

1 A bill to be entitled
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 amending s. 200.069, F.S.; authorizing the property
18 appraiser to notify taxpayers of proposed property
19 taxes by postcard or e-mail in lieu of first-class
20 mail; providing notice language; authorizing the
21 property appraiser to prepare and make available on
22 the appraiser's website the notice of proposed
23 property taxes; providing additional notice
24 requirements; amending s. 648.421, F.S.; requiring a
25 licensed bail bond agent to provide notice of a change
26 of e-mail address to specified entities; amending s.
27 648.43, F.S.; requiring a bail bond agent who executes
28 or countersigns a transfer bond to indicate the

29 agent's e-mail address; amending s. 648.44, F.S.;

30 providing that a bail bond agent's e-mail address is

31 permissible print advertising in certain places;

32 creating s. 903.012, F.S.; permitting bonds to be

33 posted in person or electronically at the election of

34 the receiving agency; permitting the electronic

35 transmission of bonds between certain entities;

36 amending s. 903.101, F.S.; providing that every

37 licensed surety shall have equal access to jails for

38 the purpose of making bonds either in person or

39 electronically; amending s. 903.14, F.S.; requiring a

40 surety who submits an affidavit pertaining to any bond

41 to file an affidavit in the same manner as the bond;

42 amending s. 903.26, F.S.; authorizing a clerk of court

43 to mail or electronically transmit a notice relating

44 to a bond forfeiture proceeding; amending s. 903.27,

45 F.S.; permitting a clerk of court to furnish certain

46 required documents and notices relating to bond

47 forfeitures by mail or electronic means; deleting an

48 outdated provision; amending s. 903.31, F.S.;

49 providing that a certificate of cancellation of an

50 original bond may be furnished by mail or

51 electronically; amending s. 903.36, F.S.; providing

52 that traffic arrest bond certificates may be presented

53 in person or electronically; providing an effective

54 date.

55

56 Be It Enacted by the Legislature of the State of Florida:

57
58 Section 1. Paragraphs (e) through (t) of subsection (2) of
59 section 97.052, Florida Statutes, are redesignated as paragraphs
60 (f) through (u), respectively, and a new paragraph (e) is added
61 to that section, to read:

62 97.052 Uniform statewide voter registration application.—

63 (2) The uniform statewide voter registration application
64 must be designed to elicit the following information from the
65 applicant:

66 (e) E-mail address and whether the applicant wishes to
67 receive sample ballots by e-mail.

68
69 The registration application must be in plain language and
70 designed so that convicted felons whose civil rights have been
71 restored and persons who have been adjudicated mentally
72 incapacitated and have had their voting rights restored are not
73 required to reveal their prior conviction or adjudication.

74 Section 2. Subsection (2) of section 101.20, Florida
75 Statutes, is amended to read:

76 101.20 Publication of ballot form; sample ballots.—

77 (2) Upon completion of the list of qualified candidates, a
78 sample ballot shall be published by the supervisor of elections
79 in a newspaper of general circulation in the county, before
80 ~~prior to~~ the day of election. In lieu of publication, a
81 supervisor may send a sample ballot to each registered elector
82 by e-mail at least 7 days before any election if an e-mail
83 address has been provided and the elector has opted to receive a
84 sample ballot by electronic delivery. If an e-mail address has

85 not been provided, or if the elector has not opted for
 86 electronic delivery, ~~If the county has an addressograph or~~
 87 ~~equivalent system for mailing to registered electors,~~ a sample
 88 ballot may be mailed to each registered elector or to each
 89 household in which there is a registered elector, in lieu of
 90 publication, at least 7 days before ~~prior to~~ any election.

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

93 125.66 Ordinances; enactment procedure; emergency
 94 ordinances; rezoning or change of land use ordinances or
 95 resolutions.-

96 (2)

97 (b) Certified copies of ordinances or amendments thereto
 98 enacted under this regular enactment procedure shall be filed
 99 with the Department of State by the clerk of the board of county
 100 commissioners within 10 days after enactment by said board and
 101 shall take effect upon filing with the Department of State.
 102 However, any ordinance may prescribe a later effective date. In
 103 lieu of delivery of the certified copies of the enacted
 104 ordinances or amendments by first-class mail, the clerk of the
 105 board of county commissioners shall transmit the enacted
 106 ordinances or amendments to the department by e-mail. The
 107 department shall confirm by e-mail the receipt and effective
 108 date of the ordinances or amendments with the clerk of the board
 109 of county commissioners.

