sentence. § 98.0751(2)(a)5.a., and b., Fla. Stat. The statute goes on to state that such financial obligations “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.” § 98.0751(2)(a)5.c., Fla. Stat. The statute does not address interest, nor does it address what is meant by “any fines, fees, or costs.”

Pursuant to section 775.089, Florida Statutes – the criminal restitution statute – restitution may be ordered as part of a criminal sentence. § 775.089(1)(a), Fla. Stat. The outstanding unpaid amount of the restitution bears interest in accordance with section 55.03, Florida Statutes (the statutory interest statute). § 775.089(5), Fla. Stat. Thus, to the extent restitution is included in a criminal judgment sentencing order, interest accrues on such restitution pursuant to statute.



To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 4

As previously noted, there is no case law or other authority to provide guidance on this issue. Also, the Bill Analyses for CS/SB 7066, the implementing legislation, do not reference “completion of all terms of sentence.” However, we believe that on the issue of interest, section 98.0751 and section 775.089 must be read *pari materia*. “The doctrine of *pari materia* is a principle of statutory construction that requires that statutes relating to the same subject or object be construed together to harmonize the statutes and to give effect to the Legislature’s intent.” *E.A.R. v. State*, 4 So. 3d 614, 629 (Fla. 2009). Given the language in section 98.0751(2)(a) requiring full payment of restitution ordered as part of a sentence, and the language in section 775.089(5) mandating the accrual of interest on restitution, we believe that when read together a reasonable interpretation of the new law would be – and certainly an argument can be made – that statutory interest is an obligation incurred on the date restitution is ordered as a part of the sentence and, thus, payment of such interest is required to complete the sentence. Of course, the new law will be subject to future interpretation by courts and this has not yet occurred.

The new law also requires “[f]ull payment of fines or fees ordered by the court as a part of the sentence.” § 98.0751(2)(a), Fla. Stat. Section 938.30, Florida Statutes, provides that when a person is liable for payment of any financial obligation in a criminal case, the judgment setting forth such financial obligations “must secure all unpaid court-imposed financial obligations that are due . . . as well as *interest* and reasonable costs for issuing a satisfaction and recording the satisfaction in the official records.” § 938.30(8), Fla. Stat. (emphasis added). The Bill Analysis for CS/SB 7086, the companion legislation to CS/SB 7086, discusses “completion of all terms of sentence,” and while it does not state that interest is included within the meaning of that term, it acknowledges and quotes section 938.39(8) stating that a judgment on court-imposed financial obligations must secure “interest.”

Thus, to the extent that a fine, fee, or cost is made a part of the criminal judgment/sentencing order and interest is included in the judgment, we believe that a reasonable interpretation of the new law when read in *pari materia* with section 938.39 is – and an argument can be made – that payment of such interest is required to complete the sentence.

**2. Does the requirement of “completion of all terms of sentence” include fees paid to a collection agent engaged by the clerk for the collection of fees, fines, and court costs?**

It is our understanding that a collection fee paid to a collection agent is a fee that is in addition to, and is added to the balance of, the unpaid financial obligations. § 28.246(6), Fla. Stat. It is further our understanding that such fee paid to a collection agent would necessarily accrue after the date the financial obligations of the sentence are ordered.

The new law provides that “completion of all terms of sentence” means payment of “only the amount specifically ordered by the court as part of the sentence and do[es] not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.” §

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 5

98.0751(2)(a)5.c., Fla. Stat. As noted above, there is no authority interpreting the new law. However, given the plain language of the statute, we believe it is likely that a court would find that, unless otherwise specifically ordered in the criminal judgment, fees owed to a collection agent that are in addition to, and added to the balance of, the unpaid financial obligations would not be included in the definition of “completion of all terms of sentence.” See *Germ v. St. Luke’s Hosp. Ass’n*, 993 So. 2d 576 (Fla. 1st DCA 2008) (courts should give statutory language its plain and ordinary meaning, and may not add words that were not included by the legislature).

Such plain language interpretation is reinforced by case law stating that additional costs may not be added to a sentence after a defendant begins serving the sentence. See *Martinez v. State*, 91 So. 3d 878 (Fla. 5th DCA 2012).

**3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order?**

Florida case law indicates that statutory financial obligations imposed by a court – such as costs of prosecution, attorney’s fees, court costs under chapter 938 and criminal restitution under section 775.089 – are criminal sanctions that are ordinarily imposed during the sentencing process and are criminal sanctions. See *Martinez*, 91 So. 3d at 880; *Woods*, 879 So. 2d 651, 653 (Fla. 5th DCA 2004); *State v. Sandomeno*, 217 So. 3d 110, 111 (Fla. 4th DCA 2017). If such financial obligations are made a part of the criminal judgment and a condition of the sentence, the court’s reduction of the amounts owed to a civil judgment or lien for enforcement purposes does not alter the criminal nature of the sanction, or the fact that it is part of the criminal sentence. *Martinez*, 91 So. 3d at 880 n.2. See also *Cammelleri v. State*, 270 So. 3d 369 (Fla. 4th DCA 2019) (civil lien for incarceration costs included in the criminal judgment was considered by the court to be part of the sentence).

Unless included in the criminal judgment, a civil judgment or lien is collateral to the criminal judgment. See *Cruz v. State*, 742 So. 2d 489, 490 (Fla. 3d DCA 1999). Generally, a civil judgment for money or lien is a non-criminal remedy for the recovery of an underlying debt or reimbursement of particular expenses owed. *Id.* A “lien” is defined as “[a] legal right or interest that a creditor has in another’s property, lasting usually until a debt or duty that it secures is satisfied.” BLACK’S LAW DICTIONARY (10th ed. 2014). In this regard, we believe it significant that immediately before the passage of CS/SB 7066, an amendment was rejected that contained the following language:

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: July 26, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 6

5. Payment of all restitution, fees, or fines that are ordered by the court as part of the sentence or that are ordered by a court as a condition of any form of supervision including, but not limited to, probation, community control, or parole. *A financial obligation required under this subparagraph is deemed to have been completed to the extent that the financial obligation has been converted to a civil lien.*

Fla. S. Jour. 875 (Reg. Sess. May 2, 2019) (emphasis added).

There is no case law to provide guidance on this issue in the context of the new law. However, given the authority discussed above, we believe that a reasonable interpretation of the new law would be that the reduction of amounts owed pursuant to a criminal judgment/sentencing order to a civil judgment or lien does not eliminate the obligation to pay the amounts owed as provided for in the criminal judgment/sentencing order.

We note that to the extent a trial court imposes only a civil judgment or lien for amounts owed and does not make them part of the criminal judgment and sentence, case law indicates that the financial obligations could be considered to be independent of the criminal sentence. *Woods*, 879 So. 2d at 653 n. 1 (where sentence included the payment of public defender's fees and trial court later tried to make payment of supplemental fees part of criminal sentence, appellate court held that request was made out of time for modification of sentence; appellate court further indicated that if the trial court had issued a civil lien for the fees, such proceeding would have been independent of the criminal proceeding); *Doctor v. State*, 679 So. 2d 76, 77 (Fla. 4th DCA 1996) (criminal defendant could not challenge civil restitution lien by way of rule 3.850 motion applicable to criminal sentences; civil restitution lien is not a criminal penalty); *Cruz*, 742 So. 2d at 490 (civil restitution lien need not be considered in a plea agreement or accepted by sentencing court).

Our research thus far has uncovered no case law to support the premise that a civil judgment issued separate and apart from a sentence would be construed as being part of the sentence.

ACTIVE 44877305v1

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Tuesday, August 20, 2019 6:39 PM  
**To:** Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Carolyn Timmann; Karen Rushing (krushing@scgov.net)  
**Cc:** Richard Herring; Kimberly Renspie (krenspie@flclerks.com)  
**Subject:** Amendment 4 Session at the Fall Conference

Tiffany, Carolyn and Karen,

As the elected Clerks on the QRT for Amendment 4, I wanted to run passed you my thoughts on the session at the Fall Conference on our topic. First I think we would all agree there is much that will probably be revealed in the six weeks between now and the conference. Because of that I think we should stay as nimble as possible.

The concept I offer for consideration is to have an interview format. I can serve as the facilitator and asked the questions to the panel. Some sample questions that come immediately to mind:

- What information is DOC giving felons as they are being released from prison? What does it look like? Where is the information coming from?
- What happens when a released felon comes to a Clerk's office and ask about the amount he/she owes? What happens if the felony occurred in another county? What information can we provide?
- What information is the DOS seeking from Clerks to help the DOS determine voter eligibility? How are Clerks reporting this information? What are the timeliness standards for these reports?

Based our meetings thus far, there are a number of questions that can be included. I just offer the above as a sample. Under this format, as things transpire between now and the conference, the most relevant questions can be determined and asked at the session.

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Let me know your thoughts on this format. Your ideas are most welcome.

Ken

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
kburke@mypinellasclerk.org | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Wednesday, August 21, 2019 8:53 AM  
**To:** Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Carolyn Timmann; Karen Rushing (krushing@scgov.net)  
**Cc:** Richard Herring; Kimberly Renspie (krenspie@flclerks.com)  
**Subject:** RE: Amendment 4 Session at the Fall Conference

Tiffany, Carolyn and Karen,  
Let me give an update on the email I sent yesterday. Mr. Joe Winkler from the Dept of Corrections has been invited to be part of the panel. This was a decision our QRT decided several weeks ago. My thanks to Kim for reminding me of this decision.  
Ken

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**Cc:** Richard Herring <richard@reherring.com>; Kimberly Renspie (krenspie@flclerks.com) <krenspie@flclerks.com>  
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## Carolyn Timmann

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**Sent:** Wednesday, August 21, 2019 3:36 PM  
**To:** Burke, Ken; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Carolyn Timmann  
**Cc:** Richard Herring; Kimberly Renspie (krenspie@flclerks.com)  
**Subject:** RE: Amendment 4 Session at the Fall Conference

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**Sent:** Tuesday, August 20, 2019 6:39 PM  
**To:** Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com) <tiffany.moorerussell@myorangeclerk.com>; Carolyn Timmann (ctimmann@martin.fl.us) <ctimmann@martin.fl.us>; Karen Rushing <krushing@scgov.net>  
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**Subject:** Amendment 4 Session at the Fall Conference

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## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Wednesday, August 21, 2019 5:57 PM  
**To:** Karen Rushing; Burke, Ken; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com)  
**Cc:** Richard Herring; Kimberly Renspie (krenspie@flclerks.com)  
**Subject:** RE: Amendment 4 Session at the Fall Conference

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**Sent:** Wednesday, August 21, 2019 3:36 PM  
**To:** Burke, Ken <kburke@co.pinellas.fl.us>; Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com) <tiffany.moorerussell@myorangeclerk.com>; Carolyn Timmann <CTimmann@martinclerk.com>  
**Cc:** Richard Herring <richard@reherring.com>; Kimberly Renspie (krenspie@flclerks.com) <krenspie@flclerks.com>  
**Subject:** RE: Amendment 4 Session at the Fall Conference

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**Cc:** Richard Herring <richard@reherring.com>; Kimberly Renspie (krenspie@flclerks.com) <krenspie@flclerks.com>  
**Subject:** Amendment 4 Session at the Fall Conference

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## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Wednesday, August 21, 2019 9:24 PM  
**To:** Ken Burke  
**Cc:** Stacy Butterfield  
**Subject:** Fwd: Amendment 4 - Court Ordered Financial Obligations  
**Attachments:** image001.png

Ken,  
FYI - Their wording that "many times" they find discrepancies is not consistent with what we are finding through our reviews.  
Carolyn

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

Begin forwarded message:

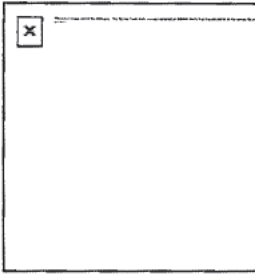
**From:** "Worthington, Jeanne" <[Jeanne.Worthington@fdc.myflorida.com](mailto:Jeanne.Worthington@fdc.myflorida.com)>  
**Date:** August 21, 2019 at 1:40:58 PM EDT  
**To:** "[subscriptions@martinclerk.com](mailto:subscriptions@martinclerk.com)" <[subscriptions@martinclerk.com](mailto:subscriptions@martinclerk.com)>  
**Subject:** **Amendment 4 - Court Ordered Financial Obligations**

Good Afternoon,

Per Florida Statute 944.705(7)(a), the Florida Department of Corrections is required to notify inmates being released from custody of all outstanding terms of their sentence, to include court ordered financial obligations. Many times, while reviewing an inmate's commitment we find discrepancies between it and the information listed in CCIS. Our office has been tasked with trying to resolve these discrepancies prior to the inmate's release and to request confirmation from your office of any fees/fines. Please provide a fax number and/or email address where we can send these requests at your earliest convenience.

Sincerely,

**Jeanne L. Worthington**  
Correctional Services Administrator  
COFOB-Bureau of Release Management  
Florida Department of Corrections  
501 S. Calhoun St  
Tallahassee, FL 32399  
Office: 850 412-2590  
Fax: 850 921-4185  
State Cell: 850 557-6974



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## Carolyn Timmann

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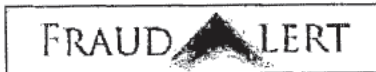
**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Wednesday, August 21, 2019 10:08 PM  
**To:** Carolyn Timmann  
**Subject:** Re: Amendment 4 - Court Ordered Financial Obligations

I agree

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell(727) 647-1859  
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**From:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Sent:** Wednesday, August 21, 2019 9:25 PM  
**To:** Burke, Ken  
**Cc:** Stacy Butterfield  
**Subject:** Fwd: Amendment 4 - Court Ordered Financial Obligations

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FYI - Their wording that "many times" they find discrepancies is not consistent with what we are finding through our reviews.  
Carolyn

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

Begin forwarded message:

**From:** "Worthington, Jeanne" <[Jeanne.Worthington@fdc.myflorida.com](mailto:Jeanne.Worthington@fdc.myflorida.com)>  
**Date:** August 21, 2019 at 1:40:58 PM EDT

To: "[subscriptions@martinclerk.com](mailto:subscriptions@martinclerk.com)" <[subscriptions@martinclerk.com](mailto:subscriptions@martinclerk.com)>  
Subject: **Amendment 4 - Court Ordered Financial Obligations**

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## Carolyn Timmann

---

**From:** Moore Russell, Tiffany <Tiffany.MooreRussell@myorangeclerk.com>  
**Sent:** Thursday, August 22, 2019 7:49 AM  
**To:** Carolyn Timmann; Karen Rushing; Burke, Ken  
**Cc:** Richard Herring; Kimberly Renspie (krenspie@flclerks.com)  
**Subject:** Re: Amendment 4 Session at the Fall Conference

Sounds like a good idea. I am serving on a panel on 9/12 with Desmond Meade. So I should have more insight into the advocates' approaches and arguments

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**From:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Sent:** Wednesday, August 21, 2019 5:56:48 PM  
**To:** Karen Rushing <krushing@scgov.net>; Burke, Ken <kburke@co.pinellas.fl.us>; Moore Russell, Tiffany <Tiffany.MooreRussell@myorangeclerk.com>  
**Cc:** Richard Herring <richard@reherring.com>; Kimberly Renspie (krenspie@flclerks.com) <krenspie@flclerks.com>  
**Subject:** RE: Amendment 4 Session at the Fall Conference

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**DIVIDER**

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**Sent:** Thursday, August 22, 2019 7:52 AM  
**To:** Burke, Ken; Carolyn Timmann; Karen Rushing (krushing@scgov.net)  
**Cc:** Brooks, Jared; Geist, Melissa; Balboa, Cathi; Boudoin, Joyce  
**Subject:** Fwd: Amendment 4 - Court Ordered Financial Obligations

I received this yesterday.

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**From:** Clerk.Russell <Clerk.Russell@myorangeclerk.com>  
**Sent:** Wednesday, August 21, 2019 2:38 PM  
**To:** Moore Russell, Tiffany; Balboa, Cathi; Weister, Dain  
**Subject:** FW: Amendment 4 - Court Ordered Financial Obligations

**From:** Worthington, Jeanne <Jeanne.Worthington@fdc.myflorida.com>  
**Sent:** Wednesday, August 21, 2019 1:58 PM  
**To:** Clerk.Russell <Clerk.Russell@myorangeclerk.com>  
**Subject:** Amendment 4 - Court Ordered Financial Obligations

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**DIVIDER**

## Carolyn Timmann

---

**From:** Carolyn Timmann  
**Sent:** Thursday, August 22, 2019 8:31 AM  
**To:** Moore Russell, Tiffany  
**Cc:** Burke, Ken; Karen Rushing (krushing@scgov.net); Brooks, Jared; Geist, Melissa; Balboa, Cathi; Boudoin, Joyce  
**Subject:** Re: Amendment 4 - Court Ordered Financial Obligations

I did, too.

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

On Aug 22, 2019, at 7:52 AM, Moore Russell, Tiffany <[Tiffany.MooreRussell@myorangeclerk.com](mailto:Tiffany.MooreRussell@myorangeclerk.com)> wrote:

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<image001.png>

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**Carolyn Timmann**

**From:** Allison L. Newman <[anewman@flclerks.com](mailto:anewman@flclerks.com)>  
**Sent:** Friday, August 23, 2019 4:42 PM  
**Subject:** Advisory - 19-073 - Federal subpoenas being issued regarding SB 7066/Amendment 4 - Update  
**Attachments:** 19bull073.pdf

**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory regarding **Federal subpoenas being issued regarding SB 7066/Amendment 4 – Update.**

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks	<b>Category:</b>	Clerk Administration
<b>Priority:</b>	High	<b>Action required:</b>	Please notify both <a href="#">Chris Hart</a> and <a href="#">Fred W. Baggett, Esq.</a> if you have been served a subpoena.
<b>Executive Summary:</b>	This Advisory is an update to <a href="#">Advisory 19-060</a> , sent on July 22, 2019. At this time it is possible that additional Clerks may receive subpoenas in the case of <a href="#">Jones vs. DeSantis</a> , Civil Action No. 4:19-cv-300, now pending in the U.S. District Court for the Northern District of Florida. This relates to the Amendment 4 implementation.		
<b>Clerk outreach:</b>	No external outreach is needed.		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*  
Phone (850) 921-0808  
[ANewman@FLClerks.com](mailto:ANewman@FLClerks.com)

[www.FLClerks.com](http://www.FLClerks.com) [f/FloridaClerks](https://www.facebook.com/FloridaClerks) [i/FloridaClerks](https://www.instagram.com/FloridaClerks)

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## FCCC ADVISORY

**Federal subpoenas being issued regarding SB 7066/Amendment 4 – Update No. 19-073**

<b>Date:</b>	August 23, 2019	<b>Contact:</b>	Chris Hart
<b>Category:</b>	Clerk Administration	<b>Telephone:</b>	(850) 921-0808
<b>Page:</b>	1 of 1	<b>E-mail:</b>	<a href="mailto:chrishart@flclerks.com">chrishart@flclerks.com</a>

This Advisory is an update to [Advisory 19-060](#), sent on July 22, 2019. At this time it is possible that additional Clerks may receive subpoenas in the case of [Jones vs. DeSantis](#), Civil Action No. 4:19-cv-300, now pending in the U.S. District Court for the Northern District of Florida. This relates to the Amendment 4 implementation. This is a case being brought to challenge the constitutionality of Senate Bill 7066, which was enacted by the 2019 Florida Legislature to implement recently adopted Amendment 4 to the Florida Constitution. This was the “Voting Restoration Amendment” that was placed on the 2018 General Election ballot by a citizen petition initiative process to allow former felons who have “completed all conditions” of their sentence to register to vote.

If you do receive a subpoena, please send a copy of the subpoena to both [Chris Hart](#) and [Fred W. Baggett, Esq.](#)

The association is currently working with FCCC General Counsel to set up a conference call with Clerks who receive subpoenas to review and discuss the issue. The FCCC will provide more information to Clerks regarding this conference call as details become available.

Please contact [Chris Hart](#) if you have any further questions.

**BLANK**

**DIVIDER**

## Carolyn Timmann

**From:** determann@gtlaw.com on behalf of BaggettF@gtlaw.com  
**Sent:** Friday, August 30, 2019 5:22 PM  
**To:** KAKent@leoncountyfl.gov; GMarshall@leoncountyfl.gov; TRamos@mypalmbeachclerk.com; sbock@mypalmbeachclerk.com; Harvey.Ruvn@miamidade.gov; Lourdes.Arruza@miamidade.gov; achurlydavis@browardclerk.org; bforman@browardclerk.org; Tiffany.MooreRussell@myorangeclerk.com; Jared.Brooks@myorangeclerk.com; AlexA@waltonclerk.com; JSmith@clerk.indian-river.org; CCarlsward@clerk.indian-river.org; Angel.Colonneso@ManateeClerk.com; Matt.Whyte@ManateeClerk.com; krushing@scgov.net; gcooney@lakecountyclerk.org; chrishart@ficlerks.com; ssullivan@ficlerks.com; LondotJ@gtlaw.com; SAAllen@leoncountyfl.gov; HPeterson@mypalmbeachclerk.com; SLRamsey@mypalmbeachclerk.com; dreingold@ircgov.com; PCHILDERS@escambiaclerk.com; CLeigh@escambiaclerk.com; stacie.harvey@bakercountyfl.org; Jose.Casal@hklaw.com; Daniel.Hanlon@hklaw.com; lori.tolksdorf@ManateeClerk.com; jcrawford@nassauclerk.com; mkeiter@nassauclerk.com; mikedrawdy@nassauclerk.com; Brian.Corrigan@DuvalClerk.com; ronnie.fussell@duvalclerk.com; Carolyn Timmann; kburke@co.pinellas.fl.us; sgilbert@nassaucountyfl.com; BaggettF@gtlaw.com  
**Subject:** Re: Jones v. DeSantis Subpoena

**CAUTION:** This email originated from outside the Martin County Clerk & Comptroller's Office. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Clerk IT Division

I just wanted to confirm that I spoke with Jimmy Midyette, ACLU and confirmed that he has no problem with the extension of time to September 13 upon request from each Clerk served. He also approved additional time which may be necessary with the storm approaching. Furthermore, he agreed to narrow the scope of searchable terms to "Amendment 4" and "SB 7066" in response to question number 4.

Stay safe during the storm,

**Fred Baggett**

Greenberg Traurig, P.A.  
101 East College Avenue | Tallahassee, FL 32301  
T +1 850.425.8512  
[baggett@gtlaw.com](mailto:baggett@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)

**GT GreenbergTraurig**

**From:** Determann, Greta (Secy-TAL-GovLP) **On Behalf Of** Baggett, Fred (Shld-Tal-GovLP)  
**Sent:** Tuesday, August 27, 2019 5:21 PM  
**To:** 'KAKent@leoncountyfl.gov' <KAKent@leoncountyfl.gov>; 'GMarshall@leoncountyfl.gov' <GMarshall@leoncountyfl.gov>; 'TRamos@mypalmbeachclerk.com' <TRamos@mypalmbeachclerk.com>; 'sbock@mypalmbeachclerk.com' <sbock@mypalmbeachclerk.com>; 'Harvey.Ruvn@miamidade.gov' <Harvey.Ruvn@miamidade.gov>; 'Lourdes.Arruza@miamidade.gov' <Lourdes.Arruza@miamidade.gov>; 'achurlydavis@browardclerk.org' <achurlydavis@browardclerk.org>; 'bforman@browardclerk.org' <bforman@browardclerk.org>; 'Tiffany.MooreRussell@myorangeclerk.com' <Tiffany.MooreRussell@myorangeclerk.com>; 'Jared.Brooks@myorangeclerk.com' <Jared.Brooks@myorangeclerk.com>; 'AlexA@waltonclerk.com' <AlexA@waltonclerk.com>; 'JSmith@clerk.indian-river.org' <JSmith@clerk.indian-river.org>; 'CCarlsward@clerk.indian-river.org' <CCarlsward@clerk.indian-river.org>; 'Angel.Colonneso@ManateeClerk.com' <Angel.Colonneso@ManateeClerk.com>; 'Matt.Whyte@ManateeClerk.com' <Matt.Whyte@ManateeClerk.com>; 'krushing@scgov.net' <krushing@scgov.net>; Fred Baggett <baggett@gtlaw.com>;

'gcooney@lakecountyclerk.org' <gcooney@lakecountyclerk.org>

Cc: 'chrishart@flclerks.com' <chrishart@flclerks.com>; 'ssullivan@flclerks.com' <ssullivan@flclerks.com>

**Subject:** Jones v. DeSantis Subpoena

Thank you for reporting that you have been served with a subpoena to produce records in the *Jones v. DeSantis* case relating to the implementation of Amendment 4. As of now we have received responses from ten clerks who are receiving this email. The records required to be produced are the same except, that a few of the subpoenas have also included a request for financial obligations of a specific person.

I have been asked by FCCC to coordinate with the Clerks who have been served and/or their counsel to assist in their efforts to respond. I have a call into the ACLU attorney, Jimmy Midyette, to offer our help to him in receiving timely and meaningful responses to his request, and to seek a uniform and reasonable extension of time for production.

I would like to schedule a call for this Thursday August 29, at 2:00 PM EDT, with you and/or your counsel to discuss our response (if any) and where everyone is in the process. My Assistant, Gretta Determann, will be sending you a calendar invite to schedule the call. Please let me know if you, your attorney, or other designee can attend the call.

Thank you,

**Fred Baggett**

Greenberg Traurig, P.A.  
101 East College Avenue | Tallahassee, FL 32301  
T +1 850.425.8512  
[fbaggett@gtlaw.com](mailto:fbaggett@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)

**GT** GreenbergTraurig

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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com), and do not use or disseminate the information.

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Monday, September 9, 2019 11:02 AM  
**To:** (Ronnie.Fussell@duvalclerk.com); Alex Alford; Angel Colonnese; Angela Vick; Annie Mae Murphy; Armando Ramirez; Barbara Cox-Butler (barbara@hendryclerk.org); Barry Baker; Becky Norris; Bill Kinsaul; Billy Washington (bWASHINGTON@madisonclerk.com); Brenda D. Forman (bforman@browardclerk.org); Brent Thurmond (bxt@wakullaclerk.com); Butterfield, Stacy; Carla Hand (chand@calhounclerk.com); Carolyn Timmann; Clay Rooks (crooks@jacksonclerk.com); Crystal Kinzel; Dana Johnson; Danny Shipp - levyclerk@levyclerk.com; David Ellspermann (ellspermann@marioncountyclerk.org); DeWitt Cason (pdcason@columbiacclerk.com); Don Barbee; Don Spencer (spencerd@santarosaclerks.com); Gloria Hayward (sumterclerk@sumterclerk.com); Grant Maloy; Greg Godwin (hamiltonclerk@flcfn.net); Gwen Marshall (gmarshall@leoncountyfl.gov); Harvey Ruvin (clerk@miami-dadeclerk.com); hr10109000@aol.com; Hunter Conrad; JD Peacock II; Jeff Smith; Jess Irby (clerk@alachuacclerk.org); John Crawford (jcrawford@nassaucclerk.com); Joseph Smith; Karen Rushing (krushing@scgov.net); Kathleen Brown (kbrown@libertyclerk.com); Kellie Connell ; Kevin Madok (kmadok@monroe-clerk.com); Kirk Reams; 'Kyle Hudson'; Laura Roth (laura@clerk.org); Linda Doggett; Lora Bell (lbell@washingtonclerk.com); Marcia M. Johnson (mmjohnson@franklinclerk.com); Nadia Daughtrey (nadia.daughtrey@desotocclerk.com); Neil Kelly; Pam Childers pchilders@escambiaclerk.com; Pat Frank (frankp@hillsclerk.com); Phil Diamond (phil.diamond@occompt.com); POnil@pascocclerk.com; Ray Norman (ray\_norman@bradfordcountyfl.gov); Robert Germaine; Roger Eaton (roger.eaton@charlotteclerk.com); Ronnie Fussell (rWFussell@comcast.net); Sandra Brown; Scott Ellis; Sharon Bock; Sharon Robertson; Stacie Harvey (stacie.harvey@bakercountyfl.org); Steve Land; Tara Green (greenti@clayclerk.com); 'Thomas Bexley'; Thomas Nicholas (nthomas@gadsdenclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tim Sanders (tsanders@jeffersonclerk.com); tim smith; Todd Newton; Victoria Rogers I (vrogers@hardeeclerk.com)  
**Cc:** Richard Herring; Kimberly Renspie (krenspie@flclerks.com)  
**Subject:** Felony Judgment and Sentence Documents - Amendment 4 QRT  
**Attachments:** Pinellas Felony Judgment and Sentence.pdf; Sarasota Felony Judgment and Sentence.pdf

Dear Clerks,

Your help is needed for what should be an easy request. Will you please email a sample of the "Felony Judgment and Sentence" documents used in your county. Attached to this email are documents from Pinellas and Sarasota to provide samples of the documents being requested. This is being requested for use by the Amendment 4 Quick Response Team. We are trying to make a collection of the documents used by the various judges that show the sentence including any fines/fees/costs and restitution (when applicable).

Please respond with a sample case from your county to the following special email address we have set up for items related to Amendment 4:

[DOCRequests@flclerks.com](mailto:DOCRequests@flclerks.com)

Or

[krenspie@flclerks.com](mailto:krenspie@flclerks.com)

Thanks, in advance, for your help.

**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller

Pinellas County, Florida

315 Court Street, Clearwater, FL 33756

Office (727) 464-3341 | Cell (727) 647-1859

[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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Follow the Clerk:



IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN: [REDACTED]  
REF No.: [REDACTED]  
OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

[REDACTED]

Defendant

PERSON ID: [REDACTED]  
SS# [REDACTED]

**FILED**  
AUG 16 2016  
KEN BURKE  
CLERK CIRCUIT COURT

**JUDGMENT**

The Defendant, [REDACTED] being personally before this court represented by **ADRIAN E BURDEN**, Assistant Public Defender, the attorney of record, and the state represented by **EMILY WILLIAMS**, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	LEAVING THE SCENE OF A CRASH INVOLVING INJURY	316.027	3F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

(ICD-JDMT-III 12293504)

RETURN TO:  
CRIMINAL COURT RECORDS



Defendant [REDACTED]

UCN: [REDACTED]  
REF No.: [REDACTED]

OBTS Number  
\_\_\_\_\_

## SENTENCE

(as to Count 01 )

The defendant, being personally before the court, accompanied by the defendant's attorney of record, **ADRIAN E BURDEN, Assistant Public Defender**, and having been adjudicated guilty, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown,

### **It Is the Sentence Of the Court That:**

The Defendant pay total statutory costs in the amount of **\$795.70** , inclusive of, Investigative Costs in the amount of **\$145.70** pursuant to 938.27 F.S., **\$100.00** as a Costs of Prosecution assessment.

The Defendant **pay attorney fees and costs of defense as determined by the Court.**

The Defendant is **committed to the custody of the Sheriff of Pinellas County, Florida.**

The Sheriff is not authorized to release the Defendant on electronic monitoring or other sentencing programs.

### **To Be Imprisoned:**

The Defendant is to be imprisoned for a term of **180 Days.**

## SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed:

### **Mandatory/Minimum Provisions:**

**No Mandatory/Minimum provisions are imposed on this count.**

### **Other Provisions:**

**Please see the last page of this document for other provisions.**

Defendant: WILLIAM HARTMAN

REF No.: 16-05948-CF - I

OBTs Number

**Other Provisions: (continued)**

**Jail Credit**

**It is further ordered that the defendant shall be allowed a total of 79 Days as credit for time incarcerated before imposition of this sentence.**

**It is further ordered that:**

**Restitution is not applicable in this case.**

Restitution to State:

If applicable, you must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(h) Florida Statutes. The amount of such debt shall be determined by the Court at a later date upon final payment of the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing a notice of appeal within 30 days from this date with the clerk of the court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing this sentence, the court further orders:

**The defendant shall pay a \$7.00 fee to the Pinellas County Sheriff's Office for DNA testing.**

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida on August 15, 2016.



Judge

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN AND FOR SARASOTA COUNTY, FLORIDA  
 IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA

RECORDED IN OFFICIAL RECORDS  
 INSTRUMENT # [REDACTED] 2 PG(S)

3/27/2019 4:28 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT  
 SARASOTA COUNTY, FLORIDA

Receipt # 2352682

STATE OF FLORIDA  
 PLAINTIFF  
 - vs -

[REDACTED]  
 DEFENDANT

CRIMINAL  
 COURTS

CASE NUMBER: [REDACTED]

**JUDGMENT**

Probation Violator       Community Control Violator       Retrial       Resentence

The Defendant, being personally before this Court represented by ROSEMARIE MARCHESE, the attorney of record and the State represented by CHELSEA SALMONSEN and having:

- Been tried and found GUILTY by jury/by court of the following crime(s)
- Entered a plea of GUILTY to the following crime(s)
- Entered as plea of NOLO CONTENDERE to the following crime(s)
- Been found NOT GUILTY

COUNT	CRIME	OFFENSE STATUTE NUMBERS	DEGREE OF CRIMES	OBTS NUMBER
1	BATTERY-ON OFFICER OR FIREFIGHTER	784.07(2b)	THIRD DEGREE FELONY	[REDACTED]

(Check if Applicable)

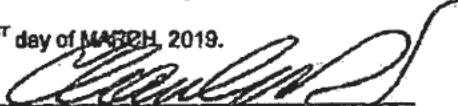
- and no cause being shown why the Defendant should not be adjudicated guilty. IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).
- And having been convicted or found guilty of, or having entered a plea of NOLO CONTENDERE or GUILTY, regardless of adjudication, to attempts, or offenses relating to sexual battery (ch. 784), lewd and lascivious conduct (ch. 800), or murder (§782.04), aggravated battery (§784.045), carjacking (§812.133), or Home Invasion robbery (§812.135), or any other offense specified in section 943.325, the Defendant shall be required to submit blood specimens.
- And good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILTY BE WITHHELD.


Pursuant to the provisions of §960.29-960.293, Florida Statutes, a lien is hereby imposed in favor of the State of Florida and/or Sarasota County as follows:

- Defendant was convicted for an offense other than a capital or life felony. This lien is for liquidated damages in the amount of fifty dollars (\$50/00) per day of the defendant's sentence.
- Defendant was convicted for a capital or life felony. This lien is for liquidated damages in the amount of two hundred and fifty thousand dollars (\$ 250,000.00).

ALL LIQUIDATED DAMAGES BEAR INTEREST AT THE RATE SET FORTH IN §55.03, FLORIDA STATUTES

DONE AND ORDERED: open court at Sarasota, Florida on the 21<sup>ST</sup> day of MARCH, 2019.

  
 CIRCUIT JUDGE CHARLES E ROBERTS

CERTIFICATE OF SERVICE  
 I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail/hand delivery to the  
 State Attorney     County Probation     Defendant  
 Defendant's Attorney  
 Witness my hand and official seal this 27 day of MARCH, 2019  
  
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
 Deputy Clerk

✓

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT IN  
AND FOR SARASOTA COUNTY, FLORIDA

CASE NUMBER: [REDACTED]

OBTS NUMBER: 5801260158

STATE OF FLORIDA

VS

[REDACTED]

**SENTENCE AND SPECIAL PROVISIONS**

**SENTENCE**

As To Count 1

The Defendant, being personally before this Court, accompanied by the Defendant's attorney of record,  
ROSEMARIE MARCHESE, and having been adjudicated guilty herein, and the Court having given the Defendant  
an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the Defendant should  
not be sentenced as provided by law, and no cause being shown,

*(check one if  
of applicable)*

- and the Court having on deferred imposition sentence until this date
- and the Court having previously entered a judgment in this case on now resentsences the Defendant.
- And the Court having placed the Defendant on  probation  community control and having subsequently revoked and terminated the Defendant's  probation  community control

**IT IS THE SENTENCE OF THE COURT THAT:**

- The Defendant pay a fine of \$ pursuant to section 775.083, Florida Statutes, plus \$ as the 5% surcharge required by section 938.04, Florida Statutes.
- The Defendant is hereby committed to the custody of the Department of Corrections.
- The Defendant is hereby committed to the custody of the Sheriff of Sarasota County, Florida.
- The Defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

**TO BE IMPRISONED (check one; unmarked sections are inapplicable):**

- For a term of natural life
- For a term of 1 YEAR, 1 DAY
- Said SENTENCE SUSPENDED for a period of subject to conditions set forth in the Order

If "split" sentence, complete the appropriate paragraph.

- Followed by a period of \_\_\_\_\_ on  probation  community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the Defendant shall be placed on  probation  community control for a period of \_\_\_\_\_ under the supervision of the Department of Corrections according to the terms and conditions of  probation  community control set forth in a separate order entered herein.

In the event the Defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the Defendant begins service of the supervision terms.

### SPECIAL PROVISIONS

#### As to Count 1

Include all findings, sentencing enhancements, and mandatory minimum provisions, as authorized by law and pronounced at sentencing.

- Retention of Jurisdiction**  The Court retains jurisdiction over the Defendant pursuant to section 947.16(4)(a), Florida Statutes (1983).
- Jail Credit**  It is further ordered that the Defendant shall be allowed a total of **132** days as credit for time incarcerated before imposition of this sentence.
- Credit for Time Served in Resentencing After Violation of Probation or Community Control**  It is further ordered that the Defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count \_\_\_\_\_. (Offenses committed before October 1, 1989.)
  - It is further ordered that the Defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of resentencing. The Department of Corrections shall apply original jail credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count \_\_\_\_\_. (Offenses committed between October 1, 1989 and December 31, 1993.)
  - The Court deems the unforfeited gain time previously awarded above on the case/count forfeited under section 948.06(7), Florida Statutes.
  - The Court allows unforfeited gain time previously awarded above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1), Florida Statutes.)
  - It is further ordered that the Defendant be allowed \_\_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of

resentencing. The Department of Corrections shall apply original jail credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/count . (Offenses committed on or after January 1, 1994)

**Consecutive/Concurrent as to other Counts**

It is further ordered that the sentence imposed for this count shall run  consecutive to  concurrent with the sentence set forth in count of this case.

**Consecutive/Concurrent As to Other Convictions**

It is further ordered that the composite term of all sentences imposed for the counts specified in the Order shall run  consecutive to  concurrent with the following: (check one)

any active sentence being served

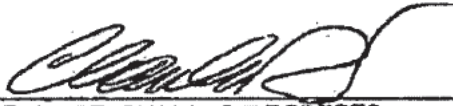
specific sentences

In the event the above sentence is to the Department of Corrections, the Sheriff of Sarasota County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections at the facility designated by the Department together with a copy of the Judgment and Sentence and any other documents specified by Florida Statute.

The Defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within thirty (30) days from this date with the Clerk of the Court and the Defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigence.

In imposing the above sentence, the Court further recommends: **FACILITY WITH MENTAL HEALTH TREATMENT AND COUNSELING. STIPULATED DOWNWARD DEPARTURE.**

DONE AND ORDERED In open Court at Sarasota County, Florida this 21st day of March, 2019



CIRCUIT JUDGE CHARLES E ROBERTS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail/hand delivery to the  State Attorney  County Probation  Defendant  Defense Attorney

Witness my hand and official seal this 27 day

2019  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
Deputy Clerk



**IN THE COUNTY COURT IN AND FOR SARASOTA COUNTY, FLORIDA**

STATE OF \_\_\_\_\_  
VS.

