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CS/CS/HB 247, Engrossed 2

2013 Legislature

1
2 An act relating to paper reduction; amending s.
3 97.052, F.S.; providing that the uniform statewide
4 voter registration application be designed to elicit
5 the e-mail address of an applicant and whether the
6 applicant desires to receive sample ballots by e-mail;
7 amending s. 101.20, F.S.; authorizing a supervisor of
8 elections to send a sample ballot to a registered
9 elector by e-mail under certain circumstances;
10 amending s. 125.66, F.S.; requiring the clerk of a
11 board of county commissioners to electronically
12 transmit enacted ordinances, amendments, and emergency
13 ordinances to the Department of State; amending s.
14 194.034, F.S.; permitting a value adjustment board to
15 electronically provide the taxpayer and property
16 appraiser with notice of the decision of the board;
17 creating s. 192.048, F.S.; allowing certain ad valorem
18 communications to be sent electronically in lieu of
19 regular mail; providing requirements and conditions
20 applicable to such electronic communications; amending
21 s. 903.14, F.S.; permitting the electronic filing of
22 certain affidavits; amending s. 903.26, F.S.;
23 authorizing a clerk of court to mail or electronically
24 transmit a notice relating to a bond forfeiture
25 proceeding; amending s. 903.27, F.S.; permitting a
26 clerk of court to furnish certain required documents
27 and notices relating to bond forfeitures by mail or
28 electronic means; amending s. 903.31, F.S.; providing



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29 | that a certificate of cancellation of an original bond
 30 | may be furnished by mail or electronically; providing
 31 | an effective date.

32 |
 33 | Be It Enacted by the Legislature of the State of Florida:

34 |
 35 | Section 1. Paragraphs (e) through (t) of subsection (2) of
 36 | section 97.052, Florida Statutes, are redesignated as paragraphs
 37 | (f) through (u), respectively, and a new paragraph (e) is added
 38 | to that section, to read:

39 | 97.052 Uniform statewide voter registration application.—

40 | (2) The uniform statewide voter registration application
 41 | must be designed to elicit the following information from the
 42 | applicant:

43 | (e) E-mail address and whether the applicant wishes to
 44 | receive sample ballots by e-mail.

45 |
 46 | The registration application must be in plain language and
 47 | designed so that convicted felons whose civil rights have been
 48 | restored and persons who have been adjudicated mentally
 49 | incapacitated and have had their voting rights restored are not
 50 | required to reveal their prior conviction or adjudication.

51 | Section 2. Subsection (2) of section 101.20, Florida
 52 | Statutes, is amended to read:

53 | 101.20 Publication of ballot form; sample ballots.—

54 | (2) Upon completion of the list of qualified candidates, a
 55 | sample ballot shall be published by the supervisor of elections
 56 | in a newspaper of general circulation in the county, before



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57 ~~prior to~~ the day of election. A supervisor may send a sample
 58 ballot to each registered elector by e-mail at least 7 days
 59 before an election if an e-mail address has been provided and
 60 the elector has opted to receive a sample ballot by electronic
 61 delivery. If an e-mail address has not been provided, or if the
 62 elector has not opted for electronic delivery ~~If the county has~~
 63 ~~an addressograph or equivalent system for mailing to registered~~
 64 ~~electors,~~ a sample ballot may be mailed to each registered
 65 elector or to each household in which there is a registered
 66 elector, ~~in lieu of publication,~~ at least 7 days before an ~~prior~~
 67 ~~to any~~ election.

68 Section 3. Paragraph (b) of subsection (2) and subsection
 69 (3) of section 125.66, Florida Statutes, are amended to read:

70 125.66 Ordinances; enactment procedure; emergency
 71 ordinances; rezoning or change of land use ordinances or
 72 resolutions.-

73 (2)

74 (b) Certified copies of ordinances or amendments thereto
 75 enacted under this regular enactment procedure shall be filed
 76 with the Department of State by the clerk of the board of county
 77 commissioners within 10 days after enactment by said board and
 78 shall take effect upon filing with the Department of State.
 79 However, any ordinance may prescribe a later effective date. In
 80 lieu of delivery of the certified copies of the enacted
 81 ordinances or amendments by first-class mail, the clerk of the
 82 board of county commissioners shall transmit the enacted
 83 ordinances or amendments to the department by e-mail. The
 84 department shall confirm by e-mail the receipt and effective



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85 date of the ordinances or amendments with the clerk of the board
86 of county commissioners.