110 (3) The emergency enactment procedure shall be as follows:
 111 The board of county commissioners at any regular or special
 112 meeting may enact or amend any ordinance with a waiver of the

113 notice requirements of subsection (2) by a four-fifths vote of
 114 the membership of such board, declaring that an emergency exists
 115 and that the immediate enactment of said ordinance is necessary.
 116 However, no emergency ordinance or resolution shall be enacted
 117 which establishes or amends the actual zoning map designation of
 118 a parcel or parcels of land or changes the actual list of
 119 permitted, conditional, or prohibited uses within a zoning
 120 category. Emergency enactment procedures for land use plans
 121 adopted pursuant to part II of chapter 163 shall be pursuant to
 122 that part. Certified copies of ordinances or amendments thereto
 123 enacted under this emergency enactment procedure by a county
 124 shall be filed with the Department of State by the clerk of the
 125 board of county commissioners as soon after enactment by said
 126 board as is practicable. An emergency ordinance enacted under
 127 this procedure shall be transmitted by the clerk of the board of
 128 county commissioners by e-mail to the Department of State. It
 129 shall be deemed to be filed and shall take effect when a copy
 130 has been accepted and confirmed by the department by e-mail
 131 ~~deemed to be filed and shall take effect when a copy has been~~
 132 ~~accepted by the postal authorities of the Government of the~~
 133 ~~United States for special delivery by certified mail to the~~
 134 ~~Department of State.~~

135 Section 4. Subsection (2) of section 194.034, Florida
 136 Statutes, is amended to read:

137 194.034 Hearing procedures; rules.—

138 (2) In each case, except if the complaint is withdrawn by
 139 the petitioner or if the complaint is acknowledged as correct by
 140 the property appraiser, the value adjustment board shall render

141 a written decision. All such decisions shall be issued within 20
 142 calendar days after the last day the board is in session under
 143 s. 194.032. The decision of the board must contain findings of
 144 fact and conclusions of law and must include reasons for
 145 upholding or overturning the determination of the property
 146 appraiser. If a special magistrate has been appointed, the
 147 recommendations of the special magistrate shall be considered by
 148 the board. The clerk, upon issuance of a decision, shall, on a
 149 form provided by the Department of Revenue, notify each taxpayer
 150 and the property appraiser of the decision of the board. This
 151 notification shall be by first-class mail or by electronic means
 152 if selected by the taxpayer on the originally filed petition
 153 ~~each taxpayer and the property appraiser of the decision of the~~
 154 ~~board.~~ If requested by the Department of Revenue, the clerk
 155 shall provide to the department a copy of the decision or
 156 information relating to the tax impact of the findings and
 157 results of the board as described in s. 194.037 in the manner
 158 and form requested.

159 Section 5. Section 200.069, Florida Statutes, is amended
 160 to read:

161 200.069 Notice of proposed property taxes and non-ad
 162 valorem assessments.—Pursuant to s. 200.065(2)(b), the property
 163 appraiser, in the name of the taxing authorities and local
 164 governing boards levying non-ad valorem assessments within his
 165 or her jurisdiction and at the expense of the county, shall
 166 prepare and deliver by first-class mail to each taxpayer to be
 167 listed on the current year's assessment roll a notice of
 168 proposed property taxes, which notice shall contain the elements

169 and use the format provided in the following form.
170 Notwithstanding the provisions of s. 195.022, no county officer
171 shall use a form other than that provided herein. The Department
172 of Revenue may adjust the spacing and placement on the form of
173 the elements listed in this section as it considers necessary
174 based on changes in conditions necessitated by various taxing
175 authorities. If the elements are in the order listed, the
176 placement of the listed columns may be varied at the discretion
177 and expense of the property appraiser, and the property
178 appraiser may use printing technology and devices to complete
179 the form, the spacing, and the placement of the information in
180 the columns. A county officer may use a form other than that
181 provided by the department for purposes of this part, but only
182 if his or her office pays the related expenses and he or she
183 obtains prior written permission from the executive director of
184 the department; however, a county officer may not use a form the
185 substantive content of which is at variance with the form
186 prescribed by the department. The county officer may continue to
187 use such an approved form until the law that specifies the form
188 is amended or repealed or until the officer receives written
189 disapproval from the executive director. In lieu of delivery of
190 the notice of proposed property taxes by first-class mail, the
191 property appraiser may prepare and mail a postcard to each
192 taxpayer listed on the current year's assessment roll, which
193 shall contain at a minimum the following statement:

194 ATTENTION PROPERTY OWNER

195 This postcard is your official notification pursuant to
196 sections 192.0105 and 200.069, Florida Statutes, that your

197 notice of proposed property taxes and non-ad valorem
198 assessments is available for viewing and download on my
199 website at ...(website address).... If you are unable to
200 access my website, you are entitled to have a copy of your
201 notice mailed to you for free by contacting my office at
202 ...(telephone number).... Please note: your final tax bill
203 may contain non-ad valorem assessments that may not be
204 reflected on your notice, such as assessments for roads,
205 fire, garbage, lighting, drainage, water, sewer, or other
206 governmental services and facilities that may be levied by
207 your county, city, or special district.

208
209 The property appraiser may also provide notification by e-mail
210 to property owners or other interested parties who have
211 registered an e-mail address with the property appraiser that
212 the notice of proposed property taxes and non-ad valorem
213 assessments is available for viewing and download on the
214 property appraiser office's website. The property appraiser
215 shall prepare and make available for viewing, printing, and
216 downloading on the property appraiser office's website a notice
217 of proposed property taxes and non-ad valorem assessments for
218 each taxpayer to be listed on the current year's assessment
219 roll, which shall be a separate web page, weblink, attachment,
220 or document, and shall contain all the substantive elements as
221 outlined in this section. The property appraiser may use a
222 format for web display of all substantive elements as outlined
223 in this section other than that provided by the department for
224 purposes of this part, but only if the property appraiser's

225 office obtains prior written permission from the executive
 226 director of the department. The format may contain substantive
 227 elements deemed important by the property appraiser, in addition
 228 to the elements outlined in this section. The property appraiser
 229 may continue to use the approved format until the law that
 230 specifies the form is amended or repealed or until the officer
 231 receives written disapproval from the executive director of the
 232 department.

233 (1) The first page of the notice shall read:

234 NOTICE OF PROPOSED PROPERTY TAXES

235 DO NOT PAY—THIS IS NOT A BILL

236 The taxing authorities which levy property taxes against
 237 your property will soon hold PUBLIC HEARINGS to adopt budgets
 238 and tax rates for the next year.

239 The purpose of these PUBLIC HEARINGS is to receive opinions
 240 from the general public and to answer questions on the proposed
 241 tax change and budget PRIOR TO TAKING FINAL ACTION.

242 Each taxing authority may AMEND OR ALTER its proposals at
 243 the hearing.

244 (2) (a) The notice shall include a brief legal description
 245 of the property, the name and mailing address of the owner of
 246 record, and the tax information applicable to the specific
 247 parcel in question. The information shall be in columnar form.
 248 There shall be seven column headings which shall read: "Taxing
 249 Authority," "Your Property Taxes Last Year," "Last Year's
 250 Adjusted Tax Rate (Millage)," "Your Taxes This Year IF NO Budget
 251 Change Is Adopted," "Tax Rate This Year IF PROPOSED Budget Is
 252 Adopted (Millage)," "Your Taxes This Year IF PROPOSED Budget

253 Change Is Adopted," and "A Public Hearing on the Proposed Taxes
 254 and Budget Will Be Held:."

255 (b) As used in this section, the term "last year's
 256 adjusted tax rate" means the rolled-back rate calculated
 257 pursuant to s. 200.065(1).

258 (3) There shall be under each column heading an entry for
 259 the county; the school district levy required pursuant to s.
 260 1011.60(6); other operating school levies; the municipality or
 261 municipal service taxing unit or units in which the parcel lies,
 262 if any; the water management district levying pursuant to s.
 263 373.503; the independent special districts in which the parcel
 264 lies, if any; and for all voted levies for debt service
 265 applicable to the parcel, if any.