CASE#: \_\_\_\_\_

DEFENDANT: \_\_\_\_\_

**COST SHEET – FELONY / MISDEMEANOR / CRIMINAL TRAFFIC COURT COST**

- |  |          |   |             |
|--|----------|---|-------------|
| <input type="checkbox"/> 1. Misdemeanor Guilty<br><small>MM, CT</small>  | \$223.00 | <input checked="" type="checkbox"/> 17. Felony Guilty   | \$418.00    |
| <input type="checkbox"/> 2. City Code Guilty<br><small>MO</small>  | \$328.00 | <input type="checkbox"/> 18. Felony Withheld  | \$413.00    |
| <input type="checkbox"/> 3. County Code Guilty<br><small>CO</small>  | \$273.00 | <input checked="" type="checkbox"/> 19. Domestic Violence<br>Surcharge  | \$201.00    |
| <input type="checkbox"/> 4. Misdemeanor Withheld<br><small>MM, CT</small>  | \$218.00 | <input checked="" type="checkbox"/> 20. Rape Crises Trust Fund<br>\$784   | \$151.00    |
| <input type="checkbox"/> 5. City Code Withheld<br><small>MO</small>  | \$293.00 | <input type="checkbox"/> 21. Child Advocacy Center<br><small>(\$775.21, \$784.085, \$787, \$794, \$798.03, \$798.035,<br/>\$800.04, \$827, \$847.0135(5), \$847.0145, \$847.012,<br/>\$847.0125, \$847.0133, \$847.0138, \$893.147(3),<br/>\$823.07, \$847.0134, \$943.0435, \$985.701)</small> | \$151.00    |
| <input type="checkbox"/> 6. County Code Withheld<br><small>CO</small>  | \$268.00 | <input type="checkbox"/> 22. Indigency Fee  | \$50.00     |
| <input type="checkbox"/> 7. Driving Under the Influence<br><small>(Includes County Facility Fee)</small>                               | \$168.00 | <input checked="" type="checkbox"/> 23. Attorney Fee <input type="checkbox"/> PD <input type="checkbox"/> ORC   | \$100       |
| <input type="checkbox"/> 8. Boating Under the Influence<br><small>(Includes BUI and DUI Fees)</small>                                  | \$195.00 | <input type="checkbox"/> 24. Investigative Fee<br><small>(Agency: _____ \$ _____)</small>   |             |
| <input type="checkbox"/> 9. Reckless Driving / Leaving<br>the Scene – Fine   | \$ 5.00  | <input type="checkbox"/> 25. Fine (See Court Appearance Record<br>for Fine Amount) and Surcharge  |             |
| <input type="checkbox"/> 10. Court Facility Fee / Additional<br>Surcharge<br><small>(All criminal traffic offenses under §316)</small> | \$ 33.00 |   |             |
| <input type="checkbox"/> 11. State Law Enforcement Fee   | \$ 3.00  | <b>Surcharge</b>  | <b>Fine</b> |
| <input type="checkbox"/> 12. Local Law Enforcement Fee   | \$ 2.00  | <input type="checkbox"/> \$ 1.25  | \$ 25.00    |
| <input type="checkbox"/> 13. Misd. Alcohol & Drug Fee<br><small>(Adjudication of Guilt)</small>  | \$ 15.00 | <input type="checkbox"/> \$ 2.50  | \$ 50.00    |
| <input type="checkbox"/> 14. Drug Abuse Program<br><small>(\$893, §316.193, §858.011,<br/>§858.015, §562, §567 or §568)</small>        | \$ _____ | <input type="checkbox"/> \$ 5.00  | \$ 100.00   |
| <input type="checkbox"/> 15. Reckless Driving<br>§316.191 and §316.192   | \$ 65.00 | <input type="checkbox"/> \$ 12.50   | \$ 250.00   |
| <input type="checkbox"/> 16. Administrative Processing<br>Service Charge   | \$ 25.00 | <input type="checkbox"/> \$ 13.25   | \$ 265.00   |
|  |          | <input type="checkbox"/> \$ 25.00   | \$ 500.00   |
|  |          | <input type="checkbox"/> \$ 50.00   | \$1000.00   |
|  |          | <input type="checkbox"/> \$100.00   | \$2000.00   |
|  |          | <b>OTHER:</b>   |             |
|  |          | <input type="checkbox"/> \$ _____ x 5%  | \$ _____    |
|  |          | <input checked="" type="checkbox"/> 26. State Attorney Cost of<br>Prosecution   | \$ 100      |
|  |          | <input type="checkbox"/> 27. State Attorney Worthless<br>Check Fee  | \$ _____    |

Rev. 07/01/2010

**MISDEMEANOR / FELONY  
COURT COST GROUP AND ASSOCIATED FEES**

1. MISDEMEANOR GUILTY - NO FINE / FINE	= b, c, d, f, g, l, p, v, z, bb
2. CITY CODE VIOLATION GUILTY - NO FINE / FINE	= a, b, c, d, f, g, h, l, p, u, v, y, z, bb
3. COUNTY CODE VIOLATION GUILTY - NO FINE / FINE	= b, c, d, f, g, u, v, y, z, bb
4. MISDEMEANOR WITHHELD - NO FINE / FINE	= d, f, g, l, p, v, z, bb
5. CITY CODE VIOLATION WITHHELD - NO FINE / FINE	= d, f, g, h, l, p, u, v, y, z, bb
6. COUNTY CODE VIOLATION WITHHELD - NO FINE / FINE	= d, f, g, u, v, y, z, bb
7. DRIVING UNDER THE INFLUENCE	= j, k, l, w, cc
8. BOATING UNDER THE INFLUENCE	= j, k, l, x
9. RECKLESS DRIVING / LEAVING THE SCENE	= m
10. COURT FACILITY FEE / ADDITIONAL SURCHARGE	= w, cc
11. STATE LAW ENFORCEMENT FEE	= c
12. LOCAL LAW ENFORCEMENT FEE	= b
13. MISD. DRUG AND ALCOHOL	= dd
14. DRUG / ALCOHOL ABUSE PROGRAMS	= gg
15. RECKLESS DRIVING	= i
16. ADMINISTRATIVE PROCESSING SERVICE CHARGE	= hh
17. FELONY GUILTY - NO FINE / FINE	= b, c, e, f, g, l, p, v, z, aa
18. FELONY WITHHELD - NO FINE / FINE	= e, f, g, l, p, v, z, aa
19. DOMESTIC VIOLENCE SURCHARGE	= r
20. RAPE CRISES TRUST FUND	= s
21. CHILD ADVOCACY CENTER	= t
22. INDIGENCY FEE	= n
23. ATTORNEY FEE	= o
24. INVESTIGATIVE FEE	= q
25. FINE and SURCHARGE	= l, p
26. STATE ATTORNEY COSTS OF PROSECUTION	= ee
27. STATE ATTORNEY WORTHLESS CHECK	= ff

**Key to Abbreviations:**

\*AO = Administrative Order \*F.S. = Florida Statute \*TF = Trust Fund \*DUI = Driving Under the Influence  
 \*CTY ORD = County Ordinance \*FDLE = Florida Department of Law Enforcement \*PD = Public Defender \*ORC = Office of Regional Counsel

**COURT COST ASSESSMENTS AND AUTHORITY**

a. Court Cost (AO 2004-4-7)	\$ 30.00
b. Local Law Enforcement (F.S. 938.15)	\$ 2.00
c. State Law Enforcement (F.S. 938.01)	\$ 3.00
d. Criminal Justice TF (F.S. 938.05) - Misdemeanor	\$ 60.00
e. Criminal Justice TF (F.S. 938.05) - Felony	\$ 225.00
f. Crimes Compensation TF (F.S. 938.03)	\$ 50.00
g. Crime Stoppers TF (F.S. 938.06)	\$ 20.00
h. City Crime Prevention (CTY 01-11)	\$ 25.00
i. Surcharge (F.S. 938.04) 5% of Fine	5%
j. Criminal Justice Training FDLE (F.S. 938.07)	\$ 50.00
k. Brain & Spinal Cord TF (F.S. 938.07)	\$ 80.00
l. Emergency Medical TF for DUI (F.S. 938.07)	\$ 25.00
m. Emergency Medical TF for Reckless Driving (F.S. 938.07)	\$ 5.00
n. Indigency (F.S. 27.52)	\$ 50.00
o. Attorney Fee (27.56)	Varies
p. Fine	Varies
q. Investigative Fee (F.S. 938.27)	Varies
r. Domestic Violence Surcharge (F.S. 938.08)	\$ 201.00
s. Rape Crises Trust Fund (F.S. 938.085)	\$ 151.00
t. Child Advocacy Center (F.S. 938.10)	\$ 101.00
u. Additional Court Cost (F.S. 28.2401)	\$ 40.00
v. Additional Court Cost (F.S. 939.185(1A) and CTY ORD 2004-077)	\$ 65.00
w. State Court Facility (CTY ORD 2009-039 and F.S. 318.18)	\$ 30.00
x. Boating Under the Influence (F.S. 327.35(9))	\$ 60.00
y. Additional Filing Fee (F.S. 34.045(C))	\$ 10.00
z. Teen Court Fee (F.S. 938.19 and CTY ORD 2005-069)	\$ 3.00
aa. Crime Prevention (F.S. 775.083(2)) - Felony	\$ 50.00
bb. Crime Prevention (F.S. 775.083(2)) - Misdemeanor	\$ 20.00
cc. Additional Surcharge (F.S. 318.18(17))	\$ 3.00
dd. Additional Court Cost (CTY ORD 2008-036)	\$ 15.00
ee. State Attorney Cost of Prosecution (F.S. 938.27)	Varies
ff. State Attorney Worthless Check Program (F.S. 832.08)	Varies
gg. Additional Court Costs (F.S. 938.21)	Varies
hh. Administrative Processing Service Charge (F.S. 28.24(26)(c))	\$ 25.00
ii. Additional Penalty (F.S. 318.18)	\$ 85.00



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**DIVIDER**

## Carolyn Timmann

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**From:** Carolyn Timmann  
**Sent:** Monday, September 9, 2019 1:35 PM  
**To:** Kimberly Renspie; 'Burke, Ken'; 'Karen Rushing'; Melvin Cox; Chris Hart; BaggettF; 'Butterfield, Stacy'  
**Cc:** Gretta Determann; cwright@scgov.net; Richard  
**Subject:** RE: Restoration of Voting Rights Presentation Prep

I think the draft power point is due by high noon on Thursday. So, can we aim for Wednesday -- maybe after the joint QRT call?

**From:** Kimberly Renspie [mailto:krenspie@flclerks.com]  
**Sent:** Monday, September 9, 2019 1:32 PM  
**To:** 'Burke, Ken' <kburke@co.pinellas.fl.us>; 'Karen Rushing' <krushing@scgov.net>; Melvin Cox <cox@flclerks.com>; Chris Hart <chrishart@flclerks.com>; BaggettF <BaggettF@gtlaw.com>; Carolyn Timmann <CTimmann@martinclerk.com>; 'Butterfield, Stacy' <StacyButterfield@polk-county.net>  
**Cc:** Gretta Determann <determann@gtlaw.com>; cwright@scgov.net; Richard <richard@reherring.com>  
**Subject:** Restoration of Voting Rights Presentation Prep

**CAUTION:** This email originated from outside the Martin County Clerk & Comptroller's Office. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Clerk IT Division

Good afternoon, everyone,

I hope you had a great weekend! In order to continue preparations for the presentation to the Restoration of Voting Rights Work Group, we would like to schedule a WebEx for Wednesday or Thursday. Ideally, we would like at least an hour to go through everything. Please let me know what time slots work best for you.

Thank you,



**KIMBERLY RENSPIE**, *Legislative Manager*

Direct (850)577-4632 | Cell (813) 748-4133

KRenspie@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com)  /FloridaClerks  /FloridaClerks

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**DIVIDER**

## Carolyn Timmann

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**From:** Kimberly Renspie <krenspie@flclerks.com>  
**Sent:** Monday, September 9, 2019 1:38 PM  
**To:** Carolyn Timmann; Burke, Ken; Karen Rushing; Melvin Cox; Chris Hart; BaggettF; Butterfield, Stacy  
**Cc:** Gretta Determann; cwright@scgov.net; Richard  
**Subject:** RE: Restoration of Voting Rights Presentation Prep

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Richard spoke with Maria Matthews and we promised the PowerPoint a day in advance. But, I agree, the sooner the better!

**From:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Sent:** Monday, September 9, 2019 1:35 PM  
**To:** Kimberly Renspie <krenspie@flclerks.com>; 'Burke, Ken' <kburke@co.pinellas.fl.us>; 'Karen Rushing' <krushing@scgov.net>; Melvin Cox <cox@flclerks.com>; Chris Hart <chrishart@flclerks.com>; BaggettF <BaggettF@gtlaw.com>; 'Butterfield, Stacy' <StacyButterfield@polk-county.net>  
**Cc:** Gretta Determann <determann@gtlaw.com>; cwright@scgov.net; Richard <richard@reherring.com>  
**Subject:** RE: Restoration of Voting Rights Presentation Prep

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**Sent:** Monday, September 9, 2019 1:32 PM  
**To:** 'Burke, Ken' <kburke@co.pinellas.fl.us>; 'Karen Rushing' <krushing@scgov.net>; Melvin Cox <cox@flclerks.com>; Chris Hart <chrishart@flclerks.com>; BaggettF <BaggettF@gtlaw.com>; Carolyn Timmann <CTimmann@martinclerk.com>; 'Butterfield, Stacy' <StacyButterfield@polk-county.net>  
**Cc:** Gretta Determann <determann@gtlaw.com>; cwright@scgov.net; Richard <richard@reherring.com>  
**Subject:** Restoration of Voting Rights Presentation Prep

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Thank you,



**KIMBERLY RENSPIE**, *Legislative Manager*

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**DIVIDER**

## Carolyn Timmann

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**From:** Kimberly Renspie <krenspie@flclerks.com>  
**Sent:** Monday, September 9, 2019 5:29 PM  
**To:** Carolyn Timmann  
**Cc:** Richard; Chris Hart  
**Subject:** Restoration of Voting Rights Backup Materials  
**Attachments:** A4 Presentation Run of Show.docx; RE: Voter registration and the Clerks of Court; Restoration of Voting Rights/Meeting 2; CCIS Amendment 4 Presentation 20190916.pdf

**CAUTION:** This email originated from outside the Martin County Clerk & Comptroller's Office. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Clerk IT Division.

Good afternoon, Clerk Timmann-

As a follow up to our phone call, I wanted to send you a few of the documents that might be referenced on the presentation prep phone call. Please see the descriptions below.

- 1) Draft Run of Show- who will cover what
- 2) CCIS Amendment 4 Presentation- this is Melvin's PowerPoint presentation
- 3) Email chain from Maria Matthews (DOS) regarding the Clerk issues mentioned in the first work group presentation
- 4) Email chain from Maria Matthews (DOS) with the questions to be addressed by Clerks during the 9/16/2019 presentation

I will send a draft copy of the script to the entire group sometime tomorrow. As mentioned, we used the talking points from your presentation to the House and Senate Criminal Justice committees as the base so, much of it should look familiar. Please let me know if you have any questions.

Thank you,



**KIMBERLY RENSPIE**, *Legislative Manager*

Direct (850)577-4632 | Cell (813) 748-4133

KRenspie@FLClerks.com

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FCCC | 3544 Maclay Blvd | Tallahassee, Florida 32312 | (850) 921-0808

## FCCC Presentation to the Restoration of Voting Rights Work Group

Tallahassee, Florida

Monday, September 16, 2019

2:00 – 4:00 p.m., EDT

15 minutes

Ken Burke

- Opening and introductions
- Background on Clerks
- Clerk involvement with A4 to this point
  - Clerk Timmann
  - A4 QRT Accomplishments
- Accessibility of records
- Limitations on Clerk data

15 minutes

Karen Rushing

- Introduction
- Local level process of court records
- Florida Rules of Judicial Administration, Rule 2.430
- Progress in digitizing
- Fines & Court costs converted to liens

15 minutes

Melvin Cox

- Introduction
- PowerPoint Presentation

Stacy M. Butterfield, CPA  
Polk County  
President

Tara S. Green  
Clay County  
President-Elect

Angelina "Angel" Colonnese, Esq.  
Manatee County  
Vice President

Carolyn Timmann  
Martin County  
Treasurer

Barry Baker  
Suwannee County  
Secretary

Chris Hart IV  
Chief Executive  
Officer



## Carolyn Timmann

---

**From:** Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>  
**Sent:** Thursday, August 29, 2019 3:12 PM  
**To:** Richard; Kimberly Renspie; Chris Hart  
**Cc:** Marconnet, Amber; Brown, Toshia  
**Subject:** RE: Voter registration and the Clerks of Court  
**Attachments:** Final- Challenges and Highlights -COC Records 20190827.docx; Schell, Taylor 2.pdf; Scalisi, Anthony.pdf; Schell, Taylor 1.pdf; Conyers, Ellis.pdf; Mills, Ernest.pdf; Jory, Anthony.pdf; Melvin, Adam.pdf; Penagos, Carlos.pdf; Gary, Debaun.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Richard, Kimberly and Chris:

Thank you for the outreach to work on the details of clerk of court records and system.

Please find attached references to some of the Division's experience with court records, what are some perceived challenges, and ideas for going forward that could help us fulfill our statutory duties.

I am also attached records examples showing the challenges we will face in trying to determine financial obligations imposed by a sentencing document and what appears on CCIS and how to read that for felony convictions. My staff simply are not versed or professionally trained at this level to understand court documents to this level.

Let me know when you might be available to set up a meeting so we can walk through these examples and discuss in further details. Amber Marconnet and Toshia Brown would be a key part of that call/meeting.

Respectfully,

Maria Matthews, Esq.  
Division of Elections, Director  
Florida Department of State  
500 S. Bronough Street  
Tallahassee, Florida 32399  
850.245.6520  
Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided. Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

-----Original Message-----

**From:** Matthews, Maria I.  
**Sent:** Tuesday, August 20, 2019 12:16 PM  
**To:** Richard <richard@reherring.com>  
**Cc:** Chris Hart <chrishart@flclerks.com>; Kimberly Renspie <krenspie@flclerks.com>; Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>

Subject: RE: Voter registration and the Clerks of Court

Richard,

Absolutely. Let me get with my staff and then we can share what those challenges and processes are.

Respectfully,

Maria Matthews, Esq.  
Division of Elections, Director  
Florida Department of State  
500 S. Bronough Street  
Tallahassee, Florida 32399  
850.245.6520

Maria.matthews@dos.myflorida.com

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-----Original Message-----

From: Richard <richard@reherring.com>

Sent: Tuesday, August 20, 2019 11:57 AM

To: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>

Cc: Chris Hart <chrishart@flclerks.com>; Kimberly Renspie <krenspie@flclerks.com>

Subject: Voter registration and the Clerks of Court

EMAIL RECEIVED FROM EXTERNAL SOURCE

Maria,

I am doing some contract work for the Florida Association of Court Clerks and Comptrollers to help ensure that the data they have related to restoration of voting rights is provided as smoothly as possible. In your presentation yesterday, you mentioned that Clerks responses to requests for information vary. Last month, the Clerks established a "quick response team"

to address exactly that kind of issue through advisories, best practices, and any other policy development that can help Clerks to provide information quickly.

That group asked me to ask you if you can give them any more information on the DOS process for gathering additional data from Clerks, including any outstanding issues. It is their intent to solve (quickly) any problems that exist or that have recurred in the past.

They are absolutely committed to serving their constituents and their government partners, so information on any issues your Division has, no matter how small, will be appreciated.

Please forgive the direct contact, if there's a more formal way this request needs to be made, I'm happy to take that path.

Thanks,

Richard Herring

(850) 264-6531

# Division of Elections

The following is a compilation of notable highlights and challenges the Division has encountered over the years in obtaining court records in support of a voter record/felony record match that indicates a registered voter may be ineligible to be registered due to an adjudication of felony conviction without the right to vote restored.

## Clerk of Court Records - Highlights:

### Counties

- Overall, the counties have been very helpful. For the volume of request, they are for the most part responsive and handle them very efficiently. Most are also very good at helping us figure out the 'nonsense' case numbers we frequently receive from FDLE (e.g., **Orange**, **Duval**, and **Monroe**).
- We are not without error so all of the counties deserve praise for resending us court documents that have been requested in the past but misplaced by our office.
- While **Duval** often does not provide the judgment, they alternatively type up a summary sheet of the judgment, particularly for older cases. This mitigates misplaced or unattended requests.
- **St. Lucie** is an example of a county that appears to use CCIS as fully intended - with the full case file scanned, as this is an already established, password-protected way for other government agencies to view court documents. They are very quick with communication and returns on requests that are not yet scanned into CCIS. If we have a problem downloading the entire file, they break it up into manageable parts without hesitation.
- Communications with clerk of court is very important. **Gadsden** deserves praise for working with us to tell us that it is easier for them to receive all requests at the end of the day to process the following day. This is workable for us due to the small size of the county and ensures organization and timeliness at the clerk's office.
- **Okaloosa** county is very good about providing certified copies of court minutes when an actual judgment is not available.
- People and counties that stand out to us as being excellent contacts over the years
  - **Brevard** – Wendy Kiersted and Sandra Scheerhorn
  - **Broward** – Doris Pava-Ruiz
  - **Charlotte** – Cindee Sierant
  - **Clay** – Michelle Thrasher and Lisa Sanchez
  - **Collier** – Lorraine Stoll
  - **Duval** – Natayla Anderson
  - **Gadsden** – Perla Palomo and Kathy Young
  - **Gulf** – Tonya Knox
  - **Jackson** – Jeanie Hooppell
  - **Lee** – Sue Murray and Alex Fields
  - **Leon** – Jon Mickler
  - **Madison** – Judy Townsend
  - **Miami-Dade** – Barbara Glass
  - **Monroe** – Debbie Niles, Nancy Auten, and Chandra Matthews
  - **Okaloosa** – Tim Sadler and Don Allgood
  - **Orange** – Donna Lokey

- **Palm Beach** – Sandra Powers and Tracy Corey
- **Pinellas** – Wayne Totin
- **Polk** – Tina Hill
- **Sarasota** – Joanie Bolden
- **Seminole** – Sheila McCloud
- **Sumter** – Melissa Gashaw
- **Suwannee** – Trudy Meeks

## Clerk of Court Records - Challenges

### Counties in General

- Several counties have returned “file not found” or “N/A” as responses to our requests. This is different from a return of “met retention” or “destroyed” that we get with some older MM cases. We heard anecdotally from one county (**Brevard**) that misplaced older cases can occur if the file has been pulled several times and not placed in proper order. For example, they may scan the file barcode then scan the barcode for its location in the warehouse and sometimes the person putting it back doesn’t do this correctly for the computer to have an accurate record of the current location. This may represent an issue with following procedures for archiving.
- Several counties, including **Sarasota** and **Duval**, will not provide a statement when documents, such as arrest reports, are not available. This makes it difficult to prove insufficient documentation, especially with older cases.
- Many counties do not send all documents requested and include no response addressing the missing items. We have to reach out again for clarification as to whether they exist at all or did someone just forget to include them.
- The requesting process on the public sites for most counties since the Supreme Court order seem like overkill for another government agency’s requests. They made documents more widely accessible to the public, but we seem to have less direct access than before. Even if they are available online, we have to wait for redaction or they are difficult to locate because the images are not labeled in a way that makes them easily identifiable; they have image numbers rather than document titles, like arrest report or judgment. Many of these counties (**Lee, Leon, Okaloosa, Orange**, etc.) have had to create alternate ways to get the information we need to us because our requests do not fit neatly into the access matrix. As recently as March, **Escambia** has stated that they cannot grant us access to the information we need because of the matrix.

---

### County-specific

- **Bay and Jefferson**
  - Counties have had issues with providing archived documents due to storm damage.
- **Broward County**
  - Longest wait for requested documents historically occurs with Broward County Clerk of Court Archives. Previously, all requests went to one staff but have since expanded we believe to include two other trainees. Requests for archived documents typically take 3-4 days unless sent by mail.

- **Miami-Dade**

- Frequently returns the statement that the case documents are held with the Miami-Dade Police Department, not the Clerk of Court. We do not have an established relationship nor are comfortable reaching out to the police department.
- Protracted responses which we attribute to large county, many document requests, and staffing shortage (which they have stated). The office tries to expedite responses by grouping requests in batch responses with case sheets in lieu of actual judgments. We have not seen marked difference in turnaround time.
- We observe many more errors with felony division records (e.g., wrong case, wrong defendant, missing a requested page, etc.) than with other counties, but then again they also process a larger number of requests. Assigned staff rotates frequently which makes it difficult to circle back to the same person about the errors. Communications however have improved. Miami-Dade misdemeanor section has always been great with communication and turnaround time.

- **Palm Beach**

- The clerk of court office can only provide us with docket printouts when we request older misdemeanor cases since they destroy the documents after a set retention period. However, there is no written mention of this included with the printout for us to include in the case file as proof.
- The office responds back in large batches rather than once the request is completed. While we understand the efficiencies for the clerk, it can delay being able to move forward with a potentially invalid registered voter file.

- **Pasco**

- The clerk of court office has roughly 10 different contacts that our requests need to be sent to, though they usually complete the order the same day. We recommend that a general email inbox be set up to funnel requests or set up a contact group for them in our email. The latter may necessitate keeping the email distribution list current with office staff changes.

- **Sarasota**

- The clerk of court office has switched to faxed requests after several emails were misplaced and only the cover sheets were printed out. I had to resend several requests by fax that were already emailed to them.

- **Seminole**

- The clerk of court intake division asks that requested be faxed but we have encountered an issue with these faxes being misplaced, taken by other workers, or sitting in inboxes for far too long. Worked with Sheila McCloud and the issue got better.

- Probation Violator
- Community Control Violator
- Retrial
- Resentence

STATE OF FLORIDA

In the Circuit Court, 7th Judicial Circuit  
 in and for Volusia County, Florida  
 Division CRIMINAL 07  
 Case Number [REDACTED]

**JUDGMENT**

The defendant, TAYLOR REITER SCHELL, being personally before this court represented by CARLOS S. MORA, the attorney of record, and the state represented by {SAO}, and having

- been tried and found guilty by jury of the following crime(s)
- entered a plea of guilty to the following crime(s)
- entered a plea of nolo contendere to the following crime(s) ADMITS VIOL

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
22	SOLICITATION TO DELIVER HEROIN	893.13(1)(a)1	F/T	[REDACTED]	[REDACTED]
23	UNLAWFUL USE OF A TWO WAY COMMUNUCATION DEVICE TO FACILITATE THE COMMISSION OF A FELONY	934.215	F/T	[REDACTED]	[REDACTED]

- and no cause being shown why the defendant should not be adjudicated guilty, **IT IS ORDERED THAT** the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s)
- and good cause being shown; **IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.**
- and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of adjudication, to an offense specified in section 943.325, Florida Statutes, the defendant shall be required to submit blood or other biological specimens.

**SENTENCE**( As to Count 22 )

The defendant, being personally before this court, accompanied by the defendant's attorney of record, CARLOS S. MORA, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

**(Check one if applicable.)**

- and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date
- and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences the defendant
- and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

**It is The Sentence Of The Court that:**

- The defendant pay a fine of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ as the 5% surcharge required by section 938.04, Florida Statutes.
- The defendant is hereby committed to the custody of the Department of Corrections.
- The defendant is hereby committed to the custody of the Sheriff of Volusia County, Florida.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida statutes.

**To Be Imprisoned (Check One; unmarked sections are inapplicable.):**

- For a term of natural life.
- For a term of 366 DAYS.
- Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

**If "split" sentence, complete the appropriate paragraph.**

- Followed by a period of \_\_\_\_\_ on probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.



**SPECIAL PROVISIONS (As to Count 22)****Mandatory/Minimum Provisions:**

By appropriate notation, the following provisions apply to the sentence imposed:

- Firearm  It is further ordered that the 3-year minimum imprisonment provisions of §775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking  It is further ordered that the \_\_\_\_\_ mandatory minimum imprisonment provisions of §893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Controlled Substance Within 1,000 Feet of School  It is further ordered that the 3-year minimum imprisonment provisions of §893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Habitual Felony Offender  The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent Felony Offender  The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Three-time Violent Felony Offender  The defendant is adjudicated a three-time violent felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(c), Florida Statutes. It is further ordered that the \_\_\_\_\_ year mandatory minimum imprisonment provisions of s. 775.084(4)(c) is hereby imposed for the sentence specified in this count. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release.
- Violent Career Criminal  The defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(d), Florida Statutes. A minimum term of \_\_\_\_\_ years must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release pursuant to s. 947.149, Florida Statutes.
- Law Enforcement Protection Act  It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with §775.0823, Florida Statutes.
- Capital Offense  First Degree Murder **Prior to** 05/25/94 and Other Capital Felonies **Prior to** 10/01/95. It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of §775.082(1), Florida Statutes.
- First Degree Murder **After** 05/25/94 and Other Capital Felonies **After** 10/01/95. It is further ordered that the defendant shall be ineligible for parole in accordance with the provisions of §775.082(1), Florida Statutes.
- Short-Barreled Rifle Shotgun, Machine Gun  It is further ordered that the 5-year minimum provisions of §790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
- Continuing Criminal Enterprise  It is further ordered that the 25-year minimum sentence provisions of §893.20, Florida Statutes, are hereby imposed for the sentence specified in the count.
- Dangerous Sexual Felony Offender  The defendant is adjudicated a dangerous sexual felony offender. This finding of the court was stated in open court or set forth in a separate order. A minimum term of \_\_\_\_\_ years must be served prior to release in accordance with §794.015(2)(e), Florida Statutes. The defendant is not eligible for gain-time or any form of discretionary early release, other than pardon, executive clemency or conditional medical release, before serving the minimum sentence.
- Sexual Offender  It is further ordered that the defendant shall register as a sexual offender pursuant to §943.0435, Florida Statutes.

**SENTENCE**

( As to Count 23 )

The defendant, being personally before this court, accompanied by the defendant's attorney of record, CARLOS S. MORA, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable.)

- and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date
- and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences the defendant
- and the Court having placed the defendant on probation/community control and having subsequently revoked the defendant's probation/community control.

It is The Sentence Of The Court that:

- The defendant pay a fine of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ as the 5% surcharge required by section 938.04, Florida Statutes.
- The defendant is hereby committed to the custody of the Department of Corrections.
- The defendant is hereby committed to the custody of the Sheriff of Volusia County, Florida.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida statutes.

To Be Imprisoned (Check One; unmarked sections are inapplicable.):

- For a term of natural life.
- For a term of 366 DAYS.
- Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

- Followed by a period of \_\_\_\_\_ on probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

**SPECIAL PROVISIONS (As to Count 23)****Mandatory/Minimum Provisions:**

By appropriate notation, the following provisions apply to the sentence imposed:

- Firearm  It is further ordered that the 3-year minimum imprisonment provisions of §775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking  It is further ordered that the \_\_\_\_\_ mandatory minimum imprisonment provisions of §893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Controlled Substance Within 1,000 Feet of School  It is further ordered that the 3-year minimum imprisonment provisions of §893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Habitual Felony Offender  The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent Felony Offender  The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Three-time Violent Felony Offender  The defendant is adjudicated a three-time violent felony offender and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(c), Florida Statutes. It is further ordered that the \_\_\_\_\_ year mandatory minimum imprisonment provisions of s. 775.084(4)(c) is hereby imposed for the sentence specified in this count. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release.
- Violent Career Criminal  The defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of §775.084(4)(d), Florida Statutes. A minimum term of \_\_\_\_\_ years must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release pursuant to s. 947.149, Florida Statutes.
- Law Enforcement Protection Act  It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with §775.0823, Florida Statutes.
- Capital Offense  First Degree Murder **Prior to** 05/25/94 and Other Capital Felonies **Prior to** 10/01/95. It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of §775.082(1), Florida Statutes.
- First Degree Murder **After** 05/25/94 and Other Capital Felonies **After** 10/01/95. It is further ordered that the defendant shall be ineligible for parole in accordance with the provisions of §775.082(1), Florida Statutes.
- Short-Barreled Rifle Shotgun, Machine Gun  It is further ordered that the 5-year minimum provisions of §790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.
- Continuing Criminal Enterprise  It is further ordered that the 25-year minimum sentence provisions of §893.20, Florida Statutes, are hereby imposed for the sentence specified in the count.
- Dangerous Sexual Felony Offender  The defendant is adjudicated a dangerous sexual felony offender. This finding of the court was stated in open court or set forth in a separate order. A minimum term of \_\_\_\_\_ years must be served prior to release in accordance with §794.015(2)(e), Florida Statutes. The defendant is not eligible for gain-time or any form of discretionary early release, other than pardon, executive clemency or conditional medical release, before serving the minimum sentence.
- Sexual Offender  It is further ordered that the defendant shall register as a sexual offender pursuant to §943.0435, Florida Statutes.

**Mandatory/Minimum Provisions Continued:**

- Sexual Predator  It is further ordered that the defendant is found to be a sexual predator pursuant to §775.21, Florida Statutes. This finding by the court is set forth in a separate order.
- Prison Releasee Reoffender:  The defendant is adjudicated a prison releasee reoffender and has been sentenced to an extended term in accordance with §775.082(9)b, Florida Statutes. The defendant must serve 100 percent of this sentence and shall not be eligible for parole, control release, or any form of early release.
- Firearm 10-20-Life:  It is further ordered that the defendant shall serve a minimum of 10 years before release in accordance with §775.087(2)(a)1, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence.
- Possess
- Discharge  It is further ordered that the defendant shall serve a minimum of 20 years before release in accordance with §775.087(2)(a)2, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence.
- Death or Great Bodily Harm  It is further ordered that the defendant shall serve a minimum of 25 years before release in accordance with §775.087(2)(a)3, Florida Statutes. The defendant is not eligible for statutory gain-time under §944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence.

**Other Provisions**

- Retention of Jurisdiction  The court retains jurisdiction over the defendant pursuant to section 947.16(4), Florida Statutes (1983).
- Jail Credit  It is further ordered that the defendant shall be allowed a total of 183 days as credit for time incarcerated before imposition of this sentence.

**CREDIT FOR TIME SERVED IN RESENTENCING AFTER VIOLATION OF PROBATION OR COMMUNITY CONTROL**

- It is further ordered that the defendant be allowed \_\_\_\_\_ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison and unforfeited gain time previously awarded on case/count \_\_\_\_\_.  
**(Offenses committed before October 1, 1989)**
- It is further ordered that the defendant be allowed \_\_\_\_\_ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison and unforfeited gain time previously awarded on case/count \_\_\_\_\_.  
**(Offenses committed between October 1, 1989 and December 31, 1993)**
- The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under Section 948.06(7).
- The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under Section 944.28(1).
- It is further ordered that the defendant be allowed \_\_\_\_\_ total days time served (Jail Credit) between the original date of arrest and this sentencing. This includes Jail time served from original arrest to release to probation or community control as well as, VOP arrest to resentencing. No duplicate credit shall be given. The Department of Corrections shall compute and apply credit for time served in state prison only pursuant to section 921.0017, Florida Statutes, on case/count \_\_\_\_\_.  
**(Offenses committed on or after January 1, 1994)**

Other Provisions, continued:

Consecutive/Concurrent  
As to Other Counts

It is further ordered that the sentence imposed for this count \_\_\_\_ shall run  
(check one) \_\_\_ consecutive to \_\_\_ concurrent  
with the sentence set forth in count \_\_\_\_\_ of this case.

Consecutive/Concurrent  
As to Other Convictions

It is further ordered that the composite term of all  
sentences imposed for the counts specified in this order shall run

(Check one) \_\_\_ consecutive to X concurrent with the following:  
(check one)

any active sentence being served.


specific sentences:

In the event the above sentence is to the Department of Corrections, the Sheriff of Volusia County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends:

DONE AND ORDERED in open court at Volusia County, Florida, this 26 day of June, 2019.



e-Signed 7/2/2019 6:16 PM

JAMES R CLAYTON  
Circuit Judge



**COPIES TO:**

Counsel for the state: **eService**

Counsel for the defendant: **eService**

I do certify that a copy hereof has been furnished to counsel for the state and the defendant by the method indicated above, done this 3 day of July, 2019.



Laura E. Roth

CLERK OF CIRCUIT COURT

07/03/2019 08:13 AM 2018 100732 CFDL  
07/03/2019 08:13 AM 2018 100732 CFDL  
07/03/2019 08:13 AM 2018 100732 CFDL  
07/03/2019 08:13 AM 2018 100732 CFDL

BY: Casey L. Beason

eSigned: 07/03/2019 08:13 AM 2018 100732 CFDL

In The Circuit Court Seventh Judicial Circuit,  
In and For Volusia County, Florida

STATE OF FLORIDA

Case No. [REDACTED]  
Division: [REDACTED]

Defendant Address:  
[REDACTED]

**VIOLATION OF PROBATION**

**Order/Final Judgment for Charges, Costs, & Fees**

(Costs are assessed by case)

The above named defendant is hereby ordered to pay the following sums, if checked:

Mandatory Costs (Select one)	
<input type="checkbox"/> \$ 418.00	Felony Standard § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.06
<input type="checkbox"/> \$ 770.00	Felony Assault & Battery § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.08, 938.085, 938.06
<input type="checkbox"/> \$ 451.00	Felony Traffic § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 318.18(17), 318.18(13)(a), 938.06
<input type="checkbox"/> \$ 586.00	Felony DUI § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.07, 318.18(17), 318.18(13)(a), 938.06
<input type="checkbox"/> \$ 569.00	Felony Crime Agst.Minor § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.10(1), 938.06
<input type="checkbox"/> \$ 613.00	Felony BUI § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.07, 327.35(9), 938.06
<input type="checkbox"/> \$ 921.00	Felony Asslt/Battery-Minor § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.08, 938.085, 938.10(1), 938.06
<input type="checkbox"/> \$ 521.00	Felony Reckless Driv. § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 316.192, 318.18(17), 318.18(13)(a), 318.18(20), 938.06
<input type="checkbox"/> \$ 569.00	Felony Standard & Rape Crisis § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.085, 938.06
<input type="checkbox"/> \$ 720.00	Felony Crime Agst.Minor & Rape Crisis § 938.01(1), 938.03, 938.05, 938.15, 775.083(2), 939.185(1)(a), 938.19(2), 938.10(1), 938.085, 938.06

Additional Mandatory Costs (Select all that apply)	
<input checked="" type="checkbox"/> \$ 50.00	Indigency Application Fee/Public Defender § 27.52(2)(a)
<input type="checkbox"/> \$ 5000.00	Prostitution- Additional Civil Penalty § 796.07(6)
<input type="checkbox"/> \$ 500.00	BUI Refusal-Civil Penalty § 327.35215(1)
<input type="checkbox"/> \$	Indigent Defense Cost/Fee (No less than \$100.00) § 938.29
<input type="checkbox"/> \$	State Attorney Cost of Prosecution (No less than \$100.00) § 938.27
<input type="checkbox"/> \$	Mandatory Costs/Surcharges-Not Primary Offense §§ 938.08, and/or 938.085, and/or 938.10(1)

Fines: (Select all that apply - Enter Amount)	
<input type="checkbox"/> \$	Fine & 5% surcharge § 316.193, 327.35, 775.083(1), 893.13, 893.135, 938.04
<input type="checkbox"/> \$	Fine & (Crime result death/injury-not exceed \$10,000) § 775.0835(1), 938.04
<input type="checkbox"/> \$	Fine & 5% surcharge - Other (explain)

Discretionary Costs: (Select all that apply - Enter Amount)	
<input type="checkbox"/> \$ 100.00	Drug Related - FDLE Operating Trust Fund § 938.055
<input type="checkbox"/> \$	Alcohol and Drug Abuse Additional Cost (up to amount of fine) § 938.21, 938.23
<input type="checkbox"/> \$	Investigation Costs to § 938.27
<input type="checkbox"/> \$	Other (explain)

Restitution (Select one)	
<input checked="" type="checkbox"/>	No restitution ordered. <input type="checkbox"/> Jurisdiction is reserved to determine restitution upon motion of the State.
<input type="checkbox"/>	Restitution Ordered. To be paid in accordance with separate Restitution Order.

- Payment of charges, costs, and fees are due immediately and are payable to the Clerk of Court for Distribution unless otherwise noted :**
- A condition of probation/community control, payable to FL DOC, Probation & Parole, pursuant to probation/community control order.
  - Due within \_\_\_ days following release from jail/prison and is payable to the Clerk of Court for distribution.
  - Due within \_\_\_ days and is payable to the Clerk of Court for distribution.
  - Convert costs, fines, and fees to Civil Judgment.
  - Any previous outstanding costs, fines, and fees to Civil Judgment.