87 (3) The emergency enactment procedure shall be as follows:
88 The board of county commissioners at any regular or special
89 meeting may enact or amend any ordinance with a waiver of the
90 notice requirements of subsection (2) by a four-fifths vote of
91 the membership of such board, declaring that an emergency exists
92 and that the immediate enactment of said ordinance is necessary.
93 However, no emergency ordinance or resolution shall be enacted
94 which establishes or amends the actual zoning map designation of
95 a parcel or parcels of land or changes the actual list of
96 permitted, conditional, or prohibited uses within a zoning
97 category. Emergency enactment procedures for land use plans
98 adopted pursuant to part II of chapter 163 shall be pursuant to
99 that part. Certified copies of ordinances or amendments thereto
100 enacted under this emergency enactment procedure by a county
101 shall be filed with the Department of State by the clerk of the
102 board of county commissioners as soon after enactment by said
103 board as is practicable. An emergency ordinance enacted under
104 this procedure shall be transmitted by the clerk of the board of
105 county commissioners by e-mail to the Department of State. It
106 shall be deemed to be filed and shall take effect when a copy
107 has been accepted and confirmed by the department by e-mail
108 ~~deemed to be filed and shall take effect when a copy has been~~
109 ~~accepted by the postal authorities of the Government of the~~
110 ~~United States for special delivery by certified mail to the~~
111 ~~Department of State.~~

112 Section 4. Subsection (2) of section 194.034, Florida



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113 Statutes, is amended to read:

114 194.034 Hearing procedures; rules.-

115 (2) In each case, except if the complaint is withdrawn by
116 the petitioner or if the complaint is acknowledged as correct by
117 the property appraiser, the value adjustment board shall render
118 a written decision. All such decisions shall be issued within 20
119 calendar days after the last day the board is in session under
120 s. 194.032. The decision of the board must contain findings of
121 fact and conclusions of law and must include reasons for
122 upholding or overturning the determination of the property
123 appraiser. If a special magistrate has been appointed, the
124 recommendations of the special magistrate shall be considered by
125 the board. The clerk, upon issuance of a decision, shall, on a
126 form provided by the Department of Revenue, notify each taxpayer
127 and the property appraiser of the decision of the board. This
128 notification shall be by first-class mail or by electronic means
129 if selected by the taxpayer on the originally filed petition
130 ~~each taxpayer and the property appraiser of the decision of the~~
131 ~~board.~~ If requested by the Department of Revenue, the clerk
132 shall provide to the department a copy of the decision or
133 information relating to the tax impact of the findings and
134 results of the board as described in s. 194.037 in the manner
135 and form requested.

136 Section 5. Section 192.048, Florida Statutes, is created
137 to read:

138 192.048 Electronic transmission.-

139 (1) Subject to subsection (2), the following documents may
140 be transmitted electronically rather than by regular mail:



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141 (a) The notice of proposed property taxes required under
142 s. 200.069.

143 (b) The tax exemption renewal application required under
144 s. 196.011(6)(a).

145 (c) The tax exemption renewal application required under
146 s. 196.011(6)(b).

147 (d) A notification of intent to deny a tax exemption
148 required under s. 196.011(9)(e).

149 (e) The decision of the value adjustment board required
150 under s. 194.034(2).

151 (2) Electronic transmission pursuant to this section is
152 authorized only under the following conditions:

153 (a) The recipient consents in writing to receiving the
154 document electronically.

155 (b) On the form used to obtain the recipient's written
156 consent, the sender must include a statement in substantially
157 the following form and in a font equal to or greater than the
158 font used for the text requesting the recipient's consent:
159 "Notice: Under Florida law, e-mail addresses are public records.
160 By consenting to communicate with this office electronically,
161 your e-mail address will be released in response to any
162 applicable public records request."

163 (c) Before sending a document, the sender verifies the
164 recipient's address by sending an electronic transmission to the
165 recipient and receiving an affirmative response from the
166 recipient verifying that the recipient's address is correct.

167 (d) If a document is returned as undeliverable, the sender
168 must send the document by regular mail, as required by law.



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169 (e) Documents sent pursuant to this section must comply
170 with the same timing and form requirements as if the documents
171 were sent by regular mail.

172 (f) The sender renews the consent and verification
173 requirements every 5 years.

174 Section 6. Subsection (1) of section 903.14, Florida
175 Statutes, is amended to read:

176 903.14 Contracts to indemnify sureties.—

177 (1) A surety shall file with the bond an affidavit stating
178 the amount and source of any security or consideration which the
179 surety or anyone for his or her use has received or been
180 promised for the bond. The affidavit may be filed in person or
181 electronically.

182 Section 7. Paragraph (b) of subsection (1), paragraph (a)
183 of subsection (2), and subsection (3) of section 903.26, Florida
184 Statutes, are amended to read:

185 903.26 Forfeiture of the bond; when and how directed;
186 discharge; how and when made; effect of payment.—

187 (1) A bail bond shall not be forfeited unless:

188 (b) The clerk of court gave the surety at least 72 hours'
189 notice, exclusive of Saturdays, Sundays, and holidays, before
190 the time of the required appearance of the defendant. Notice
191 shall not be necessary if the time for appearance is within 72
192 hours from the time of arrest, or if the time is stated on the
193 bond. Such notice may be mailed or electronically transmitted.

