

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 247 Paper Reduction  
**SPONSOR(S):** Government Operations Subcommittee  
**TIED BILLS:** HB 249 **IDEN./SIM. BILLS:** SB 1352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Operations Subcommittee		Stramski	Williamson

### 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 the property appraiser to notify taxpayers by postcard or electronically that proposed property tax rates and non-ad valorem assessments are available on the property appraiser's website.
- Requires the property appraiser to prepare and make available certain tax information on his or her office's website.
- Requires a licensed bail bond agent to provide notice of a change of e-mail address to specified entities, and requires a bail bond agent who executes or countersigns a transfer bond to indicate the agent's e-mail address on the bond.
- Provides that the posting of a bail bond agent's e-mail address is a permissible form of print advertising in jails.
- Permits bail bonds to be posted in person or electronically at the election of the receiving agency.
- Authorizes bonds to be transmitted electronically between a sheriff's office and the clerk of the court.
- Requires an affidavit filed with a bond to be submitted in the same manner as the bond.
- Provides that all licensed bail bond agents shall have equal access to jails for the purpose of making bonds, whether in person or electronically.
- Permits the clerk of court to electronically provide notice of a required appearance and of bond forfeiture, and allows a clerk to electronically furnish certain documents and notices required in bond forfeiture proceedings.
- Allows a clerk of court to electronically furnish a certificate of cancellation of a bond to the surety without cost.
- Provides that guaranteed traffic arrest bonds may be presented in person or electronically.

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

This bill may be a county or municipal mandate. See Section III.A.1. of the analysis.

## 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 by postcard that the notice of proposed property taxes and non-ad valorem assessments is available for viewing and download at the appraiser's website. The bill provides approved language for such postcards. It also authorizes a property appraiser to provide notification by e-mail to property owners or other interested parties who have registered an e-mail address with the appraiser.

The property appraiser must prepare and make available on his or her office's website a notice of proposed property taxes and non-ad valorem assessments for each taxpayer listed on the year's assessment roll as a separate web page, link, attachment, or document. Such 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.

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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.

## Bail Bond Agents and Bail Bonds

### Background

The Department of Financial Services is charged with licensing bail bond agents, and may only issue a bail bond license to an individual.<sup>11</sup> A person must be qualified, licensed, and appointed in order to act in the capacity of a bail bond agent or temporary bail bond agent and to perform any of the functions, duties, or powers of such agents.<sup>12</sup> Current law requires a licensed bail bond agent to notify the Department of Financial Services, the insurer, the managing general agent, and the clerk of each court where the licensee is registered of a change of business address or telephone number within 10 days of such a change.<sup>13</sup>

The Legislature has declared that it is the policy of the state that a bond for the pretrial or appellate release of a criminal defendant for which fees or premiums are charged must be executed by a bail bond agent licensed pursuant to chapter 648, F.S., and must be construed as a commitment by and obligation upon the bail bond agent to ensure that the defendant appears at all subsequent criminal proceedings.<sup>14</sup> A bail bond agent who executes or countersigns a bond is required to indicate the name and address of the referring bail bond agent.

A bail bond agent is prohibited from soliciting business in a jail, prison, or other location where prisoners are generally held. Permissible print advertising in the jail is limited to a listing in a telephone directory and the posting of the bail bond agent's or agency's name, address, and telephone number in a designated location within the jail.<sup>15</sup>

If there is a breach of a bond, the bond or money deposited as bail may be forfeited only if the clerk of court gives the surety at least 72 hour notice of a required appearance by a defendant.<sup>16</sup> A notice of bond forfeiture has to be provided by mail.<sup>17</sup>

### Effect of the Bill

The bill requires a licensed bail bond agent to provide notice of a change of e-mail address to specified entities within 10 days of such change. It also requires a bail bond agent who executes or countersigns a transfer bond to indicate the agent's e-mail address on the bond.

The bill provides that the posting of a bail bond agent's e-mail address is a permissible form of print advertising in jails.