Unless payment is ordered as a condition of probation, it is further ordered that Judgment is hereby entered in favor of the State of Florida, and/or Clerk of Court, and victim(s) for the sum of the above amounts, together with interest at the lawful rate, for which let execution issue. (§ 55.10, 960.295, Fla. Stat.) Fines/Costs/Fees which remain unpaid for 90 days or more may be turned over to a collection agency for further action. Failure to pay as ordered may result in the suspension of your Florida Driver's License.

DONE AND ORDERED in Volusia County, Florida, this 26 day of June, 2019.

e-Signed 7/2/2019 6:16 PM

JAMES R CLAYTON  
Judge

CC: State Attorney  
Defense Counsel  
Probation & Parole (if applicable)



## Financial Summary

### Financial Summary

Assessment	Total: \$568.00	Paid to Date: \$0.00	Balance Due: \$568.00
Restitution	Total: \$0.00	Paid to Date: \$0.00	Balance Due: \$0.00

### Financial Details

Count	Assessment Due	Assessment Paid to Date	Restitution Due	Restitution Paid to Date	Last Payment
	\$50.00	\$0.00			-
	\$0.00	\$0.00			-
	\$416.00	\$0.00			-
	\$2.00	\$0.00			-
	\$0.00	\$0.00			-
	\$50.00	\$0.00			-
	\$50.00	\$0.00			-





**- Dockets**

Image	Doc #	Action Date	Description
	82	12/16/2009	ORDER: TERMINATING PROB.
	81	11/09/2009	NOTICE ISSUED TO: DEFN/ATTY      HRG DATE 11/17/2009 MC
	80	11/06/2009	MOTION TO TERMINATE PROBATION/COMMUNITY CONTROL FILED 11/17/2009 ORAL SET FOR 11/17/2009 AT 08:48 GRANTED
	79	12/10/2007	COURT FEE PAYMENT      92.66 RECEIPT # 033908
	78	11/13/2007	COURT FEE PAYMENT      186.54 RECEIPT # 033821
	77	09/27/2007	COURT FEE PAYMENT      186.10 RECEIPT # 033658
	76	08/29/2007	COURT FEE PAYMENT      82.93 RECEIPT # 033564
	75	07/31/2007	COURT FEE PAYMENT      78.96 RECEIPT # 033465
	74	07/18/2007	COURT FEE PAYMENT      51.05 RECEIPT # 033398
	73	06/05/2007	COURT FEE PAYMENT      63.17 RECEIPT # 033254

**+ Judge Assignment History**

**+ Court Events**

**+ Sentences**

**- Financial Summary**

**Financial Summary**

Assessment	Total: \$810.00	Paid to Date: \$810.00
Restitution	Total: \$0.00	Paid to Date: \$0.00

**Financial Details**

Count	Assessment Due	Assessment Paid to Date	Restitution Due	Re
	\$810.00	\$810.00	\$0.00	\$0

STATE OF FLORIDA

IN THE SEVENTH JUDICIAL  
CIRCUIT COURT, IN AND FOR  
VOLUSIA COUNTY  
DIVISION 07

-VS-

CASE NUMBER

[Redacted]

[Redacted]

Defendant

DC NUMBER

[Redacted]

**ORDER OF DRUG OFFENDER PROBATION**

This cause coming before the Court to be heard, and you, the defendant, being now present before the court, and you having

entered a plea of guilty to

been found guilty by jury verdict of

entered a plea of nolo contendere to

been found guilty by the court trying the case without a jury of

Case # [Redacted] Court I. Solicitation to Deliver Heroin, a Third Degree Felony.

Case # [Redacted] Court II. Unlawful use of a Two Way Communication Device to Facilitate the Commission of a Felony, a Third Degree Felony.

**SECTION 1: JUDGMENT OF GUILT**

The court hereby adjudges you to be guilty of the above offense(s).

Now, therefore, it is ordered and adjudged that the imposition of sentence is hereby withheld and that you be placed on Drug Offender Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

**SECTION 2: ORDER WITHHOLDING ADJUDICATION**

Now, therefore, it is ordered and adjudged that the adjudication of guilt is hereby withheld and that you be placed on Drug Offender Probation for a period of four (4) years under the supervision of the Department of Corrections, subject to Florida law.

**SECTION 3: INCARCERATION DURING PORTION OF SUPERVISION SENTENCE**

It is hereby ordered and adjudged that you be:

committed to the Department of Corrections for a term of \_\_\_\_\_ prison with credit for \_\_\_\_\_ jail time, followed by Drug Offender Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law;

or  
 confined in the County Jail for a term of \_\_\_\_\_ with credit for \_\_\_\_\_ jail time. After you have served \_\_\_\_\_ of the term, you shall be placed on Drug Offender Probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections, subject to Florida law.

or  
 confined in the County Jail for a term of \_\_\_\_\_ with credit for \_\_\_\_\_ jail time, as a special condition of supervision.

FILED  
SEP 10 PM 3:22  
CLERK OF THE CIRCUIT  
COURT VOLUSIA COUNTY  
FLORIDA  
CC 35

TAYLOR REITER SCHELL

Effective for offenders whose crime was committed on or after September 1, 2005, there is hereby imposed, in addition to any other provision in this section, mandatory electronic monitoring as a condition of supervision for those who:

- Are placed on supervision for a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older; or
- Are designated as a sexual predator pursuant to s. 775.21; or
- Has previously been convicted of a violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s. 847.0145 and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.

You are hereby placed on notice that should you violate your probation or community control, and the conditions set forth in s. 948.063(1) or (2), are satisfied, whether your probation or community control is revoked or not revoked, you shall be placed on electronic monitoring in accordance with F.S. 948.063.

Effective for offenders who are subject to supervision for a crime that was committed on or after May 16, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(b)1.a.(i), or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; the following conditions are imposed in addition to all other conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume, without prior approval from the court.


This period of probation/community control is to be tolled upon any incarceration for any other offense, and shall remain tolled until such time as the term of incarceration is completed. Tolling for violation of community supervision will not be imposed unless otherwise directed by the Court at time of disposition of said violations.

**YOU ARE HEREBY PLACED ON NOTICE** that the court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation authorized by law, or may discharge you from further supervision. If you violate any of the conditions of your probation, you may be arrested, and the court may revoke your probation, adjudicate you guilty if adjudication of guilt was withheld, and impose any sentence which it might have imposed before placing you on probation, or require you to serve the balance of said sentence.

**IT IS FURTHER ORDERED** that when you have been instructed as to the conditions of probation you shall be released from custody, if you are in custody, and if you are at liberty on bond, the sureties thereon shall stand discharged from liability. (This paragraph applies only if section 1 or section 2 is checked.)

**IT IS FURTHER ORDERED** that the clerk of this court file this order in the clerk's office and provide certified copies of same to the officer for use in compliance with the requirements of law.

Done And Ordered on the 14th day of August, 2018

  
James R. Clayton  
Circuit Judge

In the Circuit Court of the  
Ninth Judicial Circuit, in and  
for Orange County, Florida

Division: Div 15

Case No: [REDACTED]

State of Florida

Plaintiff,

vs

Date of birth: 3/24/1984

### JUDGMENT

The defendant, ELLIS DAVID CONYERS, being personally before this Court, represented by  
OFFICE OF PUBLIC DEFENDER, ESQUIRE, and the state represented by The State of Florida  
Previously found Guilty by Jury

1. THIRD DEGREE MURDER (FELONY MURDER)(WITH A WEAPON)	[REDACTED]	Second Degree - Felony	1 - Adjudicated Guilty
2. THIRD DEGREE MURDER (FELONY MURDER)(WITH A WEAPON)	[REDACTED]	Second Degree - Felony	1 - Adjudicated Guilty

Filed in Open Court on October 19, 2018

Deputy Clerk in Attendance: Juanita P

Office of Tiffany M. Russell, Orange County Clerk of the Circuit and County Courts



IN THE CIRCUIT COURT OF THE NINTH JUDICIAL  
CIRCUIT, IN AND FOR GRANGE COUNTY, FLORIDA.

CASE NO. CK. [REDACTED]

STATE OF FLORIDA,

[REDACTED]

FILED IN OPEN COURT  
THIS DAY OF July 1985  
W. D. Gorman, Clerk  
BY [Signature]

ORDER PLACING DEFENDANT ON PROBATION AFTER ADJUDICATION OF GUILTY

That all cases pending on this day to be heard before me, and you, the Defendant, being now present before me, and you having:

ENTERED A PLEA OF GUILTY TO  
ENTERED A PLEA OF NOLO CONTENDERE TO  
BEEN FOUND GUILTY BY THE VERDICT OF A JURY OF  
BEEN FOUND GUILTY BY THE COURT TRYING THE CASE WITHOUT A JURY OF

the offense(s) of Attempted Lewd Assault Upon a Child

and you having been adjudged guilty of said offense(s); and

it appearing to the satisfaction of the Court that you are not likely again to engage in a criminal course of conduct, and the ends of justice and the welfare of society do not require that you should suffer the penalty authorized by law;

Now, therefore, it is ORDERED that the imposition of sentence is hereby withheld, and that you are hereby placed on probation for a period of 5 years under the supervision of the Department of Corrections and its officers, such supervision to be subject to the provision of the laws of this State.

It is further ORDERED that you shall comply with the following general conditions of probation, together with any special conditions which are designated on the reverse side hereof:

cc/so, Audit

- (1) Not later than the fifth day of each month, you will make a full and truthful report to your Probation Officer on the form provided for that purpose.
- (2) You will promptly and truthfully answer all inquiries directed to you by the Court or your Probation Officer. You will allow the Officer to visit in your home, at your employment site, or elsewhere. You will comply with all instructions the Officer may give you.
- (3) You will not change your residence or employment without first obtaining the consent of your Probation Officer. If evicted or terminated, you will notify the Officer within 72 hours of the same.
- (4) You will not leave the area comprised of the county of your residence and adjoining counties without first obtaining the consent of your Probation Officer.
- (5) You will work faithfully at suitable employment insofar as possible and support any legal dependents to the best of your ability as directed by your Probation Officer.
- (6) You will not violate any federal, state, county or city penal law. If you are arrested or given notice to appear or citation you will notify your Probation Officer within 48 hours.
- (7) You will not knowingly associate with any persons engaged in criminal activity.
- (8) You will not own or possess any weapons or firearms.
- (9) You will not possess or use any marijuana or other controlled substance except upon prescription of a duly licensed medical or osteopathic doctor and then only in accordance with the prescribed dosage. You will not possess any controlled substance paraphernalia or forged or blank prescription forms.
- (10) Unless prohibited from consuming alcoholic beverages by a special condition elsewhere in this order, you will not consume alcoholic beverages to the extent that your normal faculties are impaired.
- (11) You will submit to a reasonable search without a warrant by the Probation Officer of your person, effects, residence or business premises or vehicle for alcoholic beverages, controlled substances, weapons or firearms. You will submit to chemical tests (breath urine or blood) upon request of your Probation Officer to determine the presence and quantity of alcohol or controlled substances in your blood.
- (12) You will pay to the Clerk of this Court in cash or by notes order the sum of \$300.00 for the Crime Compensation Trust Fund pursuant to F. S. 969.36 and 3 court costs within 10 days (see number must accompany payment).
- (13) You will pay to the Department of Corrections the sum of \$20 per month by the fifth day of each month unless otherwise waived in compliance with law.
- (14) The Court retains jurisdiction to place you in the Probation and Reinstitution Center upon recommendation of your Probation Officer without a finding of violation of probation.

You are hereby placed on notice that the Court may at any time rescind or modify any of the conditions of your probation, or may extend the period of probation as authorized by law, or may discharge you from further supervision; and that if you violate any of the conditions of your probation, you may be arrested and the Court may revoke your probation and impose any sentence which it might have imposed before placing you on probation.

It is further ORDERED that the Clerk of this Court file this order in his office, record the same in the minutes of the Court, and forthwith provide certified copies of same to the Probation Officer for his use in compliance with the requirements of law.

Done and ORDERED in OPEN COURT this 1st day of July, 1985.

[Signature]  
JUDGE

I acknowledge receipt of a certified copy of this order and that the conditions have been explained to me.

[Signature]  
Probationer

PROBATION VIOLATOR  
(Check if Applicable)

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR

CLAY COUNTY, FLORIDA

DIVISION - -

STATE OF FLORIDA

CASE NUMBER [REDACTED]

CIRCUIT COURT MINUTE BOOK 55A PAGE 515

--vs--

[REDACTED]

Defendant

### JUDGMENT

The Defendant, [REDACTED], being personally before this

Court represented by Barbara Ann Butler, Esquire, his attorney of record, and having:

- (Check Applicable Provision)
- Been tried and found guilty of the following crime(s)
  - Entered a plea of guilty to the following crime(s)
  - Entered a plea of nolo contendere to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME	CASE NUMBER
<u>I</u>	<u>Lewd or Lascivious or Indecent Act</u>	<u>800.04</u>	<u>2° F</u>	
<u>III</u>	<u>Lewd, Lascivious or Indecent Act</u>	<u>800.04</u>	<u>2° F</u>	

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

~~The Defendant is hereby ordered to pay the sum of twenty dollars (\$20.00) pursuant to P.S. 960.26 (Crimes Compensation Trust Fund). -- The Defendant is further ordered to pay the sum of three dollars (\$3.00) as a Court cost pursuant to P.S. 943.25(4). --~~



CIRCUIT COURT MINUTE BOOK 55A PAGE 546

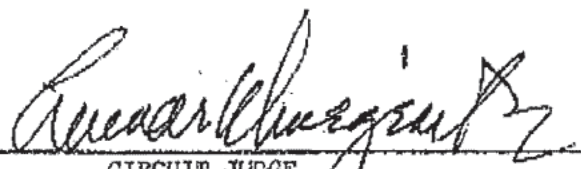
Imposition of Sentence Stayed and Withheld (Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) \_\_\_\_\_ and places the Defendant on probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections (conditions of probation set forth in separate order.)

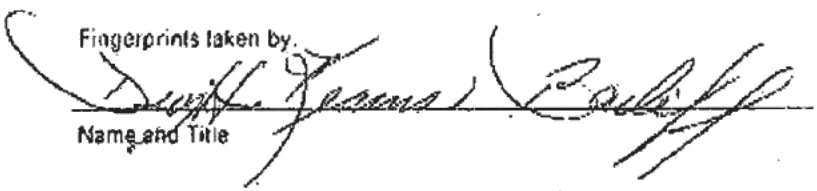
Sentence Deferred Until Later Date (Check if Applicable)

The Court hereby defers imposition of sentence until \_\_\_\_\_ (date)

The Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

  
CIRCUIT JUDGE  
LAMAR WINEGEART, JR.

FINGERPRINTS OF DEFENDANT

Fingerprints taken by   
Name and Title

DONE AND ORDERED in Open Court at Clay County, Florida, this 11th day of September A.D., 19 87. I HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the Defendant, [REDACTED] and that they were placed thereon by said Defendant in my presence in Open Court this date.

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

CCN: [REDACTED]  
REF No. [REDACTED]  
OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

[REDACTED]  
Defendant

PERSON ID: [REDACTED]  
SSH [REDACTED]

**FILED**  
SEP 04 2018  
KEN BURKE  
CLERK CIRCUIT COURT

**JUDGMENT**

The Defendant, [REDACTED] being personally before this court represented by  
RICHARD A RIPPEON, Assistant Public Defender, the attorney of record, and the state represented by  
SCOTT ROSENWASSER, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	SALE OR DELIVERY OF METHAMPHETAMINE	893.13	2F
02	POSSESSION OF METHAMPHETAMINE	893.13	3F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

(CCD-JDNC-HE 2017138)

RETURN TO:  
CRIMINAL COURT RECORDS

Defendant



UCN



REF No.



and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred  
Until Later Date  
(Check if Applicable)

The Court hereby defers imposition of sentence until \_\_\_\_\_  
(Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on September 04, 2018.

*Nancy Hoate*  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
-------------	-------------	--------------	------------	--------------

*App Simalinda 8059*  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, ADAM MICHAEL MELVIN, and that they were placed thereon by the defendant in my presence in open court this day.

*Nancy Hoate*  
JUDGE

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY FLORIDA  
DIVISION: FELONY

UCN [REDACTED]

REF No. : [REDACTED]

OBTS NUMBER \_\_\_\_\_

STATE OF FLORIDA  
VS.

[REDACTED]

Defendant

PERSON ID: [REDACTED]  
SSH [REDACTED]

**FILED**  
SEP 04 2018  
KEN BURKE  
CLERK CIRCUIT COURT

**JUDGMENT**

The Defendant, [REDACTED] being personally before this court represented by  
[REDACTED] Assistant Public Defender, the attorney of record, and the state represented by  
SCOTT ROSENWASSER, Assistant State Attorney, and having:

entered a plea of guilty to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER (S)	DEGREE OF CRIME
01	POSSESSION OF METHAMPHETAMINE WITH INTENT TO SELL, MANUFACTURE, OR DELIVER	893.13	2F

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED  
THAT the Defendant is ADJUDICATED GUILTY of the above crime(s).

(CD-JDMT-01 24017136)

RETURN TO:  
CRIMINAL COURT RECORDS

Defendant: ADAM MICHAEL MELVIN

UCN: [REDACTED]  
RBF No. [REDACTED]

and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD as to Count(s) \_\_\_\_\_

Sentence Deferred Until Later Date (Check if Applicable) The Court hereby defers imposition of sentence until \_\_\_\_\_ (Date)

The Defendant in Open Court was advised of the right to appeal from this Judgment by filing notice of appeal with the Clerk of the Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of the right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in open court in Pinellas County, Florida on September 04, 2018.

*Nancy Hoak*  
JUDGE

FINGERPRINTS OF THE DEFENDANT

1. R. Thumb	2. R. Index	3. R. Middle	4. R. Ring	5. R. Little
-------------	-------------	--------------	------------	--------------

*[Signature]*  
(Name and Title)

I HEREBY CERTIFY that the above and foregoing fingerprints on this judgment are the fingerprints of the defendant, ADAM MICHAEL MELVIN, and that they were placed thereon by the defendant in my presence in open court this day.

*Nancy Hoak*  
JUDGE

(UCD-JDMTPRINTS\_ONDEMAND-III 24816707)

## Carolyn Timmann

---

**From:** Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>  
**Sent:** Friday, August 23, 2019 4:55 PM  
**To:** krenspie@flclerks.com; chrishart@flclerks.com; cox@flclerks.com; richard@reherring.com; mabennefield@flclerks.com; jasonharrell@flclerks.com  
**Cc:** Marconnet, Amber  
**Subject:** Restoration of Voting Rights/Meeting 2  
**Attachments:** Final - RVR Work Group Duties.pdf

Kimberly:

The Restoration of Voting Rights Work Group looks forward to hearing from you on September 6. The work group meets from 10 AM -2 PM (Eastern Time). We have allotted about 45 minutes with time for questions by the work group. Once the agenda is final, we will share.

The ask is that the Clerk of Courts' present an overview of the clerks' duties as pertains to court records, on the scope and content of CCIS and county records databases/systems, and recommendations for consolidation of all 67 clerk of court data/records including financial information including technology needs, other state models, statutory stages, etc. This would help the Work Group to formulate its own recommendations to address primarily duties 1 and 2 as appears on the attached slide.

I don't know if a visual walk-through would be possible or appropriate. The Chair, as a former judge, and the clerks of the court, are already familiar with CCIS. Additionally, I offer up the following questions from the perspective of the Division of Elections and the Supervisors of Elections that may help to inform the content of your presentation as to data/records availability and consolidation. They reflect the challenges the Division of Elections and Supervisors of Elections face in learning whether information exists, where it resides, and how it can be relied upon in light of Constitutional Amend 4 and the new law and our continuing duty to fulfill the statutory requirements to ensure the voter rolls only contain eligible voters and to assist existing and potential voters on the voter assistance hotline asking 'Where do I (a convicted felon) go to find out if I am I am now eligible to be registered and vote?'

### Court Records/CCIS

- What is the process and timeline (daily, weekly, weekends, monthly) for updating CCIS with case disposition?
- How far back do online records go (year)? Is it the same for all counties? Is it set out in rule?
- Are the COC offices still in the process of making older records electronic and available online?
- What COC offices do not have documents online?
- What is the technology and/or procedures to enter data/records into CCIS? Manual, automated, scanned images?
- Are there different access levels for CCIS or county court records systems (e.g., lawyers versus criminal justice agency versus public). *We have had difficulty in the past obtaining arrest affidavits with SSN information which is not on the judgments or sentencing documents and needed to help establish match demographics. Luckily we have been able to get the COC Association involved to obtain this information.*
- What are the exemption and confidentiality provisions? How may those provisions limit access court records in part or in whole?
- When are records archived?
- What is the retention period for case documentation?
- What should we always expect in a judgment and sentence document?
- Should judgments always be signed by the judge? Or is a clerk signature sufficient? Why is there a difference of signatures?
- Is there a governing uniform standard for judgments, sentences, etc.? If yes, when was it implemented? If not, are there plans to do so?

- What is considered a sentencing document (e.g., sentence, order of violation of probation, etc.)
- Is a sentencing document always included with the judgment? Is that where financial obligations including restitution will always appear? If not, when would it be or why not?

#### Financial Information

- What kind of financial information do clerks of court have (e.g., restitution, fines, fees, costs, etc.)?
- What does the financial summary information section on CCIS include (e.g., restitution, fines, fees, costs, etc.)? Does or can it be broken out to include the terms within the sentence and the accrual after the sentence?
- How is this information kept up to date and how frequently?
- What procedure or document is provided by the clerk, if any, to an individual what he or she completes the terms of the sentence? At any stage? Prison, supervision, custody, payment of restitution/fines/fees/costs? Any recommendations for what could be developed?
- What happens if someone fails to make a scheduled payment? Is it sent to collections?
- At what point may the matter be converted to a civil lien and if converted to a civil lien, is that then considered a civil matter and no longer part of the sentence for the criminal record?

#### Access/Exchange of Information with Agencies

- Which agencies do you share new, updated, and corrected case dispositions (FDLE, DOC, FCOR)?
- When and how often is this information provided, and what are the conditions/constraints for being able to provide the information?
- Is there information that the criminal justice agencies share with Clerk of Courts? If so, what is that information especially as pertains to restitution, fines, fees and costs?

Respectfully,

Maria Matthews, Esq.  
 Division of Elections, Director  
 Florida Department of State  
 500 S. Bronough Street  
 Tallahassee, Florida 32399  
 850.245.6520

[Maria.matthews@dos.myflorida.com](mailto:Maria.matthews@dos.myflorida.com)

*This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided. Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.*

**From:** Kimberly Renspie <[krenspie@flclerks.com](mailto:krenspie@flclerks.com)>  
**Date:** August 23, 2019 at 2:34:17 PM EDT  
**To:** "Marconnet, Amber" <[Amber.Marconnet@DOS.MyFlorida.com](mailto:Amber.Marconnet@DOS.MyFlorida.com)>  
**Cc:** "Chris Hart" <[chrishart@flclerks.com](mailto:chrishart@flclerks.com)>, "Melvin Cox" <[cox@flclerks.com](mailto:cox@flclerks.com)>, "Richard" <[richard@reherring.com](mailto:richard@reherring.com)>, "Melissa Bennefield" <[mabennefield@flclerks.com](mailto:mabennefield@flclerks.com)>, "Jason Harrell" <[jasonharrell@flclerks.com](mailto:jasonharrell@flclerks.com)>  
**Subject:** RE: Copy of Agenda

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good afternoon, Amber,

I am looking for an update regarding Secretary Lee's statement that the Clerks would present at the next meeting (Friday, September 6). In order to properly prepare and

ensure the appropriate personnel are present, the Association requests more information on the desired topic, meeting time allotment, and anything else you are able to provide.

As you know, time is of the essence.

Thank you in advance,



**KIMBERLY RENSPIE**, *Legislative Manager*

Direct (850)577-4632 | Cell (813) 748-4133

KRenspie@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com)  /FloridaClerks  /FloridaClerks

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---

**From:** Marconnet, Amber <[Amber.Marconnet@DOS.MyFlorida.com](mailto:Amber.Marconnet@DOS.MyFlorida.com)>

**Sent:** Tuesday, August 20, 2019 3:14 PM

**To:** Kimberly Renspie <[krenspie@flclerks.com](mailto:krenspie@flclerks.com)>

**Subject:** RE: Copy of Agenda

Hi Kimberly,

I received your voicemail this afternoon. I was only calling this morning to let you know I had sent the below email.

I will contact you as soon as I have further information to provide on your inquiry.

Thank you,

*Amber Marconnet*

Coordinator, Restoration of Voting Rights Work Group  
Division of Elections, Bureau of Voter Registration Services  
R.A. Gray Building, Room 316  
500 S. Bronough Street  
Tallahassee, Florida 32399  
850.245.6200

---

**From:** Marconnet, Amber

**Sent:** Tuesday, August 20, 2019 10:09 AM

**To:** Kimberly Renspie <[krenspie@flclerks.com](mailto:krenspie@flclerks.com)>

**Subject:** RE: Copy of Agenda

Hi Kimberly,

I received your voicemail this morning as well.

I will contact you as soon as I have further information to provide on your inquiry.



Thank you,

*Amber Marconnet*

Coordinator, Restoration of Voting Rights Work Group  
Division of Elections, Bureau of Voter Registration Services  
R.A. Gray Building, Room 316  
500 S. Bronough Street  
Tallahassee, Florida 32399  
850.245.6200

**From:** Kimberly Renspie <[krenspie@flclerks.com](mailto:krenspie@flclerks.com)>  
**Sent:** Monday, August 19, 2019 5:08 PM  
**To:** Marconnet, Amber <[Amber.Marconnet@DOS.MyFlorida.com](mailto:Amber.Marconnet@DOS.MyFlorida.com)>  
**Subject:** RE: Copy of Agenda

EMAIL RECEIVED FROM EXTERNAL SOURCE

Thank you so much! I really appreciate it.

Also, I just tried to call the number on you signature and it says the office is closed. Would you be able to give me a call at 850-577-4632 when you get a moment? I have a question about the upcoming CCIS presentation.

Thank you,



**KIMBERLY RENSPIE**, *Legislative Manager*  
Direct (850)577-4632 | Cell (813) 748-4133  
[KRenspie@FLClerks.com](mailto:KRenspie@FLClerks.com)

[www.FLClerks.com](http://www.FLClerks.com)  [FloridaClerks](https://www.facebook.com/FloridaClerks)  [FloridaClerks](https://twitter.com/FloridaClerks)

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**From:** Marconnet, Amber <[Amber.Marconnet@DOS.MyFlorida.com](mailto:Amber.Marconnet@DOS.MyFlorida.com)>  
**Sent:** Monday, August 19, 2019 5:05 PM  
**To:** Kimberly Renspie <[krenspie@flclerks.com](mailto:krenspie@flclerks.com)>  
**Subject:** RE: Copy of Agenda

Ms. Renspie,

Please see the attached.

In case you need the electronic version the agenda can also be found here:  
<https://dos.myflorida.com/elections/hearings-public-meetings-and-workshops/>

Thank you,

*Amber Marconnet*

Coordinator, Restoration of Voting Rights Work Group  
Division of Elections, Bureau of Voter Registration Services  
R.A. Gray Building, Room 316  
500 S. Bronough Street  
Tallahassee, Florida 32399  
850.245.6200

**From:** Kimberly Renspie <krenspie@flclerks.com>  
**Sent:** Monday, August 19, 2019 3:26 PM  
**To:** Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>  
**Subject:** RE: Copy of Agenda

EMAIL RECEIVED FROM EXTERNAL SOURCE

Good afternoon!

I wanted to let you know that I received the agenda from someone else but was now wondering if it was possible to get a copy of the presentation from Ms. Matthews?

Thank you,



**KIMBERLY RENSPIE**, Legislative Manager

Direct (850)577-4632 | Cell (813) 748-4133

KRenspie@FLClerks.com

[www.FLClerks.com](http://www.FLClerks.com)  /FloridaClerks  /FloridaClerks

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**From:** Kimberly Renspie <krenspie@flclerks.com>  
**Sent:** Monday, August 19, 2019 12:55 PM  
**To:** 'Amber.Marconnet@DOS.MyFlorida.com' <Amber.Marconnet@DOS.MyFlorida.com>  
**Subject:** Copy of Agenda

Good afternoon, Amber-

Can I please have a copy of the agenda for today Restoration of Voting Rights Work Group?

Thank you,



**KIMBERLY RENSPIE**, *Legislative Manager*

Direct (850)577-4632 | Cell (813) 748-4133

KRenspie@FLClerks.com

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[/FloridaClerks](https://www.youtube.com/FloridaClerks)

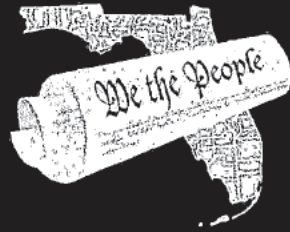
*This email is intended for the addressee(s) indicated above only. It may contain information that is privileged, confidential, or otherwise protected from disclosure. Any dissemination, review, or use of this email or its contents by persons other than the addressee is strictly prohibited. If you have received this email in error, please delete it immediately.*

## Restoration of Voting Rights Work Group

Pursuant to section 33 of Chapter 2019-162, Laws of Florida, the Work Group shall study and report on the following:

1. The consolidation of all relevant data necessary to verify the eligibility of a registered voter for the restoration of voting rights under s. 4, Art. VI of the State Constitution.
2. The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying the eligibility for restoration of voting rights under s. 4, Art. VI of the State Constitution.
3. Any other policies or procedures used for verifying the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.





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# **Comprehensive Case Information System (CCIS)**

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September 16, 2019

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FLCLERKS.COM

# CCIS Background

- **CCIS - Comprehensive Case Information System**
- ✓ **Statewide Court Case Data**
- ✓ **Florida Statute - 28.24(12)(e)**
- ✓ **Provides secured access to court data for governmental agencies**



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# CCIS Background

- Pilot started in 2002 as an initiative to view court case information across county and circuit lines
- Developed and maintained by Florida's Clerks, pursuant to s. 28.24(12)(e), Florida Statutes
- CCIS provides a method to share information related to all court cases maintained by the Clerks
- Provides a statewide methodology for data sharing among the judiciary, criminal justice, and information user agencies
- Searchable by name or case number, through a secured point of access, and is available 24/7/365



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# CCIS – Current Statutory Language

- **28.2405 Comprehensive Case Information System.—All clerks of the circuit court shall participate in the Comprehensive Case Information System of the Florida Association of Court Clerks and Comptrollers, Inc., and shall submit electronic case data to the system based on the case types designated by the Supreme Court.**



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# Criminal Court Case Data Collection

## Data Providers

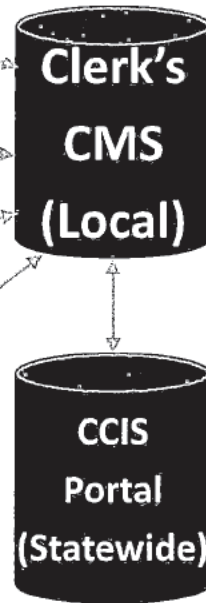
Local/State Law Enforcement: Arrests

State's Attorney: Direct Files

Dept. Of Juvenile Justice

Florida Courts E-Filing Portal (State's Attorney, Private Attorneys)

## Data Custodians



## Data Consumers

FDLE/FBI

Dept. of Corrections

DHSMV

Courts

Governmental and Public Access

OBTS  
Commitment  
TCATS  
SRS



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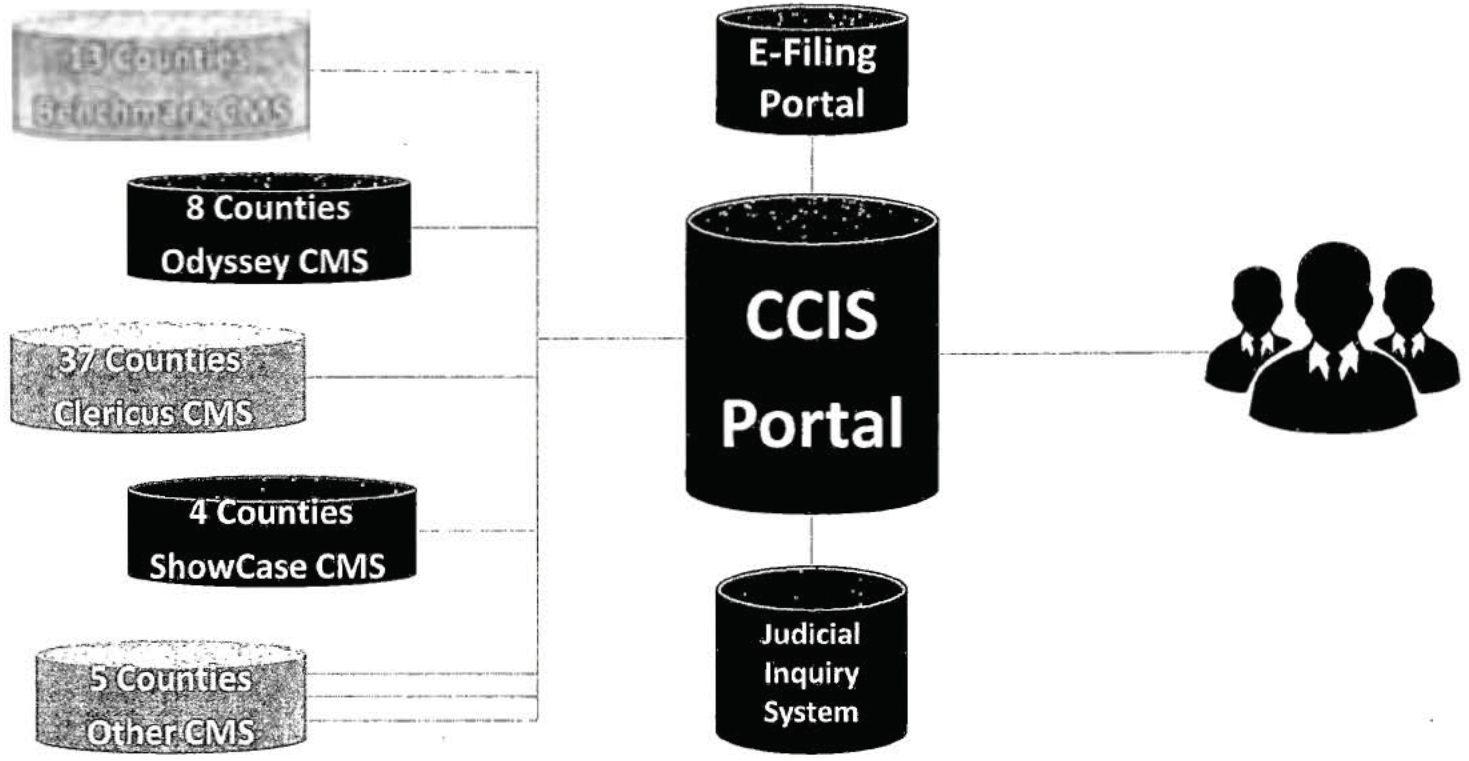
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# CCIS is an Internet Portal Used for Accessing Clerk Court Data Statewide

67 Clerks of the Court



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# CCIS – Current Available Data

- All Court Case Types in the 67 Clerks' offices
- Criminal, Civil, Juvenile, Probate, Traffic
- Data Element Categories
- Individual Name Demographic Information
- Case/Charge Information
- Court Events
- Progress Dockets
- Financial (Assessments/Collections)
- Warrant/Summons Information
- Sentencing Information
- Document Image Access



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# CCIS – Current Available Data

- CCIS contains 147 million cases and 447 million names as of August 2019. These numbers grow every day as cases are added to the system.
- Generally, criminal cases since 2000 are available through CCIS.
- Generally, document images for criminal cases since 2010 are also available through CCIS.
- Older cases that exist in paper files only are not available through CCIS.



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# CCIS Current Users

- CCIS Users are restricted to governmental agencies from the Federal, State and Local levels
- Each user is assigned a security level which complies with access to court records as defined in Florida Statutes
- There are 39,832 active users



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# CCIS “Power User” Agencies

Top 15 Organizations	Active Users
FLORIDA DEPT OF CHILDREN & FAMILIES	7417
FLORIDA COUNTY SHERIFF	4929
FLORIDA DEPT OF CORRECTIONS	3856
FLORIDA LOCAL POLICE	2784
FLORIDA STATE ATTORNEY	2649
U S DEPT OF HOMELAND SECURITY	2138
FLORIDA PUBLIC DEFENDER	1724
FLORIDA DEPT OF REVENUE	1639
FLORIDA COURTS (20 CIRCUITS AND 5 DCAS)	1123
FLORIDA DEPT OF JUVENILE JUSTICE	965
FLORIDA DEPT OF LAW ENFORCEMENT	636
FLORIDA FISH & WILDLIFE COMMISSION	522
FLORIDA DEPT OF HIGHWAY SAFETY & MOTOR VEHICLES	499
FLORIDA ATTORNEY GENERAL	483
U S PROBATION OFFICE	391



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# Data Source for Court's Judicial Inquiry System (JIS) Since 2006

- CCIS is the sole provider of *Court Case Data* to JIS
- JIS is a web-based system that enables judges, judicial staff, and other governmental entities to access multiple data sources through one point of entry. The system is a secure, anywhere access system where a single query can gather information from many different data sources and display the information in a user friendly format. Through JIS, information is streamlined from a variety of local, state, and federal agencies.
- *The CCIS – JIS interface is governed by a Memorandum of Understanding with the Office of the State Courts Administrator (OSCA)*



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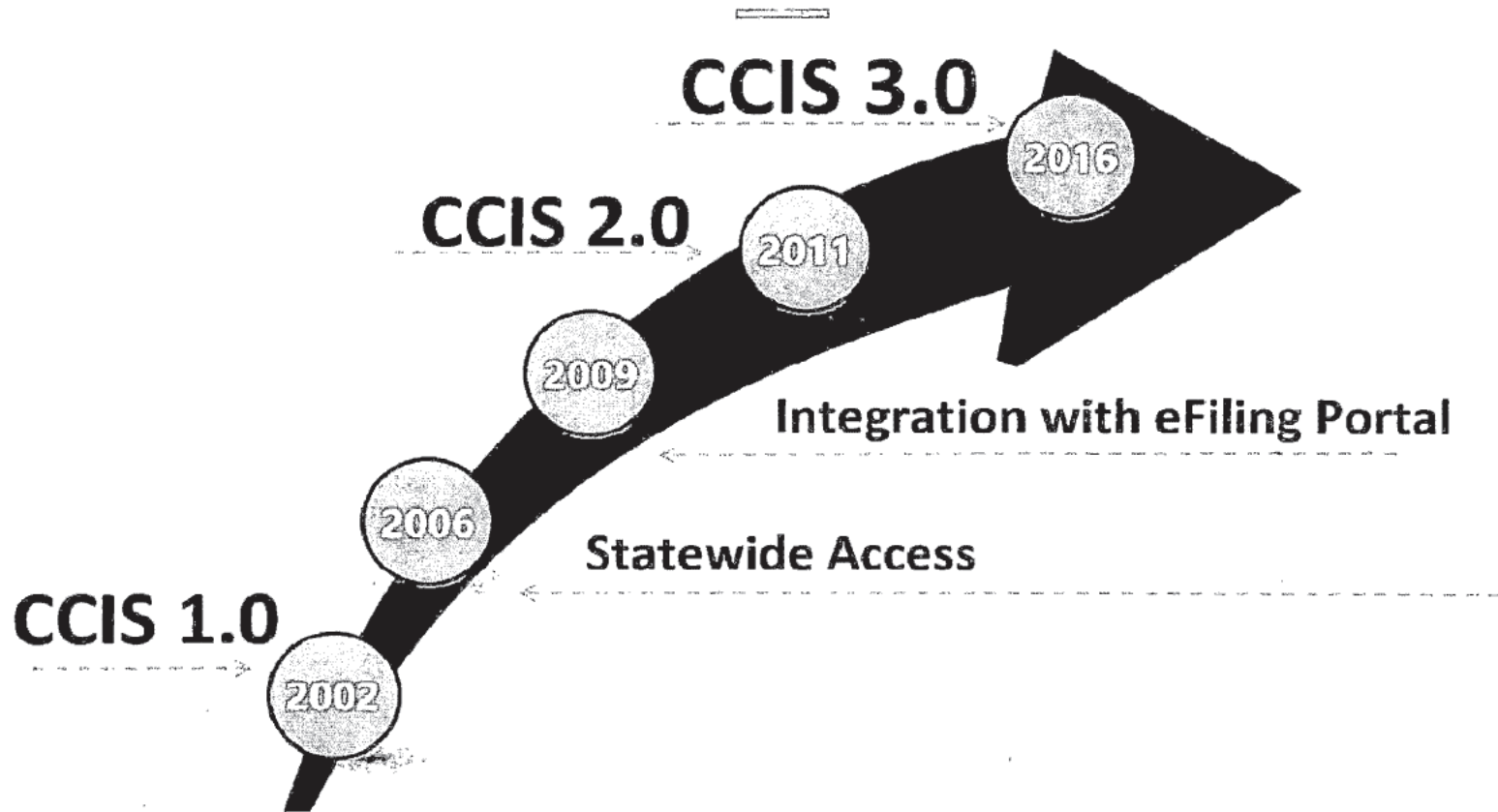


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# CCIS Version History



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**DIVIDER**

## Carolyn Timmann

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**From:** Kimberly Renspie <krenspie@flclerks.com>  
**Sent:** Tuesday, September 10, 2019 9:28 AM  
**To:** Chris Hart; Melvin Cox; Karen Rushing; Carolyn Timmann; Jason Harrell; BaggettF; Butterfield, Stacy; Richard  
**Cc:** Savannah Sullivan; Sara Sanders; Burke, Ken  
**Subject:** FW: [EXT.] - Restoration of Voting Rights Work Group - September 16th  
**Attachments:** Final- RVR Agenda for 20190916.pdf; Parking Information.pdf

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Good morning,

Please see the email below from Clerk Chorvat. The finalized agenda for the meeting is also attached.

