

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Cantens offered the following:

**Amendment (with title amendment)**

On page 8, lines 13 - 19,  
remove from the bill: said lines

and insert in lieu thereof:

Section 4. Subsections (2) and (3) of section 903.26,  
Florida Statutes, are amended to read:

903.26 Forfeiture of the bond; when and how directed;  
discharge; how and when made; effect of payment.--

(2)(a) If there is a breach of the bond, the court shall declare the bond and any bonds or money deposited as bail forfeited. The clerk of the court shall mail a notice to the surety agent and surety company in writing within 5 days of the forfeiture. A certificate signed by the clerk of the court or the clerk's designee, certifying that the notice required herein was mailed on a specified date and accompanied by a copy of the required notice, shall constitute sufficient proof that such mailing was properly accomplished as indicated therein. If such mailing was properly accomplished as

Amendment No. \_\_\_\_ (for drafter's use only)

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

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

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

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

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

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

31 (c) Officials having custody of bonds as authorized by

Amendment No. \_\_\_\_ (for drafter's use only)

1 s. 903.16 shall transmit the bonds to the clerk of the circuit  
2 court who shall sell them at market value and disburse the  
3 proceeds as provided in paragraphs (a) and (b).

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

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

11  
12

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

14 And the title is amended as follows:

15 On page 1, line 13, after the semicolon

16

17 and insert:

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

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31