

COURT CASE

Terry Hubbard v. State of Florida

The Florida Supreme Court will hear oral argument on February 4 in a case examining the validity of Gov. Ron DeSantis's politicized prosecution of confused or misled voters with past felony convictions.

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[Voting & Elections](#)

The Florida Supreme Court is considering whether statewide prosecutors are authorized to prosecute alleged voter fraud cases local prosecutors declined to bring.

In November 2018, Florida voters approved [Amendment 4](#) [\[link-1\]](#), a state constitutional amendment that automatically restored voting rights to most people with felony convictions — except those convicted of murder or a felony sexual offense — who had completed the terms of their sentence, including probation and parole. Even though Floridians voted to end the state's Jim Crow policy of lifetime

disenfranchisement, in June 2019, Gov. Ron DeSantis (R) signed [Senate Bill 7066](#) [\[link-2\]](#) into law, requiring those whose voting rights were restored by Amendment 4 to pay certain court-ordered debts before voting. Many people with past felony convictions do not know what they owe, while hundreds of thousands cannot afford to pay off those court debts.

Since S.B. 7066's enactment, Florida has [struggled to administer its voting-rights restoration system](#) [\[link-3\]](#). The state has no reliable way for people to know if they are eligible to vote and has

also failed to meaningfully educate the public about the requirements of Amendment 4 and S.B. 7066. This led to widespread confusion among citizens and government officials, and now the state is prosecuting people who can't navigate the state's complex system.

In August 2022, five days before Florida's primary election, DeSantis [announced](#) [\[link-4\]](#) the arrests of Terry Hubbard and 19 other people with past felony convictions, alleging that they knowingly registered to vote or voted while ineligible in the 2020 election. [Publicly available evidence](#) [\[link-5\]](#) suggests that most, if not all, of those arrested genuinely believed they were eligible to vote. Flanked by more than a dozen law enforcement officers, DeSantis called the arrests the "opening salvo" of Florida's new Office of Election Crimes and Security and announced that the Office of Statewide Prosecution (OSP) would handle these cases because some local state attorneys were "loathe" to bring them.

Florida voters and the legislature [created](#) [\[link-6\]](#) OSP in 1986 to

prosecute organized criminal activity that could not be effectively handled by a local state attorney because it occurred in or affected multiple parts of the state. To that end, [Article IV, section 4\(b\) of the Florida Constitution](#) [\[link-7\]](#) limits OSP's authority to crimes that occur in "two or more judicial circuits as part of a related transaction" or that affect "two or more judicial circuits as provided by general law." (Florida has [20 judicial circuits](#) [\[link-8\]](#), some of which comprise multiple counties.) At the time of Hubbard's prosecution, OSP's enabling statute, [Section 16.56, Florida Statutes](#) [\[link-9\]](#), authorized OSP to prosecute voting-related crimes when they occur "in two or more judicial circuits as part of a related transaction," or when they are "connected with an organized criminal conspiracy affecting two or more judicial circuits."

On October 3, 2022, Hubbard moved to dismiss OSP's charges against him, arguing that OSP lacked authority to prosecute because his alleged crimes (registering to vote and voting while ineligible) occurred solely within the judicial circuit where he resides.

On December 23, 2022, the trial court agreed with Hubbard and [dismissed](#) [\[link-10\]](#) the OSP's charges against him. The state appealed the trial court's ruling to the Fourth District Court of Appeal on December 27, 2022.

On February 15, 2023, after the dismissal of OSP's charges against Hubbard and four other people in his situation, Governor Desantis signed [Senate Bill 4-B](#) [\[link-11\]](#) into law, purporting to expand OSP's statutory authority to prosecute *all* voting crimes, including those that only occur in or affect one circuit like the offenses Hubbard is accused of committing.

On July 17, 2024, a three-judge panel of the Fourth District Court of Appeal [reversed](#) [\[link-12\]](#) the trial court's dismissal of OSP's charges against Hubbard, holding that S.B. 4-B applied retroactively to Hubbard's case and authorized OSP to prosecute him.

On October 24, 2024, Hubbard asked the Florida Supreme Court to reconsider the Fourth District Court of Appeal's ruling. The Court agreed to hear the case on January 13, 2025.