Thank you,  
Kimberly

**From:** Doug Chorvat <dchorvat@hernandoclerk.org>  
**Sent:** Tuesday, September 10, 2019 9:23 AM  
**To:** Burke, Ken <kburke@co.pinellas.fl.us>; Kim Renspie <krenspie@flclerks.com>  
**Subject:** FW: [EXT.] - Restoration of Voting Rights Work Group - September 16th

This is the update information for the next meeting this Monday.

**From:** Marconnet, Amber <Amber.Marconnet@DOS.MyFlorida.com>  
**Sent:** Tuesday, September 10, 2019 9:20 AM  
**To:** Anderson, Chris <anderson@voteseminole.org>; Cannon, Vicki P. <vcannon@votenassau.com>; Doug Chorvat <dchorvat@hernandoclerk.org>; melindacoonrod@fcor.state.fl.us; KateHolmes@fdle.state.fl.us; jdpeacock@okaloosaclerk.com; Kenneth.Steely@fdc.myflorida.com  
**Cc:** Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Kennedy, Jennifer L. <Jennifer.Kennedy@DOS.MyFlorida.com>; Fitz-Patrick, Christie <Christie.Fitz-Patrick@dos.myflorida.com>; McVay, Brad R. <Brad.McVay@dos.myflorida.com>  
**Subject:** [EXT.] - Restoration of Voting Rights Work Group - September 16th

Dear Work Group Members,

We are looking forward to the second meeting of the Work Group on Monday, September 16<sup>th</sup>. Please note below the meeting room has changed for this meeting.

**Parking Information:**

Parking is available at the R.A. Gray Building (Lot E) 500 S. Bronough Street Tallahassee, Florida 32399. We will provide you with a token at the meeting. We have also provided some additional parking information attached.

**"NEW" Meeting Location – Morris Hall, Room 17H, Florida House of Representatives Office Building:**

You will need to go to the East or West Plaza of the Capitol and go through security. After security please go to the 2<sup>nd</sup> floor Rotunda. Go North through the House of Representatives side and follow the hall till it dead ends. Turn right towards the vending machines and you will see the doorway to the bridge to the House Office Building. Follow the hall to the elevators. Take the elevator to "LL" (lower level) and then head east. The meeting will take place in Morris Hall, Room 17H.

If you have any trouble with parking or locating Morris Hall please call me at (850) 445-7627.

Travel Information:

For those individuals traveling in from out of town please bring your travel reimbursement form from the August 19<sup>th</sup> meeting if you have not already turned it in. Please keep all of your travel receipts for the September 16<sup>th</sup> meeting so we can facilitate the reimbursement process.

If you have any questions, please do not hesitate to contact me.

Respectfully,

*Amber Marconnet*

Coordinator, Restoration of Voting Rights Work Group  
Division of Elections, Bureau of Voter Registration Services  
R.A. Gray Building, Room 316  
500 S. Bronough Street  
Tallahassee, Florida 32399  
850.245.6224

**NOTICE:**

Please note: Florida has a very broad Public Records Law. Most written communications to or from the Clerk's Office are public records available to anyone upon request. Your e-mail, including your e-mail address, may therefore, be subject to public disclosure.



## FLORIDA DEPARTMENT OF STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

### RESTORATION OF VOTING RIGHTS WORK GROUP MEETING

**Monday, September 16, 2019 – 2:00 PM to 4:00 PM (Eastern Time)**  
Morris Hall Room 17, The House Office Building  
402 South Monroe Street, Tallahassee, Florida 32399

*Call-in available - Call-in Number: 1-888-585-9008*  
*(when prompted for conference room number dial [REDACTED])*

#### Agenda

2:00 pm – 2:05 pm	Opening Remarks – Florida Secretary of State Call to Order and Roll Call
2:05 pm – 2:15 pm	Senator Jason Pizzo
2:15 pm – 2:25 pm	Representative James “J.W.” Grant
2:25 pm – 2:55 pm	Florida Department of Corrections Presentation
2:55 pm – 3:40 pm	Clerk of Circuit Court and Comptroller Presentation
3:40 pm – 3:55 pm	Public Comment
3:55 pm – 4:00 pm	Announcement Next Meeting/Adjournment

To request copies of meeting materials associated with this agenda, but not included herein, contact Amber Marconnet with the Division of Elections at [Amber.Marconnet@DOS.MyFlorida.com](mailto:Amber.Marconnet@DOS.MyFlorida.com) or 850-245-6200.

Members of the public who wish to provide comment to the Restoration of Voting Rights Work Group can submit their recommendations to [RVRWorkgroup@DOS.MyFlorida.com](mailto:RVRWorkgroup@DOS.MyFlorida.com)

Under Florida law, email addresses are public records. If you do not want your email addresses released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**Division of Elections**  
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6200 • 850.245.6217 (Fax) • [DOS.MyFlorida.com/elections](http://DOS.MyFlorida.com/elections)



# TALLAHASSEE DOWNTOWN PUBLIC PARKING

## ON-STREET METERED PARKING

\$.50 per hour  
\$.05 = 6 minutes  
\$.10 = 12 minutes  
\$.25 = 30 minutes  
\$.50 = 60 minutes

and combinations of above

FREE - Saturday and Sunday and daily after 5 p.m.



### KLEMAN PLAZA

PARKING GARAGE  
561-3066

#### OPERATING HOURS

24-hour access  
7 days a week

#### PARKING RATES

\$2.00 - 0 to 2 hours  
\$.50 for each additional hour (max. \$6.00 per day)  
Saturdays, Sundays, and evenings after 6 p.m. \$1.00  
(Please retain machine issued parking receipt to exit the lot.)  
Monthly Lease - \$80.00/mo.  
Special Events - \$5.00

#### GARAGE ENTRANCES:

Duval Street across from City Hall & Bronough Street



### EASTSIDE

PARKING GARAGE  
561-3066

#### OPERATING HOURS:

Monday-Friday 7:00 a.m. to 8 p.m.  
Monthly Card Holders - 24 hours daily, 7 days a week

#### PARKING RATES

\$2.00 for the first hour  
\$1.00 for each additional hour (max. \$7 per day)  
No charge after 8 p.m.  
Monthly Lease - \$95.00/mo.  
Special Events - \$5.00

#### GARAGE ENTRANCE:

Calhoun Street - under the walkover



### DUVAL STREET

SURFACE PARKING AND METERED LOT  
561-3066

#### OPERATING HOURS

Monday-Friday 7:00 a.m. to 8 p.m.  
Monthly Card Holders - 24 hours daily

#### PARKING RATES

Metered Parking: 10-hour meters  
\$.50 per hour  
\$.05 = 6 minutes  
\$.10 = 12 minutes  
\$.25 = 30 minutes  
\$.50 = 60 minutes  
and combinations of above

#### SURFACE PARKING

Monthly Lease - \$30.00/mo.  
Special Events - \$5.00

#### LOT ENTRANCE

2 entrances off Duval Street & 1 entrance off Bronough  
(between Madison and Gaines Street)



### BRONOUGH STREET

SURFACE PARKING LOT  
561-3066

#### OPERATING HOURS

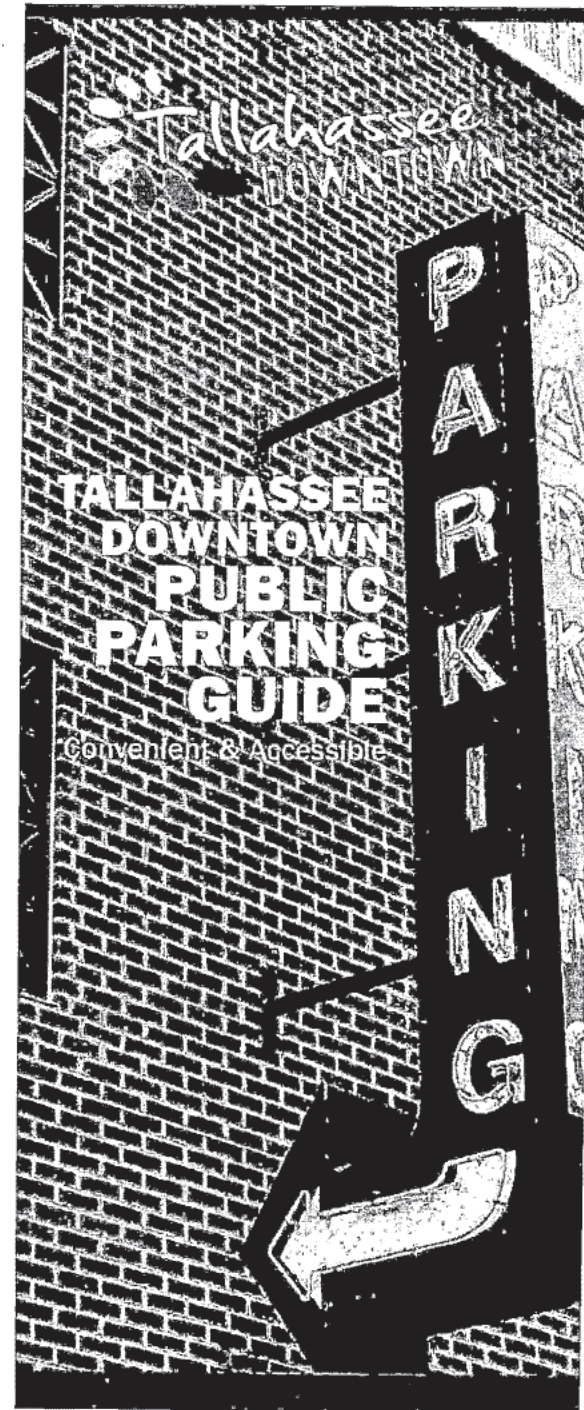
Monthly Card Holders - 24 hours daily

#### SURFACE PARKING

Monthly Lease - \$20.00/mo.  
Special Events - \$5.00

#### LOT ENTRANCE

Entrance off Bronough Street  
(between Madison and Gaines Streets)





### ON STREET METERS

- ONE HOUR OR LESS
- TWO HOURS
- FOUR HOURS

### CITY OF TALLAHASSEE PUBLIC PARKING GARAGES

**EASTSIDE PARKING GARAGE** (Enter on Calhoun)

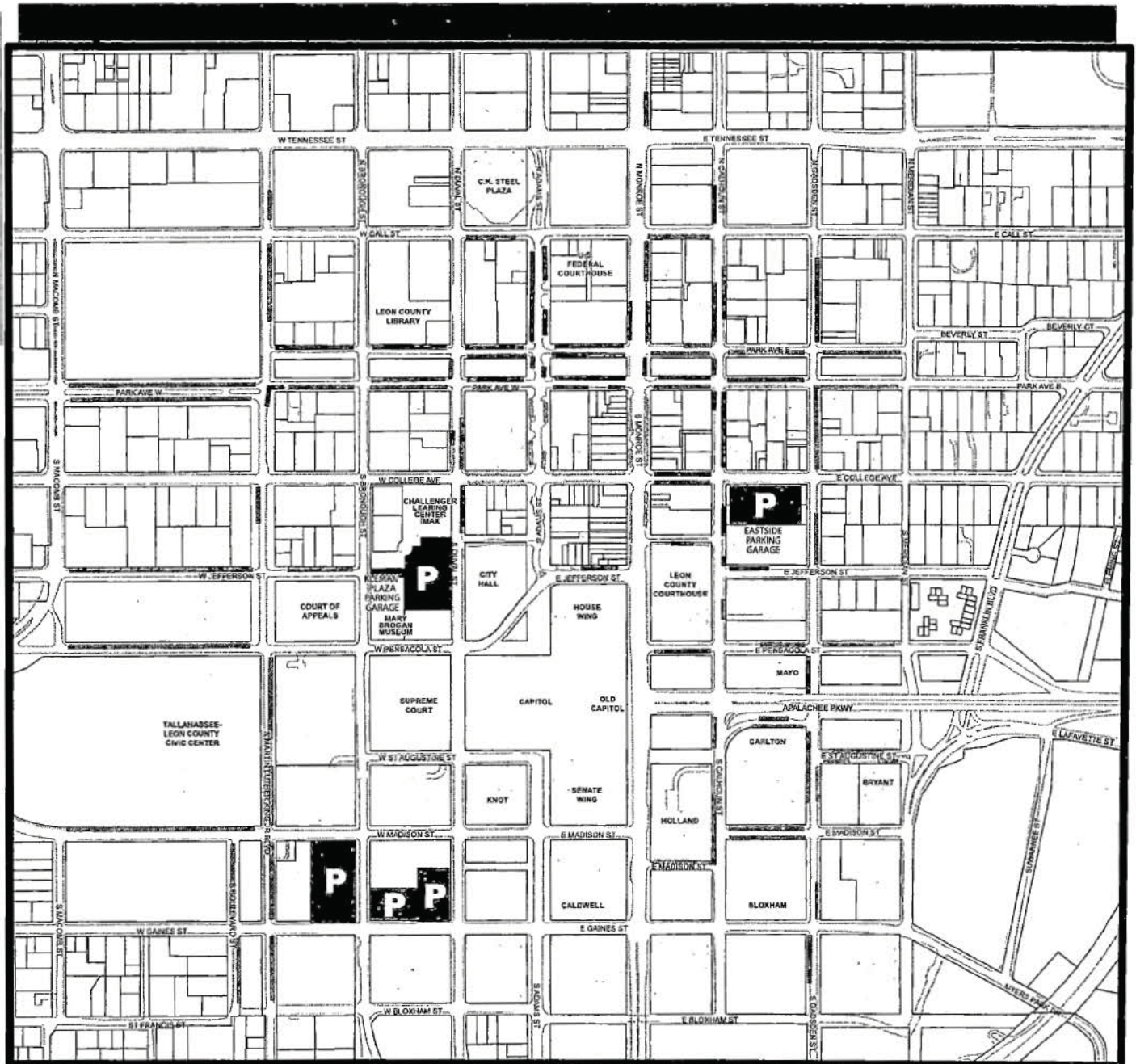
**KLEMAN PLAZA PARKING GARAGE** (Enter on Bronough or Duval)

**DUVAL STREET SURFACE LOT** (Enter on Duval)

**BRONOUGH STREET SURFACE LOT** (Enter on Bronough)

For more information  
**Republic Parking**  
561-3066

Brochure provided by the  
Tallahassee Downtown  
Improvement Authority



MAPPING & GRAPHICS BY: TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT

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**DIVIDER**

## Carolyn Timmann

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**From:** Angel Colonnese <Angel.Colonnese@ManateeClerk.com>  
**Sent:** Wednesday, September 11, 2019 10:23 AM  
**To:** Stacy Butterfield; greent@clayclerk.com; Carolyn Timmann; Barry Baker  
**Cc:** Chris Hart (chrishart@flclerks.com)  
**Subject:** Re: Observations after yesterday

**CAUTION: This email originated from outside the Martin County Clerk & Comptroller's Office. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Clerk IT Division**

Good Morning,

I wanted to point out some observations that I had from the call yesterday and after taking a "virtual walk" with Carolyn.

I will bullet them for easy reads:

- There are way too many Committees, sub-committees; QRTs; workgroups etc.....I think that this leads to great confusion and numerous emails and attachments and given how fast paced our jobs our and the issues before us it is not an efficient way of working. Example: It is very confusing when it comes to Amendment 4 and who is deciding what for our organization and then we have the Governor's Task Force on the Voting Amendment of which 2 Clerks sit on. Where do they fit in with the QRT? Isn't there another group also working on the voting Amendment?
- First we had the 2.420 issue where the job of redacting was being taken from Clerks and placed on the filer. Our concern was that this would lead to a "free for all" of information that has been deemed confidential to potentially slip through the cracks. We maintained that this is our job and should be done by Clerks. We need to focus on our stance there.
- Second 2.420 – along came Marsy's Law. This complicated many things procedurally but it added to the confusion of 2.420. We cannot mix the two and combine them. They are mutually separate issues.
- Marsy's Law should be among the Best Practice Workgroup. Laura has done an amazing job. QRT stands for "quick" and Marsy's law will be a lingering issue for us on a workflow basis forever vs. voting issues which need to be resolved very quickly. QRT worked very well for the emergency PENN issue. That is an example of the need for a QRT because we had hours/maybe a day to decide how we were going to handle the matter. Anything more than that is not a QRT it is for a workgroup born out of the appropriate committee.
- I also feel that when we are going to make a position statement it should come from the President in the form of prepared bullet points for the President to present before a body. We need to look at who the audience is and what our objective is and pull from that group of Clerks i.e. subject matter experts; legislative experience; attorney; accounting....etc.... Maybe start a "network tree" where we can look at key groups we will be dealing with and take a look at who is a member and have Clerks identify who they know on these groups and make those connections regarding our issue.

I say all of this because yesterday on top of having several emails flying with attachments and calendar items and proposed calendar items and the CCOC budget committee memo that we all received and upcoming in person sessions on that we are going to become inefficient if we keep this pace up. It seems that everything has been micromanaged to the n'th degree.

Thank you for considering.

Angel

Angelina "Angel" Colonnese  
**Manatee County Clerk of the Circuit Court and Comptroller**  
1115 Manatee Ave. W.  
Bradenton, FL 34205  
(941) 741-4002



"Pride in Service with a Vision to the Future"



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**DIVIDER**

**Carolyn Timmann**

**From:** Allison L. Newman <anewman@flclerks.com>  
**Sent:** Wednesday, September 11, 2019 10:25 AM  
**Subject:** Advisory - 19-080 - Restoration of Voting Rights - DOC Requests  
**Attachments:** 19bull080.docx.pdf

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**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory regarding **Restoration of Voting Rights – DOC Requests**.

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks and Comptrollers	<b>Category:</b>	Clerk Administration, Legislative
<b>Priority:</b>	High	<b>Action required:</b>	Please review the following information and submit requested documents to <a href="mailto:DOCRequests@FLClerks.com">DOCRequests@FLClerks.com</a> .
<b>Executive Summary:</b>	The Amendment 4 Quick Response Team (QRT) has received copies of several requests made to individual Clerks by local Department of Corrections (DOC) offices related to restoration of voting rights. Those requests typically seek information on financial obligations for particular individuals under DOC custody or supervision. Sometimes they involve financial obligation data that does not appear to match between DOC records and the Comprehensive Case Information System (CCIS).		
<b>Clerk outreach:</b>	No outreach needed at this time.		

Thank you,



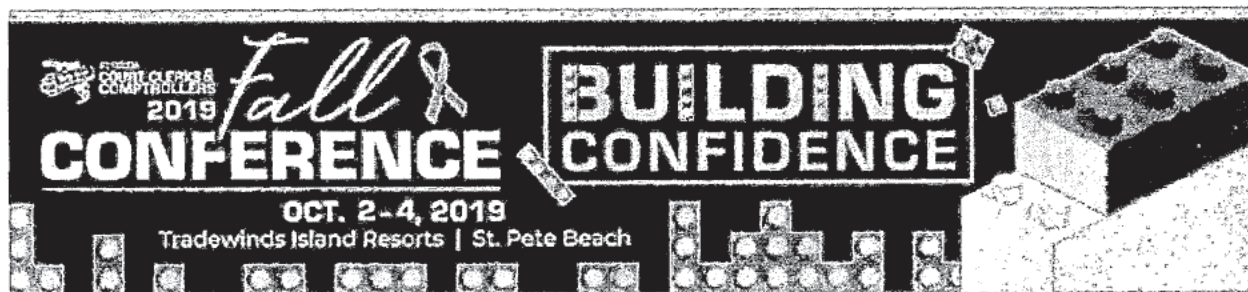
**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

[ANewman@FLClerks.com](mailto:ANewman@FLClerks.com)

[www.FLClerks.com](http://www.FLClerks.com) [f/FloridaClerks](https://www.facebook.com/FloridaClerks) [/FloridaClerks](https://www.instagram.com/FloridaClerks)

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# FCCC ADVISORY

**Restoration of Voting Rights – DOC Requests**

**No. 19-080**

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<b>Date:</b>	September 11, 2019	<b>Contact:</b>	Kimberly Renspie
<b>Category:</b>	Clerk Administration, Courts	<b>Telephone:</b>	(850) 921-0808
<b>Page:</b>	1 of 1	<b>E-mail:</b>	<a href="mailto:krenspie@flclerks.com">krenspie@flclerks.com</a>

---

The Amendment 4 Quick Response Team (QRT) has received copies of several requests made to individual Clerks by local Department of Corrections (DOC) offices related to restoration of voting rights. Those requests typically seek information on financial obligations for particular individuals under DOC custody or supervision. Sometimes they involve financial obligation data that does not appear to match between DOC records and the Comprehensive Case Information System (CCIS).

The Amendment 4 QRT has found that once the DOC request is investigated, a clear correct answer is always available. A common theme appears to be that the two different data systems are asked slightly different questions, thus providing different answers.

The Amendment 4 QRT has established an email account, [DOCRequests@FLClerks.com](mailto:DOCRequests@FLClerks.com), to accumulate such requests from DOC.

The Amendment 4 QRT asks that each Clerk's office forward individual requests received from local DOC offices, along with the Clerk's response, to [DOCRequests@FLClerks.com](mailto:DOCRequests@FLClerks.com). We are not asking for copies of routine correspondence between a Clerk's office and a local DOC probation office, or emails relating broadly to processes and procedures. We are asking for copies of correspondence related to information on specific individuals and data or records related to restoration of voting rights for those individuals.

This will give the Amendment 4 QRT the opportunity to look for additional patterns and trends. As the patterns or trends arise, the Amendment 4 QRT will address issues with DOC or develop Best Practices for Clerks through the FCCC Best Practices Committee. If additional clarification is needed or if there are questions, please contact Kimberly Renspie, FCCC Legislative Manager ([KRenspie@FLClerks.com](mailto:KRenspie@FLClerks.com)).

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**FLCLERKS.COM**

FCCC | 3544 Maclay Blvd | Tallahassee, Florida 32312 | (850) 921-0808

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**DIVIDER**

## Carolyn Timmann

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**From:** Carolyn Timmann  
**Sent:** Thursday, September 12, 2019 1:21 PM  
**To:** 'Angel Colonnese'; 'Stacy Butterfield'; 'greent@clayclerk.com'  
**Subject:** RE: Observations after yesterday

Hello,  
I think Angel raised some very valid concerns. I never like to say this – but I am almost at a full breaking point with the competing and conflicting meetings, policies and demands on not only our time, but on our local and FCCC teams, as well. I am hearing the same from staff.  
Carolyn

**From:** Angel Colonnese [mailto:Angel.Colonnese@ManateeClerk.com]  
**Sent:** Wednesday, September 11, 2019 10:23 AM  
**To:** Stacy Butterfield <StacyButterfield@polk-county.net>; greent@clayclerk.com; Carolyn Timmann <CTimmann@martinclerk.com>; Barry Baker <barryb@suwgov.org>  
**Cc:** Chris Hart (chrishart@flclerks.com) <chrishart@flclerks.com>  
**Subject:** Re: Observations after yesterday

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- I also feel that when we are going to make a position statement it should come from the President in the form of prepared bullet points for the President to present before a body. We need to look at who the audience is and what our objective is and pull from that group of Clerks i.e. subject matter experts; legislative experience; attorney; accounting....etc.... Maybe start a “network tree” where we can look at key groups we will be dealing

with and take a look at who is a member and have Clerks identify who they know on these groups and make those connections regarding our issue.

I say all of this because yesterday on top of having several emails flying with attachments and calendar items and proposed calendar items and the CCOC budget committee memo that we all received and upcoming in person sessions on that we are going to become inefficient if we keep this pace up. It seems that everything has been micromanaged to the n'th degree.

Thank you for considering.

Angel

Angelina "Angel" Colonnese

**Manatee County Clerk of the Circuit Court and Comptroller**

1115 Manatee Ave. W.

Bradenton, FL 34205

(941) 741-4002

"Pride in Service with a Vision to the Future"



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**DIVIDER**



## Carolyn Timmann

---

**From:** Angel Colonnese <Angel.Colonnese@ManateeClerk.com>  
**Sent:** Thursday, September 12, 2019 1:38 PM  
**To:** Carolyn Timmann; Stacy Butterfield; greent@clayclerk.com  
**Subject:** RE: Observations after yesterday

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I have a suggestion. Would it be possible to have someone put together a Matrix of what we have going on? UCR; Measures for Justice; Amendment 4; Marsy's Law etc.... maybe a coordinating column would have the groups affiliated? I am moving so fast that I did not notice that 10/18 2.420 was about Marsy's law. I was under the impression it was the bigger 2.420 battle we have been having.....that's why I was merging issues.....

**From:** Carolyn Timmann <CTimmann@martinclerk.com>  
**Sent:** Thursday, September 12, 2019 1:21 PM  
**To:** Angel Colonnese <Angel.Colonnese@ManateeClerk.com>; Stacy Butterfield <StacyButterfield@polk-county.net>; greent@clayclerk.com  
**Subject:** RE: Observations after yesterday

Hello,  
I think Angel raised some very valid concerns. I never like to say this – but I am almost at a full breaking point with the competing and conflicting meetings, policies and demands on not only our time, but on our local and FCCC teams, as well. I am hearing the same from staff.  
Carolyn

**From:** Angel Colonnese [mailto:Angel.Colonnese@ManateeClerk.com]  
**Sent:** Wednesday, September 11, 2019 10:23 AM  
**To:** Stacy Butterfield <StacyButterfield@polk-county.net>; greent@clayclerk.com; Carolyn Timmann <CTimmann@martinclerk.com>; Barry Baker <barryb@suw.gov.org>  
**Cc:** Chris Hart (chrishart@flclerks.com) <chrishart@flclerks.com>  
**Subject:** Re: Observations after yesterday

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Good Morning,

I wanted to point out some observations that I had from the call yesterday and after taking a "virtual walk" with Carolyn.

I will bullet them for easy reads:

- There are way too many Committees, sub-committees; QRTs; workgroups etc.....I think that this leads to great confusion and numerous emails and attachments and given how fast paced our jobs our and the issues before us it is not an efficient way of working. Example: It is very confusing when it comes to Amendment 4 and who is deciding what for our organization and then we have the Governor's Task Force on the Voting Amendment of which 2 Clerks sit on. Where do they fit in with the QRT? Isn't there another group also working on the voting Amendment?

- First we had the 2.420 issue where the job of redacting was being taken from Clerks and placed on the filer. Our concern was that this would lead to a “free for all” of information that has been deemed confidential to potentially slip through the cracks. We maintained that this is our job and should be done by Clerks. We need to focus on our stance there.
- Second 2.420 – along came Marsy’s Law. This complicated many things procedurally but it added to the confusion of 2.420. We cannot mix the two and combine them. They are mutually separate issues.
- Marsy’s Law should be among the Best Practice Workgroup. Laura has done an amazing job. QRT stands for “quick” and Marsy’s law will be a lingering issue for us on a workflow basis forever vs. voting issues which need to be resolved very quickly. QRT worked very well for the emergency PENN issue. That is an example of the need for a QRT because we had hours/maybe a day to decide how we were going to handle the matter. Anything more than that is not a QRT it is for a workgroup born out of the appropriate committee.
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## Carolyn Timmann

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**From:** BaggettF@gtlaw.com  
**Sent:** Thursday, September 12, 2019 3:27 PM  
**To:** AlexA@waltonclerk.com; Angel.Colonneso@ManateeClerk.com; bforman@browardclerk.org; CCarlsward@clerk.indian-river.org; Carolyn.Timmann; ccribb@nassauclerk.com; cheryl.rewis@bakercountyfl.org; chrishart@fclerks.com; jcrawford@nassauclerk.com; CLeigh@escambiaclerk.com; Brian.Corrigan@DuvalClerk.com; Daniel.Hanlon@hklaw.com; dchorvat@hernandoclerk.org; dreingold@ircgov.com; gcooney@lakecountyclerk.org; GHarrell@marioncountyclerk.org; GMarshall@leoncountyfl.gov; HPeterson@mypalmbeachclerk.com; Harvey.Ruvin@miamidade.gov; hurlydavis@browardclerk.org; JSmith@clerk.indian-river.org; Jared.Brooks@myorangeclerk.com; jdpeacock@OkaloosaClerk.com; Jose.Casal@hklaw.com; krushing@scgov.net; kburke@co.pinellas.fl.us; KAKent@leoncountyfl.gov; LondotJ@gtlaw.com; LFrench@coj.net; lori.tolksdorf@ManateeClerk.com; Lourdes.Arruza@miamidade.gov; Matt.Whyte@ManateeClerk.com; mikedrawdy@nassauclerk.com; mkeiter@nassauclerk.com; PCHILDERS@escambiaclerk.com; ronnie.fussell@duvalclerk.com; ssullivan@fclerks.com; shudson@fclerks.com; ShannonC@leoncountyfl.gov; SLRamsey@mypalmbeachclerk.com; sbock@mypalmbeachclerk.com; SAAllen@leoncountyfl.gov; stacie.harvey@bakercountyfl.org; sgodwin@nassauclerk.com; sgilbert@nassaucountyfl.com; TRamos@mypalmbeachclerk.com; Tiffany.MooreRussell@myorangeclerk.com  
**Subject:** Jones v. DeSantis subpoena responses

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This is intended as a quick update regarding the efforts of those Clerks who have received subpoenas to produce records in the Jones v. DeSantis case. As you may have heard, yesterday Judge Hinkle denied the State's motion to delay the case until the Florida Supreme Court acts on the request from the Governor for an advisory opinion on the definition of "completion of all terms of the sentence". That means that the production of documents from your office is still on track. I spoke with Jimmy Midyette, attorney for ACLU who has issued the subpoenas and he was very complimentary of the interaction he has had with a number of your offices. I apologized for the late service that some of you experienced and said that any Clerks needed more time to just let him know. Let's be responsive but at the same time remember, you only produce what you have in your records relating to Amendment 4 and SB 7066. It would be helpful if those of you filing your responses would send a copy to me so that we can keep track of what kind of documents have been included. Thanks

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## Carolyn Timmann

---

**From:** BaggettF@gtlaw.com  
**Sent:** Wednesday, October 2, 2019 11:58 AM  
**To:** StacyButterfield@polk-county.net; greent@clayclerk.com; krushing@scgov.net; Carolyn Timmann  
**Subject:** Fwd: Notes: Restoration of Voting Rights Work Group Meeting | October 1, 2019

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Sent from my iPhone

Begin forwarded message:

**From:** "Determann, Gretta (Coor-TAL-GovLP)" <determann@gtlaw.com>  
**Date:** October 2, 2019 at 11:11:04 AM EDT  
**To:** "Baggett, Fred (Shld-Tal-GovLP)" <BaggettF@gtlaw.com>, "Londot, John (Shld-Tal-LT)" <LondotJ@gtlaw.com>  
**Subject:** **FW: Notes: Restoration of Voting Rights Work Group Meeting | October 1, 2019**

FYI

**From:** Singhal, Peter (BStf-TAL-GovLP)  
**Sent:** Tuesday, October 1, 2019 5:19 PM  
**To:** Corbella, Gus (SrDir-Tal-GovLP) <corbella@gtlaw.com>  
**Cc:** Determann, Gretta (Coor-TAL-GovLP) <determann@gtlaw.com>; Schaettle, Trevor (BStf-TAL-GovLP) <schaettlet@gtlaw.com>; Hebert, Jesse (Mgr-TAL-GovLP) <hebertj@gtlaw.com>  
**Subject:** Notes: Restoration of Voting Rights Work Group Meeting | October 1, 2019

### **Restoration of Voting Rights Work Group Meeting Tuesday, October 1, 2019 2:00PM – 4:00PM**

The Restoration of Voting Rights Work Group held a meeting today and listened to presentations by the Florida Commission on Offender Review and the Florida Department of Revenue.

#### **Meeting Summaries and Discussion**

- Secretary Lee summarized information presented to the committee at the previous meeting and asked if any members of the group had comments (no comments)

#### **Florida Commission on Offender Review Presentation Stephen Hebert, Director of Clemency Investigations**

- Florida Commission on Offender Review (FCOR) and Office of Executive Clemency maintains all clemency records → maintain information on individuals who have been granted restoration of civil rights

- Office of Executive Clemency personnel have skillset to collect and review documentation regarding restoration of civil rights
  - Also have skillsets that will be useful in training others such as personnel at Department of State
- Met with staff of DOS, Bureau of Registration Services, looked at database and learned about processes and procedures involved in voter registration
  - FCOR can assist in compiling documents related to an individual sentence
  - When DOS has exhausted resources available to them FCOR can also help with tracking fees, fines, etc. that have and have not been paid
    - FCOR has up to date information in data base on all individuals who have had civil rights restored
- Part of clemency process translates to determining eligibility for convicted felons
  - Clemency investigations are comprehensive, involving a total and complete picture of offender
    - Determining completion of all terms of sentence is just one small part of clemency process
  - Comprehensive Case Information System (CCIS)
    - FCOR looks at judgments and sentencing, monetary obligations, restitution, fines, etc.
    - FCOR has experience using CCIS to locate this information and is familiar with reading and interpreting it
    - FCOR always turns to Clerks of Court for records; trust Clerk info as accurate and pass it directly to Clemency Board
- Department of Corrections
  - FCOR also uses DOC databases in clemency process
    - Utilize to identify certain obligations that offenders have
- Work group should consider how information contained in agency's databases could be compiled and accessible to everyone involved in the process
- Final points
  - Clemency is a separate process but many of the components of the clemency review process can be useful in the restoration of voting rights process

## Questions

*Secretary Lee*

- In cases where judge orders restitution paid directly to victim it can be hard to track whether it has been paid and input data that it has been paid; does FCOR have any insight on how to handle that instance?
  - Can only speak to clemency process, which includes a dialogue with the offender and multiple interviews
  - If DOC terminated probation successfully, part of clemency process involves reaching out to victims so they could also be asked
  - Restitution ordered directly to victim is rare in newer cases

*Chris Anderson, Supervisor of Elections, Seminole County*

- In your investigate methods, do you reach out to the State Attorney to confirm if restitution has been paid?
  - Not part of standard practice but clemency investigation is comprehensive investigation so the state attorney office is a potential contact during that investigation

*Kenneth Steely, General Counsel, Department of Corrections*

- We have seen restitution still being owed by an offender even after their supervision has been terminated; in your investigative process do you stop at termination of supervision or do you continue to look for outstanding monetary obligations?
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**Florida Department of Revenue Presentation**  
**Anne Coffin, Child Support Program Director**

- Child Support Program Key Components
  - Automated System
  - Maintain customer demographic/case data
  - Capture support order terms/obligations
  - Trigger automated actions based on business rules
    - If payments are not going through it automatically triggers notification
  - Allocate payments and maintain balances
  - Interface with federal, state and local agencies
  - Scan and deliver work for inbound documents
  - Provide 24/7 access through web portal
  - Interface with over 60 other state, federal, local, and private entities to load data into system
- Child Support Program as it relates to Restoration of Voting Rights
  - Tracking of financial obligations
    - Financial processing is a partnership between DOR, Florida Association of Court Clerks, individual court clerks, and private vendors
    - Single remittance unit in which data flows through all systems
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**Questions**

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- In order for your process to work is it significant for there to be specific language in a court order?



- Yes we need a sum certain periodic obligation or sum certain amount in order to track. We are trying to determine compliance with incremental payments and when that obligation is fully satisfied that is when our agency stops monitoring and taking any enforcement action; it has to be a clear order so we know what we are looking for and can monitor compliance
- What is the function of the state disbursement unit?
  - It is our single remittance unit so information flows through a single database
- Can you tell us more about the interfacing with federal, state, and local agencies?
  - Yes, they bring in location information for us; much of the child support business comes down to locating individuals who are not making payments
  - Interface also expands to financial institutions if we are looking for assets

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- How did you incorporate old records into new system?
  - We used to have a mainframe system so we were able to convert much of the data from that mainframe system into the automated child support system

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- Can you give me an overview of the funding sources for this system?
  - The Child Support Program is a federally funded program; the State receives 60% reimbursement for all allowable costs; annual management and operations budget is \$14.5 million
- Does the private vendor that helps with payment processing receive payment and how?
  - The contract with our state disbursement unit is paid via the Department of Revenue and I believe the cost is around \$5 million a year

## **Recommendations**

- Consolidation of all data that is necessary to verify eligibility of returning voters
  - All these databases require access and some may require training and background checks so we need to be mindful of that when we make recommendations
  - Need to consider whether the central database should provide access to everyone or just those who need the information
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- Need to acknowledge the landscape of the past and major changes in civil judgments; there needs to be guidance for people that are making good faith efforts to figure out their eligibility

**Peter Singhal**  
Legislative Assistant

Greenberg Traurig, P.A.  
101 East College Avenue | Tallahassee, FL 32301  
T +1 850.222.6891 | C 954 695 8215  
[singhalp@gtlaw.com](mailto:singhalp@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)



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## Carolyn Timmann

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**From:** Butterfield, Stacy <StacyButterfield@polk-county.net>  
**Sent:** Thursday, October 3, 2019 7:04 AM  
**To:** BaggettF@gtlaw.com  
**Cc:** greent@clayclerk.com; krushing@scgov.net; Carolyn Timmann  
**Subject:** Re: [EXTERNAL]: Fwd: Notes: Restoration of Voting Rights Work Group Meeting | October 1, 2019

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thank you

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Sent from my iPhone

Begin forwarded message:

**From:** "Determann, Gretta (Coor-TAL-GovLP)" <[determannng@gtlaw.com](mailto:determannng@gtlaw.com)>  
**Date:** October 2, 2019 at 11:11:04 AM EDT  
**To:** "Baggett, Fred (Shld-Tal-GovLP)" <[BaggettF@gtlaw.com](mailto:BaggettF@gtlaw.com)>, "Londot, John (Shld-Tal-LT)" <[LondotJ@gtlaw.com](mailto:LondotJ@gtlaw.com)>  
**Subject:** **FW: Notes: Restoration of Voting Rights Work Group Meeting | October 1, 2019**

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**Sent:** Tuesday, October 1, 2019 5:19 PM  
**To:** Corbella, Gus (SrDir-Tal-GovLP) <[corbella@gtlaw.com](mailto:corbella@gtlaw.com)>  
**Cc:** Determann, Gretta (Coor-TAL-GovLP) <[determannng@gtlaw.com](mailto:determannng@gtlaw.com)>; Schaettle, Trevor (BStf-TAL-GovLP) <[schaettlet@gtlaw.com](mailto:schaettlet@gtlaw.com)>; Hebert, Jesse (Mgr-TAL-GovLP) <[hebertj@gtlaw.com](mailto:hebertj@gtlaw.com)>  
**Subject:** Notes: Restoration of Voting Rights Work Group Meeting | October 1, 2019

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<image001.png>

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## Carolyn Timmann

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**From:** BaggettF@gtlaw.com  
**Sent:** Tuesday, October 8, 2019 4:32 PM  
**To:** Carolyn Timmann; kburke@co.pinellas.fl.us; chrishart@flclerks.com  
**Subject:** Amendment 4 hearing

This Email Sent From External Sender

Below is a link to the Florida News Service reporting of today's conclusion of the Amendment 4 preliminary injunction hearing. Not hard to see where Judge Hinkle is going with his decision.

