

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 247 Paper Reduction

**SPONSOR(S):** Local and Federal Affairs Committee, Government Operations Subcommittee, Nelson

**TIED BILLS:** CS/HB 249 **IDEN./SIM. BILLS:** CS/SB 1352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N, As CS	Stramski	Williamson
2) Local & Federal Affairs Committee	15 Y, 0 N, As CS	Lukis	Rojas
3) State Affairs Committee	14 Y, 0 N	Stramski	Camechis

### SUMMARY ANALYSIS

It is a stated goal of the State of Florida to decrease the paperwork burden associated with the conduct of state business. This bill furthers that goal by permitting the use of an electronic medium to collect and disseminate information as required by law in selected settings. The bill:

- Requires the statewide voter registration application to elicit the voter registration applicant's e-mail address and an indication of whether the applicant wishes to receive sample ballots by e-mail.
- Authorizes the supervisor of elections to provide electronic sample ballots to electors if certain requirements are met.
- Requires the clerk of a board of county commissioners to electronically transmit to the Department of State enacted ordinances, amendments, and emergency ordinances, and requires the Department to electronically confirm by e-mail the receipt and the effective date of such filings with the clerk.
- Permits the clerk of a value adjustment board to electronically notify the taxpayer and property appraiser of the board's decision in certain hearings if electronic means is selected by the taxpayer.
- Authorizes (with certain conditions) the property appraiser to notify taxpayers of proposed property taxes by posting the notice of proposed taxes on his or her office website in lieu of first-class mail.
- Authorizes the property appraiser to notify taxpayers of proposed property taxes by e-mail when the notice of proposed property taxes and non-ad valorem assessments is available on the property appraiser's website.

The bill has an indeterminate fiscal impact on state and local governments.

The bill has an effective date of October 1, 2013.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The Florida Legislature has on various occasions expressed that the reduction of the use of paper, where feasible, is the policy of the state.<sup>1</sup> This bill furthers the goal of lowering the use of paper by permitting the use of an electronic medium to collect and disseminate information as required by law in selected settings.

#### **Voter Registration and Sample Ballots**

##### Background

Current law requires the Department of State to prescribe by rule a uniform statewide voter registration application.<sup>2</sup> The application must elicit certain information from the voter applicant, such as the applicant's name, date of birth, and address of legal residence.<sup>3</sup> The application does not request a voter's e-mail address.

Current law also requires the supervisor of elections to publish a sample ballot in a newspaper of general circulation in the county, prior to the day of the election. If the county has an addressograph or similar system, the supervisor may mail a sample ballot to each registered elector in lieu of publication. The sample ballot must be mailed at least seven days prior to any election.<sup>4</sup>

##### Effect of the Bill

The bill requires the statewide voter registration application to include a field for an applicant's e-mail address and an indication of whether the applicant wishes to receive sample ballots by e-mail.

The bill permits a supervisor of elections to provide electronic sample ballots to electors who have provided e-mail addresses and opted into the electronic ballot delivery system. It allows a supervisor of elections to mail or e-mail sample ballots to registered electors in lieu of publishing such ballots in a newspaper of general circulation in the county.

#### **Transmittal of Enacted Ordinances**

##### Background

Current law provides requirements for counties to adhere to when exercising the ordinance-making powers conferred by the State Constitution.<sup>5</sup> It establishes the following regular enactment procedure:

The board of county commissioners at any regular or special meeting may enact or amend any ordinance ... if notice of intent to consider such ordinance is given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. A copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be

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<sup>1</sup> See sections 23.20-23.22, F.S. "The state must minimize the paperwork burden by evaluating its need for information, determining whether it already has access to the necessary information, and coordinating data collection initiatives at their source." Section 23.20(4), F.S. See also section 120.74(1)(e), F.S. "[E]ach agency shall perform a formal review of its rules every 2 years. In the review, each agency must [s]eek to improve efficiency, reduce paperwork, or decrease costs to government and the private sector."

<sup>2</sup> Section 97.052(1), F.S.

<sup>3</sup> Section 97.052(2), F.S.

<sup>4</sup> Section 101.20(2), F.S.