266 (4) For each entry listed in subsection (3), there shall
 267 appear on the notice the following:

268 (a) In the first column, a brief, commonly used name for
 269 the taxing authority or its governing body. The entry in the
 270 first column for the levy required pursuant to s. 1011.60(6)
 271 shall be "By State Law." The entry for other operating school
 272 district levies shall be "By Local Board." Both school levy
 273 entries shall be indented and preceded by the notation "Public
 274 Schools:". For each voted levy for debt service, the entry shall
 275 be "Voter Approved Debt Payments."

276 (b) In the second column, the gross amount of ad valorem
 277 taxes levied against the parcel in the previous year. If the
 278 parcel did not exist in the previous year, the second column
 279 shall be blank.

280 (c) In the third column, last year's adjusted tax rate or,

281 | in the case of voted levies for debt service, the tax rate
 282 | previously authorized by referendum.

283 | (d) In the fourth column, the gross amount of ad valorem
 284 | taxes which will apply to the parcel in the current year if each
 285 | taxing authority levies last year's adjusted tax rate or, in the
 286 | case of voted levies for debt service, the amount previously
 287 | authorized by referendum.

288 | (e) In the fifth column, the tax rate that each taxing
 289 | authority must levy against the parcel to fund the proposed
 290 | budget or, in the case of voted levies for debt service, the tax
 291 | rate previously authorized by referendum.

292 | (f) In the sixth column, the gross amount of ad valorem
 293 | taxes that must be levied in the current year if the proposed
 294 | budget is adopted.

295 | (g) In the seventh column, the date, the time, and a brief
 296 | description of the location of the public hearing required
 297 | pursuant to s. 200.065(2)(c).

298 | (5) Following the entries for each taxing authority, a
 299 | final entry shall show: in the first column, the words "Total
 300 | Property Taxes:" and in the second, fourth, and sixth columns,
 301 | the sum of the entries for each of the individual taxing
 302 | authorities. The second, fourth, and sixth columns shall,
 303 | immediately below said entries, be labeled Column 1, Column 2,
 304 | and Column 3, respectively. Below these labels shall appear, in
 305 | boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

306 | (6) (a) The second page of the notice shall state the
 307 | parcel's market value and for each taxing authority that levies
 308 | an ad valorem tax against the parcel:

309 | 1. The assessed value, value of exemptions, and taxable
 310 | value for the previous year and the current year.

311 | 2. Each assessment reduction and exemption applicable to
 312 | the property, including the value of the assessment reduction or
 313 | exemption and tax levies to which they apply.

314 | (b) The reverse side of the second page shall contain
 315 | definitions and explanations for the values included on the
 316 | front side.

317 | (7) The following statement shall appear after the values
 318 | listed on the front of the second page:

319 | If you feel that the market value of your property is
 320 | inaccurate or does not reflect fair market value, or if you are
 321 | entitled to an exemption or classification that is not reflected
 322 | above, contact your county property appraiser at ...(phone
 323 | number)... or ...(location)....

324 | If the property appraiser's office is unable to resolve the
 325 | matter as to market value, classification, or an exemption, you
 326 | may file a petition for adjustment with the Value Adjustment
 327 | Board. Petition forms are available from the county property
 328 | appraiser and must be filed ON OR BEFORE ...(date)....

329 | (8) The reverse side of the first page of the form shall
 330 | read:

331 | EXPLANATION

332 | *COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

333 | This column shows the taxes that applied last year to your
 334 | property. These amounts were based on budgets adopted last year
 335 | and your property's previous taxable value.

336 | *COLUMN 2—"YOUR TAXES IF NO BUDGET CHANGE IS ADOPTED"

337 This column shows what your taxes will be this year IF EACH
 338 TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These
 339 amounts are based on last year's budgets and your current
 340 assessment.

341 *COLUMN 3—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED"

342 This column shows what your taxes will be this year under the
 343 BUDGET ACTUALLY PROPOSED by each local taxing authority. The
 344 proposal is NOT final and may be amended at the public hearings
 345 shown on the front side of this notice. The difference between
 346 columns 2 and 3 is the tax change proposed by each local taxing
 347 authority and is NOT the result of higher assessments.