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_newsserviceflorida.com\\_app\\_post.cfm-3FpostID-3D34259-26email-3Dbaggettf-40gtlaw.com-26token-3D59CAA79B-2D4424-2D4922-2DAC8C-2D921A61D00034&d=DwIFAg&c=2s2mvbfY0UoSkkI6\\_OI9wg&r=RADY9uCUxygAlojVW73RRij9nIXsEEE\\_HRVD6Sf4vwl&m=WRH9uI0x6xFWIfKz\\_aLHQ68m\\_zE\\_HuDYdxkiY0QA0YE&s=9CFqOI5\\_g8Y9Tig6OOEbA3OLxYQ4xG4i9CfGikERViy&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__newsserviceflorida.com_app_post.cfm-3FpostID-3D34259-26email-3Dbaggettf-40gtlaw.com-26token-3D59CAA79B-2D4424-2D4922-2DAC8C-2D921A61D00034&d=DwIFAg&c=2s2mvbfY0UoSkkI6_OI9wg&r=RADY9uCUxygAlojVW73RRij9nIXsEEE_HRVD6Sf4vwl&m=WRH9uI0x6xFWIfKz_aLHQ68m_zE_HuDYdxkiY0QA0YE&s=9CFqOI5_g8Y9Tig6OOEbA3OLxYQ4xG4i9CfGikERViy&e=)

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**DIVIDER**

## Carolyn Timmann

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**From:** Sara Sanders <ssanders@ficlerks.com>  
**Sent:** Thursday, October 17, 2019 3:14 PM  
**To:** Chris Hart; Jason Harrell; 'Tom Bexley'; Kimberly Renspie; Savannah Sullivan; Kyle Dunaway; 'Richard Herring'; Sean Hudson; Carolyn Timmann  
**Subject:** New Amendment 4 article; possibility for a clean up bill

**CAUTION:** This email originated from outside the Martin County Clerk & Comptroller's Office. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Clerk IT Division

FYI, posted this afternoon on the Tampa Bay Times: <https://www.tampabay.com/florida-politics/buzz/2019/10/17/after-judges-spanking-lawmakers-will-tweak-amendment-4-bill-next-session/>

### After judge's 'spanking,' lawmakers will tweak Amendment 4 bill next session

"I think some of the points of the judge were well-made," Sen. Jeff Brandes said.

Two key Republican lawmakers said they'll address some of the problems with Amendment 4 that were criticized by a federal judge last week.

Rep. Jamie Grant, R-Tampa, said U.S. District Judge Robert Hinkle gave the Legislature a "spanking" for creating a confusing voter registration form and for not creating an easy way for felons to check whether they're eligible to vote.

And Hinkle said that the Legislature, not judges, should decide how to fix the process.

Both Grant and his counterpart in the Senate, Sen. Jeff Brandes, R-St. Petersburg, heard the message and are planning on passing a bill to clean up the process during the next legislative session, which begins in January

"I think some of the points of the judge were well-made, and we should look to address those," Brandes said.

The two lawmakers were the leaders behind the bill this year that national critics called a "poll tax" for undercutting Amendment 4, the historic amendment that gave felons in Florida the right to vote if they completed "all terms of sentence."

Grant's bill, which became law in July, required felons to pay back all court fees, fines and restitution to victims before being allowed to register to vote. They justified that condition based on what an attorney hired by Amendment 4's creators said was intended by the ballot language.

But that condition will likely prevent hundreds of thousands of felons from being eligible to vote. Brandes last year pushed for a bill that allowed felons to vote if their financial obligations were converted to a civil lien, which usually happens, but he ended up supporting Grant's bill.

Their bill was quickly challenged by the American Civil Liberties Union and other groups, who argued it was unconstitutional.

Last week, Hinkle heard arguments that the legislation should be stopped until the case goes to trial in April. He did not issue a ruling, but he called the process for felons “an administrative nightmare,” and he raised several critical constitutional questions.

A 2005 11th Circuit U.S. Court of Appeals opinion, for example, that stated that access to voting “cannot be made to depend on an individual’s financial resources.”

And the 24th Amendment states that that voting in federal elections “shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.”

Hinkle did not call it a “poll tax,” but he asked lawyers for Laurel Lee, Florida’s Secretary of State who oversees the elections division, whether requiring felons to pay court fees constituted an “other tax.” Court fees could be considered a tax because they’re used to subsidize the state’s court system, he said.

Hinkle reserved particular ire over the changes lawmakers made to the state’s voter registration form, wondering whether lawmakers intentionally changed it to discourage felons from registering.

The new registration form requires Floridians to check one of three boxes when they register: (a) that they’ve never been convicted of a felony; (b) if they have been convicted of a felony, to affirm they’ve had their right to vote restored by the state’s clemency board; (c) if they have been convicted of a felony, to affirm they’ve had their right to vote restored under “s. 4 , Art. VI of the State Constitution” — in other words, Amendment 4.

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**From:** "Sara Sanders" <ssanders@flclerks.com>  
**To:** "Kyle Dunaway" <kdunaway@flclerks.com>  
**Sent:** Thursday, October 17, 2019 3:05:20 PM  
**Subject:** Can you pull this article text?

<https://www.tampabay.com/florida-politics/buzz/2019/10/17/after-judges-spanking-lawmakers-will-tweak-amendment-4-bill-next-session/>



**SARA SANDERS**, *Legislative Manager*

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**DIVIDER**

## Carolyn Timmann

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**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Thursday, October 24, 2019 8:27 AM  
**To:** Angel Colonnese; Angela Vick; Barbara Owsianka; Burgess, Bill; Butterfield, Stacy; Carolyn Timmann; Doris Maitland; Fred Baggett (baggettf@gtlaw.com); Geist, Melissa (Melissa.Geist@myorangeclerk.com); Jared.Brooks (Jared.Brooks@MyOrangeClerk.com); JD Peacock II; Jean A. Sperbeck; Karen Rushing (krushing@scgov.net); Kathy Davis (KDavis@citrusclerk.org); Kelli Leighton; Kimberly Renspie (krenspie@flclerks.com); Laura Roth (laura@clerk.org); Linda Doggett; Matt Whyte (Matt.Whyte@ManateeClerk.com); Melvin Cox (cox@flclerks.com); Pattavina, Diane ; Richard Herring; Savannah Sullivan (ssullivan@flclerks.com); Tamayo, Maria; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moorerussell@myorangeclerk.com); Tom Harmer; Victoria Marquart (defordv@clayclerk.com)  
**Subject:** Agenda for A4 QRT Webex - Thursday October 24  
**Attachments:** A4 QRT agenda 11-24-2019.docx

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Greetings,

Attached is the agenda and backup materials for our Amendment 4 QRT WebEx schedule for this afternoon at 4:00. If you have not received the WebEx invitation, please let me know and I will forward it to you.

Ken

Ken Burke, CPA  
Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
kburke@mypinellasclerk.org | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)



**Clerk's Amendment 4 Quick Response Team  
November 24, 2019 WebEx - Agenda**

**1. Chair's Comments**

**2. QRT Member Comments/Issues**

**3. FCCC Fall Conference A4 QRT Presentation Agenda**

**4. Update on Advisory Opinion to the Governor re: Implementation of Amendment 4, the Voting Restoration Amendment** *pages 2-3*

**5. Update on Jones V. DeSantis case in the U.S. District Court for the Northern District of Florida - Temporary Injunction, October 18, 2019** *pages 4-7*

**6. Update on the Restoration of Voting Rights Work Group**

- A. Notice for 5th meeting on October 30, 2019 *page 8*
- B. October 15 Agenda *page 9*
- C. October 1 Agenda *page 10*
- D. DOS Summary of September 16, 2019, Restoration of Voting Rights Meeting *pages 11-31*
- E. DOS Summary of August 19, 2019, Restoration of Voting Rights Meeting *pages 32-36*

**4. Update on Jones V. DeSantis case in the U.S. District Court for the Northern District of Florida - Temporary Injunction, October 18, 2019**

**Jones v. Desantis, U.S. District Court, Northern District of Florida  
Order Denying the Motion to Dismiss or Abstain  
and Granting a Preliminary Injunction  
Friday, October 18, 2019**

**SUMMARY OF INJUNCTION**

Federal Judge Hinkle ordered that the Secretary of State and the Supervisor of Elections “must not take any action that both (a) prevents an individual plaintiff from applying or registering to vote and (b) is based only on failure to pay a financial obligation that the plaintiff asserts the plaintiff is genuinely unable to pay.” This does not prohibit the Secretary from notifying the Supervisor that a plaintiff has unpaid financial obligations that will make the plaintiff ineligible to vote unless the plaintiff shows genuine inability to pay.

Note that the “plaintiffs” are the 17 named individuals in the consolidated lawsuits.

Clerks of the Circuit Court are not mentioned specifically in the order; however, in the section on Due Process, on pages 43-46, he discusses the difficulties with records and in determining terms of sentence.

**SUMMARY OF FULL ORDER**

Judge Hinkle was asked to dismiss plaintiffs’ claims. He notes that the plaintiffs argue that an attempt by the state to preclude them from voting because they lack the financial resources to pay certain financial obligations violates the Due Process Clause. He reasons that if plaintiffs are correct, the constitutional violation can be remedied through an injunction.

The Judge was also asked to abstain from ruling as this is a matter of state law, not federal law. He finds two countervailing arguments. First this is a voting rights case and elections are upcoming. The U.S. Supreme Court and the 11th Circuit have held that a district court does not abuse its discretion in declining to abstain in such circumstances. Second, he states that “the Florida Supreme Court’s ruling on the most important part of the unclear issue of state law {*payment of financial obligations*} can be predicted with substantial confidence.”

While he recognizes the final word on “financial obligations imposed at the time of sentencing” belongs to the Florida Supreme Court, for purposes of his order, Judge Hinkle assume the term includes fines and restitution, fees even when unrelated to culpability, and amounts even converted to civil liens, as long as these are included in the sentencing document.

He discusses the standards for injunction and the requirement that reenfranchisement must comply with the U.S. Constitution. He then lays out when the U.S. Constitution allows a state to condition reenfranchisement on payment of at least some financial obligations – specifically when a felon is able to pay but chooses not to do so. The right to vote cannot be made to depend on an individual’s financial resources. He gives the example of an unconstitutional state statute that automatically restored the right to vote for felons with a net worth over \$100,000 but not for other felons.

Judge Hinkle notes that the state may place the burden of establishing inability to pay on the felon, through an appropriate administrative process. He then notes that a community service option would not make the process constitutional because it would not be available for out-of-state or federal convictions, because community service hourly rates would make the option illusory for some felons, and because a community service option would require felons to miss every election until service is completed.

Judge Hinkle next discusses poll taxes under the 24th Amendment, ultimately opining that a definitive ruling is unnecessary in determining to issue a temporary injunction.

Judge Hinkle points the felon’s constitutional right to due process on the question of whether all terms of sentence have been completed. He discusses but does not decide the issue of inconsistent or unavailable records. He notes that the DOS Work Group may propose a system design to improve accessibility to records. Likewise, he discusses but does not decide the issues related to the prosecution risk to plaintiffs who assert that they have completed their terms when outstanding terms remain.

In issuing the injunction, Judge Hinkle notes that “when a state wrongfully prevents an eligible citizen from voting, the harm to the citizen is irreparable” and that “the State’s interest in *preventing* votes by *ineligible* voters is no greater than its interest in *allowing* voters by *eligible* voters.” *{emphasis in original}*

## 5. Update on Advisory Opinion to the Governor re: Implementation of Amendment 4, the Voting Restoration Amendment

Florida Supreme Court Reply Briefs - filed October 3, 2019

### REPLY BRIEF OF INTERESTED PARTY FAIR ELECTIONS CENTER

The four interested state parties urge this Court to construe the phrase “all terms of sentence” in Article VI, Section 4 of the Florida Constitution to include costs and fees. They appear to think this reading is self-evident, repeatedly stating in conclusory fashion that sentences include costs and fees. However, they fail to marshal adequate legal support for this unsubstantiated assertion.

One would think that if criminal sentences embraced costs and fees under Florida law—and that if this dovetailed with the common, popular understanding of the word “sentence”—then the state’s legislators, judges, and Justices would have explicitly mentioned this and on more than one occasion. But each of these four briefs strains to present legal authorities of this Court that include costs and fees within the ambit of the “terms of sentence.” The closest any of the cited statutes comes is the unremarkable statement that the assessment of certain discretionary costs and fees must be pronounced at sentencing, and the only case presented that suggests costs and fees are part of the sentence is the outlier decision in *Martinez v. State*, 91 So. 3d 878 (Fla. 5th DCA 2012), which is in considerable tension with this Court’s decisions.

On the other side of the scale, there are countless Florida statutes and rules that distinguish between penalties and sentences, on the one hand, and costs and fees on the other. The Courts of Appeals have repeatedly characterized costs and fees as non-punitive, purely for administrative purposes, and not part of criminal sentences.

The near-total absence of statutes, rules, or judicial opinions that include costs and fees within the terms of a criminal sentence speaks volumes. Before SB 7066, the Florida Legislature had never sought to include costs and fees within the criminal sentence. Now this Court must decide whether Article VI, Section 4 of the Florida Constitution and the decades of statutory enactments and case law that inform the meaning of “terms of sentence” nevertheless give Florida lawmakers leeway to break so suddenly and completely with the settled understanding that costs and fees are non-punitive and not part of criminal sentences.

### REPLY BRIEF OF INTERESTED PARTY ADAM RICHARDSON

“Completion of all terms of service” in amendment 4 encompasses only fines authorized by Florida Statutes § 775.083 in cases of imprisonment and split

sentences, and in cases of only probation and community control, no financial obligations.

“[T]erms” within the meaning of Amendment 4 are those found within the four corners of the sentencing order, and a contrary interpretation would lead to an absurd result. It would be absurd to require a search of materials beyond the actual sentencing order to determine, in each case, what “all terms of the sentence” are. A cursory review of a docket in a criminal case shows multiple orders entered at the completion of the case. To determine whether he has completed all terms of his sentence under the view advanced by the Governor (and other government parties) would require a convicted felon to gather all of these documents to piece together those terms.

The Governor’s question to the Court sets up a potential conflict between Amendment 4 and the statute. In *In re Advisory Opinion to the Governor*, 9 So. 2d 172 (Fla. 1942) the Court had earlier rendered an advisory opinion to the Governor. But he sent a request for another opinion because he remained in doubt about the interaction of a statute and a constitutional provision. *Id.* at 73-74. The Court wrote in the first paragraph of its advisory opinion:

Advisory opinions to the Governor are authorized by the Constitution and are therein limited to the interpretation of any portion of the Constitution upon any question affecting the executive powers and duties of the Governor. Statutes may be so interpreted in such advisory opinions only when and as they directly affect the executive powers and duties of the Governor under the Constitution.

*Id.* at 174 (emphasis added). The Court continued that, in the prior opinion, and “[i]n view of the express limitations upon such advisory opinions,” the justices “in effect advised” on the interpretation of a statute. *Id.* The Court then said: “Such statute was not interpreted beyond its relation to the executive powers and duties of the Governor under the Constitution.” *Id.*

#### REPLY BRIEF OF SECRETARY OF STATE, LAUREL M. LEE

An emphasis on words, not wishes. The words that millions of Floridians approved during the November 2018 General Election impose two distinct conditions for re-enfranchising felons outside of the clemency process: (1) commission of a crime other than “murder or a felony sexual offense,” and (2) “completion of all terms of sentence including parole or probation.” Art. VI, § 4, Fla. Const. The words cannot be rewritten. Conditions imposed cannot be erased. See *Lawnwood*, 990 So. 2d at 510.

Semantic and syntactical games cannot deprive the words of their plain, ordinary, and fixed meaning either.

Even counsel for Amendment 4's Sponsor agreed that all means all when arguing for the amendment's inclusion on the November 2018 General Election Ballot. Sec'y Int. Br. App. at 13. His exact words were: "[A]ll terms means all 6terms within the four corners" of the sentencing document. *Id.* Some argue that this and other statements to the Justices of the Florida Supreme Court carry little weight. See *ACLU, et al.* Br. at 47. Others agree and attempt to otherwise minimize the effect of the statements made at oral argument. E.g., *Raysor, et al.* Br. at 46–49. Notably, however, Amendment 4's Sponsor has not retracted the statements. This silence is deafening when we consider that the Sponsor has filed an amicus curiae brief before the federal court—not this Court.

REPLY BRIEF OF INTERESTED PARTIES BONNIE RAYSOR, DIANE SHERRILL, AND LEE HOFFMAN

Article VI, § 4 of the Florida Constitution does not condition the restoration of voting rights on payment of LFOs. As explained in the Raysor parties' initial brief, the plain text of the provision excludes LFOs. The provision does not reference LFOs, and any extra-textual components read into the provision are limited to those of the same character as "parole and probation."

None of the State Parties mention, let alone address, one of the overriding principles that must guide any interpretation of Article VI, § 4: constitutional avoidance.<sup>2</sup> Yet this Court has repeatedly held that Florida courts must construe a law "if fairly possible, as to avoid, not only the conclusion that it is unconstitutional, but also grave doubts upon that score."

The State Parties have failed to show that voters intended to impose an LFO requirement as a condition of voting. The circumstances surrounding the enactment of Amendment 4 in November of 2018 demonstrate that Florida voters intended to create a streamlined procedure for restoring the right to persons convicted of crimes other than murder or felony sexual offense. They sought to remove barriers to rights restoration and eliminate disparate treatment of individuals with past felony convictions due to arbitrary factors. And, they sought to re-enfranchise over a million Florida voters who had too long been denied the right to vote due to their past felony convictions.

Restoring the right to vote to individuals with outstanding LFOs does not conflict with the creation of additional rights for crime victims.

Statements by the sponsors do not represent the will of the voters.

GOVERNOR RON DESANTIS' REPLY BRIEF

The interested parties present various arguments in their initial briefs. Governor DeSantis raises three arguments in response and rebuttal. First, the Governor argues that this Court has jurisdiction to answer the Governor's request for an advisory opinion

under the plain language of article IV, section 1(c) of the Florida Constitution. Second, the Governor maintains that this Court should affirm that the word “sentence” legally and in common understanding means “every penalty imposed by the court when a person is found guilty of committing a crime.” And third, the Governor argues that this Court should abstain from employing the canons of construction identified in several of the interested parties’ initial briefs because the meaning of the constitutional phrase “completion of all terms of sentence” is plain.

REPLY BRIEF OF INTERESTED PARTIES THE AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF FLORIDA, AMERICAN CIVIL LIBERTIES UNION FOUNDATION, NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC., BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW, FLORIDA STATE CONFERENCE OF BRANCHES AND YOUTH UNITS OF THE NAACP, ORANGE COUNTY BRANCH OF THE NAACP, AND LEAGUE OF WOMEN VOTERS OF FLORIDA

The Governor’s own brief demonstrates his request falls outside Article IV, Section 1(c)’s narrow scope.

Article VI, Section 4(a)’s phrase “completion of all terms of sentence” cannot require returning citizens to pay legal financial obligations extending beyond their terms of imprisonment, parole, and probation to qualify for automatic voting restoration. The intent of the people ratifying the amendment controls, and the Court should not defer to the Legislature, let alone graft the language of SB7066 onto the Constitution. The Court should not defer to legislative interpretations of ballot initiatives. The Legislature itself did not intend SB7066 to be the permanent, definitive interpretation of Amendment 4. A plain reading of Article VI, Section 4(a) demonstrates “completion of all terms of sentence” cannot include LFOs extending beyond the terms of imprisonment, parole, or probation. “Terms” means multiple, coexisting, or consecutive terms of imprisonment, parole, or probation. The phrase “including parole or probation” must be read to exclude unending financial obligations, not to include them. Common-sense understandings of “completion of all terms of sentence” in Article VI, Section 4(a) cannot require the payment of LFOs beyond the terms of imprisonment, parole, or probation. Amendment 4’s text, ballot title, and summary, and its sponsors and supporters’ statements did not mislead voters or this Court.

**6.A. Restoration of Voting Rights Work Group - Notice for 5th meeting on October 30**

**Notice of Meeting**

**DEPARTMENT OF STATE**

**Division of Elections**

The Department of State announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2019, 2:00 p.m.–4:00 p.m.

Call-in #: 1-888-585-9008; when asked for conference room number, dial [REDACTED]

PLACE: Room 212, The Knott Building, 601-631 South Duval Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the fifth meeting of the Restoration of Voting Rights Work Group, created, authorized, and directed by s. 33, chapter 2019-162, Laws of Florida.

A copy of the agenda may be obtained by contacting: Amber Marconnet at [Amber.Marconnet@DOS.MyFlorida.com](mailto:Amber.Marconnet@DOS.MyFlorida.com) or (850) 245-6200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Candice Edwards at (850) 245-6536 or [Candice.Edwards@DOS.MyFlorida.com](mailto:Candice.Edwards@DOS.MyFlorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).





## 6.C. Restoration of Voting Rights Work Group Agenda

### RESTORATION OF VOTING RIGHTS WORK GROUP MEETING

Tuesday, October 1, 2019 – 2:00 pm (Eastern Time) to 4:00 pm (Eastern Time)

Room 212, The Knott Building

601-631 South Duval Street, Tallahassee, Florida 32399

*Call-in available - Call-in Number: 1-888-585-9008*

*(when prompted for conference room number dial [REDACTED])*

#### Agenda

2:00 pm - 2:05 pm	Opening Remarks – Florida Secretary of State
	Call to Order and Roll Call
2:05 pm – 2:20 pm	Meeting Summaries and Discussion
2:20 pm – 2:45 pm	Florida Commission on Offender Review Presentation
2:45 pm - 3:15 pm	Florida Department of Revenue Presentation
3:15 pm - 3:40 pm	Recommendations
3:40 pm – 3:55pm	Public Comment
3:55 pm - 4:00 pm	Announcements/Adjournment

## **6.D. SUMMARY OF PRESENTATIONS AND PUBLIC COMMENTS**

### **September 16, 2019, Restoration of Voting Rights Meeting**

The September 16, 2019, meeting of the Restoration of Voting Rights Work Group contained presentations from the following individuals:

- Senator Jason Pizzo
- Representative James “J.W.” Grant
- Florida Department of Corrections
- Bureau Chief Michelle Palmer
- Joe Winkler, Assistant Secretary of Community Corrections
- Florida Clerks of Circuit Court and Comptrollers
- The Honorable Ken Burke, Pinellas County Clerk of Court and Comptroller
- The Honorable Karen Rushing, Sarasota County Clerk of Court and County Comptroller
- Melvin Cox, Director of Information Technology for the FCCC
- The following individuals spoke during public comment:
  - Mark Schlakman, J.D., Florida State University
  - Cecile Scoon, First Vice President - League of Women Voters of Florida and Action Chair of Restoration of Rights
  - Commissioner Bob Ratliff, Big Bend Voting Rights Project
  - Senator Jason Pizzo
  - Neil Volz, Florida Rights Restoration Commission

#### **Presentations:**

##### **Senator Jason Pizzo**

Senator Pizzo testified that he is a former prosecutor from Miami-Dade County, having worked in the Miami-Dade State Attorney’s office for several years. He handled a number of cases during that time from misdemeanor through felony.

Senator Pizzo testified to his understanding of restitution as being owed to a victim; fees as being incurred as a condition or part of a term (whether probation or otherwise); and fines being by statute and attaching to any number of crimes. Senator Pizzo gave examples of statutory fines in the context of cocaine trafficking: ranging from a \$50,000 fine for trafficking 28 grams – 199 grams of cocaine, to a \$100,000 fine for trafficking 200 – 399 grams.

Senator Pizzo stated that he had some concerns about equity, parity, and uniformity of Senate Bill 7066 involving fines, restitution, and fees. Senator Pizzo referenced the fact

that there are 20 individual circuits and that a plan rolled out under Senate Bill 7066 in one circuit may not be uniform with plans in the 19 other circuits. Senator Pizzo testified to his belief that differences could stem from differing policy, ideology, philosophy, procedure, or interpretation of the law in the circuits. Senator Pizzo noted that a couple drafters of Senate Bill 7066 were in attendance at the meeting and encouraged Work Group members to inquire of legislative intent.

Senator Pizzo explained how Miami-Dade handles judgment and sentence documents. He testified that in Miami-Dade the judgment and sentence are two separate bifurcated documents. He testified to his understanding of a sentence containing punishment – which he described as a term of years, incarceration, probation, and the restitution and fines that attach to any particular crime. He testified to a judgment in Miami-Dade often carrying a memorandum of costs, which are court costs, and that fees may also attach to it. He testified to his understanding of a term of years being indeterminate because the offender may be ordered to two years of probation, but may qualify for early termination. He testified further that probation may be extended if the window of the underlying felony allows for it based on a violation. He testified to his belief that it is impossible to ascertain what total fees might ultimately be. Senator Pizzo testified that it was his experience personally that a court will reserve at times on the amount of restitution until finite or definite figures are available. Senator Pizzo testified that as such, restitution is not always ordered at the same time that an offender pleads guilty or is found guilty at trial.

Senator Pizzo testified that an overwhelming majority of not only his own cases that he prosecuted, but those included in an audit that he had conducted involving the twenty judicial circuits, are closed by way of plea rather than by trial.

Senator Pizzo testified that Miami-Dade County is in the largest judicial circuit – with potentially 158,000 returning citizens. Senator Pizzo opined that if someone is able to enjoy a plan or procedure that is taking place in Miami-Dade County, consideration should be given to individuals in other locations such as Palm Beach or Broward Counties.

Senator Pizzo testified that he has volunteered pro bono to help anyone that wants to be able to register to vote, and that utilizing booths at various events, as well as Facebook and other social media postings are sensible means to share information. He testified that he has questions and concerns about the voter registration form. He noted that he understands the form is proceeding through rulemaking, but he believes there remains confusion about the ability to use the old form. Senator Pizzo shared community concern that checking off the third box in the felony section of the form

initiates some sort of investigation. He stated that he is unsure whether it pulls the application to the side for further investigation as to whether someone does or does not qualify for registration.

Senator Pizzo noted that after the effective date for Amendment 4 on January 8th, 2019, many people registered. He inquired as to whether there would be retroactive removal, including of those convicted of a disqualifying sexual offense defined by Senate Bill 7066. Senator Pizzo noted his concern that state attorneys take a position not to prosecute anyone who registered on or after January 8, 2019, and before July 1, 2019, who may have made an erroneous determination of eligibility.

Senator Pizzo noted that there were 93,000 new voter registration applications in Miami-Dade between January 7, and July 1, 2018. He stated that in 2019, there were approximately 73,000 during that time. Senator Pizzo acknowledged that 2018 was a general election year, but expressed concern about the lower number in 2019.

Senator Pizzo testified that 10% of all outstanding felony cases have some form of restitution. He testified that it is well-settled that restitution must be paid. He testified that the interpretation in Miami-Dade is that the judgment and sentence must be bifurcated and that accordingly, the memorandum of costs and fees in the judgment, for purposes of voting, do not have to be paid. He testified that Miami-Dade is not waiving the costs, however, for all other purposes and the costs are still owed by the offender.

Senator Pizzo testified that the Miami-Dade plan also speaks to fines which are by statute. He stated that only the state attorney can waive fines. He testified that Miami-Dade County provides that if the offender is on a payment plan with good faith payment toward same, that individual should be allowed to go ahead and register to vote. He testified that all restitution has to be paid. Senator Pizzo testified that some other circuits collapse the judgment and sentence into one. He believes this creates concern about having a statewide uniform standard.

He testified that someone in Miami-Dade County may have to pay less to restore voting rights than in other circuits.

Senator Pizzo testified that a prior draft of Senate Bill 7066 or a related bill included a registry. He believes it is more difficult for an individual to determine his or her payment status if there is not a centralized database because the individual may need to check out-of-state sources, for example to determine whether legal financial obligations for an out-of-state conviction had been paid.

Senator Pizzo spoke to the Department of Corrections' (DOC) statutory obligation to inform offenders upon release about restoration of rights. Senator Pizzo opined that 30 released individuals may be going to 30 different counties and posed a question as to what information DOC will be providing to those individuals – whether it would be uniform or county specific.

In closing of his initial remarks, Senator Pizzo raised the topic of whether a court order finding satisfaction for purposes of voting will be accepted. He opined that the removal of the initial registry section of the legislation was a disservice because agencies should be able to share information. He additionally raised his concerns over federal courts potentially not following Florida law on an individual's application for waiver or conversion of legal financial obligations.

### **Representative James "J.W." Grant**

Representative Grant testified that his presentation would discuss: 1) the statutory waiver process; and 2) ways to solve some of the challenges that have been presented by Amendment 4 and its implementing legislation.

Representative Grant testified that every bit of authority necessary to implement a circuit specific waiver process exists in the legislation. Representative Grant represented that one of the things contemplated during the legislative process was whether they would write into the statute a very specific process that mandated perhaps the chief judge's responsibility, the state attorney's responsibility, the clerk of court's responsibility, and so forth. He testified that in understanding that the circuits work very differently, it was important to the legislators, at least in the initial roll-out, that the legislation maintain the flexibility for local jurisdictions to do their work. Representative Grant testified that he had yet to hear a single issue that there is a lack of authority for local stakeholders – the clerks of court, the state attorneys, the chief judges, and others – to come together and put in place a process that is both transparent and efficient when it comes to the remedies provided by Senate Bill 7066.

Representative Grant testified that lost in the commentary by some elected officials at the local level, and just touched upon by Senator Pizzo, is respecting the waiver provided by statute. Representative Grant stated that the legislation is not ambiguous. It is explicit. The waiver process requires the termination of the financial obligation. If there are entities in the state who believe they can waive for the purpose of voting rights and simultaneously still pursue that obligation, he believes those entities are in very clear and explicit violation of the legislation that was passed.

Representative Grant highlighted why they did not include civil conversion as being a waiver in and of itself. He testified that putting a waiver in place that would eliminate financial responsibility in full was intended to be the most compassionate process to earn the right to vote while simultaneously no longer owing financial obligations. He testified that he finds it very disingenuous for some entities in the state to suggest that they can look right and say someone no longer owes the money for purposes of voting and then look left and try to chase the money down. That is why the termination of obligation exists in the statute. Representative Grant testified that the authority and ability is in place to waive legal financial obligations, including a civil lien. By contrast, conversion to a civil lien in and of itself, does not remove the financial obligation needed to be satisfied. Representative Grant reiterated that through the waiver process, an individual would not only obtain the ability to vote, but would also get his or her financial obligations terminated. Representative Grant emphasized that if entities or jurisdictions continue to look right and forego obligations for purposes of restoration of voting rights, and then look left and try to chase the money down, they are not following the language of the law and significant challenges are presented.

Representative Grant testified to the immunity from prosecution for registrations between January 8, 2019, and July 1, 2019, set forth in statute. Representative Grant also testified that it was important that exclusionary offenses in one circuit be the same as in every other circuit.

In summing up the statutory waiver process, and to make sure the intent and effecting language was clear, Representative Grant testified that legislators wanted: 1) a process that actually lifted the financial obligation off the citizen; 2) consistency of the strike zone such that the exact same offenses would be treated the same from county to county; and 3) the ability to document the outcome for all stakeholders involved in the process. Consistency of the strike zone was of critical importance. That said, they wanted the flexibility in each circuit to apply it in a process that makes the most sense for that circuit. He explained, for example, that a chief judge and a clerk could get together and determine a standard pleading that a returning citizen would use to seek waiver, or that the forum of a docket for such purposes could be designed similar to a veterans' treatment court or drug court in order to have a quick and equitable review of a process that is really an alternative to clemency.

Representative Grant reiterated that he had yet to hear from a single constitutional officer in the state of Florida who believes the legislation passed in Senate Bill 7066 in any way limits the authority such officers need to institute the waiver process and properly apply the law. Representative Grant stated that at the point that somebody

can highlight any necessary authority to implement the process, legislators would certainly be all ears.

Moving from the waiver process to addressing solutions for workflow challenges, Representative Grant noted that the prior question simply asked, “Are you a convicted felon?” He testified that now the process is additionally complicated because of the numerous stakeholders brought to the table that were not necessarily at the table in the prior workflow. Thus, instead of the old workflow simply asking, “Are you a convicted felon?”, and, if the answer was, “Yes,” the individual was barred from voting, now we have a workflow that asks in some sequence: “Are you a convicted felon?”, “Were you convicted of an exclusionary offense?”, “What were the terms of your sentence?”, and “Have you completed all terms of your sentence?”

Representative Grant testified that this is not a unique problem to voting restoration. However, he believes Florida has not yet effectively handled full-scale data governance. Representative Grant stated that instead, Florida has continued to spend money on centralized databases inside of silos. He testified that the State of Florida is a large enterprise that does about 90 billion dollars in revenue per year, but there are 57 different agencies all operating in different silos, and all picking their own software vendors as well as their own standards and terminologies.

Representative Grant testified that when presented with a challenge like Amendment 4, we must wrestle with the fact that Florida has never done any of the underlying work to make it really simple and efficient such that all stakeholders can ask a question of any other stakeholder(s) involved and the sources of truth are readily designated.

Representative Grant’s recommendation to the Work Group and to the Florida Legislature in confronting different challenges is to first ask ourselves, “Do we know who the individual is?” That doesn’t necessarily require any personally identifiable information. Representative Grant testified that after an individual is identified, there is a need to identify who the sources of truth are. Representative Grant stated that the goal is in moving through a list of workflow questions, in order to get to a point where we can reliably say to someone who is attempting to get their rights restored, that they can register to vote and have no fear of any outstanding obligations, nor a “gotcha” of retroactivity. To be able to tell that individual with confidence that they have completed all terms of their sentence, and alert all stakeholders involved of the information in place.

Representative Grant testified that some of the aforementioned workflow may deal with sharing specific data, while some may be a simple query. He gave an example



where Stakeholder “A” wants to query all stakeholders of whether someone has been convicted of a disqualifying offense, and in that example, there needs to be that sharing between all stakeholders. Representative Grant testified that he would strongly caution against centralizing data because it is a recipe for numerous problems and would take much longer to complete. Instead, he would strongly recommend development of APIs inside of each stakeholder group such that those APIs become the translation layer.

Representative Grant provided an analogy when speaking of APIs as being akin to an invitation of guests to one’s home for a dinner party. Social constructs would allow guests into some locations in the home. A centralized database is tantamount to a construct that if a guest is given a key to the front door then the guest can go anywhere in the house. Representative Grant likened an API, on the other hand, as tantamount to giving the guest a key to a limited area of the house. He opined that there is a tendency of agencies to be hesitant giving a key to data because the agency does not want to let the recipient into the agency’s entire house. He opined that such full key access is not necessary if other alternatives are explored.

Representative Grant testified that he is enthusiastic and believes that the administration is very receptive to pursuing robust data governance policies this year. This will facilitate new ways to share data safely between entities inside and outside government.

Representative Grant testified that when he says the challenges presented in the voting context are not unique, it perhaps highlights the data sharing issue more than at any other time in the past decade. Representative Grant provided an example of where data sharing is needed in another context – child welfare. He testified that the State of Florida on numerous occasions has put a registered sex offender and a child together and it happens because different databases are not shared. The same address may be provided for different people – one of whom is a sex offender – but the data check for the other individual assuming care of the child does not necessarily pull the sex offender listed at the same address from another government database. Representative Grant opined that this is indicative of the general challenges on the data governance front.

Representative Grant believes that if we can collectively go through that exercise of: A) “Can I identify who the individual is?”; B) “Who are the sources of truth for each of the questions involved in the workflow?”; and C) simultaneously or subsequently, “How do I alert every other stakeholder to the reliable answer from the source of truth?” then we can collectively get to where the initial legislation had things going. He stated that a working draft of the legislation had provisions that by 2022, a supervisor of elections had to be able to, in real time, notify an applicant whether or not they were eligible to

vote, and if not, where the problems remained in the terms of the sentence. Representative Grant testified that obviously the problems with delayed implementation and why supervisors of elections cannot possibly be expected to give that answer today is because of technological infrastructure.

Representative Grant testified that the goal is to set in place a deadline to collaboratively work together to be able to give a voter or prospective voter a reliable answer about eligibility or how to clear up obligations to create eligibility. He stated that this is where legislators were trying to drive the legislation and he believes we will see them do some significant work this year on the data governance side in order to equip each of the stakeholders involved with the tools necessary to go through the process of identifying, answering from a source of truth perspective, and then notifying all stakeholders.

### **Florida Department of Corrections (DOC)**

#### **Bureau Chief Michelle Palmer**

Bureau Chief Michelle Palmer testified that DOC's role in voter registration is to educate and inform inmates regarding voter restoration rights and to provide a financial obligation summary at the time of release.

Bureau Chief Palmer discussed DOC'S current process of fulfilling those roles for inmates who are incarcerated, and those who are being released. Bureau Chief Palmer testified that forms, examples of which were provided in materials given to Work Group members, have been created that are uniform throughout the state and are provided to all inmates successfully terminating supervision. Bureau Chief Palmer testified that beginning July 1, 2019, DOC began educating and informing all offenders regarding their restoration rights as well as providing a financial obligation summary at the time of release.

Bureau Chief Palmer testified that as DOC's process has evolved, they have enhanced trainings to include additional information during inmate orientation. As such, inmates receive the information when first received into DOC custody. In addition, they have added the information to the Conference 100, which is a program that starts about 18 months prior to an inmate's release, so the inmate is hearing that information again. At the time of release, an inmate is again provided the same consistent and uniform information.

Bureau Chief Palmer testified that as well as providing that training to inmates, they have also added staff training. New classification and release officers are also receiving

the information so they can better answer questions the inmate may have while he or she is in custody.

Bureau Chief Palmer testified that at the time of release, DOC is providing that same information about restoration, along with a copy of any outstanding financial obligations that the offender may have. Bureau Chief Palmer stated that as part of process, DOC reviews all sentencing orders that are available. They also review the Clerks of Courts' Comprehensive Case Information System (CCIS). She stated that DOC compares that information to see if there are any discrepancies between DOC's information and CCIS information. DOC communicates with the Clerk directly to ensure any discrepancies are resolved. If found, DOC tries to resolve the discrepancies prior to an inmate being released. Bureau Chief Palmer testified that the end result is that when the inmate is released, DOC provides an outstanding financial obligations summary. This includes the original financial obligation, any known payments, and the outstanding balance at the time of release. Bureau Chief Palmer noted that the outstanding balance only encompasses those cases for which the offender is currently incarcerated. Bureau Chief Palmer testified that if an inmate is being released from incarceration into supervision, the financial obligation summary is not provided at the time of release from incarceration, but rather, will be provided once the offender successfully completes probation or other supervision.

#### **Joe Winkler, Assistant Secretary of Community Corrections**

Joe Winkler, the Assistant Secretary of Community Corrections for DOC testified as to the processes DOC has for those under supervision. He testified that each year over 80,000 offenders terminate supervision, although the numbers are a little deceiving because some terminations may be a result of revocation of probation and the offender is then sentenced to prison or county jail. Others may be sentenced to a subsequent term of supervision or pretrial intervention. Assistant Secretary Winkler testified that nonetheless, DOC is still responsible for notifying approximately 60,000 offenders each year of their financial obligations upon release. He noted that successful project implementation is paramount.