<sup>5</sup> Section 125.66(1), F.S.

inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.<sup>6</sup>

Certified copies of ordinances or amendments thereto must be filed with the Department of State by the clerk of the board of county commissioners within 10 days after enactment by the board. The ordinances or amendments take effect upon filing with the Department of State, unless the ordinance prescribes a later effective date.<sup>7</sup>

#### Effect of the Bill

The bill requires a clerk of a board of county commissioners to electronically transmit to the Department of State enacted ordinances, amendments, and emergency ordinances. It requires the Department of State to electronically confirm by e-mail the receipt and the effective date of such filings with the clerk of the board of county commissioners.

### **Value Adjustment Boards**

#### Background

Value adjustment boards are constituted in each county to conduct administrative hearings relating to assessments, complaints relating to homestead exemptions, appeals from tax exemptions denied, and appeals concerning ad valorem deferrals and classifications.<sup>8</sup> The value adjustment board must render a written decision within 20 calendar days after the last day the board is in session. The clerk must then provide notice of the board's decision by first-class mail.<sup>9</sup>

#### Effect of the Bill

The bill permits the clerk of a value adjustment board to electronically notify the taxpayer and property appraiser of the value adjustment board's decision in a hearing held pursuant to s. 194.034, F.S., if electronic means is selected by the taxpayer on the originally filed petition.

### **Property Appraisers**

#### Background

Current law requires each property appraiser to provide notice of proposed property taxes and non-ad valorem assessments by first-class mail to each taxpayer listed on the current year's assessments. Elements that must be included on such notice are prescribed by statute.<sup>10</sup>

#### Effect of the Bill

The bill authorizes a property appraiser to notify taxpayers of proposed property taxes by posting the notice of proposed taxes on his or her office website in lieu of first-class mail. However, the property appraiser must first get approval to do so by county ordinance.

The bill further provides that an online notice from the appraiser must meet specified criteria, including, but not limited to, specifying all substantive elements required for such notice. The property appraiser may display the required substantive elements in a format different from that prescribed by the Department of Revenue only upon receiving prior written permission from the executive director of the Department. The format may contain additional substantive elements deemed important by the appraiser, in addition to the elements provided for by law.

If the property appraiser chooses to post proposed property taxes online, he or she must provide legal notice in a periodical that the notice of proposed property taxes and non-ad valorem assessments is so available.

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<sup>6</sup> Section 125.66(2)(a), F.S.

<sup>7</sup> Section 125.66(2)(b), F.S.

<sup>8</sup> Section 194.032(1)(a), F.S.

<sup>9</sup> Section 194.034(2), F.S.

<sup>10</sup> Section 200.069, F.S.

Lastly, the bill authorizes the property appraiser to provide notification via e-mail to those who have registered a request with the property appraiser for such notification when the notice of proposed taxes and non-ad valorem assessments is available on the website.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 97.052, F.S., requiring that the uniform statewide voter registration application be designed to elicit the e-mail address of an applicant and whether the applicant desires to receive sample ballots by e-mail.

**Section 2:** Amends s. 101.20, F.S., authorizing a supervisor of elections to send a sample ballot to a registered elector by e-mail under certain circumstances.

**Section 3:** Amends s. 125.66, F.S., requiring the clerk of a board of county commissioners to electronically transmit enacted ordinances, amendments, and emergency ordinances to the Department of State.

**Section 4:** Amends s. 194.034, F.S., permitting a value adjustment board to electronically provide the taxpayer and property appraiser with notice of the decision of the board.

**Section 5:** Amends s. 200.069, F.S., authorizing the property appraiser to notify taxpayers of proposed property taxes by posting the notice of proposed taxes on his or her office website in lieu of first-class mail if approved by county ordinance; authorizing the property appraiser to notify taxpayers of proposed property taxes by e-mail when the notice of proposed property taxes and non-ad valorem assessments is available on the property appraiser's website.

**Section 6:** Provides an effective date of October 1, 2013.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

The Department of State does not anticipate any fiscal impact associated with modifying the uniform statewide voter application.<sup>11</sup>

There may be a fiscal impact on supervisors of elections associated with maintaining the e-mail address of voters and voter registration applicants, and with monitoring which registered voters wish to receive sample ballots electronically. Additionally, there may be costs to supervisors of elections related to establishing a system to send sample ballots electronically. However, it is anticipated that some, if not most, of these costs may be offset by savings resulting from the electronic provision of sample ballots.<sup>12</sup>

