

Bill No. CS for CS for SB 134

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Clary moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 8, lines 13 through 19, delete those lines		
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16	and insert:		
17	Section 4. Subsections (2) and (3) of section 903.26,		
18	Florida Statutes, are amended to read:		
19	903.26 Forfeiture of the bond; when and how directed;		
20	discharge; how and when made; effect of payment.--		
21	(2)(a) If there is a breach of the bond, the court		
22	shall declare the bond and any bonds or money deposited as		
23	bail forfeited. The clerk of the court shall mail a notice to		
24	the surety agent and surety company in writing within 5 days		
25	of the forfeiture. A certificate signed by the clerk of the		
26	court or the clerk's designee, certifying that the notice		
27	required herein was mailed on a specified date and accompanied		
28	by a copy of the required notice, shall constitute sufficient		
29	proof that such mailing was properly accomplished as indicated		
30	therein. If such mailing was properly accomplished as		
31	evidenced by such certificate, the failure of the surety		

Bill No. CS for CS for SB 134

Amendment No. ____

1 agent, of a company, or of a defendant to receive such mail
2 notice shall not constitute a defense to such forfeiture and
3 shall not be grounds for discharge, remission, reduction, set
4 aside, or continuance of such forfeiture. The forfeiture
5 shall be paid within 60 35 days of the date the notice was
6 mailed.

7 (b) Failure of the defendant to appear at the time,
8 date, and place of required appearance shall result in
9 forfeiture of the bond. Such forfeiture shall be
10 automatically entered by the clerk upon such failure to
11 appear, and the clerk shall follow the procedures outlined in
12 paragraph (a). However, the court may determine, in its
13 discretion, in the interest of justice, that an appearance by
14 the defendant on the same day as required does not warrant
15 forfeiture of the bond; and the court may direct the clerk to
16 set aside any such forfeiture which may have been entered.
17 Any appearance by the defendant later than the required day
18 constitutes forfeiture of the bond, and the court shall not
19 preclude entry of such forfeiture by the clerk.

20 (c) If there is a breach of the bond, the clerk shall
21 provide, upon request, a certified copy of the warrant or
22 capias to the bail bond agent or surety company.

23 (3) Sixty ~~Thirty-five~~ days after the forfeiture notice
24 has been mailed:

25 (a) State and county officials having custody of
26 forfeited money shall deposit the money in the county fine and
27 forfeiture fund;

28 (b) Municipal officials having custody of forfeited
29 money shall deposit the money in a designated municipal fund;

30 (c) Officials having custody of bonds as authorized by
31 s. 903.16 shall transmit the bonds to the clerk of the circuit

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Amendment No. ____

1 court who shall sell them at market value and disburse the
2 proceeds as provided in paragraphs (a) and (b).

3 Section 5. Rules 3.131 and 3.132, Florida Rules of
4 Criminal Procedure, are repealed to the extent that the rules
5 are inconsistent with this act.

6 Section 6. This act shall take effect upon becoming a
7 law, except that section 5 shall take effect only if this act
8 is passed by the affirmative vote of two-thirds of the
9 membership of each house of the Legislature.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 1, line 13, after the semicolon

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16 and insert:

17 amending s. 903.26, F.S.; revising time period
18 for bond forfeiture payment and notice;

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