Assistant Secretary Winkler testified that DOC's primary responsibility is to educate. DOC made modifications to a prior process used. For offenders terminating supervision prior to July 1, 2019, DOC gave a termination letter outlining the way in which the offender could seek to get his or her civil rights restored. Assistant Secretary Winkler testified that after July 1, 2019, DOC modified that form to include the voting rights process. The updated termination supervision letter is now provided to offenders upon termination of supervision

Assistant Secretary Winkler noted that the second part of the process is still evolving. He testified that DOC is undertaking a pilot program with 4 of Florida's judicial circuits (the 2nd (Tallahassee); 4th (Jacksonville); 5th (Tavares); and 20th (Sarasota) circuits). He testified that DOC is going to target offenders who are within 30 – 60 days of their termination date and give them an opportunity to attend a class at a probation office to further educate the offenders about the voting restoration process. This will include a quality video, made in consultation with the Florida Commission on Offender Review (FCOR) and supervisors of elections, containing information about the process and frequently asked questions. Assistant Secretary Winkler testified that they will also answer questions from offenders in attendance. These will include general questions about the restoration process and specific questions the offenders may have about their particular cases. The video will contain a consistent message applicable to all counties. Assistant Secretary Winkler noted that DOC also plans to invite people from the supervisors of elections offices to office to help answer some of those questions.

Assistant Secretary Winkler noted that in addition to the education component, DOC has a statutory responsibility to notify offenders in writing of their outstanding terms of supervision. This is a continuous process. He stated that the role of a probation officer is to communicate with the offender about responsibilities of compliance and monitoring. Each time the offender reports, the probation officer goes over standard and special conditions of probation imposed by the sentencing authority. If done consistently during supervision, prior to termination, the offender will know what the outstanding terms are. When an offender terminates supervision, DOC is also going to provide the closing summary. The summary outlines the conditions that the offender had while on supervision. It shows the conditions outstanding, as well as those completed. Also, whenever the offender terminates supervision, DOC is going to provide the documents to the clerk of court in the sentencing county, the releasing county, and FCOR.

Assistant Secretary Winkler testified that any time a new process is implemented, there are associated challenges. In DOC, the challenges stem from the older database, the nature of restitution, and court costs. Assistant Secretary Winkler testified that the database, known as the Offender Based Information System (OBIS), was created in 1993, and is antiquated. It was also designed as an internal database. It was never designed to see if somebody was able to have their voting rights restored. Regarding restitution, Assistant Secretary Winkler testified that if the offenders pays through DOC while on supervision, DOC sends to the victim and records it in OBIS. However, DOC no longer collects outstanding restitution after termination of supervision. The same is true for court costs. DOC collects and sends payments. However, the clerks of court maintain the accounts receivable. DOC's accounting of court costs remaining in a given case may

be different from what a clerk of court has. The discrepancies may stem from the large volume of offenders placed on supervision each year and number of clerks throughout the state. Assistant Secretary Winkler testified that when they had inconsistencies in the probation office, they told staff to go ahead and try to reach out to the clerk and help resolve those discrepancies. The clerks of court are record keepers for those court costs and fees.

Assistant Secretary Winkler testified that moving forward, there are three primary areas DOC is working on. The first is communication. He testified that even before July 1, 2019, DOC started having meetings within DOC and with other entities in this room such as FCOR, the Florida Department of Law Enforcement (FDLE), and the Department of State (DOS). He testified that the goal of the meetings was to try and get a seamless process in place to not have the discrepancies.

Assistant Secretary Winkler testified that the second area of focus is internal. They have stressed the importance with leadership throughout DOC in making sure the databases are accurate. He testified that whenever DOC does the initial intake of an offender, they want to make sure the responsibilities and obligations of the sentence are inputted properly and upon release as well. He testified that the goal is to work hard on the front end so that whatever comes to FCOR and DOS on the back end, that those entities have the most accurate information possible.

Assistant Secretary Winkler testified that the third area of focus is moving toward a uniform source of collection for monetary obligations. He opined that if all stakeholders want to have a seamless process in place, it may be beneficial to look at a uniform source of collection for those monetary obligations.

In response to an inquiry from the Work Group, Assistant Secretary Winkler confirmed that the financial summary information provided to offenders upon release had some limitation in that it would only relate to the term of incarceration and/or supervision being completed. When asked as to what his vision of a uniform source of collection might entail, Assistant Secretary Winkler responded that he would defer to the Work Group on that point, but that he would like to get DOC's database out of it, as it was not designed for that process.

## **Clerks of Circuit Courts and Comptrollers**

### **Honorable Ken Burke, CPA – Clerk of the Circuit Court and Comptroller for Pinellas County**

The Honorable Ken Burke, CPA, Clerk of the Circuit Court and Comptroller for Pinellas County introduced himself and two colleagues as presenting as a group, on behalf of all 67 Court Clerks. Those colleagues were the Honorable Karen Rushing, Clerk of the Circuit Court and County Comptroller for Sarasota County, and Melvin Cox, Director of Information Technology for the Florida Association of Court Clerks. Clerk Burke advised that he would be discussing the Clerk's duties as they relate to court records. Clerk Rushing would be describing records in the Clerks' case maintenance systems. And Director Cox would be discussing the Comprehensive Case Information System (CCIS). Clerk Burke advised that they had been collectively charged with answering 3 questions: 1) Does the necessary information exist?; 2) Where does it reside?; and 3) How can it be relied on in light of Constitutional Amendment 4?

Clerk Burke began by discussing a background of a clerk's duties. Clerk Burke testified that clerks of court have a wide range of record-keeping functions. They are also responsible for information management and financial management for both the judicial system and county government. Clerk Burke testified that each clerk is vested with a large amount of administrative and ministerial duties. Putting all those duties together – there are 926 different constitutional or statutorily mandated functions for clerks to follow. Clerk Burke testified that the clerks of courts' duties continue to change through legislation and court rules. He testified that the clerks of courts have been closely monitoring the implementation of Amendment 4. They also provided information and testimony to the Florida House and Senate related to the Amendment.

Clerk Burke testified that clerks do not determine voter eligibility. He stated that he recognizes that as the custodians of important data and information, they can assist with implementation. He testified that public records are accessible to the full extent that technology, court rules, statutes, and resources allow. He testified that most clerks throughout the state of Florida provide records on the internet through the individual clerks' websites. For some records such as family law or probate cases, a viewer has to be a registered user. Clerk Burke testified that criminal records by and large are open to the public. Certain information is redacted according to statutory requirements and court rules.

Clerk Burke testified that clerks regularly provide information on fines and fees assessed to individuals. He testified that records are available in three primary forms: paper (for

older records); electronic documents (current records); and through data which is available on a local level and statewide basis in CCIS. He testified that most cases from the year 2000, and in some cases even earlier, have records on court fines and fees in an easily accessible digitized way. Clerk Burke noted that prior records related to prior offenses not related to an offender's instant term of supervision in DOC, and thus not contained in the financial obligation summary being provided upon release by DOC, will be contained in clerk records and CCIS.

Clerk Burke next discussed establishing restitution amounts. He testified that it is common for restitution to be paid outside of the clerk's collection system. He testified that in most cases, such as those involving substantial property damage or embezzlement, it is ordered to be paid directly to the victim. Clerk Burke testified that in those cases, the clerk not have a record of that payment or schedule of payment. The clerk would have a record of the sentence, but not any payment unless ordered to be paid through the clerk's office. Payment of restitution to the clerk's office is the minority of cases. Thus, there are cases where clerk records may show an outstanding balance of restitution even though it may have been paid. Clerk Burke testified that in addition, a clerk cannot track non-monetary conditions of a sentence. A sentence could include different elements in addition to incarceration and monetary items. Such elements could be undergoing drug testing, staying employed, attending school, or staying away from the victim. Clerk Burke stated that a clerk has no way of monitoring these instructions. Clerk Burke stated that the while the clerk reports a sentence as ordered by the court, the clerk is not responsible for enforcement. The clerk is responsible for monetary collection.

Clerk Burke concluded by noting that in Pinellas County, the judge reads all terms of the sentence into the record in the courtroom. Clerk Burke provided an example of a standard judgment and sentence in Pinellas County, noting that it is all contained in the same paperwork.

He pointed out that fines and fees are embedded right into a sentence the same as incarceration terms.

**Honorable Karen Rushing – Clerk of the Circuit Court and County Comptroller for Sarasota County**

Transitioning from Clerk Burke's presentation, the Honorable Karen Rushing, Clerk of the Circuit Court and County Comptroller for Sarasota County, testified that the form that was shown by Clerk Burke is a form that is prescribed in rule book for sentencing. She noted that there are various standard forms and that is one of them.

Clerk Rushing testified that pursuant to Florida Rule of Judicial Administration 2.430, clerks are required to keep felony convictions for 75 years. She testified that judgments and sentences are also included in the official records in most instances. Clerk Rushing testified that each county has a Case Maintenance System (CMS) containing large amounts of information. She testified that although older records might be in paper form – microfilm, microfiche, or historic databases that may or may not have been converted into the new database – all the records are nevertheless all available to those who ask for information regarding the records.

Clerk Rushing pulled up and testified to a slide showing functions of CMS. Such functions include case initiation and indexing. Rules and statutes require clerks to docket (index) documents and actions taken by the clerk. Clerk Rushing testified that when someone looks at a docket, he or she sees all documents that have been filed and any action that the court may have taken – issuance of a warrant or summons, etc. CMS allows a user to search an individual by name and other pertinent data (demographics). The demographic information helps determine whether the individual located is the one sought.

Clerk Rushing testified how a docket is notated in date order so a viewer can see chronological events. Each disposition captures data elements for reporting purposes. Clerks report to many agencies, including FDLE. Reports contain information as to an individual and charges. Clerk Rushing discussed how when a case is set up on an individual, there may be multiple charges and multiple counts.

Clerk Rushing testified that clerks also have receiving capability. Clerks monitor collection of fines and court costs. The record will also contain references about other fees. Clerk Rushing testified that if a fee is not ordered payable to the clerk, the clerk may not know if the fee has been paid, or paid fully.

In response to a question from the Work Group, Clerk Rushing confirmed that the clerk's accounting system would account for fines and costs, but not necessarily as to fees and restitution. If those are ordered to be paid to the clerk, the clerk would account for them. Often, however, restitution is ordered paid directly to the victim. Clerk Rushing noted this is often seen with commercial institutions as the victim, in particular. Clerk Rushing stated that fees, such as those owed to the public defender or state attorney, are paid to the clerk and then disbursed to those entities. In those instances, the clerk would have an accounting. Clerk Rushing testified that if a judge ordered that restitution be paid to the clerk, the clerk would track the financial restitution obligations as well.



Clerk Rushing testified that CMS must satisfy the state's reporting requirements, but also what the court needs to know in order to move cases along. Clerk Rushing testified that clerks are working closely with DOC in addressing any anomalies in the system.

**Melvin Cox, Director of Information Technology for the Florida Association of Court Clerks and Comptrollers**

Melvin Cox, Director of Information Technology for the Florida Association of Court Clerks and Comptrollers, testified regarding CCIS, a system that all clerks participate in. Director Cox testified that CCIS utilizes standards throughout the state such as case types designated by the Florida Supreme Court. Director Cox testified that the real purpose of CCIS is to create a statewide repository and access to court data that exists in the local CMS systems. CCIS provides statewide access in a secure portal. He testified that it provides real time access by APIs and interfaces from each local CMS to CCIS. He testified there is secured access and a method to share data with a number of governmental agencies (local, state, and national).

Director Cox testified that CCIS is a mature system established in 2002. Clerks recognized the need for a centralized system. Director Cox testified that it has grown over time and has been enhanced, such as when it was enhanced to provide real time access to the information. Director Cox testified that a user can log on, search by case number or an individual's name, and find the cases he or she is looking for. It also provides, where available, access to document images or any information associated with that case.

Director Cox testified to a number of providers in the flow of data. These providers include local state law enforcement, state attorney's offices, the Department of Juvenile Justice, and others. Director Cox testified that clerks maintain the records locally in CMS. Each CMS then has real time interface with the CCIS portal. When a user logs into the CCIS portal, the user can access the information on a statewide basis.

Director Cox testified that the data available in CCIS covers all information regarding a case such as parties, the case number information on progress dockets, document images, sentencing information, and financial assessments and collections that are logged on that particular case. Director Cox testified that the scope of electronic information available in Florida is very large. He testified that CCIS currently contains 147 million cases and over 447 million searchable names. Information increases daily as information is added to the system.

Director Cox testified that after around the year 2000, most of the cases are available electronically. He testified that starting around 2010, document images are available for

most cases. It was then that it became common to not only capture the information on the case, but the images associated with the case. The data and images are sourced in real time from each local system. One of the concepts of CCIS is to source the information as closely to the original source as possible. He stated that is why the information is pulled directly from CMS. Director Cox testified that older cases are not available through the local CMS systems or CCIS.

Director Cox testified that CCIS has a large user base, with almost 40,000 current active users. He stated that access is restricted to federal, state, and local agencies, and each agency is assigned a security level based upon the agency's ability to access court records. He testified that CCIS is widely used throughout the state, especially by those agencies that need to access information on a statewide basis.

In response to an inquiry from the Work Group, Director Cox confirmed that the general public does not have access to CCIS. Thus, an individual with a criminal history attempting to ascertain or get documents pertaining to convictions or obligations could not access CCIS.

**Honorable Ken Burke, CPA – Clerk of the Circuit Court and Comptroller for Pinellas County (follow-up)**

Clerk Burke shared, building upon the discussion of the public not having direct access to CCIS, that clerks are working on a uniform form, in conjunction with DOC, such that if an individual walks into a clerk's office, the clerk would be able to access CCIS information for the individual and assist the individual with ascertaining financial obligations. Clerk Burke gave the example that if an individual had a felony in one county and walked into another county clerk's office, the clerk in the office could locate the necessary information in CCIS, provide the individual with a uniform form, and be able to advise the individual of outstanding amounts. Clerk Burke noted that the amounts still may not include restitution. Clerk Burke noted that they would also provide contact information for the other clerks.

Clerk Burke also shared that a concept is in discussion and anticipated development creating a statewide payment system. The system would accept credit card payments for outstanding obligations even though amounts are due to other counties. Clerk Burke testified that Director Cox is helping to establish that system on a statewide system to be able to help citizens walking into any clerk's office satisfy payment obligations statewide. In response to a follow-up question, Clerk Burke confirmed that the system is not yet in place where the citizen could obtain information from one clerk about all counties, but that the clerks are continuing to work on best practices and that is the

objective. Clerk Burke testified that the clerks will be approving a form at their next conference that will be able to be used in every county. There would be no cost to a citizen for obtaining this type of information.

**Honorable Karen Rushing – Clerk of the Circuit Court and County Comptroller for Sarasota County (follow-up)**

Clerk Rushing, in response to follow-up discussions and inquiry, advised that clerks could certainly view whenever restitution had been imposed and communicate that to an individual. The clerk would then do their best to connect the individual with whomever might be able to share records, such as the probation department. The clerk could also see if the restitution was ordered payable to the victim.

In response to a request from the Work Group to share a bit more about what types of fees exist and what happens to them in terms of payment, Clerk Rushing testified that in her experience, she sees fines, costs, and fees as somewhat of a catchall. She refers to specific statutory language that is payable to the clerk as a clerk fee and that usually is a part of the court costs. Clerk Rushing testified that she does not believe there to be any hidden fees that nobody knows about. Clerk Rushing stated that there are either fines, a statutory cost that is set out, or state attorney or public defender fees. Clerk Rushing testified that she sees that word littered throughout statutes. There could also be probationary fees. Clerk Rushing testified that the clerk would likely not know if a probationary fee was collected and whether it was owed if an individual came in to the clerk's office.

**Honorable Ken Burke, CPA – Clerk of the Circuit Court and Comptroller for Pinellas County (follow-up)**

Building upon Clerk Rushing's discussion of various fees and costs, Clerk Burke testified that clerks have determined, in creating a uniform form to assist individuals, that the financial obligation owed is the that was pronounced at sentencing and nothing above that. If there is interest on judgments or collection fees allowed under Florida Statutes, those amounts would not be included on amounts owed for voting restoration purposes. Clerk Burke testified that those additional amounts may be owed by that offender, but they are not included in the sentence of the court. The clerks' form would only have on it amounts based upon what the sentence of the court was at that time.

**Honorable Karen Rushing – Clerk of the Circuit Court and County Comptroller for Sarasota County (follow-up)**

A Work Group member inquired as to whether if someone had paid restitution, what notice of satisfaction or other document would they file with the clerk? Clerk Rushing testified that typically a clerk does not decline to file any document that an individual is trying to file in their file, so if an individual came with a receipt from the victim, for example, the clerk would file it.

**Public Comment**

**Mark Schlakman, J.D., Florida State University**

Mr. Schlakman commented that he spoke at the first Restoration of Voting Rights Work Group meeting and Senator Pizzo's remarks earlier prompted him to return. Mr. Schlakman believes January 8, 2019 – June 30, 2019, is a window that could relate to many interesting dynamics. Mr. Schlakman commented that he believes it would be an ex post facto issue if anyone that registered during that time were removed from the voter rolls. Mr. Schlakman believes the legislation was silent as to those issues, and wished to again bring it to the Work Group's attention.

**Cecile Scoon, First Vice President - League of Women Voters of Florida and Action Chair of Restoration of Rights**

Ms. Scoon commented regarding possible filing fees for those who wish to use the statutory method of going before a court for modification or waiver of financial obligations. Ms. Scoon asked that the work group consider any such fees and whether they might present obstacles.

Ms. Scoon commented that she appreciated the agencies presenting being candid – that some systems were not configured for the use presented today. Ms. Scoon commented that it appeared to her they were trying to do things but having difficulty accomplishing what needs to be accomplished and they did not provide a timeline for coming online. Ms. Scoon commented that the League of Women Voters' interest is in assisting individuals to understand if they are eligible to vote. Ms. Scoon commented that systems created 20 or 30 years ago were not intended to determine on a razor's edge whether someone actually paid something or not, and that a lot of the work she encounters is based on old time paper records.

Ms. Scoon commented that she thinks an access point in the clerk's office where someone can go and learn about all their cases is good, but that it is a projected plan

with no time given and people are burdened and wanting to vote today. Ms. Scoon commented that gathering of information with the agency is only as good as the individual clerk's information. Ms. Scoon commented that clerks have no records of restitution and that restitution could have been paid to an individual who died or moved away. Ms. Scoon commented that she would ask the Work Group to consider issuing a statement for all state attorneys to take account of – that if someone has made a good faith effort to determine and pay financial obligations, they should have no fear of prosecution.

### **Commissioner Bob Ratliff, Big Bend Voting Rights Project**

Former Leon County Commissioner Bob Ratliff commented that the Big Bend Voting Rights project is a group of volunteers working on registering voters. He commented that the group began January 8, 2019, with an emphasis on identifying and registering ex-felons who have completed their sentence. He commented that based on experiences of hundreds of returning citizens, almost all marginalized and know nothing about Amendment 4. Commissioner Ratliff testified that these individuals by and large do not read the newspaper, watch the news on television, nor do they go to church. He commented that they live in the shadows of society.

Commissioner Ratliff commented that these individuals are still citizens and that the right to vote for citizens is one of the most precious rights. Commissioner Ratliff commented that he wants to urge upon the Work Group to be very careful in whatever kind of screening, verifying, or data systems are recommended because the systems need to be fault-free. Commissioner Ratliff commented that he believes otherwise, it violates the right of citizens to vote.

Commissioner Ratliff commented that having served as a County Commissioner for 12 years, he is keenly aware of how local governments work and what kind of constraints exist because of staffing, resources, and data systems. He commented that the Commission during his time fully funded the Leon County Clerk of Court. Commissioner Ratliff commented that he is still trying to figure out how it everything is going to work. Commissioner Ratliff commented as to the following questions remaining for him personally – When somebody gets notice that they can't vote - how does that person go about challenging it? How does the individual know if the information relied upon is accurate? Who helps him or her? Commissioner Ratliff concluded his remarks by commenting that returning citizens deserve every bit of respect as every other citizen in the state.

## Senator Jason Pizzo

Senator Pizzo returned to speak during the public comment period. Senator Pizzo commented that the only thing everyone can agree on, is that restitution has to be paid. Senator Pizzo commented that restitution is the one thing that jumps out in that the clerk's office – that has the most comprehensive of databases – does not track that. Senator Pizzo commented that this is a huge concern to him because wherever an individual goes in the 20 circuits, restitution must be paid. Senator Pizzo commented that a lot of the victims in his criminal prosecutions were elderly individuals fleeced out of savings by a caretaker. Senator Pizzo commented that he made certain to provide for restitution payable to the victim or the victim's estate, but he believes Many restitution orders do not provide for payment to the estate. Senator Pizzo commented that presumably, there could be millions of dollars in restitution where the victims have died or a commercial entity victim has closed.

Senator Pizzo commented that he is cautiously optimistic that a clerk's centralized database will be able to help individuals find out about financial obligations. Senator Pizzo commented that like his colleague, Representative Grant, he is also leery of centralized databases in practice – mainly because victim information is too readily available and he fought against that in practice. Senator Pizzo commented that what he meant to suggest was a centralized repository or administration for of all this.

Senator Pizzo commented that courts locally in Miami-Dade plan to have a separate judge in a separate courtroom just handling these waiver cases. Otherwise, it could impose a substantial labor-intensive practice upon regular court dockets. Senator Pizzo commented that the Sixth Judicial Circuit's judgment and sentenced shown by Clerk Burke looks nothing like the Miami-Dade judgment and sentence. Senator Pizzo commented that the difference creates a per se inequity where there is going to be separate treatment of individuals. Senator Pizzo commented that this has to be reconciled soon. He commented to the Work Group that they have a captive audience with a representative and a senator that can draft legislation.

Senator Pizzo commented that a number of clerks entered into agreements with collection agencies years ago. Senator Pizzo commented that the process for waiver of financial obligations may run afoul of contractual obligations with third-party companies.

Senator Pizzo commented that he believes nobody is paying anything to go reopen a case and that the legislation provides for a narrow scope under Amendment 4 where a court can modify a criminal sentence.

Senator Pizzo commented that in addition to geography and local practice, he believes inequity also arises from the varying fee schedules over the decades.

**Neil Volz, Florida Rights Restoration Commission**

Neil Volz with the Florida Rights Restoration Commission, commented that he is a returning citizen. He commented that he wished to say, "Thank you." He commented that at the end of the day, the heartbeat of this conversation involves people all across the state. He commented that on January 8, 2019, he, along with other returning citizens, got to go down to the local supervisor of elections office, wave flags, and begin to feel like returning citizens. He commented that as an organization, they are operating under the law. Mr. Volz commented that he believes when people participate in society, there is less crime, and lives change. Mr. Volz commented that from their perspective, an organization that worked 7 or 8 years to get the amendment on the ballot, they look forward to working 7 or 8 more with people here to implement this in a healthy way. A way that makes our state a beacon for other states to look at. Mr. Volz commented that we are all in it together now and he is honored to participate. Mr. Volz commented that at the heart of this entire operation are friends and family members. Mr. Volz commented that the returning citizen community would love to be a positive member of this as it continues to play out.

## **6.E. SUMMARY OF PRESENTATIONS AND PUBLIC COMMENTS**

### **August 19, 2019, Meeting**

The August 19, 2019, meeting of the Restoration of Voting Rights Work Group contained a presentation from the following individual:

- Division Director Maria Matthews

The following individuals spoke during public comment:

- Mark Schlakman, J.D., Florida State University

The following individuals made a written comment:

- Brandon S. Peters, Florida Democratic Party

## **STATEMENT OF FACTS**

**Director Maria Matthews testified as to the following matters:**

### **I. Voter Registration Application**

- The Florida Voter Registration Application is used for new registrants, updates to voter information and/or replacement of a voter information card. See 97.052, Fla. Stat.
- The statewide voter registration application is currently under rulemaking.
- In the 2019, Legislative Session SB 7066 was passed which revised the statements on the statewide voter registration application that an applicant must affirm as to felony conviction(s). The law also defined terms in the voting rights restoration amendment in s. 4, Art. VI of the State Constitution.

### **II. Current Registration Processing (by reference to Voter Registration Workflow chart – See Attachment A)**

*{attachment omitted from this WebEx}*

- Paper voter registration applications are received through the mail, in person, from a Third Party Voter Registration Organization (3PVRO) or a Voter Registration Agency (VRA).
- Electronic registration information can also be received from Highway Safety Motor Vehicles (HSMV) electronic intake in person, Go Renew (online application with HSMV) or the Department of State (DOS) Online Voter Registration (OVR) system.
- Once the application is entered into the Florida Voter Registration System (FVRS) and everything is complete, the application is forwarded to HSMV for verification of the personal identifying number pursuant to See 97.053, Fla. Stat.



- If verified, the County Supervisor of Elections (SOE) office makes the final call on completing the active voter registration and the applicant becomes a registered voter.
- If an identifying number could not be verified and DOS could not make the determination, the SOE sends a notice to the voter requesting proof of verification. If the individual has not submitted proof and they go to cast a ballot they can still vote a provisional ballot but will still need to provide proof of their personal identifying number in order to have their provisional ballot counted.

### III. History of Felon Match Process prior to FVRS

- Prior to the implementation of FVRS in 2006 eligibility information was provided directly to the SOE offices.
  - o Deceased information was sent by the Department of Health (DOH).
  - o Felon and mentally incapacitated information was sent by the Clerk of the Court. Once identified the individual was removed immediately.
- There was no notice or opportunity to contest the findings of ineligibility although notice was required if someone was being removed for having listed a fictitious name, legal residence address.
- In 2005 the Florida Legislature added significant due processes to the law. The Department of State was then designated as the primary agency to identify potentially ineligible voters based on the information received from state agencies or any other credible and reliable sources.

### IV. Felon Match Process prior to Constitutional Amendment Four and 2019 Legislation

- Once a voter is registered (and only after registering), within 24 hours the voter's record is cross checked against criminal records to determine there is no disqualification due to a felony conviction. • Automated felony information comes directly to DOS daily from the Florida Department of Law Enforcement (FDLE) as automated data and the Department of Corrections (DOC) as automated matches via a web service. Federal felony (FED) information is received by fax, mail or email and is very much a manual process.
- The county Clerk of the Court (COC) may also provide felony reports along with juror change of address reports and mentally incapacitated reports. See 98.093, Fla. Stat.
  - o Some of these felony reports are also provided directly to the SOE's.

- COC records are what feeds and supplies the criminal records database.
- In the daily electronic felon match process, the data is received and several criminal case records can be associated within the match.
  - o On average there are four to five criminal records in every match. Criminal records can also match to several voters.
  - o DOS has a designated bureau that conducts a manual review process to make sure files are credible and reliable.
    - To complete the manual review process, the Bureau of Voter Registration Services (BVRs) obtains documents, verifies identify and confirms the felon documents are reflective of what the court records show.
    - The documents for this research can sometimes be found online or may require a request to the local COC to obtain the appropriate documentation.
    - A demographic review is done to confirm felon and voter are the same individual by comparing information with HSMV, DOC and the Comprehensive Case Information System (CCIS).
      - If information cannot be located BVRs reaches out to the COC to request further information. This process can take some time depending on the county and age of the case being researched. The information is not produced in a certain time frame.
    - BVRs also has access to PACER (Public Access to Court Electric Records) for FED court records and the Inmate Records Imaging System (IRIS) which is updated by DOC.
    - In researching felony conviction information [ pre-Amendment 4 and 2019 Legislation], BVRs was tasked with looking for the adjudication of guilt in a felony charge and researching any rights restoration (clemency) provided by the Florida Commission on Offender Review (FCOR).
    - If rights were restored and the individual did not have a subsequent felony conviction, then the individual remained on the voter registration rolls.
  - o Throughout the entire research process, the individual would remain on the voter registration rolls.
    - If the voter was determined to not have clemency, then the voter was deemed ineligible. The confirmed felon file was provided to the SOE

electronically in order for the due process provision See 98.075 (7), Fla. Stat. to be followed.

- The Supervisor of Elections makes the call on voter eligibility. If the individual is ineligible they are removed. If the voter is eligible they remain on the rolls. The entire process can take up to 120 days for final determination.

#### V. Felon Match Process Post Constitutional Amendment Four and 2019 Legislation (by reference to Felon Matching Workflow – See Attachment B)

*{attachment omitted from this WebEx}*

Nothing has changed in the [felony] information received by DOS to identify potentially ineligible individuals. The source information received is used to determine the demographics and adjudication.

The restoration of voting rights is what has changed. DOS BVRS will now have to determine what type of felony conviction occurred.

- o If the felony conviction is a murder or sexual offense, then the individual would have to obtain clemency in order to have their rights restored.
- o In any other felony offense, the term of sentence will need to be researched.
  - If the individual is incarcerated or under supervision, then mostly likely the terms of sentence would not be complete (if dictated in the four corners of the judgement and sentence).
  - If the individual is not incarcerated or under supervision, then research is needed to determine if the felony adjudication is on a murder or sexual offense charge as laid out in See 97.051(2)(b) and (c) Fla. Stat., where clemency is needed for voting rights restoration.
  - If no murder or sexual offense charge is located, then all terms of the sentence will need to be researched. This research will include everything that state law has identified as part of that sentence. This research would include fine, fees and restitution.
- o A completed case file would contain the following: case file review certificate, workflow that shows voter/felon match, HSMV DAVID, CCIS (including financial summary obligation) if available, court documents, other documents (arrest records), DOC screenshot and FCOR screenshot.

Nothing has changed in the SOE due process requirements. Throughout the entire felony research process, the individual remains on the rolls the entire time until a determination is made on ineligibility/removal.

#### **VI. Questions on Presentation**

Question: A Work Group member inquired on the context of the case file. Does the case file get built upon by the SOE office once received for processing?

Answer by presenter: File is complete as is. Credible and Reliable. Can call the Division with any questions. Once the SOE received information from voter it does become part of the case file. Recorded in the system as valid/invalid.

#### **VII. Public Comment**

##### **Mark Schlakman, J.D., Florida State University**

Mr. Schlakman's first minute of comment was inaudible due to the microphone being turned off. Mr. Schlakman commented, "The Legislation is silent to the window between January 8th and June 30th. regarding the context of removing voters from the rolls. Without delving into legal analysis or attempted to surmise of what the courts concluded. General observation is the concern about applying the law after the fact. Individuals could register to vote after January 8th. The legislation didn't take effect until July 1st. That is the window in which I am referring. This may have aligned with eligibility according to the express language. Hypothetically not being convicted of Murder/Sexual offense. This is a reasonable argument of attempting to remove them from the rolls July 1st forward runs into a very basic problem of application of law after the fact. Raising this issue not to attempt to resolve the issue today but to underscore that context of your work that is expansive and the work that the Division does. This issue would be helpful to take into consideration. Without guidance the 67 SOE's could take a different approach to these issues. This could lead to equal protection challengers. Without delving into other issues that the courts will be weighing in on. Just wanted to let you know this is significant within your current charge irrespective of what the courts may do unless they strike the amendment altogether".

#### **VIII. Written Comment**

Brandon S. Peters, Florida Democratic Party

*{attachment omitted from this WebEx}*

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Thursday, October 24, 2019 9:45 AM  
**To:** Angel Colonneso; Angela Vick; Barbara Owsianka; Burgess, Bill; Butterfield, Stacy; Carolyn Timmann; Doris Maitland; Fred Baggett (baggett@gtlaw.com); Geist, Melissa (Melissa.Geist@myorangeclerk.com); Jared.Brooks (Jared.Brooks@MyOrangeClerk.com); JD Peacock II; Jean A. Sperbeck; Karen Rushing (krushing@scgov.net); Kathy Davis (KDavis@citrusclerk.org); Kelli Leighton; Kimberly Renspie (krenspie@flclerks.com); Laura Roth (laura@clerk.org); Linda Doggett; Matt Whyte (Matt.Whyte@ManateeClerk.com); Melvin Cox (cox@flclerks.com); Pattavina, Diane ; Richard Herring; Savannah Sullivan (ssullivan@flclerks.com); Tamayo, Maria; Tara Green (greent@clayclerk.com); Tiffany Moore Russell (tiffany.moore russell@myorangeclerk.com); Tom Harmer; Victoria Marquart (defordv@clayclerk.com)  
**Subject:** September 30 Amendment 4 Meeting Minutes  
**Attachments:** Amendment 4 Confrence Call 9-30-2019.docx

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Attached are the minutes from the last meeting of the Amendment 4 QRT.

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
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315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
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**Amendment #4 (Restoration of Voting Rights for Felons)  
Telephone Conference/WebEx  
September 30, 2019**

The Honorable Ken Burke, CPA, Pinellas County Clerk of Court and Comptroller  
The Honorable Tara S. Green, Clay County Clerk of Court  
Bill Burgess, Pinellas County Clerk and Comptroller's Office  
Diane Pattavina, Miami-Dade Clerk's Office  
Jean Sperbeck, Esq., Alachua County Clerk and Comptroller's Office  
Matt Whyte, Esq., Manatee County Clerk and Comptroller's Office  
Tom Harmer, Martin County Clerk and Comptroller's Office  
Kimberly Renspie, FCCC  
Richard Herring, Esq., FCCC  
Melvin Cox, FCCC  
Beth Allman, FCCC

Ken opened the meeting stating that he did not think the group will need to meet again until the Voting Rights Task Force issues their report. We will be on hiatus between now and November 1. He reached out to Doug and JD who sit on the Task Force, which is meeting tomorrow in Tallahassee, for a copy of the agenda. There is no agenda yet for the meeting. He then asked if there were any questions or comments on the minutes, and there were none.

**CCIS Disclaimer (slightly revised)**

Richard Herring – we went back and looked at the disclaimer. The revised disclaimer is more broad and generic. It could be that people other than felons will be looking for information from CCIS (financial obligations form) for Civil or traffic. They cleaned up the language a little bit. With no objections the form was approved as amended. It will be sent to Melvin Cox.

**Draft Best Practice on Providing Financial Information**

- Ken – would like to talk about this at the Executive Session tomorrow.
- Jean Sperbeck – her focus has been on the form. Richard added the disclaimer on the financial obligation form. This form is intended to deal with sentencing obligations in criminal cases. It has been tweaked and simplified. Matt also made a few changes.
- Matt Whyte – Jean did most of the work. He made a few changes to specify that it relates to felony convictions.
- Tara Green – please verify if we are referring to the financial obligation summary document. Is this paid to just one county?
- Ken – no, this is the form that if someone comes in to your office but has committed a crime in another county saying they want to pay their financial obligation, you can go to CCIS and fill out the form for them with the financial obligation from CCIS. They still have to get in touch with each county where an offense occurred to verify the information. You can use this form for your own county as well as for other counties when a person has been a felon and has a financial obligation.
- Tara Green - agrees, this is assisting in providing information based on what is in CCIS, but they are responsible for verifying and satisfying what they owe in different counties in the state.

- Ken – hopes all Clerk’s offices with honor this, but they are not required to use it. When we presented it to the Task Force at the last meeting, Secretary of State Lee asked if we are doing something like this and we let her know that we are working on it.
- Matt – he doubts that Manatee and some other Clerks will do the Column F (Amounts owed to Clerks) or the total amount due at the bottom until we are confident that CCIS has current up to date information. Will let people know that this is what was due at sentencing, but to be sure to follow up with other Clerks to see what is owed.
- Ken – we need a list of the 67 counties and the best number to contact so if the Clerk does not fill out the form, the person can be given a good phone number to call to get the information they need. This list would not be attached to the Best Practice but would be helpful to Clerks. Ken asked Richard and Kim to work on this document.
- Matt – good idea, similar to what is being given to the Supervisor of Elections.
- Tara Green – make sure they understand that whatever we provided them is the best possible information we can provide, but it is their responsibility to confirm it.
- Ken – from a public perception angle, statewide we need to do this.

Ken – with no other questions or comments, this is approved to be sent to the Best Practice Committee asking for quick action. It will then be sent to the Executive Committee or Board of Directors.

#### **Update on Requests for Sentencing Documents from Counties**

- Ken - We may want to share this information with the Task Force. It is very interesting.
- Richard – received 4-5 dozen felony sentencing packages that he reviewed:
  - Courts do not rigidly follow the forms set out by the Supreme Court.
  - Financial obligations can be for any listed on the form – sentencing, judgment, ordered for court costs, fines and fees, probation, etc.
  - Some financial obligations where there is no obvious total. The person is ordered to \$1 or \$2 each month during the period of their supervision, but there is no indication of how long the supervision will last so it is hard to put a dollar amount on that.
- Ken - this is fascinating and he thinks the court would be interested in this. We may want to share this with them.
- Tara Green – yes, engage the court for buy in to something we are working on. We should take advantage of that.
- Ken – we will let them know we have examples and are getting more. They have a group working on this so they may be very appreciative of this study. He will talk to the Clerks who have not sent in their forms at the Conference.

#### **Update on Advisory Opinion to the Governor re: Implementation of Amendment 4, the Voting Restoration Amendment**

- Richard – matter of time. In the Florida Supreme Court lawsuit, there is nothing new. The Federal law suit, the plaintiffs have filed as attachments so that every word that this work group has produced (emails, agendas) is before the court. Sharing this with the Clerks is fine.
- Ken – Richard will make the decision on the timing of this.

#### **Update on the Restoration of Voting Rights Work Group**



There is nothing beyond the time and date on the agenda.

### Closing

- Ken to Richard and Kim – there is no reason to meet until we hear from the courts or if the Task Force issues its report early.
- Kim – agrees.

Ken – thank you to the group for being on the call. Thank you for your work. We have accomplished a lot so far but are at a standstill now. When action starts again, we will schedule another call.

The meeting was adjourned at 9:19 a.m.

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**DIVIDER**

## Carolyn Timmann

---

**From:** Burke, Ken <kburke@co.pinellas.fl.us>  
**Sent:** Thursday, October 31, 2019 2:54 PM  
**To:** Chris Hart (chrishart@flclerks.com)  
**Cc:** Tom Hall; Sean Hudson; Beth Allman (allman@flclerks.com); Sara Sanders; Kimberly Renspie (krenspie@flclerks.com); Jason Harrell; Butterfield, Stacy; Tara Green (greent@clayclerk.com); Angel Colonneso; Carolyn Timmann; Barry Baker  
**Subject:** Reports to Clerks

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Chris,

This week has seen the production of reports relating to two of our QRTs – Amendment 4 and the Restoration of Voting Rights Task Report and the Rule 2.420 Majority and Minority Reports. May I suggest we send these reports out to all Clerks using our Advisory/Alert system (sorry but I never know which is an Alert and which is an Advisory).

Thanks for your consideration of this request.

Ken

### Ken Burke, CPA

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## Carolyn Timmann

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**Sent:** Thursday, October 31, 2019 2:57 PM  
**To:** Burke, Ken  
**Cc:** Tom Hall; Sean Hudson; Beth Allman (allman@flclerks.com); Sara Sanders; Kimberly Renspie (krenspie@flclerks.com); Jason Harrell; Butterfield, Stacy; Tara Green (greent@clayclerk.com); Angel Colonnese; Carolyn Timmann; Barry Baker  
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Ken,

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Sent from my iPad

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Sounds like a plan. I don't think anyone will consider their weekend a loss by not having to read these reports.

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**Subject:** Re: Reports to Clerks



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**DIVIDER**

## Carolyn Timmann

---

**From:** Chris Hart <chrishart@flclerks.com>  
**Sent:** Thursday, October 31, 2019 3:57 PM  
**To:** Burke, Ken  
**Cc:** Tom Hall; Sean Hudson; Beth Allman (allman@flclerks.com); Sara Sanders; Kimberly Renspie (krenspie@flclerks.com); Jason Harrell; Butterfield, Stacy; Tara Green (greent@clayclerk.com); Angel Colonnese; Carolyn Timmann; Barry Baker  
**Subject:** Re: Reports to Clerks

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Thank you, Ken...that's what we'll do.

Sent from my iPad

On Oct 31, 2019, at 2:59 PM, Burke, Ken <kburke@co.pinellas.fl.us> wrote:

Sounds like a plan. I don't think anyone will consider their weekend a loss by not having to read these reports.