There may be an undetermined fiscal impact on property appraisers who seek to implement an electronic method of providing notice of proposed property taxes and non-ad valorem assessments. However, the modifications to s. 200.069, F.S. which provide for electronic notice of proposed property tax rates and non-ad valorem assessments are permissive, not mandatory. It is therefore expected that counties will adopt electronic methods of providing notice of proposed property taxes and non-ad valorem assessments when such methods will reduce expenditures. There will be undetermined costs associated with the requirement that a property appraiser prepare and make available on his or her office's website notice of proposed property taxes and non-ad valorem assessments for each taxpayer listed on the year's assessment roll.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties. As noted above, any funds that a local government may have to expend as a result of this bill are likely to be offset by cost-savings attributed to the bill allowing for certain tasks to be performed electronically.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

This bill does not appear to create a need for additional rulemaking authority.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

##### Drafting Issues:

The Sponsor may consider revising Section 5 of the bill to make it clearer that a property appraiser must provide legal notice that he or she posts the notice of proposed property on his or her website *only if* he or she decided to post such notice online in the first place (emphasis added).

##### Other Comments: Preclearance Requirement

The Department of State provided the following comments regarding preclearance:

Under section 5 of the Voting Rights Act, new statewide legislation that implements a voting change, including but not limited to, a change in the manner of voting, change in registration, balloting, and the counting of votes, change in candidacy requirements and qualifications, change in the composition of the

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<sup>11</sup> Analysis of HB 247 (2013) by the Department of State, at 1 (January 29, 2013) (on file with the Government Operations Subcommittee).

<sup>12</sup> Discussion with representatives of the Florida State Association of Supervisors of Elections, Inc., on March 5, 2013.

electorate that may vote for a candidate, or change affecting the creation or abolition of an elective office, is subject to preclearance by the U.S. Department of Justice or the federal District Court for the District of Columbia. The preclearance review is to determine if the change has a discriminatory purpose or effect that denies or abridges the right to vote on account of race, color or membership in a language minority group in a covered jurisdiction. Florida has five covered jurisdictions subject to preclearance: Collier, Hardee, Hendry, Hillsborough, and Monroe counties. Until precleared, the legislation is unenforceable in these five counties.<sup>13</sup>

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 6, 2013, the Government Operations Subcommittee heard a proposed committee substitute for House Bill 247 and reported the bill favorably with committee substitute.

The committee substitute removes from the bill the authorization to maintain a building's site plans in electronic form at the work site, and the requirement that such plans be open to inspection by the building official or a duly authorized representative. It also removes the authorization for an insurer to post certain insurance policies on its website in lieu of mailing or delivering a policy to the insureds.

In addition, the committee substitute:

- Requires the clerk of a board of county commissioners to electronically transmit enacted ordinances, amendments, and emergency ordinances to the Department of State;
- Permits a value adjustment board to electronically provide the taxpayer and property appraiser with notice of the decision of the board;
- Requires a licensed bail bond agent to provide notice of a change of e-mail address to specified entities;
- Requires a bail bond agent who executes or countersigns a transfer bond to indicate the agent's e-mail address;
- Provides that a bail bond agent's e-mail address is permissible print advertising in jails;
- Permits bonds to be posted electronically at the election of the receiving agency;
- Provides that every licensed surety shall have equal access to jails for the purpose of making bonds either in person or electronically;  
Requires a surety who submits an affidavit pertaining to any bond to file such affidavit in the same manner as the bond;
- Provides that notices from the clerk of court relating to bond forfeiture proceedings may be transmitted electronically;
- Permits a clerk of court to furnish certain required documents and notices relating to bond forfeitures by mail or electronic means; removing an outdated provision;
- Provides that a certificate of cancellation of an original bond may be furnished electronically; and
- Provides that traffic arrest bond certificates may be presented electronically.

On March 14, 2013, the Local and Federal Affairs Committee passed a strike-all amendment to CS/HB 247. The strike-all changed the bill in the following three ways:

- The strike all amended the language in the bill relating to notification of proposed property taxes. In particular, the bill no longer allows a property appraiser to notify taxpayers of proposed property taxes by mailing them a postcard in lieu of first-class mail. It also amended requirements relating to how a property appraiser may notice taxpayers about proposed property taxes on his or her office's website.
- It removed all language relating to bail bonds (i.e., Sections 6-16).
- It changed the bills effective date.

The analysis has been updated to reflect this strike-all amendment.

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<sup>13</sup> Analysis of HB 247 (2013) by the Department of State, at 2 (January 29, 2013) (on file with the Government Operations Subcommittee).