348 *Note: Amounts shown on this form do NOT reflect early payment
 349 discounts you may have received or may be eligible to receive.
 350 (Discounts are a maximum of 4 percent of the amounts shown on
 351 this form.)

352 (9) The bottom portion of the notice shall further read in
 353 bold, conspicuous print:

354 "Your final tax bill may contain non-ad valorem assessments
 355 which may not be reflected on this notice such as assessments
 356 for roads, fire, garbage, lighting, drainage, water, sewer, or
 357 other governmental services and facilities which may be levied
 358 by your county, city, or any special district."

359 (10) (a) If requested by the local governing board levying
 360 non-ad valorem assessments and agreed to by the property
 361 appraiser, the notice specified in this section may contain a
 362 notice of proposed or adopted non-ad valorem assessments. If so
 363 agreed, the notice shall be titled:

364 NOTICE OF PROPOSED PROPERTY TAXES

365 AND PROPOSED OR ADOPTED

366 NON-AD VALOREM ASSESSMENTS

367 DO NOT PAY—THIS IS NOT A BILL

368 There must be a clear partition between the notice of proposed
 369 property taxes and the notice of proposed or adopted non-ad
 370 valorem assessments. The partition must be a bold, horizontal
 371 line approximately 1/8-inch thick. By rule, the department
 372 shall provide a format for the form of the notice of proposed or
 373 adopted non-ad valorem assessments which meets the following
 374 minimum requirements:

375 1. There must be subheading for columns listing the
 376 levying local governing board, with corresponding assessment
 377 rates expressed in dollars and cents per unit of assessment, and
 378 the associated assessment amount.

379 2. The purpose of each assessment must also be listed in
 380 the column listing the levying local governing board if the
 381 purpose is not clearly indicated by the name of the board.

382 3. Each non-ad valorem assessment for each levying local
 383 governing board must be listed separately.

384 4. If a county has too many municipal service benefit
 385 units or assessments to be listed separately, it shall combine
 386 them by function.

387 5. A brief statement outlining the responsibility of the
 388 tax collector and each levying local governing board as to any
 389 non-ad valorem assessment must be provided on the form,
 390 accompanied by directions as to which office to contact for
 391 particular questions or problems.

392 (b) If the notice includes all adopted non-ad valorem

CS/HB 247

2013

393 assessments, the provisions contained in subsection (9) shall
394 not be placed on the notice.

395 Section 6. Section 648.421, Florida Statutes, is amended
396 to read:

397 648.421 Notice of change of address or telephone number.—
398 Each licensee under this chapter shall notify in writing the
399 department, insurer, managing general agent, and the clerk of
400 each court in which the licensee is registered within 10 working
401 days after a change in the licensee's principal business
402 address, e-mail address, or telephone number. The licensee shall
403 also notify the department within 10 working days after a change
404 of the name, address, or telephone number of each agency or firm
405 for which he or she writes bonds and any change in the
406 licensee's name, home address, e-mail address, or telephone
407 number.

408 Section 7. Subsection (3) of section 648.43, Florida
409 Statutes, is amended to read:

410 648.43 Power of attorney; to be approved by department;
411 filing of copies; notification of transfer bond.—

412 (3) Every bail bond agent who executes or countersigns a
413 transfer bond shall indicate in writing on the bond the name,
414 ~~and~~ address, and e-mail address of the referring bail bond
415 agent.

416 Section 8. Paragraph (b) of subsection (1) of section
417 648.44, Florida Statutes, is amended to read:

418 648.44 Prohibitions; penalty.—

419 (1) A bail bond agent or temporary bail bond agent may
420 not:

421 (b) Directly or indirectly solicit business in or on the
422 property or grounds of a jail, prison, or other place where
423 prisoners are confined or in or on the property or grounds of
424 any court. The term "solicitation" includes the distribution of
425 business cards, print advertising, or other written or oral
426 information directed to prisoners or potential indemnitors,
427 unless a request is initiated by the prisoner or a potential
428 indemnitor. Permissible print advertising in the jail is
429 strictly limited to a listing in a telephone directory and the
430 posting of the bail bond agent's or agency's name, address, e-
431 mail address, and telephone number in a designated location
432 within the jail.

