

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

RYAN AUSTIN POWERS,

Appellant,

v.

Case No. 5D19-2353

STATE OF FLORIDA,

Appellee.

_____ /

Decision filed April 3, 2020

Appeal from the Circuit Court
for Citrus County,
Richard A. Howard, Judge.

James S. Purdy, Public Defender, and
Andrew Mich, Assistant Public Defender,
Daytona Beach, for Appellant.

Ryan Austin Powers, Milton, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Kaylee D. Tatman,
Assistant Attorney General, Daytona
Beach, for Appellee

PER CURIAM.

AFFIRMED.

EVANDER, C.J., and WALLIS, J., concur.
COHEN, J., concurs specially, with opinion.

COHEN, J., concurring specially.

On November 6, 2018, Florida voters passed an amendment to the Florida Constitution that restores voting rights to some convicted felons “upon completion of all terms of sentence including parole or probation.” Art. VI, § 4(a), Fla. Const. Our supreme court recently issued Advisory Opinion to Governor re Implementation of Amendment 4, The Voting Restoration Amendment, 45 Fla. L. Weekly S10 (Fla. Jan. 16, 2020), which held that the phrase “all terms” includes the repayment of all costs and fees associated with a felon’s sentence.

Here, the trial court imposed the costs of Powers’s incarceration pursuant to section 960.293(2)(b), Florida Statutes (2019), which provides that a defendant incarcerated for a felony other than a capital or life felony is liable for incarceration costs and other correctional costs, liquidated at \$50 per day. In Powers’s case, his seven-year imprisonment resulted in incarceration costs of \$127,750.¹ It is clear that absent any action from the Florida Legislature or another constitutional amendment, Amendment 4 will not truly serve to restore the eligibility of most felons to vote.

¹ Powers was sentenced to seven years in prison for felony fleeing or attempting to elude and five years in prison for possession of methamphetamine.