### Ken Burke, CPA

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
Office (727) 464-3341 | Cell (727) 647-1859  
[kburke@mypinellasclerk.org](mailto:kburke@mypinellasclerk.org) | [www.mypinellasclerk.org](http://www.mypinellasclerk.org)

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**From:** Chris Hart [mailto:chrishart@flclerks.com]

**Sent:** Thursday, October 31, 2019 2:57 PM

**To:** Burke, Ken <kburke@co.pinellas.fl.us>

**Cc:** Tom Hall <tom@tlhconsultinggroup.com>; Sean Hudson <shudson@flclerks.com>; Beth Allman (allman@flclerks.com) <allman@flclerks.com>; Sara Sanders <ssanders@flclerks.com>; Kimberly Renspie (krenspie@flclerks.com) <krenspie@flclerks.com>; Jason Harrell <jasonharrell@flclerks.com>; Butterfield, Stacy <StacyButterfield@polk-county.net>; Tara Green (greent@clayclerk.com) <greent@clayclerk.com>; Angel Colonnese <Angel.Colonnese@manateeclerk.com>; Carolyn Timmann <ctimmann@martinclerk.com>; Barry Baker <barryb@suwclerk.org>

**Subject:** Re: Reports to Clerks



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Ken,

I know we are planning to discuss these during Monday's FCCC board meeting...I suggest we send the Advisory following the board meeting as we may have something come up we'll want to include.

Does that work for you?

Chris

Sent from my iPad

On Oct 31, 2019, at 2:54 PM, Burke, Ken <[kburke@co.pinellas.fl.us](mailto:kburke@co.pinellas.fl.us)> wrote:

Chris,

This week has seen the production of reports relating to two of our QRTs – Amendment 4 and the Restoration of Voting Rights Task Report and the Rule 2.420 Majority and Minority Reports. May I suggest we send these reports out to all Clerks using our Advisory/Alert system (sorry but I never know which is an Alert and which is an Advisory).

Thanks for your consideration of this request.

Ken

**Ken Burke, CPA**

Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court Street, Clearwater, FL 33756  
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## Carolyn Timmann

---

**From:** BaggettF@gtlaw.com  
**Sent:** Wednesday, November 6, 2019 3:51 PM  
**To:** Carolyn Timmann; kburke@co.pinellas.fl.us; chrishart@flclerks.com; StacyButterfield@polk-county.net  
**Cc:** Ssullivan@flclerks.com  
**Subject:** FW: JUSTICES WEIGH FELONS' VOTING RIGHTS DISPUTE

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### JUSTICES WEIGH FELONS' VOTING RIGHTS DISPUTE

November 6, 2019

Dara Kam

TALLAHASSEE --- Florida Supreme Court justices appeared convinced Wednesday that a constitutional amendment, overwhelmingly approved during the November 2018 election, requires payment of restitution, fees and other legal costs for felons to have their voting rights restored.

The constitutional amendment grants voting-rights restoration to felons "who have completed all terms of their sentence, including parole or probation," excluding people "convicted of murder or a felony sexual offense."

But the meaning of "all terms of their sentence" became a contentious sticking point for lawmakers this spring as they crafted a law to carry out the amendment. The Republican-dominated Legislature finally settled on a measure requiring felons to pay "legal financial obligations," such as restitution, fines and fees, to be eligible to have voting rights restored.

Voting rights advocates and civil rights groups filed a federal lawsuit shortly after Gov Ron DeSantis signed the measure (SB 7066) into law.

Critics of the law maintain that requiring felons --- whom they dub "returning citizens" --- to pay fees and costs in exchange for voting rights contradicts what more than 64 percent of Floridians thought they were approving last fall.

In the midst of the federal lawsuit, DeSantis asked the Florida Supreme Court to weigh in on whether the law adheres to the wording of the amendment, an issue not addressed in the federal complaint.

During arguments Wednesday, Supreme Court justices repeatedly relied on amendment proponents' own words --- in newspaper opinion pieces and in a missive to Secretary of State Laurel Lee in December --- that said returning citizens' eligibility rests on whether they have fulfilled their time behind bars or on probation in addition to paying restitution, fines and fees ordered by judges.

Justice Barbara Lagoa accused proponents of the measure of now taking "an opposite view" that the financial obligations were not required to be fulfilled.

“...There were different op-ed pieces, there were voter guides, that specifically discussed what was meant by all terms of sentence, including probation, fines, restitution, parole. I mean, I have reams here of op-ed pieces and editorials from different papers all over the state of Florida that made it clear that this included restitution and fines,” she asked American Civil Liberties Union of Florida lawyer Anton Marino.

Marino said the court should adhere to its practice of examining the ballot title and summary, rather than opinion pieces or other documents.

“That’s the only thing that the court can identify as all voters having seen when they cast their ballots,” Marino said.

A recent analysis found that more than 80 percent of felons who have completed their time behind bars have some sort of outstanding financial obligations associated with their crimes.

“It cannot be that more than four out of five returning citizens is serving a life sentence. Adopting the governor’s interpretation leads to an absurd result that contravenes the chief purpose of the amendment,” Marino said.

But DeSantis lawyer Joe Jacquot argued that the amendment, which appeared on the ballot last November as Amendment 4, incorporates everything a judge orders when a defendant is sentenced.

“All terms means all of the conditions that are in the sentencing order. Amendment 4 restores voting rights only upon completion of those terms of a sentence,” Jacquot said.

Justice Carlos Muñiz suggested that returning citizens who are unable to pay the financial obligations required by the law still have the ability to seek have their rights restored by the Florida Board of Executive Clemency, comprised of the governor and the state Cabinet.

The state has a backlog of more than 10,000 cases awaiting action for restoration of civil rights, including the right to vote, according to the Florida Commission on Offender Review. The backlog and the years-long waiting period for felons to apply to have their rights restored --- at least five years --- prompted the ballot initiative.

Under the new law, Jacquot said it was “incumbent upon the secretary of state” to evaluate whether felons meet the criteria to register to vote.

Mo Jazil, a lawyer representing the secretary of state, said the Supreme Court needed to “provide some measure of finality and certainty as we head into a presidential election” about the amendment. Jazil, too, pointed to proponents’ prior positions about the financial obligations requirement.

“The meaning should be fixed. The meaning should not change. The words didn’t change. The meaning shouldn’t change,” Jazil told the court.

In a ruling in the federal case last month, U.S. District Judge Robert Hinkle decided the state must find a way to allow people who cannot afford to pay their financial obligations to register to vote and cast their ballots. Hinkle’s temporary injunction, however, only applied to the named plaintiffs in the case, which is set for trial in April.

The federal judge also advised the Florida Legislature to resolve the issue. Lawmakers will meet for the 2020 legislative session in January.

Speaking to reporters after Wednesday's hearing, ACLU of Florida lawyer Daniel Tilley said the Florida Supreme Court case "will not impact in the slightest, our ongoing federal litigation that demonstrates that it is unconstitutional to deny someone the right to vote based on the ability to pay."

"What voters understood, in all the media pieces I saw, was that 1.4 million people were going to have their rights to vote restored. Not 20 percent of 1.4 million, but actually 1.4 million," Tilley said.

--- News Service Assignment Manager Tom Urban contributed to this report.

**Jesse Hebert**  
Manager of Legislative Affairs

Greenberg Traurig, P.A.  
101 East College Avenue | Tallahassee, FL 32301  
T +1 850.425.8515  
[hebertj@gtlaw.com](mailto:hebertj@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com)

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## Carolyn Timmann

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**Sent:** Thursday, November 7, 2019 4:25 PM  
**To:** 'BaggettF@gtlaw.com'; Carolyn Timmann; kburke@co.pinellas.fl.us; chrishart@flclerks.com  
**Cc:** Ssullivan@flclerks.com  
**Subject:** RE: JUSTICES WEIGH FELONS' VOTING RIGHTS DISPUTE

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Thank you



### *Stacy M. Butterfield, CPA*

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Bartow, FL 33831-9000

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## Carolyn Timmann

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**From:** Tara Green <greent@clayclerk.com>  
**Sent:** Friday, November 8, 2019 10:00 AM  
**To:** Carolyn Timmann; Stacy Butterfield  
**Subject:** FW: 938.30 Financial Obligations in criinal cases

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Did you have anything different, Carolyn?

Stacy – I would like to request that a team of Clerk’s legal folks form a QRT to discuss statute of limitations relating the Criminal Fines and Fees. I think this would be a good discussion for them to have and opine on given the recent discussions as it relates to A4, etc. I will volunteer Justin Horan to lead that QRT if you agree.

Thanks!



**Tara S. Green**  
**Clerk of the Circuit Court**  
Office of Tara S. Green, Clay County Clerk of the Circuit Court  
825 N. Orange Avenue  
P.O. Box 698  
Green Cove Springs, FL 32043  
Phone: 904-269-6317  
Email: greent@clayclerk.com



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**From:** Tara Green <greent@clayclerk.com>  
**Sent:** Friday, November 8, 2019 9:52 AM  
**To:** Justin Horan <horanj@clayclerk.com>  
**Subject:** FW: 938.30 Financial Obligations in criinal cases

Tara S. Green  
Clerk of the Circuit Court  
Ext. 6369

**From:** Butterfield, Stacy <StacyButterfield@polk-county.net>  
**Sent:** Thursday, November 7, 2019 4:14 PM  
**To:** Tara Green <greent@clayclerk.com>  
**Subject:** FW: 938.30 Financial Obligations in criinal cases

Tara,

Here is some information on the judgments and Liens.

Stacy



**Stacy M. Butterfield, CPA**

CLERK OF THE CIRCUIT COURT AND  
COUNTY COMPTROLLER

POLK COUNTY, FL

P. O. Box 9000, Drawer CC-1

Bartow, FL 33831-9000

PH: (863)534-4522

FAX: (863)534-4584

[www.polkcountyclerk.net](http://www.polkcountyclerk.net)

---

**From:** Parker, Leann  
**Sent:** Thursday, November 7, 2019 2:56 PM  
**To:** Butterfield, Stacy  
**Subject:** 938.30 Financial Obligations in criinal cases

Fla. Stat. 928.30 states as follows:

(6) If judgment has not been previously entered on any court-imposed financial obligation, the court may enter judgment thereon and issue any writ necessary to enforce the judgment in the manner allowed in civil cases. Any judgment issued under this section constitutes a civil lien against the judgment debtor's presently owned or after-acquired property, when recorded pursuant to s. 55.10. Supplementary proceedings undertaken by any governmental entity to satisfy a judgment imposed pursuant to this section may proceed without bond and without the payment of statutory fees associated with judgment enforcement.

(7) Provisions of the Uniform Fraudulent Transfer Act apply to collection matters under this section and may be used to collect any court-imposed financial obligation subject to this section.

(8) If a criminal or civil judgment has previously been entered on a court-imposed financial obligation, the judgment constitutes a civil lien against the judgment debtor's presently owned or after-acquired real or personal property when recorded pursuant to s. 55.10, except that a judgment on a court-imposed financial obligation is not subject to the 10-year rerecording requirement of s. 55.10. The judgment must secure all unpaid court-imposed financial obligations that are due and may accrue subsequent to the recording of the judgment, as well as interest and reasonable costs for issuing a satisfaction and recording the satisfaction in the official records.

(9) The clerk of the court shall enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debts or liens imposed and collected under this section in the same manner as prescribed in s. 938.29(3).

Fla. Stat. 55.10 states:

(2) The lien provided for in subsection (1) or an extension of that lien as provided by this subsection may be extended for an additional period of 10 years, subject to the limitation in subsection (3), by rerecording a certified copy of the judgment, order, or decree prior to the expiration of the lien or the expiration of the extended lien and by simultaneously recording an affidavit with the current address of the person who has a lien as a result of the judgment, order, or decree. The extension shall be effective from the date the certified copy of the judgment, order, or decree is rerecorded. The lien or extended lien will not be extended unless the affidavit with the current address is simultaneously recorded.

(3) In no event shall the lien upon real property created by this section be extended beyond the period provided for in s. 55.081 or beyond the point at which the lien is satisfied, whichever occurs first.

Fla. Stat. 55.081 states:

Subject to the provisions of s. 55.10, no judgment, order, or decree of any court shall be a lien upon real or personal property within the state after the expiration of 20 years from the date of the entry of such judgment, order, or decree.

**Leann Parker, General Counsel**

Stacy M. Butterfield, CPA, Clerk of the Circuit Court & County Comptroller

Drawer CC-19 Post Office Box 9000

Bartow, FL 33831-9000

Phone 863.534.4594 | Fax 863.534.2550

[leannparker@polk-county.net](mailto:leannparker@polk-county.net)

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**DIVIDER**

**Carolyn Timmann**

---

**From:** Butterfield, Stacy <StacyButterfield@polk-county.net>  
**Sent:** Friday, November 8, 2019 12:22 PM  
**To:** Tara Green  
**Cc:** Carolyn Timmann  
**Subject:** Re: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

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tara,

good idea and thanks for volunteering Justin.

stacy

Sent from my iPad

On Nov 8, 2019, at 10:00 AM, Tara Green <[greent@clayclerk.com](mailto:greent@clayclerk.com)> wrote:

Did you have anything different, Carolyn?

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instructions as to whether information in this email and/or attachment(s) is confidential and privileged or protected from disclosure under applicable law.

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**Tara S. Green**  
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<image001.png>

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**BLANK**

**DIVIDER**

## Carolyn Timmann

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**From:** Tara Green <greent@clayclerk.com>  
**Sent:** Friday, November 8, 2019 12:32 PM  
**To:** Butterfield, Stacy  
**Cc:** Carolyn Timmann  
**Subject:** RE: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

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Great. Let me know what the next step would be.

**From:** Butterfield, Stacy <StacyButterfield@polk-county.net>  
**Sent:** Friday, November 8, 2019 12:22 PM  
**To:** Tara Green <greent@clayclerk.com>  
**Cc:** Carolyn Timmann (ctimmann@martin.fl.us) <ctimmann@martin.fl.us>  
**Subject:** Re: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

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stacy

Sent from my iPad

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**Tara S. Green**  
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<image001.png>

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**From:** Parker, Leann  
**Sent:** Thursday, November 7, 2019 2:56 PM  
**To:** Butterfield, Stacy  
**Subject:** 938.30 Financial Obligations in criinal cases

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## Carolyn Timmann

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**Sent:** Friday, November 8, 2019 12:37 PM  
**To:** Tara Green  
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**Subject:** Re: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

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I think you and Justin decide who you would like to participate, reach out to them . I will let Chris Hart and Sean know we have formed the QRT team,, we will need Chris to assign a staff person. Chris is on vacation for about a week, so maybe Sean can assign a team member.

Sent from my iPad

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Email: [greent@clayclerk.com](mailto:greent@clayclerk.com)

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Please take our survey.

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**To:** Justin Horan <[horan@clayclerk.com](mailto:horan@clayclerk.com)>  
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**Tara S. Green**  
**Clerk of the Circuit Court**  
**Ext. 6369**

**From:** Butterfield, Stacy <[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)>  
**Sent:** Thursday, November 7, 2019 4:14 PM  
**To:** Tara Green <[greent@clayclerk.com](mailto:greent@clayclerk.com)>  
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**From:** Parker, Leann  
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**To:** Butterfield, Stacy  
**Subject:** 938.30 Financial Obligations in criinal cases

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**DIVIDER**

## Carolyn Timmann

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**Sent:** Friday, November 8, 2019 6:33 PM  
**To:** Butterfield, Stacy; Tara Green  
**Subject:** RE: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

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**To:** Tara Green <greent@clayclerk.com>  
**Cc:** Carolyn Timmann <CTimmann@martinclerk.com>  
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## Carolyn Timmann

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**From:** Butterfield, Stacy <StacyButterfield@polk-county.net>  
**Sent:** Friday, November 8, 2019 8:24 PM  
**To:** Carolyn Timmann; Tara Green  
**Subject:** Re: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

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Carolyn,  
Yes we can consider a workgroup, do you have a suggestion as to which committee ot would report to?

Stacy

*Sent from my Verizon LG Smartphone*

----- Original message-----

**From:** Carolyn Timmann  
**Date:** Fri, Nov 8, 2019 6:33 PM  
**To:** Butterfield, Stacy;Tara Green;  
**Cc:**  
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**Leann Parker, General Counsel**

Stacy M. Butterfield, CPA, Clerk of the Circuit Court & County Comptroller

Drawer CC-19 Post Office Box 9000

Bartow, FL 33831-9000

Phone 863.534.4594 | Fax 863.534.2550

[leannparker@polk-county.net](mailto:leannparker@polk-county.net)

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**BLANK**

**DIVIDER**

## Carolyn Timmann

---

**From:** Butterfield, Stacy <StacyButterfield@polk-county.net>  
**Sent:** Tuesday, November 12, 2019 11:21 AM  
**To:** Tara S. Green; Carolyn Timmann  
**Subject:** Fwd: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

**CAUTION: This email originated from outside the Martin County Clerk & Comptroller's Office. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Clerk IT Division**

Tara and Carolyn,

Good morning. Do you have anytime today or tomorrow to discuss before we launch this initiative?

Thanks,  
Stacy

Sent from my iPad

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**Date:** November 12, 2019 at 10:11:33 AM EST  
**To:** "Butterfield, Stacy" <StacyButterfield@polk-county.net>  
**Cc:** Chris Hart <chrishart@flclerks.com>, Tara Green <greent@clayclerk.com>  
**Subject:** RE: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

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**To:** "Butterfield, Stacy" <[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)>  
**Cc:** "Carolyn Timmann ([ctimmann@martin.fl.us](mailto:ctimmann@martin.fl.us))" <[ctimmann@martin.fl.us](mailto:ctimmann@martin.fl.us)>  
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Thanks!



**Tara S. Green**  
**Clerk of the Circuit Court**  
Office of Tara S. Green, Clay County Clerk of the Circuit Court  
825 N. Orange Avenue  
P.O. Box 698  
Green Cove Springs, FL 32043  
Phone: 904-269-6317  
Email: [greent@clayclerk.com](mailto:greent@clayclerk.com)



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CLAYCLERK.COM

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**To:** Justin Horan <[horanj@clayclerk.com](mailto:horanj@clayclerk.com)>  
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**Tara S. Green**  
**Clerk of the Circuit Court**  
**Ext. 6369**

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**To:** Tara Green <greent@clayclerk.com>  
**Subject:** FW: 938.30 Financial Obligations in crinal cases

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Stacy

<image001.png>

***Stacy M. Butterfield, CPA***

CLERK OF THE CIRCUIT COURT AND  
COUNTY COMPTROLLER  
POLK COUNTY, FL  
P. O. Box 9000, Drawer CC-1  
Bartow, FL 33831-9000  
PH: (863)534-4522  
FAX: (863)534-4584  
[www.polkcountyclerk.net](http://www.polkcountyclerk.net)

---

**From:** Parker, Leann  
**Sent:** Thursday, November 7, 2019 2:56 PM  
**To:** Butterfield, Stacy  
**Subject:** 938.30 Financial Obligations in crinal cases

Fla. Stat. 928.30 states as follows:

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**DIVIDER**

## Carolyn Timmann

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**From:** Carolyn Timmann  
**Sent:** Tuesday, November 12, 2019 1:06 PM  
**To:** Butterfield, Stacy  
**Cc:** Tara S. Green  
**Subject:** Re: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

I do.

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Clerk of the Circuit Court & Comptroller  
Martin County, Florida

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<image002.png> Have I helped you today?  
Please take our survey.



<image003.png> <image004.png> <image005.png> <image006.png> <image007.png>

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CLERK OF THE CIRCUIT COURT AND  
COUNTY COMPTROLLER  
POLK COUNTY, FL  
P. O. Box 9000, Drawer CC-1  
Bartow, FL 33831-9000

PH: (863)534-4522  
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[www.polkcountyclerk.net](http://www.polkcountyclerk.net)

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**DIVIDER**

## Carolyn Timmann

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**From:** Carolyn Timmann  
**Sent:** Tuesday, November 12, 2019 1:49 PM  
**To:** Butterfield, Stacy  
**Cc:** Tara S. Green  
**Subject:** Re: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

How about 2 if Tara can.

Carolyn Timmann  
Clerk of the Circuit Court & Comptroller  
Martin County, Florida

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Ok what works today at 2 or 4:30 or tomorrow 9 am or afternoon ?

*Sent from my Verizon LG Smartphone*

----- Original message-----

**From:** Carolyn Timmann  
**Date:** Tue, Nov 12, 2019 1:07 PM  
**To:** Butterfield, Stacy;  
**Cc:** Tara S. Green;  
**Subject:** Re: [EXTERNAL]: FW: 938.30 Financial Obligations in criinal cases

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Chris

---

**From:** Butterfield, Stacy <[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)>

**Sent:** Friday, November 8, 2019 2:19 PM

**To:** [chrishart@flclerks.com](mailto:chrishart@flclerks.com)

**Cc:** Sean Hudson <[shudson@flclerks.com](mailto:shudson@flclerks.com)>; Tara S. Green <[greent@clayclerk.com](mailto:greent@clayclerk.com)>

**Subject:** Fwd: [EXTERNAL]: FW: 938.30 Financial Obligations in criminal cases

Chris,

As you can see from the string of emails, I communicated with Tara and agreed it would be a great idea to have this QRT team. Would you be able to assign a FCC staff member to assist the team?

Thanks,

Stacy

Sent from my iPad

Begin forwarded message:

**From:** Tara Green <[greent@clayclerk.com](mailto:greent@clayclerk.com)>  
**Date:** November 8, 2019 at 12:32:29 PM EST  
**To:** "Butterfield, Stacy" <[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)>  
**Cc:** "Carolyn Timmann ([ctimmann@martin.fl.us](mailto:ctimmann@martin.fl.us))" <[ctimmann@martin.fl.us](mailto:ctimmann@martin.fl.us)>  
**Subject:** RE: [EXTERNAL]: FW: 938.30 Financial Obligations in criminal cases

Great. Let me know what the next step would be.

---

**From:** Butterfield, Stacy <[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)>

**Sent:** Friday, November 8, 2019 12:22 PM

**To:** Tara Green <[greent@clayclerk.com](mailto:greent@clayclerk.com)>

**Cc:** Carolyn Timmann ([ctimmann@martin.fl.us](mailto:ctimmann@martin.fl.us)) <[ctimmann@martin.fl.us](mailto:ctimmann@martin.fl.us)>

**Subject:** Re: [EXTERNAL]: FW: 938.30 Financial Obligations in criminal cases

tara,

good idea and thanks for volunteering Justin.

stacy

Sent from my iPad

On Nov 8, 2019, at 10:00 AM, Tara Green <[greent@clayclerk.com](mailto:greent@clayclerk.com)> wrote:

Did you have anything different, Carolyn?

Stacy – I would like to request that a team of Clerk's legal folks form a QRT to discuss statute of limitations relating the Criminal Fines and Fees. I think this would be a good discussion for them to have and opine on given the recent discussions as it relates to A4, etc. I will volunteer Justin Horan to lead that QRT if you agree.

Thanks!

<image001.png> **Tara S. Green**  
**Clerk of the Circuit Court**  
Office of Tara S. Green, Clay County Clerk of the Circuit Court  
825 N. Orange Avenue  
P.O. Box 698  
Green Cove Springs, FL 32043  
Phone: 904-269-6317  
Email: [greent@clayclerk.com](mailto:greent@clayclerk.com)

<image002.png> Have I helped you today?  
Please take our survey.

<image003.png> <image004.png> <image005.png> <image006.png> <ima

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The information contained in this email and/or attachment(s) may be confidential and intended solely for



the use of the individual or entity to whom it is addressed. This email and/or attachment(s) may contain material that is privileged or protected from disclosure under applicable law. If you are not the intended recipient or the individual responsible for delivering to the intended recipient, please notify sender immediately by telephone to obtain instructions as to whether information in this email and/or attachment(s) is confidential and privileged or protected from disclosure under applicable law.

**From:** Tara Green  
<[greent@clayclerk.com](mailto:greent@clayclerk.com)>  
**Sent:** Friday, November 8, 2019 9:52 AM  
**To:** Justin Horan  
<[horanj@clayclerk.com](mailto:horanj@clayclerk.com)>  
**Subject:** FW: 938.30 Financial Obligations in criinal cases

**Tara S. Green**  
**Clerk of the Circuit Court**  
**Ext. 6369**

**From:** Butterfield, Stacy  
<[StacyButterfield@polk-county.net](mailto:StacyButterfield@polk-county.net)>  
**Sent:** Thursday, November 7, 2019 4:14 PM  
**To:** Tara Green  
<[greent@clayclerk.com](mailto:greent@clayclerk.com)>  
**Subject:** FW: 938.30 Financial Obligations in criinal cases

Tara,

Here is some information on the judgments and Liens.

Stacy

<image001.png>

***Stacy M. Butterfield, CPA***  
CLERK OF THE CIRCUIT COURT AND  
COUNTY COMPTROLLER  
POLK COUNTY, FL  
P. O. Box 9000, Drawer CC-1  
Bartow, FL 33831-9000  
PH: (863)534-4522

FAX: (863)534-4584

[www.polkcountyclerk.net](http://www.polkcountyclerk.net)

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**From:** Parker, Leann

**Sent:** Thursday, November 7, 2019  
2:56 PM

**To:** Butterfield, Stacy

**Subject:** 938.30 Financial Obligations in  
criminal cases

Fla. Stat. 928.30 states as follows:

(6) If judgment has not been previously entered on any court-imposed financial obligation, the court may enter judgment thereon and issue any writ necessary to enforce the judgment in the manner allowed in civil cases. Any judgment issued under this section constitutes a civil lien against the judgment debtor's presently owned or after-acquired property, when recorded pursuant to s. 55.10. Supplementary proceedings undertaken by any governmental entity to satisfy a judgment imposed pursuant to this section may proceed without bond and without the payment of statutory fees associated with judgment enforcement.

(7) Provisions of the Uniform Fraudulent Transfer Act apply to collection matters under this section and may be used to collect any court-imposed financial obligation subject to this section.

(8) If a criminal or civil judgment has previously been entered on a court-imposed financial obligation, the judgment constitutes a civil lien against the judgment debtor's presently owned or after-acquired real or personal property when recorded pursuant to s. 55.10, except that a judgment on a court-imposed financial obligation is not subject to the 10-year rerecording requirement of s. 55.10. The judgment must secure all unpaid court-imposed financial obligations that are due and may accrue subsequent to the recording of the judgment, as well as interest and reasonable costs for issuing a satisfaction and recording the satisfaction in the official records.

(9) The clerk of the court shall enforce, satisfy, compromise, settle, subordinate, release, or otherwise dispose of any debts or liens imposed and collected under this section in the same manner as prescribed in s. 938.29(3).

Fla. Stat. 55.10 states:

(2) The lien provided for in subsection (1) or an extension of that lien as provided by this subsection may be extended for an additional period of 10 years, subject to the limitation in subsection (3), by rerecording a certified copy of the judgment, order, or decree prior to the expiration of the lien or the expiration of the extended lien and by simultaneously recording an affidavit with the current address of the person who has a lien as a result of the judgment, order, or decree. The extension shall be effective from the date the certified copy of the judgment, order, or decree is rerecorded. The lien or extended lien will not be extended unless the affidavit with the current address is simultaneously recorded.

(3) In no event shall the lien upon real property created by this section be extended beyond the period provided for in s. 55.081 or beyond the point at which the lien is satisfied, whichever occurs first.

Fla. Stat. 55.081 states:

Subject to the provisions of s. 55.10, no judgment, order, or decree of any court shall be a lien upon real or personal property within the state after the expiration of 20 years from the date of the entry of such judgment, order, or decree.

**Leann Parker, General Counsel**

Stacy M. Butterfield, CPA, Clerk of the  
Circuit Court & County Comptroller  
Drawer CC-19 Post Office Box 9000  
Bartow, FL 33831-9000

Phone 863.534.4594 | Fax  
863.534.2550

[leannparker@polk-county.net](mailto:leannparker@polk-county.net)

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**BLANK**

**DIVIDER**

## Carolyn Timmann

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**From:** BaggettF@gtlaw.com  
**Sent:** Wednesday, November 13, 2019 10:50 AM  
**To:** StacyButterfield@polk-county.net; greent@clayclerk.com; Carolyn Timmann  
**Subject:** FW: Revised Memo Re: FCCC Opinion on Amendment 4 issues  
**Attachments:** FACC opinion on Amendment 4 issues\_ 8.5.19.docx; FACC opinion on Amendment 4 issues\_ 8.5.19.pdf

**CAUTION: This email originated from outside the Martin County Clerk & Comptroller's Office. Do not click links or open attachments unless you recognize the sender and know the content is safe. If you are unsure, please contact the Clerk IT Division.**

Attached is a memo provided to Chris on August 5 that includes, at the bottom of page 5, our opinion on the issue of civil liens being recorded against financial obligations contained in a criminal judgement and sentence. The filing of a lien does not satisfy or affect the obligations set out in the criminal sentence. The lien is a civil enforcement tool to support the payment of the criminal debt. Think of it in terms of the suspension of a driver's license (D6) for non-payment of traffic fines. If the suspension is cancelled by DHSMV for whatever reason other than payment of the outstanding fine, the fine is still owed. Probably not a good analogy but close.

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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at [postmaster@gtlaw.com](mailto:postmaster@gtlaw.com), and do not use or disseminate the information.

**Memorandum**

**TO:** Chris Hart  
Florida Court Clerks & Comptrollers

**FROM:** Fred Baggett  
Hope Keating  
Mike Moody

**DATE:** August 5, 2019

**RE:** *Issues Pertaining to Restoration of Voting Rights*

---

*INTRODUCTION*

Amendment 4 to the Florida Constitution was passed by ballot initiative in 2018 and amended Article VI, Section 4, of the Florida Constitution. Article VI, Section 4, now provides in part that “any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.” Art. VI, § 4(a), Fla. Const.

**Implementing Legislation**

Chapter 2019-162 was passed by the Florida Legislature pursuant to Senate Bill 7066 and creates section 98.0751, Florida Statutes, effective July 1, 2019. Section 98.0751 provides in pertinent part:

- (2) For purposes of this section, the term:
- (a) “Completion of all terms of sentence” means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:
1. Release from any term of imprisonment ordered by the court as a part of the sentence;
  2. Termination from any term of probation or community control ordered by the court as a part of the sentence;

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 2

3. Fulfillment of any term ordered by the court as a part of the sentence;

4. Termination from any term of supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. 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.

d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in United States Constitution or the State Constitution.

e. Financial obligations required under sub-subparagraph a. or sub-paragraph b. are considered completed in the following manner or in any combination thereof:

- (I) Actual payment of the obligation in full.
- (II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to payee, including but not limited to, a victim, or the court.
- (III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.



To: FCCC  
From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

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### **Questions Presented**

In light of the amendment to Article VI, Section 4, and the new implementing language pertaining to “completion of all terms of sentence” as set forth above, you have posed the following questions:

1. Does the requirement of “completion of all terms of sentence” include any statutory interest?
2. Does the requirement of “completion of all terms of sentence” include fees paid to a collection agent engaged by a clerk for the collection of fees, fines and court costs?
3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order?

Of course, the new constitutional amendment and the new statute will be subject to interpretation by the courts. To this end, case law and other interpreting authority does not yet exist. Nonetheless, you have asked us to analyze the new law in conjunction with existing Florida law and to provide our thoughts as to the questions posed. Our responses to the questions are as follows:

**1. Does the requirement of “completion of all terms of sentence” include any statutory interest?**

As set forth above, section 98.0751(2)(a) states that “completion of all terms of sentence” means full payment of restitution ordered to a victim by the court as a part of the sentence and full payment of fines or fees ordered by the court as a part of the sentence. § 98.0751(2)(a)5.a., and b., Fla. Stat. The statute goes on to state that such financial obligations “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.” § 98.0751(2)(a)5.c., Fla. Stat. The statute does not address interest, nor does it address what is meant by “any fines, fees, or costs.”

Pursuant to section 775.089, Florida Statutes – the criminal restitution statute – restitution may be ordered as part of a criminal sentence. § 775.089(1)(a), Fla. Stat. The outstanding unpaid amount of the restitution bears interest in accordance with section 55.03, Florida Statutes

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 4

(the statutory interest statute). § 775.089(5), Fla. Stat. Thus, to the extent restitution is included in a criminal judgment sentencing order, interest accrues on such restitution pursuant to statute.

As previously noted, there is no case law or other authority to provide guidance on this issue. Also, the Bill Analyses for CS/SB 7066, the implementing legislation, do not reference “completion of all terms of sentence.” However, we believe that on the issue of interest, section 98.0751 and section 775.089 must be read *pari materia*. “The doctrine of *pari materia* is a principle of statutory construction that requires that statutes relating to the same subject or object be construed together to harmonize the statutes and to give effect to the Legislature’s intent.” *E.A.R. v. State*, 4 So. 3d 614, 629 (Fla. 2009). Given the language in section 98.0751(2)(a) requiring full payment of restitution ordered as part of a sentence, and the language in section 775.089(5) mandating the accrual of interest on restitution, we believe that when read together a reasonable interpretation of the new law would be – and certainly an argument can be made – that statutory interest is an obligation incurred on the date restitution is ordered as a part of the sentence and, thus, payment of such interest is required to complete the sentence. Of course, the new law will be subject to future interpretation by courts and this has not yet occurred.

The new law also requires “[f]ull payment of fines or fees ordered by the court as a part of the sentence.” § 98.0751(2)(a), Fla. Stat. Section 938.30, Florida Statutes, provides that when a person is liable for payment of any financial obligation in a criminal case, the judgment setting forth such financial obligations “must secure all unpaid court-imposed financial obligations that are due . . . as well as *interest* and reasonable costs for issuing a satisfaction and recording the satisfaction in the official records.” § 938.30(8), Fla. Stat. (emphasis added). The Bill Analysis for CS/SB 7086, the companion legislation to CS/SB 7066, discusses “completion of all terms of sentence,” and while it does not state that interest is included within the meaning of that term, it acknowledges and quotes section 938.39(8) stating that a judgment on court-imposed financial obligations must secure “interest.”

Thus, to the extent that a fine, fee, or cost is made a part of the criminal judgment/sentencing order and interest is included in the judgment, we believe that a reasonable interpretation of the new law when read in *pari materia* with section 938.39 is – and an argument can be made – that payment of such interest is required to complete the sentence.

**2. Does the requirement of “completion of all terms of sentence” include fees paid to a collection agent engaged by the clerk for the collection of fees, fines, and court costs?**

It is our understanding that a collection fee paid to a collection agent is a fee that is in addition to, and is added to the balance of, the unpaid financial obligations. § 28.246(6), Fla. Stat. It is further our understanding that such fee paid to a collection agent would necessarily accrue after the date the financial obligations of the sentence are ordered.

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From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

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The new law provides that “completion of all terms of sentence” means payment of “only the amount specifically ordered by the court as part of the sentence and do[es] not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.” § 98.0751(2)(a)5.c., Fla. Stat. As noted above, there is no authority interpreting the new law. However, given the plain language of the statute, we believe it is likely that a court would find that, unless otherwise specifically ordered in the criminal judgment, fees owed to a collection agent that are in addition to, and added to the balance of, the unpaid financial obligations would not be included in the definition of “completion of all terms of sentence.” *See Germ v. St. Luke’s Hosp. Ass’n*, 993 So. 2d 576 (Fla. 1st DCA 2008) (courts should give statutory language its plain and ordinary meaning, and may not add words that were not included by the legislature).

Such plain language interpretation is reinforced by case law stating that additional costs may not be added to a sentence after a defendant begins serving the sentence. *See Martinez v. State*, 91 So. 3d 878 (Fla. 5th DCA 2012).

**3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order?**

Florida case law indicates that statutory financial obligations imposed by a court – such as costs of prosecution, attorney’s fees, court costs under chapter 938 and criminal restitution under section 775.089 – are criminal sanctions that are ordinarily imposed during the sentencing process and are criminal sanctions. *See Martinez*, 91 So. 3d at 880; *Woods*, 879 So. 2d 651, 653 (Fla. 5th DCA 2004); *State v. Sandomeno*, 217 So. 3d 110, 111 (Fla. 4th DCA 2017). If such financial obligations are made a part of the criminal judgment and a condition of the sentence, the court’s reduction of the amounts owed to a civil judgment or lien for enforcement purposes does not alter the criminal nature of the sanction, or the fact that it is part of the criminal sentence. *Martinez*, 91 So. 3d at 880 n.2. *See also Cammelleri v. State*, 270 So. 3d 369 (Fla. 4th DCA 2019) (civil lien for incarceration costs included in the criminal judgment was considered by the court to be part of the sentence).

Unless included in the criminal judgment, a civil judgment or lien is collateral to the criminal judgment. *See Cruz v. State*, 742 So. 2d 489, 490 (Fla. 3d DCA 1999). Generally, a civil judgment for money or lien is a non-criminal remedy for the recovery of an underlying debt or reimbursement of particular expenses owed. *Id.* A “lien” is defined as “[a] legal right or interest that a creditor has in another’s property, lasting usually until a debt or duty that it secures is satisfied.” BLACK’S LAW DICTIONARY (10th ed. 2014). In this regard, we believe it

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

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significant that immediately before the passage of CS/SB 7066, an amendment was rejected that contained the following language:

5. Payment of all restitution, fees, or fines that are ordered by the court as part of the sentence or that are ordered by a court as a condition of any form of supervision including, but not limited to, probation, community control, or parole. *A financial obligation required under this subparagraph is deemed to have been completed to the extent that the financial obligation has been converted to a civil lien.*

Fla. S. Jour. 875 (Reg. Sess. May 2, 2019) (emphasis added).

There is no case law to provide guidance on this issue in the context of the new law. However, given the authority discussed above, we believe that a reasonable interpretation of the new law would be that the reduction of amounts owed pursuant to a criminal judgment/sentencing order to a civil judgment or lien does not eliminate the obligation to pay the amounts owed as provided for in the criminal judgment/sentencing order.

We note that to the extent a trial court imposes only a civil judgment or lien for amounts owed and does not make them part of the criminal judgment and sentence, case law indicates that the financial obligations could be considered to be independent of the criminal sentence. *Woods*, 879 So. 2d at 653 n. 1 (where sentence included the payment of public defender's fees and trial court later tried to make payment of supplemental fees part of criminal sentence, appellate court held that request was made out of time for modification of sentence; appellate court further indicated that if the trial court had issued a civil lien for the fees, such proceeding would have been independent of the criminal proceeding); *Doctor v. State*, 679 So. 2d 76, 77 (Fla. 4th DCA 1996) (criminal defendant could not challenge civil restitution lien by way of rule 3.850 motion applicable to criminal sentences; civil restitution lien is not a criminal penalty); *Cruz*, 742 So. 2d at 490 (civil restitution lien need not be considered in a plea agreement or accepted by sentencing court).

Our research thus far has uncovered no case law to support the premise that a civil judgment issued separate and apart from a sentence would be construed as being part of the sentence.

ACTIVE 44877305v1

**Memorandum**

**TO:** Chris Hart  
Florida Court Clerks & Comptrollers

**FROM:** Fred Baggett  
Hope Keating  
Mike Moody

**DATE:** August 5, 2019

**RE:** *Issues Pertaining to Restoration of Voting Rights*

---

***INTRODUCTION***

Amendment 4 to the Florida Constitution was passed by ballot initiative in 2018 and amended Article VI, Section 4, of the Florida Constitution. Article VI, Section 4, now provides in part that “any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.” Art. VI, § 4(a), Fla. Const.

**Implementing Legislation**

Chapter 2019-162 was passed by the Florida Legislature pursuant to Senate Bill 7066 and creates section 98.0751, Florida Statutes, effective July 1, 2019. Section 98.0751 provides in pertinent part:

- (2) For purposes of this section, the term:
  - (a) “Completion of all terms of sentence” means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:
    - 1. Release from any term of imprisonment ordered by the court as a part of the sentence;
    - 2. Termination from any term of probation or community control ordered by the court as a part of the sentence;

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From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
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3. Fulfillment of any term ordered by the court as a part of the sentence;

4. Termination from any term of supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and

5.a. Full payment of restitution ordered to a victim by the court as part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.

b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

c. The financial obligations required under sub-subparagraph a. or sub-subparagraph b. 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.

d. For the limited purpose of addressing a plea for relief pursuant to sub-subparagraph e. and notwithstanding any other statute, rule, or provision of law, a court may not be prohibited from modifying the financial obligations of an original sentence required under sub-subparagraph a. or sub-subparagraph b. Such modification shall not infringe on a defendant's or a victim's rights provided in United States Constitution or the State Constitution.

e. Financial obligations required under sub-subparagraph a. or sub-paragraph b. are considered completed in the following manner or in any combination thereof:

- (I) Actual payment of the obligation in full.
- (II) Upon the payee's approval, either through appearance in open court or through the production of a notarized consent by the payee, the termination by the court of any financial obligation to payee, including but not limited to, a victim, or the court.
- (III) Completion of all community service hours, if the court, unless otherwise prohibited by law or the State Constitution, converts the financial obligation to community service.