433 Section 9. Section 903.012, Florida Statutes, is created
434 to read:

435 903.012 Posting and transmittal of bonds.—Bonds may be
436 posted in person or electronically at the election of the
437 receiving agency. Bonds may be transmitted electronically
438 between the sheriff's office and the office of the clerk of
439 court.

440 Section 10. Section 903.101, Florida Statutes, is amended
441 to read:

442 903.101 Sureties; licensed persons; to have equal access.—
443 Subject to rules adopted by the Department of Financial Services
444 and by the Financial Services Commission, every surety who meets
445 the requirements of ss. 903.05, 903.06, 903.08, and 903.09, and
446 every person who is currently licensed by the Department of
447 Financial Services and registered as required by s. 648.42 shall
448 have equal access to the jails of this state for the purpose of

449 making bonds either in person or electronically.

450 Section 11. Subsection (1) of section 903.14, Florida
 451 Statutes, is amended to read:

452 903.14 Contracts to indemnify sureties.—

453 (1) A surety shall file with the bond an affidavit stating
 454 the amount and source of any security or consideration which the
 455 surety or anyone for his or her use has received or been
 456 promised for the bond. The affidavit shall be filed in the same
 457 manner as the bond.

458 Section 12. Paragraph (b) of subsection (1), paragraph (a)
 459 of subsection (2), and subsection (3) of section 903.26, Florida
 460 Statutes, are amended to read:

461 903.26 Forfeiture of the bond; when and how directed;
 462 discharge; how and when made; effect of payment.—

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

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

470 (2)(a) If there is a breach of the bond, the court shall
 471 declare the bond and any bonds or money deposited as bail
 472 forfeited. The clerk of the court shall mail or electronically
 473 transmit a notice to the surety agent and surety company ~~in~~
 474 ~~writing~~ within 5 days after ~~of~~ the forfeiture. A certificate
 475 signed by the clerk of the court or the clerk's designee,
 476 certifying that the notice required herein was mailed or

477 | electronically transmitted on a specified date and accompanied
478 | by a copy of the required notice, shall constitute sufficient
479 | proof that such mailing or electronic transmission was properly
480 | accomplished as indicated therein. If such mailing or electronic
481 | transmission was properly accomplished as evidenced by such
482 | certificate, the failure of the surety agent, of a company, or
483 | of a defendant to receive such ~~mail~~ notice shall not constitute
484 | a defense to such forfeiture and shall not be grounds for
485 | discharge, remission, reduction, set aside, or continuance of
486 | such forfeiture. The forfeiture shall be paid within 60 days of
487 | the date the notice was mailed or electronically transmitted.

488 | (3) Sixty days after the forfeiture notice has been mailed
489 | or electronically transmitted:

490 | (a) State and county officials having custody of forfeited
491 | money shall deposit the money in the fine and forfeiture fund
492 | established pursuant to s. 142.01.~~†~~

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

495 | (c) Officials having custody of bonds as authorized by s.
496 | 903.16 shall transmit the bonds to the clerk of the circuit
497 | court who shall sell them at market value and disburse the
498 | proceeds as provided in paragraphs (a) and (b).

499 | Section 13. Subsections (1), (2), and (6) of section
500 | 903.27, Florida Statutes, are amended to read:

501 | 903.27 Forfeiture to judgment.—

502 | (1) If the forfeiture is not paid or discharged by order
503 | of a court of competent jurisdiction within 60 days and the bond
504 | is secured other than by money and bonds authorized in s.