On June 2, 2025, the Brennan Center and co-counsel filed an [amicus brief](#) [\[link-13\]](#) in support of Hubbard. Six additional amicus briefs were filed in support of him by former members of the Commission on the Statewide Prosecution Function (the commission that created the OSP), the Association of Prosecuting Attorneys, the Due Process Institute, the Niskanen Center and former Florida State Senator Jeff Brandes, state constitutional scholars, and the Southern Poverty Law Center.

The Florida Supreme Court has scheduled oral argument for February 4, 2026, at 9 a.m. There are four other cases before the Florida Supreme Court concerning OSP's authority to prosecute individuals like Hubbard. The court has stayed those cases, pending the outcome of Hubbard's case.

Documents

- [Trial Court Order Granting Terry Hubbard's Motion to Dismiss](#) [\[link-14\]](#) (December 23, 2022)
- [Fourth District Court of Appeal Opinion](#) [\[link-15\]](#) (July 17, 2024)

- [Terry Hubbard's Initial Brief](#) [\[link-16\]](#)
(May 22, 2025)
- [Brief of the Brennan Center for Justice in Support of Terry Hubbard](#) [\[link-17\]](#)
(June 2, 2025)
- [Brief of the Niskanen Center and Former Florida State Senator Jeff Brandes in Support of Terry Hubbard](#) [\[link-18\]](#) (June 2, 2025)
- [Brief of Former Members of the Commission on the Statewide Prosecution Function in Support of Terry Hubbard](#) [\[link-19\]](#) (June 2, 2025)
- [Brief of the Association of Prosecuting Attorneys in Support of Terry Hubbard](#) [\[link-20\]](#) (June 2, 2025)
- [Brief of State Constitutional Scholars Robert F. Williams and G. Alan Tarr in Support of Terry Hubbard](#) [\[link-21\]](#)
(June 2, 2025)
- [Brief of the Due Process Institute in Support of Terry Hubbard](#) [\[link-22\]](#)
(June 2, 2025)
- [Brief of the Southern Poverty Law Center in Support of Terry Hubbard](#) [\[link-23\]](#) (June 2, 2025)
- [State of Florida's Answer Brief](#) [\[link-24\]](#) (August 22, 2025)

- [Terry Hubbard's Reply Brief](#) [\[link-25\]](#)
(November 3, 2025)

Related Resources

- [Florida High Court to Hear Arguments in Politicized "Voter Fraud" Case](#) [\[link-26\]](#)
- [Annotated Guide to the Amicus Briefs in the Florida 'Voter Fraud' Prosecution Cases](#) [\[link-27\]](#)
- [Who Has the Authority to Prosecute People Accused of 'Voter Fraud' in Florida?](#) [\[link-28\]](#)
- [Florida and Texas Go After Voters for Honest Mistakes](#) [\[link-29\]](#)
- [Florida Changes Law to Boost Unjust 'Voter Fraud' Prosecutions](#) [\[link-30\]](#)
- [Florida: An Outlier in Denying Voting Rights](#) [\[link-31\]](#)

Links

link-1: Amendment 4 <https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=64388&seqnum=1>

link-2: Senate Bill 7066 <https://www.flsenate.gov/Session/Bill/2019/07066>

link-3: struggled to administer its voting-rights restoration system <https://www.brennancenter.org/our-work/research-reports/10-reasons-courts-should-toss-floridas-flimsy-voter-fraud-prosecutions>

link-4: announced <https://www.youtube.com/watch?v=IBkT4A1RET8>

link-5: Publicly available evidence <https://www.brennancenter.org/our-work/research-reports/10-reasons-courts-should-toss-floridas-flimsy-voter-fraud-prosecutions>

link-6: created <https://ir.law.fsu.edu/lr/vol13/iss3/7/>

link-7: Article IV, section 4(b) of the Florida Constitution

<https://www.flsenate.gov/laws/constitution#A4S04:~:text=There%20is%20created%20in%20the,otherwise%20provided%20by%20general%20law.>

link-8: 20 judicial circuits <https://www.floridabar.org/directories/courts/maps-circuit/>

link-9: Section 16.56, Florida Statutes https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0016/Sections/0016.56.html