194 (2) (a) If there is a breach of the bond, the court shall
195 declare the bond and any bonds or money deposited as bail
196 forfeited. The clerk of the court shall mail or electronically



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197 transmit a notice to the surety agent and surety company ~~in~~
 198 ~~writing~~ within 5 days after ~~of~~ the forfeiture. A certificate
 199 signed by the clerk of the court or the clerk's designee,
 200 certifying that the notice required herein was mailed or
 201 electronically transmitted on a specified date and accompanied
 202 by a copy of the required notice, shall constitute sufficient
 203 proof that such mailing or electronic transmission was properly
 204 accomplished as indicated therein. If such mailing or electronic
 205 transmission was properly accomplished as evidenced by such
 206 certificate, the failure of the surety agent, of a company, or
 207 of a defendant to receive such ~~mail~~ notice shall not constitute
 208 a defense to such forfeiture and shall not be grounds for
 209 discharge, remission, reduction, set aside, or continuance of
 210 such forfeiture. The forfeiture shall be paid within 60 days of
 211 the date the notice was mailed or electronically transmitted.

212 (3) Sixty days after the forfeiture notice has been mailed
 213 or electronically transmitted:

214 (a) State and county officials having custody of forfeited
 215 money shall deposit the money in the fine and forfeiture fund
 216 established pursuant to s. 142.01.~~†~~

217 (b) Municipal officials having custody of forfeited money
 218 shall deposit the money in a designated municipal fund.~~†~~

219 (c) Officials having custody of bonds as authorized by s.
 220 903.16 shall transmit the bonds to the clerk of the circuit
 221 court who shall sell them at market value and disburse the
 222 proceeds as provided in paragraphs (a) and (b).

223 Section 8. Subsections (1) and (2) of section 903.27,
 224 Florida Statutes, are amended to read:



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225 | 903.27 Forfeiture to judgment.—

226 | (1) If the forfeiture is not paid or discharged by order

227 | of a court of competent jurisdiction within 60 days and the bond

228 | is secured other than by money and bonds authorized in s.

229 | 903.16, the clerk of the circuit court for the county where the

230 | order was made shall enter a judgment against the surety for the

231 | amount of the penalty and issue execution. However, in any case

232 | in which the bond forfeiture has been discharged by the court of

233 | competent jurisdiction conditioned upon the payment by the

234 | surety of certain costs or fees as allowed by statute, the

235 | amount for which judgment may be entered may not exceed the

236 | amount of the unpaid fees or costs upon which the discharge had

237 | been conditioned. Judgment for the full amount of the forfeiture

238 | shall not be entered if payment of a lesser amount will satisfy

239 | the conditions to discharge the forfeiture. Within 10 days, the

240 | clerk shall furnish the Department of Financial Services and the

241 | Office of Insurance Regulation of the Financial Services

242 | Commission with a certified copy of the judgment docket and

243 | shall furnish the surety company at its home office a copy of

244 | the judgment, which shall include the power of attorney number

245 | of the bond and the name of the executing agent. If the judgment

246 | is not paid within 35 days, the clerk shall furnish the

247 | Department of Financial Services, the Office of Insurance

248 | Regulation, and the sheriff of the county in which the bond was

249 | executed, or the official responsible for operation of the

250 | county jail, if other than the sheriff, two copies of the

251 | judgment and a certificate stating that the judgment remains

252 | unsatisfied. When and if the judgment is properly paid or an



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253 order to vacate the judgment has been entered by a court of
254 competent jurisdiction, the clerk shall immediately notify the
255 sheriff, or the official responsible for the operation of the
256 county jail, if other than the sheriff, and the Department of
257 Financial Services and the Office of Insurance Regulation, if
258 the department and office had been previously notified of
259 nonpayment, of such payment or order to vacate the judgment. The
260 clerk may furnish documents or give notice as required in this
261 subsection by mail or electronic means. The clerk shall also
262 immediately prepare and record in the public records a
263 satisfaction of the judgment or record the order to vacate
264 judgment. If the defendant is returned to the county of
265 jurisdiction of the court, whenever a motion to set aside the
266 judgment is filed, the operation of this section is tolled until
267 the court makes a disposition of the motion.

268 (2) A certificate signed by the clerk of the court or her
269 or his designee, certifying that the notice required in
270 subsection (1) was mailed or electronically delivered on a
271 specified date, and accompanied by a copy of the required notice
272 constitutes sufficient proof that such mailing or electronic
273 delivery was properly accomplished as indicated therein. If such
274 mailing or electronic delivery was properly accomplished as
275 evidenced by such certificate, the failure of a company to
276 receive a copy of the judgment as prescribed in subsection (1)
277 does not constitute a defense to the forfeiture and is not a
278 ground for the discharge, remission, reduction, set-aside, or
279 continuance of such forfeiture.

280 Section 9. Subsection (1) of section 903.31, Florida



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281 Statutes, is amended to read:

282 903.31 Canceling the bond.—

283 (1) Within 10 business days after the conditions of a bond
284 have been satisfied or the forfeiture discharged or remitted,
285 the court shall order the bond canceled and, if the surety has
286 attached a certificate of cancellation to the original bond, the
287 clerk of the court shall mail or electronically furnish an
288 executed certificate of cancellation to the surety without cost.
289 An adjudication of guilt or innocence, an acquittal, or a
290 withholding of an adjudication of guilt shall satisfy the
291 conditions of the bond. The original appearance bond shall
292 expire 36 months after such bond has been posted for the release
293 of the defendant from custody. This subsection does not apply to
294 cases in which a bond has been declared forfeited.

295 Section 10. This act shall take effect October 1, 2013.