

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/CS/HB 247	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Local & Federal Affairs Committee; Government Operations Subcommittee; Nelson	119 Y's	0 N's
<b>COMPANION BILLS:</b>	(CS/CS/SB 1352)	<b>GOVERNOR'S ACTION:</b>	Approved

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**SUMMARY ANALYSIS**

CS/CS/HB 247 passed the House on April 25, 2013. The bill was amended by the Senate on April 30, 2013, and subsequently passed the House on May 2, 2013. The bill provides for the use of an electronic medium to collect and disseminate information as required by law in certain 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 conditions 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 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;
- Provides that certain ad valorem communications may be sent by e-mail instead of by regular mail if the intended recipient consents to receive such communications electronically, the recipient is notified that the e-mail address will become a public record, and the recipient's e-mail address is verified;
- Authorizes an affidavit filed with a bail bond to be submitted electronically;
- Permits the clerk of court to electronically provide notice of a required appearance and of bond forfeiture, and allows the clerk to electronically furnish certain documents and notices required in bond forfeiture proceedings; and
- Allows the clerk of court to electronically furnish a certificate of cancellation of a bond to a surety.

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

The bill was approved by the Governor on June 14, 2013, ch. 2013-192, L.O.F., and will become effective on October 1, 2013.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

The Florida Legislature has 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 reducing 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. It permits the supervisor of elections to provide electronic sample ballots to electors who have provided e-mail addresses and opted into the electronic ballot delivery system.

The bill removes the option for the supervisor of elections to mail a sample ballot to each registered elector or to each household in which there is a registered elector in lieu of publication in the newspaper. Instead, the sample ballot must be published in the newspaper even if the supervisor mails or e-mails a copy of the sample ballot.

### **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 the 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 confirm by e-mail the receipt and the effective date of such filings with the clerk of the board of county commissioners.

## **Property Appraisers and Value Adjustment Boards**

### 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>8</sup>

A property owner may seek certain exemptions from property tax assessments.<sup>9</sup> Once an exemption is granted, the owner may apply for renewal of the exemption in future years. Current law requires a renewal application to be provided to a property owner by mail.<sup>10</sup> At the request of the property appraiser and by a majority vote of the county governing body, the requirement to annually apply for an exemption renewal may be waived.<sup>11</sup> If an exemption for which the annual application is waived will be denied in the absence of the refiling of the application, the property appraiser must mail to the property owner a notification of intent to deny the exemption.<sup>12</sup>

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>13</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 then must provide notice of the board's decision by first-class mail.<sup>14</sup>

### Effect of the Bill

The bill authorizes property appraisers to obtain permission from taxpayers to provide notices of proposed property taxes, renewal applications for certain exemptions, and notices of intent to deny exemptions by e-mail rather than by mail. It also authorizes value adjustment boards to obtain permission to provide board decisions by e-mail, rather than by mail. Specifically, the bill authorizes the following documents to be furnished electronically:

- Notice of proposed property taxes and non-ad valorem assessments required under s. 200.069, F.S.;
- Tax exemption renewal applications required under ss. 196.011(6)(a) and 196.011(6)(b), F.S.;
- Notification of intent to deny a tax exemption required under s. 196.011(9)(e), F.S.; and
- Decision of a value adjustment board required under s. 194.034(2), F.S.

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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> See s. 200.069, F.S.

<sup>9</sup> See generally chapter 196, F.S.

<sup>10</sup> Section 196.011(6)(a), F.S.

<sup>11</sup> Section 196.011(9)(a), F.S.

<sup>12</sup> Section 196.011(9)(e), F.S.

<sup>13</sup> Section 194.032(1)(a), F.S.

<sup>14</sup> Section 194.034(2), F.S.

Electronic transmission of the foregoing documents is permitted only if the recipient consents in writing to receive the documents electronically, the recipient is notified that the recipient's e-mail address will be subject to public records laws, and the e-mail address and consent is verified at least once every five years.

Documents sent electronically are subject to the same timing and form requirements as if they were sent by regular mail. If a document is returned as undeliverable, the sender must resend the document by regular mail as required by law.

The value adjustment board's decision in a hearing held pursuant to s. 194.034, F.S., may be furnished electronically only if electronic means is selected by the taxpayer on the originally filed petition.

## **Bail Bonds**

### Background

Current law provides qualifications and net worth requirements for a surety. A surety for the release of a person on bail must be a resident of Florida or own real estate within Florida,<sup>15</sup> and the combined net worth of the sureties must be at least equal to the amount specified in the undertaking.<sup>16</sup> A surety must execute an affidavit stating he or she possesses the qualifications and net worth required to become a surety.<sup>17</sup>

Any criminal defendant who is required to meet monetary bail or bail with any monetary component may satisfy such bail by providing a surety bond or by providing an appearance bond.<sup>18</sup> A surety must file with the bond an affidavit stating the amount and source of any security or consideration which the surety or anyone for his or her use has received or been promised for the bond.<sup>19</sup> A limited surety may file a statement in lieu of the affidavit. The statement must be filed within 30 days from the execution of the undertaking.<sup>20</sup>

The bond may be forfeited if a criminal defendant fails to appear in court when required or if there is some other breach of a bail bond. A bond may not be forfeited unless a clerk of court provides at least 72 hours' notice to a surety of a required appearance of the defendant. If the terms of a bond are breached and the bond is forfeited, the clerk must notify the surety by mail within five days of the forfeiture.<sup>21</sup>

If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 60 days and the bond is not secured by money and bonds, the clerk of court must enter a judgment against the surety for the amount of the penalty and issue execution.<sup>22</sup> If all conditions of a bond have been satisfied, or a forfeiture has been discharged or remitted, the court must cancel the bond and the clerk must furnish an executed certificate of cancellation to the surety at no cost.<sup>23</sup>

### Effect of the Bill

The bill allows a surety to electronically file the affidavit that must accompany a bail bond. It also allows the clerk of court to electronically provide to a surety a notice of a required appearance and of bond forfeiture. It permits the clerk to electronically furnish documents and notices required in bond forfeiture

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<sup>15</sup> Section 903.05, F.S.

<sup>16</sup> Section 903.08, F.S.

<sup>17</sup> Section 903.09(1), F.S.

<sup>18</sup> Section 903.105, F.S.

<sup>19</sup> Section 903.14(1), F.S.

<sup>20</sup> Section 903.14(3), F.S.

<sup>21</sup> Sections 903.26(1) and (2), F.S.

<sup>22</sup> Section 903.27(1), F.S.

<sup>23</sup> Section 903.31(1), F.S.

proceedings. The bill also allows the clerk of court to electronically furnish a certificate of cancellation of a bond to a surety.

### **Effective Date**

The bill 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:**

Clerks, property appraisers, and supervisors of elections should experience cost savings associated with providing certain documents electronically in lieu of by first-class or regular mail.

The Department of State does not anticipate any fiscal impact associated with modifying the uniform statewide voter registration application.<sup>24</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>25</sup>

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<sup>24</sup> Analysis of HB 247 (2013) by the Department of State, at 1 (January 29, 2013) (on file with the Government Operations Subcommittee).

<sup>25</sup> Discussion with representatives of the Florida State Association of Supervisors of Elections, Inc., on March 5, 2013.