CS/HB 247

2013

505 | 903.16, the clerk of the circuit court for the county where the
506 | order was made shall enter a judgment against the surety for the
507 | amount of the penalty and issue execution. However, in any case
508 | in which the bond forfeiture has been discharged by the court of
509 | competent jurisdiction conditioned upon the payment by the
510 | surety of certain costs or fees as allowed by statute, the
511 | amount for which judgment may be entered may not exceed the
512 | amount of the unpaid fees or costs upon which the discharge had
513 | been conditioned. Judgment for the full amount of the forfeiture
514 | shall not be entered if payment of a lesser amount will satisfy
515 | the conditions to discharge the forfeiture. Within 10 days, the
516 | clerk shall furnish the Department of Financial Services and the
517 | Office of Insurance Regulation of the Financial Services
518 | Commission with a certified copy of the judgment docket and
519 | shall furnish the surety company at its home office a copy of
520 | the judgment, which shall include the power of attorney number
521 | of the bond and the name of the executing agent. If the judgment
522 | is not paid within 35 days, the clerk shall furnish the
523 | Department of Financial Services, the Office of Insurance
524 | Regulation, and the sheriff of the county in which the bond was
525 | executed, or the official responsible for operation of the
526 | county jail, if other than the sheriff, two copies of the
527 | judgment and a certificate stating that the judgment remains
528 | unsatisfied. When and if the judgment is properly paid or an
529 | order to vacate the judgment has been entered by a court of
530 | competent jurisdiction, the clerk shall immediately notify the
531 | sheriff, or the official responsible for the operation of the
532 | county jail, if other than the sheriff, and the Department of

CS/HB 247

2013

533 Financial Services and the Office of Insurance Regulation, if
534 the department and office had been previously notified of
535 nonpayment, of such payment or order to vacate the judgment. The
536 clerk may furnish documents or give notice as required in this
537 subsection by mail or electronic means. The clerk shall also
538 immediately prepare and record in the public records a
539 satisfaction of the judgment or record the order to vacate
540 judgment. If the defendant is returned to the county of
541 jurisdiction of the court, whenever a motion to set aside the
542 judgment is filed, the operation of this section is tolled until
543 the court makes a disposition of the motion.

544 (2) A certificate signed by the clerk of the court or her
545 or his designee, certifying that the notice required in
546 subsection (1) was mailed or electronically delivered on a
547 specified date, and accompanied by a copy of the required notice
548 constitutes sufficient proof that such mailing or electronic
549 delivery was properly accomplished as indicated therein. If such
550 mailing or electronic delivery was properly accomplished as
551 evidenced by such certificate, the failure of a company to
552 receive a copy of the judgment as prescribed in subsection (1)
553 does not constitute a defense to the forfeiture and is not a
554 ground for the discharge, remission, reduction, set-aside, or
555 continuance of such forfeiture.

556 ~~(6) The failure of a state attorney to file, or of the~~
557 ~~clerk of the circuit court to make, a certified copy of the~~
558 ~~order of forfeiture as required by law applicable prior to July~~
559 ~~1, 1982, shall not invalidate any judgment entered by the clerk~~
560 ~~prior to June 12, 1981.~~

561 Section 14. Subsection (1) of section 903.31, Florida
562 Statutes, is amended to read:

563 903.31 Canceling the bond.—

564 (1) Within 10 business days after the conditions of a bond
565 have been satisfied or the forfeiture discharged or remitted,
566 the court shall order the bond canceled and, if the surety has
567 attached a certificate of cancellation to the original bond, the
568 clerk of the court shall mail or electronically furnish an
569 executed certificate of cancellation to the surety without cost.
570 An adjudication of guilt or innocence, an acquittal, or a
571 withholding of an adjudication of guilt shall satisfy the
572 conditions of the bond. The original appearance bond shall
573 expire 36 months after such bond has been posted for the release
574 of the defendant from custody. This subsection does not apply to
575 cases in which a bond has been declared forfeited.

576 Section 15. Subsection (2) of section 903.36, Florida
577 Statutes, is amended to read:

578 903.36 Guaranteed arrest bond certificates as cash bail.—

579 (2) The execution of a bail bond by a licensed general
580 lines agent of a surety insurer for the automobile club or
581 association member identified in the guaranteed traffic arrest
582 bond certificate, as provided in s. 627.758(4), shall be
583 accepted as bail in an amount not to exceed \$5,000 for the
584 appearance of the person named in the certificate in any court
585 to answer for the violation of a provision of chapter 316 or a
586 similar traffic law or ordinance, except driving under the
587 influence of alcoholic beverages, chemical substances, or
588 controlled substances, as prohibited by s. 316.193. Presentation

CS/HB 247

2013

589 | of the guaranteed traffic arrest bond certificate and a power of
590 | attorney from the surety insurer for its licensed general lines
591 | agents is authorization for such agent to execute the bail bond.
592 | Presentation may be made in person or by electronic means.

593 | Section 16. This act shall take effect July 1, 2013.