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 3

### **Questions Presented**

In light of the amendment to Article VI, Section 4, and the new implementing language pertaining to “completion of all terms of sentence” as set forth above, you have posed the following questions:

1. Does the requirement of “completion of all terms of sentence” include any statutory interest?
2. Does the requirement of “completion of all terms of sentence” include fees paid to a collection agent engaged by a clerk for the collection of fees, fines and court costs?
3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order?

Of course, the new constitutional amendment and the new statute will be subject to interpretation by the courts. To this end, case law and other interpreting authority does not yet exist. Nonetheless, you have asked us to analyze the new law in conjunction with existing Florida law and to provide our thoughts as to the questions posed. Our responses to the questions are as follows:

**1. Does the requirement of “completion of all terms of sentence” include any statutory interest?**

As set forth above, section 98.0751(2)(a) states that “completion of all terms of sentence” means full payment of restitution ordered to a victim by the court as a part of the sentence and full payment of fines or fees ordered by the court as a part of the sentence. § 98.0751(2)(a)5.a., and b., Fla. Stat. The statute goes on to state that such financial obligations “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.” § 98.0751(2)(a)5.c., Fla. Stat. The statute does not address interest, nor does it address what is meant by “any fines, fees, or costs.”

Pursuant to section 775.089, Florida Statutes – the criminal restitution statute – restitution may be ordered as part of a criminal sentence. § 775.089(1)(a), Fla. Stat. The outstanding unpaid amount of the restitution bears interest in accordance with section 55.03, Florida Statutes

To: FCCC  
From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

Page 4

(the statutory interest statute). § 775.089(5), Fla. Stat. Thus, to the extent restitution is included in a criminal judgment sentencing order, interest accrues on such restitution pursuant to statute.

As previously noted, there is no case law or other authority to provide guidance on this issue. Also, the Bill Analyses for CS/SB 7066, the implementing legislation, do not reference “completion of all terms of sentence.” However, we believe that on the issue of interest, section 98.0751 and section 775.089 must be read *pari materia*. “The doctrine of *pari materia* is a principle of statutory construction that requires that statutes relating to the same subject or object be construed together to harmonize the statutes and to give effect to the Legislature’s intent.” *E.A.R. v. State*, 4 So. 3d 614, 629 (Fla. 2009). Given the language in section 98.0751(2)(a) requiring full payment of restitution ordered as part of a sentence, and the language in section 775.089(5) mandating the accrual of interest on restitution, we believe that when read together a reasonable interpretation of the new law would be – and certainly an argument can be made – that statutory interest is an obligation incurred on the date restitution is ordered as a part of the sentence and, thus, payment of such interest is required to complete the sentence. Of course, the new law will be subject to future interpretation by courts and this has not yet occurred.

The new law also requires “[f]ull payment of fines or fees ordered by the court as a part of the sentence.” § 98.0751(2)(a), Fla. Stat. Section 938.30, Florida Statutes, provides that when a person is liable for payment of any financial obligation in a criminal case, the judgment setting forth such financial obligations “must secure all unpaid court-imposed financial obligations that are due . . . as well as *interest* and reasonable costs for issuing a satisfaction and recording the satisfaction in the official records.” § 938.30(8), Fla. Stat. (emphasis added). The Bill Analysis for CS/SB 7086, the companion legislation to CS/SB 7066, discusses “completion of all terms of sentence,” and while it does not state that interest is included within the meaning of that term, it acknowledges and quotes section 938.39(8) stating that a judgment on court-imposed financial obligations must secure “interest.”

Thus, to the extent that a fine, fee, or cost is made a part of the criminal judgment/sentencing order and interest is included in the judgment, we believe that a reasonable interpretation of the new law when read in *pari materia* with section 938.39 is – and an argument can be made – that payment of such interest is required to complete the sentence.

**2. Does the requirement of “completion of all terms of sentence” include fees paid to a collection agent engaged by the clerk for the collection of fees, fines, and court costs?**

It is our understanding that a collection fee paid to a collection agent is a fee that is in addition to, and is added to the balance of, the unpaid financial obligations. § 28.246(6), Fla. Stat. It is further our understanding that such fee paid to a collection agent would necessarily accrue after the date the financial obligations of the sentence are ordered.



To: FCCC  
From: Greenberg Traurig, P.A.  
Date: August 5, 2019  
Re: *Issues Pertaining to Restoration of Civil Rights*

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The new law provides that “completion of all terms of sentence” means payment of “only the amount specifically ordered by the court as part of the sentence and do[es] not include any fines, fees, or costs that accrue after the date the obligation is ordered as a part of the sentence.” § 98.0751(2)(a)5.c., Fla. Stat. As noted above, there is no authority interpreting the new law. However, given the plain language of the statute, we believe it is likely that a court would find that, unless otherwise specifically ordered in the criminal judgment, fees owed to a collection agent that are in addition to, and added to the balance of, the unpaid financial obligations would not be included in the definition of “completion of all terms of sentence.” See *Germ v. St. Luke’s Hosp. Ass’n*, 993 So. 2d 576 (Fla. 1st DCA 2008) (courts should give statutory language its plain and ordinary meaning, and may not add words that were not included by the legislature).

Such plain language interpretation is reinforced by case law stating that additional costs may not be added to a sentence after a defendant begins serving the sentence. See *Martinez v. State*, 91 So. 3d 878 (Fla. 5th DCA 2012).

**3. If the amounts owed pursuant to a criminal judgment/sentencing order are reduced to a civil judgment or lien, does that eliminate the obligation to pay the amounts owed as set forth in the criminal judgment/sentencing order?**

Florida case law indicates that statutory financial obligations imposed by a court – such as costs of prosecution, attorney’s fees, court costs under chapter 938 and criminal restitution under section 775.089 – are criminal sanctions that are ordinarily imposed during the sentencing process and are criminal sanctions. See *Martinez*, 91 So. 3d at 880; *Woods*, 879 So. 2d 651, 653 (Fla. 5th DCA 2004); *State v. Sandomeno*, 217 So. 3d 110, 111 (Fla. 4th DCA 2017). If such financial obligations are made a part of the criminal judgment and a condition of the sentence, the court’s reduction of the amounts owed to a civil judgment or lien for enforcement purposes does not alter the criminal nature of the sanction, or the fact that it is part of the criminal sentence. *Martinez*, 91 So. 3d at 880 n.2. See also *Cammelleri v. State*, 270 So. 3d 369 (Fla. 4th DCA 2019) (civil lien for incarceration costs included in the criminal judgment was considered by the court to be part of the sentence).

Unless included in the criminal judgment, a civil judgment or lien is collateral to the criminal judgment. See *Cruz v. State*, 742 So. 2d 489, 490 (Fla. 3d DCA 1999). Generally, a civil judgment for money or lien is a non-criminal remedy for the recovery of an underlying debt or reimbursement of particular expenses owed. *Id.* A “lien” is defined as “[a] legal right or interest that a creditor has in another’s property, lasting usually until a debt or duty that it secures is satisfied.” BLACK’S LAW DICTIONARY (10th ed. 2014). In this regard, we believe it

To: FCCC  
From: Greenberg Traurig, P.A.  
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Re: *Issues Pertaining to Restoration of Civil Rights*

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significant that immediately before the passage of CS/SB 7066, an amendment was rejected that contained the following language:

5. Payment of all restitution, fees, or fines that are ordered by the court as part of the sentence or that are ordered by a court as a condition of any form of supervision including, but not limited to, probation, community control, or parole. *A financial obligation required under this subparagraph is deemed to have been completed to the extent that the financial obligation has been converted to a civil lien.*

Fla. S. Jour. 875 (Reg. Sess. May 2, 2019) (emphasis added).

There is no case law to provide guidance on this issue in the context of the new law. However, given the authority discussed above, we believe that a reasonable interpretation of the new law would be that the reduction of amounts owed pursuant to a criminal judgment/sentencing order to a civil judgment or lien does not eliminate the obligation to pay the amounts owed as provided for in the criminal judgment/sentencing order.

We note that to the extent a trial court imposes only a civil judgment or lien for amounts owed and does not make them part of the criminal judgment and sentence, case law indicates that the financial obligations could be considered to be independent of the criminal sentence. *Woods*, 879 So. 2d at 653 n. 1 (where sentence included the payment of public defender's fees and trial court later tried to make payment of supplemental fees part of criminal sentence, appellate court held that request was made out of time for modification of sentence; appellate court further indicated that if the trial court had issued a civil lien for the fees, such proceeding would have been independent of the criminal proceeding); *Doctor v. State*, 679 So. 2d 76, 77 (Fla. 4th DCA 1996) (criminal defendant could not challenge civil restitution lien by way of rule 3.850 motion applicable to criminal sentences; civil restitution lien is not a criminal penalty); *Cruz*, 742 So. 2d at 490 (civil restitution lien need not be considered in a plea agreement or accepted by sentencing court).

Our research thus far has uncovered no case law to support the premise that a civil judgment issued separate and apart from a sentence would be construed as being part of the sentence.

ACTIVE 44877305v1

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**DIVIDER**

## Carolyn Timmann

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**From:** Butterfield, Stacy <StacyButterfield@polk-county.net>  
**Sent:** Wednesday, November 13, 2019 11:18 AM  
**To:** BaggettF@gtlaw.com  
**Cc:** greent@clayclerk.com; Carolyn Timmann  
**Subject:** Re: [EXTERNAL]: FW: Revised Memo Re: FCCC Opinion on Amendment 4 issues

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Sent from my iPad

On Nov 13, 2019, at 10:53 AM, "[BaggettF@gtlaw.com](mailto:BaggettF@gtlaw.com)" <[BaggettF@gtlaw.com](mailto:BaggettF@gtlaw.com)> wrote:

Attached is a memo provided to Chris on August 5 that includes, at the bottom of page 5, our opinion on the issue of civil liens being recorded against financial obligations contained in a criminal judgement and sentence. The filing of a lien does not satisfy or affect the obligations set out in the criminal sentence. The lien is a civil enforcement tool to support the payment of the criminal debt. Think of it in terms of the suspension of a driver's license (D6) for non-payment of traffic fines. If the suspension is cancelled by DHSMV for whatever reason other than payment of the outstanding fine, the fine is still owed. Probably not a good analogy but close.

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<FACC opinion on Amendment 4 issues\_ 8.5.19.docx>

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**DIVIDER**

**Carolyn Timmann**

**From:** Allison L. Newman <anewman@flclerks.com>  
**Sent:** Friday, November 15, 2019 9:13 AM  
**Subject:** Advisory - 19-111- Report of the Restoration of Voting Rights Work Group  
**Attachments:** 19bull111.docx.pdf; 19bull111\_Attach\_1\_ Excerpt from the Report by the Restoration of Voting Rights Work Group, pages 18-25.pdf

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**Dear Court Clerks and Comptrollers:**

Please review the attached Advisory regarding **Report of the Restoration of Voting Rights Work Group.**

FLORIDA COURT CLERKS & COMPTROLLERS INFORMATION BOX			
<b>Intended audience:</b>	Clerks	<b>Category:</b>	Clerk Administration, Court Records
<b>Priority:</b>	High	<b>Action required:</b>	This advisory is provided for your information.
<b>Executive Summary:</b>	Pursuant to SB 7066, the Restoration of Voting Rights Work Group submitted their final report to the President of the Senate and the Speaker of the House on November 1, 2019. The report included recommendations for consolidating data necessary to verify the eligibility of individuals for restoration of voting rights under Amendment 4, and for a process for informing such individuals about the custodians of information needed to verify eligibility. The full report is 340 pages and can be accessed <a href="#">via this link</a> . The findings and recommendations can be found on pages 18-25 of the full report, which is included as an attachment to this advisory.		
<b>Clerk outreach:</b>	None needed.		

Thank you,



**ALLISON L. NEWMAN**, *Member Outreach Manager*

Phone (850) 921-0808

ANewman@FLClerks.com

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## FCCC ADVISORY

**Report of the Restoration of Voting Rights Work Group**

**No. 19-111**

**Date:** November 15, 2019

**Contact:** Richard Herring

**Category:** Clerk Administration, Courts

**Telephone:** (850) 264-6531

**Page:** 1 of 1

**E-mail:** [rherring@flclerks.com](mailto:rherring@flclerks.com)

Pursuant to CS/SB 7066, Ch. 2019-162, LOF, the Restoration of Voting Rights Work Group submitted its final report to the President of the Senate and the Speaker of the House on November 1, 2019. The report included recommendations for consolidating data necessary to verify the eligibility of individuals for restoration of voting rights under Amendment 4, and for a process for informing such individuals about the custodians of information needed to verify eligibility. The full report is 340 pages and can be accessed via this link. The Work Group's findings and recommendations can be found on pages 18-25 of the full report, which is included as an attachment to this advisory.

In addition to the findings and recommendations, the report also includes presentation materials and transcripts of the Work Group's meetings. A summary of the Clerk presentation to the Work Group can be found on page 16. The presentation materials for the Clerk presentation can be found on pages 84-89. A transcript of the Clerk presentation can be found via Appendix H, or on pages 254-259.

There are several appendices regarding actions taken by the Florida Supreme Court and the U.S. District Court for the Northern District of Florida.

This report is being provided for informational purposes. The recommendations of the Work Group involve the Clerks and highlight the important role Clerks play in this process. Using this report, the Legislature will consider revisions to the process for the restoration of voting rights. FCCC is continuing to diligently review the final report and its impact on Clerks and their offices. The Legislative & Public Affairs team will be actively working with partners in the Legislature and monitoring proposed legislation.

As a reminder, Governor Ron DeSantis appointed the Honorable JD Peacock II (Okaloosa) and the Honorable Doug Chorvat Jr. (Hernando) to the Work Group.

For questions, please contact Richard Herring ([rherring@flclerks.com](mailto:rherring@flclerks.com)) or Kimberly Renspie ([krenspie@flclerks.com](mailto:krenspie@flclerks.com)).

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*Excerpt from the Report by the Restoration of Voting Rights Work Group, pages 18-25*

#### **IV. Restoration of Voting Rights Work Group: Findings & Recommendations**

During and after the presentations, Work Group members discussed the various issues they were tasked with studying. Tracking the statutory mandate, the following key points were identified:

##### **A. The consolidation of all relevant data necessary to verify the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.**

###### ***Findings:***

Information detailing financial obligations as part of a person's sentence, such as fines, fees, court costs, and restitution is available, but there is no single source where the information is captured, and the payment of any financial obligations is not tracked in a uniform manner by a single entity. Data and information exists across a handful of different agencies and is maintained in varying formats. For example, the Department of Corrections maintains records of payments, if paid through the Department, made while an individual is incarcerated or under supervision. Local state attorneys may, in some instances, have records about restitution payments made either at the time of or after sentencing. Additionally, databases that contain information on the status of a convicted felon's terms of sentence have varying levels of accessibility to outside persons or entities. That said, the vast majority of the pertinent records reside with the Clerks of Court and many are available online.

More specifically, court records are required to be retained for a minimum of seventy-five years. Clerks of Courts' case management systems connect with and feed data into the Florida Court Clerks & Comptrollers' Comprehensive Case Information System (CCIS), which serves as a secured single point of search for statewide court case information, but solely for governmental use based on authorized level of access.

As to restitution, the Clerks of Courts represented that they would have information as to payments and satisfaction only if ordered to be paid through the Clerk of Court. Most criminal court data since 2000 has been available online with images of court records starting in 2010. Counties work daily to update their local systems.

Stacy M. Butterfield, CPA  
Polk County  
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Angelina "Angel" Colonnese, Esq.  
Manatee County  
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Carolyn Timmann  
Martin County  
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Barry Baker  
Suwannee County  
Secretary

Chris Hart IV  
Chief Executive  
Officer



Representative Grant presented to the Work Group regarding data flow and recommended development of APIs inside of each stakeholder group such that those APIs become the translation layer facilitating data sharing. He cautioned against centralizing data, for a number of reasons, including length of time necessary to complete same.

***Recommendations:***

1. Recommend enhancing the Clerk of Court's financial accounting system to include a breakdown of financial obligations by category (restitution, fines, fees, and court costs) if part of the judgment and/or sentencing document.
2. Recommend enhancing the Clerk of Court's financial accounting system to track payment of financial obligations ordered as part of the terms of sentence to determine the total amount due, the balance owed, or paid in full. Payments should be tracked for each conviction and by category (restitution, fines, fees, and court costs).
3. Recommend enhancing the Clerk of Court's financial accounting to segregate original amounts ordered as terms of the sentence from any costs and fees accrued after the sentence, such as interest or costs of collections.
4. Recommend, in conjunction with all of the above, the Florida Legislature provide funding to Clerks of Court for temporary additional manpower to enable the Clerks to bring more records dating further back in time into electronic format available online for easier accessibility to government stakeholders and members of the public involved in the restoration of rights process.
5. Recommend the Florida Legislature explore the option of developing, implementing and funding an automated and interconnected system for consolidating relevant data and tracking financial obligations related to criminal offenses for use by governmental agencies, including a public interface component for reviewing balances and payments in real-time, similar to that used by the Department of Revenue. Alternatively, recommend the Florida Legislature explore an avenue of creating a public interface component to the existing CCIS system, limited to that information necessary for a voter to ascertain his or her own eligibility. Recommend that either of these avenues take into account and consider Representative Grant's suggestions related to APIs for the sharing of data.

**B. The process of informing a registered voter of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility for restoration.**

***Findings:***

The Work Group finds that the more opportunities for a citizen to receive consistent restoration of voting rights information, the better. Starting at the point of sentencing, the Honorable Angela Cote Dempsey presented to the Work Group on sentencing processes, including the direct and collateral consequences of pleas that are required to be presented to a defendant during the plea colloquy, including but not limited to immigration consequences. Upon inquiry, Judge Dempsey confirmed that it may be possible to include voting rights information within that plea colloquy.

Department of Corrections Bureau Chief Michelle Palmer presented to the Work Group and discussed how DOC's role in voter registration is to educate and inform inmates regarding voter restoration rights and to provide a financial obligation summary at the time of release. Bureau Chief Palmer discussed DOC'S current process of fulfilling those roles for inmates who are incarcerated, and those who are being released. Bureau Chief Palmer testified that forms, examples of which were provided in materials given to Work Group members, have been created that are uniform throughout the state and are provided to all inmates successfully terminating supervision. Bureau Chief Palmer testified that beginning July 1, 2019, DOC began educating and informing all offenders regarding their restoration rights as well as providing a financial obligation summary at the time of release.

Bureau Chief Palmer testified that as DOC's process has evolved, they have enhanced trainings to include additional information during inmate orientation. As such, inmates receive the information when first received into DOC custody. In addition, they have added the information to the Compass 100, which is a program that starts about eighteen months prior to an inmate's release, so the inmate is hearing that information again. At the time of release, an inmate is again provided the same consistent and uniform information.

Bureau Chief Palmer testified that as well as providing that training to inmates, they have also added staff training. New classification and release officers are also receiving the information so they can better answer questions the inmate may have while he or she is in custody. Bureau Chief Palmer testified that at the time of release, DOC is providing that same information about restoration, along with a copy of any outstanding financial obligations that the inmate may have.

Bureau Chief Palmer stated that as part of the process, DOC reviews all sentencing orders that are available. They also review CCIS. She stated that DOC compares that information to see if

there are any discrepancies between DOC's information and CCIS information. DOC communicates with the Clerk directly to ensure any discrepancies are resolved. If found, DOC tries to resolve the discrepancies prior to an inmate being released. Bureau Chief Palmer testified that the end result is that when the inmate is released, DOC provides an outstanding financial obligations summary. This includes the original financial obligation, any known payments, and the outstanding balance at the time of release. Bureau Chief Palmer noted that the outstanding balance only encompasses those cases for which the inmate is currently incarcerated. Bureau Chief Palmer testified that if an inmate is being released from incarceration into Department-monitored supervision, the financial obligation summary is not provided at the time of release from incarceration, but rather, will be provided once the offender successfully completes probation or other supervision.

Additionally, Joe Winkler, the Assistant Secretary of Community Corrections for DOC testified as to the processes DOC has for those under supervision. He testified that each year over 80,000 offenders terminate supervision, although the numbers are a little deceiving because some terminations may be a result of revocation of probation and the offender is then sentenced to prison or county jail. Others may be sentenced to a subsequent term of supervision or pretrial intervention. Assistant Secretary Winkler testified that nonetheless, DOC is still responsible for notifying approximately 60,000 offenders each year of their financial obligations upon release. He noted that successful project implementation is paramount.

Assistant Secretary Winkler testified that DOC's primary responsibility is to educate and inform as they terminate supervision. DOC made modifications to a prior process used. For offenders terminating supervision prior to July 1, 2019, DOC gave a termination letter outlining the way in which the offender could seek to get his or her civil rights restored. Assistant Secretary Winkler testified that after July 1, 2019, DOC modified that form to include the voting rights process. The updated termination supervision letter is now provided to offenders upon termination of supervision

Assistant Secretary Winkler noted that the second part of the process is still evolving. He discussed how DOC is undertaking a pilot program with four of Florida's judicial circuits (the 2nd circuit (Tallahassee); the 4th circuit (Jacksonville); the 5th circuit (Tavares); and the 20th circuit (Sarasota)). He testified that DOC is going to target offenders who are within thirty to sixty days of their termination date and give them an opportunity to attend a class at a probation office to further educate the offenders about the voting restoration process. This will include a quality video, made in consultation with the Florida Commission on Offender Review (FCOR) and Supervisors of Elections, containing information about the process and frequently asked questions. Assistant Secretary Winkler testified that they will also answer questions from offenders in attendance. These will include general questions about the restoration process and specific questions the offenders may have about their particular cases. The video will contain a

consistent message applicable to all counties. Assistant Secretary Winkler noted that DOC also plans to invite people from the supervisors of elections offices to help answer some of those questions.

Assistant Secretary Winkler noted that in addition to the education component, DOC has a statutory responsibility to notify offenders in writing of their outstanding terms of supervision. This is a continuous process. He stated that the role of a probation officer is to communicate with the offender about responsibilities of compliance and monitoring. Each time the offender reports, the probation officer goes over standard and special conditions of probation imposed by the sentencing authority. If done consistently during supervision, prior to termination, the offender will know what the outstanding terms are. When an offender terminates supervision, DOC is also going to provide the closing summary. The summary outlines the conditions that the offender had while on supervision. It shows the conditions outstanding, as well as those completed. Also, whenever the offender terminates supervision, DOC is going to provide the documents to the clerk of court in the sentencing county, the releasing county, and FCOR.

The Honorable Ken Burke, CPA, Clerk of the Circuit Court and Comptroller for Pinellas County, shared during his presentation to the Work Group that the Clerks of Court, through their membership association, the Florida Court Clerks & Comptrollers, have been working on a uniform form, in conjunction with DOC, such that if an individual walks into a Clerk of Court's office, the Clerk of Court would be able to access CCIS information for the individual and assist the individual with ascertaining financial obligations in multiple counties. Clerk Burke gave the example that if an individual had a felony in one county and walked into a Clerk of Court's office in another county, the Clerk in the office could locate the necessary information in CCIS, provide the individual with a uniform form, and be able to advise the individual of outstanding amounts. Clerk Burke noted that the amounts still may not include restitution. Clerk Burke noted that the Clerks of Court or the form would also provide contact information for the other Clerks.

Clerk Burke also shared that a concept is in discussion and hoped for development creating a statewide payment system. The system would accept credit card payments for outstanding obligations even though amounts are due in other circuits. Clerk Burke testified that Director Cox is helping to establish that system on a statewide basis to be able to help citizens online or in person satisfy payment obligations statewide. In response to a follow-up question, Clerk Burke confirmed that the system is not yet in place where the citizen could obtain information from one Clerk of Court about all counties or circuits, but that the Clerks of Court are continuing to work on best practices and that is the objective. Clerk Burke testified that the Clerks of Court will likely be approving a form at their next conference that will be able to be used in every county and circuit. There would be no cost to a citizen for obtaining this type of information.

**Recommendations:**

1. Recommend that information pertaining to loss of voting rights, and subsequent restoration of rights, via clemency or Amendment IV, be initially provided to a defendant during a plea colloquy.
2. Recommend ensuring that the notice provided to convicted felons from the Florida Department of Corrections specifies that outstanding terms apply solely as to the conviction for which they are currently serving. The notice should advise that the individual will need to ascertain separately from the court of conviction, whether in-state or out-of-state, what those terms are and whether all the terms have been satisfied.
3. Recommend that each Clerk of Court designate one or more employees to act as a restoration of voting rights liaison(s) who can assist a member of the public with determining outstanding financial obligations as it relates to completion of all terms of his or her sentence and that there is a uniform process or method for sharing this information with a person who requests it.
4. Recommend that all stakeholder agencies in the process, including the Florida Department of State, the Florida Department of Corrections, Supervisors of Elections, and the Florida Commission on Offender Review, likewise designate restoration of voting rights liaisons to further assist in inter-agency information sharing.
5. Recommend that the Clerks of Court continue their diligent efforts through their membership association to adopt a uniform request and receipt of information form and to enable a statewide payment portal for citizens seeking to satisfy fees in multiple circuits.
6. Recommend requiring uniform information on the websites/handbooks for Clerks of Court, Supervisors of Elections, Florida Department of Corrections, Florida Commission on Offender Review, and Florida Department of State for persons to find out how to restore civil rights and voting rights.

**C. Any other relevant policies or procedures for verifying the eligibility of a registered voter for restoration of voting rights under s. 4, Art. VI of the State Constitution.**

***Findings:***

Stephen Hebert, the Director of Clemency with the Florida Commission on Offender Review, provided an overview of FCOR's functions in considering clemency applications. Director Hebert discussed the sources of information that FCOR uses to research outstanding legal financial obligations, including interviews with the offender and victims. Director Hebert recognized FCOR's experience with reviewing court records and ascertaining legal financial obligations as being beneficial to the stakeholders involved in the restoration of voting rights process and offered FCOR's assistance, to the extent feasible with resources, in ascertaining outstanding legal fines, fees, costs, and restitution.

Senator Pizzo, the Clerks of Court, Judge Stephens, and Judge Dempsey, among other presenters, all acknowledged or discussed that judgment and sentencing documents, the key operative documents in the restoration of voting rights process, can and do look different from circuit to circuit, and even within a circuit. Judge Dempsey noted that the Florida Rules of Criminal Procedure contain a uniform judgment and sentence form, but that it is just an outline and the details of a judgment and sentence can vary. The Work Group finds that there is no current requirement that all fines, fees, and restitution be paid through the Clerks of Court, and some judgments and sentences may order that restitution be paid to a victim, for example, or that public defender or state attorney fees be paid to those offices, respectively.

Judge Dempsey discussed the work of the Florida Bar Rules of Criminal Procedure Committee in considering and acting upon proposals from groups or individuals related to criminal procedure subject matter. Judge Dempsey also brought to the Work Group's attention the Criminal Court Steering Committee that was established by the Florida Supreme Court to develop expedited recommendations to the Florida Supreme Court. The Work Group finds that either of these avenues, in addition to a possible Legislative statutory directive, may provide solutions for creating more uniformity in judgment and sentencing documents, to enhance the ability to record and track legal financial obligation requirements and payment data going forward.

Neil Volz, the Deputy Director of the Florida Rights Restoration Coalition (FRRC), presented to the Work Group on his perspectives working with returning citizens and efforts to assist such citizens in restoring their voting rights. Among other areas, Mr. Volz touched upon concerns of returning citizens related to the additional check boxes mandated to be included by Senate Bill 7066 on the voter registration application. He described the concerns as being that the citizens were being singled out and would be recorded in a separate felon database, but also noted that

concerns were alleviated when citizens utilized the prior and still accepted form that contains a single non-differentiating eligibility affirmation statement.

***Recommendations:***

1. Recommend authorizing the Florida Commission on Offender Review to assist the Florida Department of State and create a uniform process for researching further outstanding restitution on a potential match for which information is otherwise not available or ascertainable through Clerk of Court and/or the Florida Department of Corrections records, or other applicable records after a diligent search.
2. Recommend proposing to the Florida Bar's Criminal Procedure Rules Committee or the Florida Supreme Court Criminal Court Steering Committee the development and use of a more uniform judgment and sentencing document to better inform the defendant and governmental agencies, and to provide consistency and clarity about the terms of a sentence.
3. Recommend a requirement that restitution payments, and all other fines, fees, and costs, be made through the Clerks of Court to allow for tracking.
4. Recommend that each stakeholder agency, including the COCs, DOC, FDLE, FCOR, DOS, and SOEs continue to enhance data systems and data input procedures with a focus on timely availability, accuracy, quality, and consistency of data.
5. Recommend that the three uniform statewide voter registration application felony affirmation statements set forth in section 97.052, Florida Statutes, be revisited, and consideration be given to returning to the single affirmation statement encoded in law prior to the enactment of Chapter 2019-162, Laws of Florida.
6. Recommend that the Florida Legislature review the Order Denying the Motion to Dismiss or Abstain and Granting a Preliminary Injunction entered in Consolidated Case Number 4:19cv300-RH/MJF, paying particular attention to the legal concepts related to ability to pay legal financial obligations. (See Appendix F).
7. The Work Group recognizes the work of the Florida Legislature in creating an alternative judicial pathway under section 98.0751(2)(a)5.d. and e., Florida Statutes, to facilitate voting and simultaneously provide relief from legal financial obligations. The Work Group recommends that, in conjunction with recommendation 6. above, the Florida Legislature consider revisiting and expanding the existing relief available under section 98.0751(2)(a)5.d. and e., which currently provides for judicial discretion in most

circumstances to waive legal financial obligations or convert the obligations to community service. Such expansion of available judicial relief could include, for example, pathways:

- a. for individuals uncertain about the amount of outstanding legal financial obligations to seek in a hearing format a judicial determination of amount owed; and
- b. for individuals in instances in which a court is disinclined or unable to waive legal financial obligations and/or conversion to community service would not provide relief, the opportunity to demonstrate a partial or full inability to pay outstanding legal financial obligations and obtain a judicial determination on ability to pay.



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**DIVIDER**

## Carolyn Timmann

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**From:** BaggettF@gtlaw.com  
**Sent:** Tuesday, November 19, 2019 2:06 PM  
**To:** christine.monahan@americanoversight.org  
**Cc:** katherine.anthony@americanoversight.org; Carolyn Timmann  
**Subject:** RE: Florida public records request



Hi. We are good for tomorrow @ 9:00. Carolyn Timmann, Martin county clerk, will be joining us. We will be sending a call number following this email. Look forward to talking tomorrow.

---

**From:** Christine Monahan [mailto:christine.monahan@americanoversight.org]  
**Sent:** Tuesday, November 19, 2019 2:01 PM  
**To:** Baggett, Fred (Shld-Tal-GovLP) <BaggettF@gtlaw.com>  
**Cc:** Katherine Anthony <katherine.anthony@americanoversight.org>  
**Subject:** Re: Florida public records request

Hi Fred,

I just wanted to confirm if we are still good for 9am tomorrow, and if you have a call in number we should use.

Thanks so much,

Christine

Christine H. Monahan  
Counsel  
American Oversight  
(202) 869-5244  
[christine.monahan@americanoversight.org](mailto:christine.monahan@americanoversight.org)

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**From:** "BaggettF@gtlaw.com" <BaggettF@gtlaw.com>  
**Date:** Friday, November 15, 2019 at 1:17 PM  
**To:** Christine Monahan <christine.monahan@americanoversight.org>  
**Subject:** RE: Florida public records request

10:00 Monday is good. Best number for me is my direct line, 850 425 8512.

---

**From:** Christine Monahan [mailto:christine.monahan@americanoversight.org]  
**Sent:** Friday, November 15, 2019 11:52 AM  
**To:** Baggett, Fred (Shld-Tal-GovLP) <BaggettF@gtlaw.com>  
**Subject:** Re: Florida public records request

\*EXTERNAL TO GT\*

Good morning,

Thanks for the email. Let's go with 10am on Monday morning. What's the best number to reach you at then?

Generally, we are amenable to narrowing as you suggest, but we would like to discuss how this would be accomplished.

Looking forward to speaking with you,

Christine

Christine H. Monahan

Counsel

American Oversight

(202) 869-5244

[christine.monahan@americanoversight.org](mailto:christine.monahan@americanoversight.org)

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**From:** "BaggettF@gtlaw.com" <BaggettF@gtlaw.com>

**Date:** Friday, November 15, 2019 at 11:41 AM

**To:** Christine Monahan <[christine.monahan@americanoversight.org](mailto:christine.monahan@americanoversight.org)>

**Subject:** Florida public records request

Christine, thank you for returning my call and I am sorry I was not here to get it. I will be available anytime this afternoon after 1:30 or Monday morning. I have a conference call with the clerks who have received your public records request at 11:00 and if it is possible for us to talk before than that would be great. Florida clerks are very familiar with records request and want to be responsive to your request but hopefully can focus on what you need. If we can narrow the request to communications related to Amendment 4, the restoration of voter rights amendment adopted last November, that would be very helpful, quicker and less expensive for all. I look forward to talking to you.

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**BLANK**

**DIVIDER**

## Carolyn Timmann

---

**From:** Christine Monahan <christine.monahan@americanoversight.org>  
**Sent:** Thursday, November 21, 2019 12:41 PM  
**To:** BaggettF@gtlaw.com  
**Cc:** Katherine Anthony; Carolyn Timmann  
**Subject:** Re: Florida public records request  
**Attachments:** FL-19-1401-1405 Revised Scope.pdf



Fred and Carolyn,

Thank you both for taking the time to speak with us yesterday. Attached is a letter narrowing the scope of our requests consistent with our call. As you will see, although we did not eliminate all of the non-clerk officials, we cut nearly half of those officials in an attempt to reduce the burden. Everything else should reflect the changes we agreed to over the phone. Please don't hesitate to let us know if you have any further questions or concerns.

Best,

Christine

Christine H. Monahan  
Counsel  
American Oversight  
(202) 869-5244  
christine.monahan@americanoversight.org

---

**From:** "BaggettF@gtlaw.com" <BaggettF@gtlaw.com>  
**Date:** Tuesday, November 19, 2019 at 2:06 PM  
**To:** Christine Monahan <christine.monahan@americanoversight.org>  
**Cc:** Katherine Anthony <katherine.anthony@americanoversight.org>, "CTimmann@martinclerk.com" <CTimmann@martinclerk.com>  
**Subject:** RE: Florida public records request

Hi. We are good for tomorrow @ 9:00. Carolyn Timmann, Martin county clerk, will be joining us. We will be sending a call number following this email. Look forward to talking tomorrow.

---

**From:** Christine Monahan [mailto:christine.monahan@americanoversight.org]  
**Sent:** Tuesday, November 19, 2019 2:01 PM  
**To:** Baggett, Fred (Shld-Tal-GovLP) <BaggettF@gtlaw.com>  
**Cc:** Katherine Anthony <katherine.anthony@americanoversight.org>  
**Subject:** Re: Florida public records request

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Counsel

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(202) 869-5244

[christine.monahan@americanoversight.org](mailto:christine.monahan@americanoversight.org)

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**Date:** Friday, November 15, 2019 at 1:17 PM

**To:** Christine Monahan <[christine.monahan@americanoversight.org](mailto:christine.monahan@americanoversight.org)>

**Subject:** RE: Florida public records request

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**Sent:** Friday, November 15, 2019 11:52 AM

**To:** Baggett, Fred (Shld-Tal-GovLP) <BaggettF@gtlaw.com>

**Subject:** Re: Florida public records request

**\*EXTERNAL TO GT\***

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Christine

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November 21, 2019

VIA ELECTRONIC MAIL

Fred Baggett  
101 East College Avenue  
Tallahassee FL 32301  
BaggettF@gtlaw.com

**Re: Amendment 4 QRT Public Records Requests**

Dear Mr. Baggett:

We greatly appreciate your outreach regarding our recent public records requests, which we assigned the tracking numbers FL-PINELLAS-19-1401, FL-CLAY-19-1402, FL-ORANGE-19-1403, FL-SARASOTA-19-1404, and FL-MARTIN-19-1405. Pursuant to our conversation with you and the Honorable Carolyn Timmann on November 20, 2019, we agree to revise our requests to the following:<sup>1</sup>

All email communications (including email messages and email attachments) between (a) the applicable County Clerks of Courts (the Honorable Ken Burke, Tara Green, Tiffany Moore Russell, Karen E. Rushing, and Carolyn Timmann), and (b) the external parties listed below, that include any of the following search terms:

- "QRT"
- "Quick Response Team"
- "Amendment 4"
- "A4"
- "Amd 4"
- "Amd. 4"
- "Voter rights"
- "Voter restoration"
- "7066"
- "7089"

External Parties

- i. Honorable Ken Burke, Pinellas County Clerk of Court (KBurke@mypinellasclerk.org)
- ii. Honorable Tara Green, Clay County Clerk of Court (greent@clayclerk.com)

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<sup>1</sup> We have consolidated the five requests here for simplicity. This is not intended to change our intention that each clerk's office will search the email of the clerk of courts for their respective county.



- iii. Honorable Tiffany Moore Russell, Orange County Clerk of Court  
(tiffany.moorerussell@myorangeclerk.com)
- iv. Honorable Karen E. Rushing, Sarasota County Clerk of Court (krushing@scgov.net)
- v. Honorable Carolyn Timmann, Martin County Clerk of Court  
(CTimmann@martinclerk.com)
- vi. Honorable JD Peacock, Okaloosa County Clerk of Court  
(jdpeacock@okaloosaclerk.com)
- vii. Honorable Doug Chorvat, Hernando County Clerk of Court  
(dchorvat@hernandoclerk.org)
- viii. Maria Matthews, Director, Florida Division of Elections  
(Maria.Matthews@DOS.MyFlorida.com)
- ix. Toshia Brown, Chief, Florida Bureau of Voter Registration Services,  
(Toshia.Brown@DOS.MyFlorida.com)
- x. Amber Marconnet, Senior Management Analyst Supervisor, Florida Bureau of Voter  
Registration Services (Amber.Marconnet@DOS.MyFlorida.com)
- xi. Kenneth Steely, General Counsel, Florida Department of Corrections  
(Kenneth.Steely@fdc.myflorida.com)
- xii. Michelle Palmer, Bureau Chief, Florida Department of Corrections  
(Michelle.Palmer@fdc.myflorida.com)
- xiii. Manley Jaquiss, Correctional Probation Senior Supervisor, Florida Department of  
Corrections (Manley.Jaquiss@mail.fdc.myflorida.com)
- xiv. Kate Holmes, Assistant General Counsel, Florida Department of Law Enforcement  
(kateholmes@fdle.state.fl.us)
- xv. Melinda Coonrod, Chair, Florida Commission on Offender Review  
(melindacoonrod@fcor.state.fl.us)

Please provide all responsive records from July 1, 2019, to the date of the search.

We further agree that the following records can be excluded from production:

- Records that include the search terms “QRT” or “Quick Response Team” that do not relate to Amendment 4;
- Records that include the search terms “7066” or “7089” that do not relate to Senate Bill 7066 or House Bill 7089 (e.g., records that include “7066” or “7089” as parts of phone numbers);
- Court records that are attached to responsive emails; and
- News clips or other mass-distribution emails.

It is our understanding that the clerks will provide us with cost estimates for responding to our requests as revised here, and to the best of their ability, produce records on or before January 2, 2020.

Again, thank you very much for working with us on these requests. If you have any questions, or foresee any problems in responding to our request as revised here, please contact Christine H. Monahan at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244.

Sincerely,

A handwritten signature in black ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers  
Executive Director  
American Oversight