link-10: dismissed <https://www.brennancenter.org/sites/default/files/2022-12/Order%20Granting%20Motion%20To%20Dismiss.pdf?inline=1>

link-11: Senate Bill 4-B <https://www.flsenate.gov/Session/Bill/2023B/4B>

link-12: reversed <https://www.brennancenter.org/media/15093/download/4th-dca-opinion-disposition.pdf?inline=1>

link-13: amicus brief <https://www.brennancenter.org/media/15094/download/brief-of-amicus-curiae-brennan-center-for-justice.pdf?inline=1>

link-14: Trial Court Order Granting Terry Hubbard's Motion to Dismiss <https://www.brennancenter.org/sites/default/files/2022-12/Order%20Granting%20Motion%20To%20Dismiss.pdf?inline=1>

link-15: Fourth District Court of Appeal Opinion <https://www.brennancenter.org/media/15093/download/4th-dca-opinion-disposition.pdf?inline=1>

link-16: Terry Hubbard's Initial Brief <https://www.brennancenter.org/media/15095/download/hubbard-initial-brief.pdf?inline=1>

link-17: Brief of the Brennan Center for Justice in Support of Terry Hubbard <https://www.brennancenter.org/media/15094/download/brief-of-amicus-curiae-brennan-center-for-justice.pdf?inline=1>

link-18: Brief of the Niskanen Center and Former Florida State Senator Jeff Brandes in Support of Terry Hubbard <https://www.brennancenter.org/media/15096/download/amici-curiae-brief-niskanen-and-brandes.pdf?inline=1>

link-19: Brief of Former Members of the Commission on the Statewide Prosecution Function in Support of Terry Hubbard <https://www.brennancenter.org/media/15102/download/brief-of-amici-curiae-former-members-of-osp-comission.pdf?inline=1>

link-20: Brief of the Association of Prosecuting Attorneys in Support of Terry Hubbard <https://www.brennancenter.org/media/15099/download/brief-of-amicus-curiae-appa.pdf?inline=1>

link-21: Brief of State Constitutional Scholars Robert F. Williams and G. Alan Tarr in Support of Terry Hubbard <https://www.brennancenter.org/media/15103/download/amici-curiae-brief-state-constitutional-scholars.pdf?inline=1>

link-22: Brief of the Due Process Institute in Support of Terry Hubbard <https://www.brennancenter.org/media/15101/download/brief-of-amicus-curiae-due-process-institute.pdf?inline=1>

link-23: Brief of the Southern Poverty Law Center in Support of Terry Hubbard <https://www.brennancenter.org/media/15100/download/brief-of-amicus-curiae-splc.pdf?inline=1>

link-24: State of Florida's Answer Brief <https://www.brennancenter.org/media/15098/download/state-answer-brief.pdf?inline=1>

link-25: Terry Hubbard's Reply Brief <https://www.brennancenter.org/media/15097/download/hubbard-reply-merit.pdf?inline=1>

link-26: Florida High Court to Hear Arguments in Politicized "Voter Fraud" Case <https://www.brennancenter.org/our-work/analysis-opinion/florida-high-court-hear-arguments-politicized-voter-fraud-case>

link-27: Annotated Guide to the Amicus Briefs in the Florida 'Voter Fraud' Prosecution Cases <https://www.brennancenter.org/our-work/court-cases/annotated-guide-amicus-briefs-florida-voter-fraud-prosecution-cases>

link-28: Who Has the Authority to Prosecute People Accused of 'Voter Fraud' in Florida? <https://statecourtreport.org/our-work/analysis-opinion/who-has-authority-prosecute-people-accused-voter-fraud-florida>

link-29: Florida and Texas Go After Voters for Honest Mistakes <https://www.brennancenter.org/our-work/analysis-opinion/florida-and-texas-go-after-voters-honest-mistakes>

link-30: Florida Changes Law to Boost Unjust 'Voter Fraud' Prosecutions <https://www.brennancenter.org/our-work/analysis-opinion/florida-changes-law-boost-unjust-voter-fraud-prosecutions>

link-31: Florida: An Outlier in Denying Voting Rights https://www.brennancenter.org/sites/default/files/publications/Florida_Voting_Rights_Outlier.pdf?inline=1