

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/HB 75 (CS/SB 116)	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Government Operations Subcommittee; Davis and others (Wise)	118 Y's	0 N's
COMPANION BILLS:	CS/SB 116	GOVERNOR'S ACTION:	Approved

SUMMARY ANALYSIS

CS/HB 75 passed the House on March 7, 2012 as CS/SB 116.

The bill revises verification requirements for freeholder elections.

A freeholder election is an election in which only qualified electors who own land in the jurisdiction may vote. Current law requires each freeholder voting in a freeholder election to submit an affidavit made before an inspector affirming that he or she is a freeholder who is a qualified elector residing in the county, district, or municipality in which the election or referendum is to be held.

This bill removes the current freeholder's affidavit requirement and instead provides that a freeholder must submit a written declaration, which does not require notarization.

The bill does not appear to have a fiscal impact on state or local governments.

The bill was approved by the Governor on April 27, 2012, ch. 2012-156, Laws of Florida. The effective date of the bill is July 1, 2012.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Freeholder Elections

A freeholder election is an election in which only qualified electors¹ who own land in the jurisdiction may vote.² Typically, freeholder elections concern bond issuance, district creation, and officer selection in counties, municipalities, and special districts. Some issues for which freeholder elections are held in Florida are:

- Issuance by a county, school district, municipality, special district or local governmental body with taxing powers of local bonds to finance or refinance capital projects;³
- Issuance by a county of general obligations bonds;⁴
- Issuance by a county of bonds to build bridges over navigable streams;⁵
- Creation of a water or sewer district in unincorporated areas;⁶
- Issuance of bonds for a water or sewer district;⁷ and
- Creation of a special neighborhood improvement district.⁸

By statute, “each registered elector who makes a sworn affidavit of ownership to the inspectors, giving either a legal description, address, or location of property in the elector’s name which is not wholly exempt from taxation shall be ... considered a freeholder.”⁹ Currently, each freeholder voting in a freeholder election must submit an affidavit made before an inspector affirming that he or she is a freeholder who is a qualified elector residing in the county, district, or municipality in which the election or referendum is to be held.¹⁰ Compliance with the notarization requirement may be difficult for an active duty military freeholder or other Uniformed and Overseas Citizens Absentee Voting Act freeholder.¹¹

Verification of Documents

Section 92.525, F.S., provides two processes for document verification that is authorized or required by law, by rule of an administrative agency, or by rule or order of court:

- By oath or affirmation before an authorized officer; or
- By the signing of a written declaration.

The form of the written declaration is specified as follows:

A written declaration means the following statement: “Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true,” followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the

¹ Required qualifications for electors are set out in s. 97.041, F.S., and include, but are not limited to, age, citizenship, and residency requirements.

² See s. 100.241, F.S.

³ Art. VII, s. 12, Fla. Const.

⁴ Section 153.07, F.S.

⁵ Section 130.18, F.S.

⁶ Section 153.53, F.S.

⁷ Section 153.56, F.S.

⁸ Section 163.511, F.S.

⁹ Section 100.241(3), F.S.

¹⁰ Section 100.241(2), F.S.

¹¹ The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 U.S.C. 1973ff-6) provides that UOCAVA citizens are United States citizens who are active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their family members, and United States citizens residing outside the United States.

words “to the best of my knowledge and belief” may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.¹²

A person who knowingly makes a false written declaration commits perjury by false written declaration, a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.¹³

Effect of Proposed Changes

This bill removes the current freeholder’s affidavit requirement and instead provides that a freeholder must submit a written declaration as provided in s. 92.525, F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

¹² Section 92.525(2), F.S.

¹³ Section 92.525(3), F.S. Sections 775.082, 775.083, and 775.084, F.S., specify penalties, including terms of imprisonment and fines, for felony offenders.