The bill permits bail bonds to be posted in person or electronically at the election of the receiving agency. It authorizes bonds to be transmitted electronically between a sheriff's office and the clerk of the court. An affidavit filed with a bond must be submitted in the same manner as the bond.

The bill provides that all licensed bail bond agents shall have equal access to jails for the purpose of making bonds, whether in person or electronically.

The bill permits the clerk of court to electronically provide notice of a required appearance and of bond forfeiture. It allows the clerk of court to electronically furnish certain documents and notices required in bond forfeiture proceedings.

The bill allows a clerk of court to electronically furnish a certificate of cancellation of a bond to the surety without cost.

The bill provides that guaranteed traffic arrest bonds may be presented in person or electronically.

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<sup>11</sup> Section 648.27(1), F.S.

<sup>12</sup> Section 648.30(1), F.S.

<sup>13</sup> Section 648.421, F.S.

<sup>14</sup> Section 648.24, F.S.

<sup>15</sup> Section 648.44, F.S.

<sup>16</sup> Section 903.26(1)(b), F.S.

<sup>17</sup> Section 903.26(2)(a), F.S.

## 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 postcard in lieu of first-class mail; providing notice language; authorizing the property appraiser to prepare and make available on the appraiser's website the notice of proposed property taxes; providing additional notice requirements.

**Section 6:** Amends s. 648.421, F.S., requiring a licensed bail bond agent to provide notice of a change of e-mail address to specified entities.

**Section 7:** Amends s. 648.43, F.S., requiring a bail bond agent who executes or countersigns a transfer bond to indicate the agent's e-mail address.

**Section 8:** Amends s. 648.44, F.S., providing that a bail bond agent's e-mail address is permissible print advertising in jails.

**Section 9:** Creates s. 903.012, F.S., permitting bonds to be posted electronically at the election of the receiving agency.

**Section 10:** Amends 903.101, F.S., providing that every licensed surety shall have equal access to jails for the purpose of making bonds either in person or electronically.

**Section 11:** Amends s. 903.14, F.S., requiring a surety who submits an affidavit pertaining to any bond to file such affidavit in the same manner as the bond.

**Section 12:** Amends s. 903.26, F.S., providing that notices from the clerk of court relating to bond forfeiture proceedings may be transmitted electronically.

**Section 13:** Amends s. 903.27, F.S., permitting a clerk of court to furnish certain required documents and notices relating to bond forfeitures by mail or electronic means; removing an outdated provision.

**Section 14:** Amends s. 903.31, F.S., providing that a certificate of cancellation of an original bond may be furnished electronically.

**Section 15:** Amends s. 903.36, F.S., providing that traffic arrest bond certificates may be presented electronically.

**Section 16:** Provides an effective date of July 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:

There may be undetermined costs associated with modifying the uniform statewide voter application; however, the Department of State does not foresee any fiscal impact based on this requirement.<sup>18</sup>

There may be an undetermined fiscal impact on supervisors of elections who have to maintain e-mail addresses of voters and voter registration applicants, and to monitor which registered voters wish to receive sample ballots electronically. Additionally, there may be costs to supervisors of elections related to setting up a system to send out sample ballots electronically. Some, if not most, of these costs may be offset by savings resulting from the electronic provision of sample ballots.

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:

The mandates provision of Art. VII, s. 18 of the State Constitution may apply because this bill could cause counties to incur additional expenses associated with the requirement that the property appraiser post certain tax information on his or her office's website; however, an exemption may apply if the bill results in an insignificant fiscal impact to county governments. The exceptions to the mandates provision of Art. VII, s. 18, of the Florida Constitution appear to be inapplicable because the bill does not articulate a threshold finding of serving an important state interest.

2. Other:

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<sup>18</sup> Analysis of HB 247 (2013) by the Department of State, at 1 (January 29, 2013) (on file with the Government Operations Subcommittee).

None.

**B. RULE-MAKING AUTHORITY:**

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

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

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 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>19</sup>

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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<sup>19</sup> Analysis of HB 247 (2013) by the Department of State, at 2 (January 29, 2013) (on file with the Government Operations Subcommittee).