

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Clerk of the Court and Comptroller for the 13th Judicial Circuit,
Hillsborough County, Florida v. Angie Rangel; Efrain Ruiz-Diaz; and
State of Florida

No. 2D2024-1772 (Fla. 2d DCA Mar. 6, 2026) · No. 2D2024-1772 · Decided March 6, 2026

SUMMARY

The Florida Second District Court of Appeal affirmed orders setting aside the forfeiture of cash bonds posted for a criminal defendant who was deported and denying the Clerk's motion to vacate. The court held that section 903.26, Florida Statutes, applies to cash bonds and that section 903.286 does not preclude discharge of a forfeited cash bond. It further held that the asserted sixty-day timing issue concerned waivable case jurisdiction, which the Clerk waived by failing to raise it in the trial court.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Silberman, J.; Lucas, C.J.; Villanti, J.
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	March 6, 2026
DOCKET	2D2024-1772
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal under Florida Rule of Appellate Procedure 9.130 from an order granting a depositor's motion to set aside a final judgment of cash-bond forfeiture and from the subsequent denial of the Clerk's motion to vacate that order under Florida Rule of Civil Procedure 1.540(b)(4).
STANDARD OF REVIEW	An order denying a Rule 1.540(b)(4) motion is generally reviewed for abuse of discretion, although a trial court lacks discretion to refuse to vacate a void judgment, decree, or order.
PRECEDENTIAL VALUE	Published Florida Second District Court of Appeal opinion; precedential status is subject to official publication and revision.
PARTIES	Clerk of the Court and Comptroller for the 13th Judicial Circuit, Hillsborough County, Florida v. Angie Rangel, Efrain Ruiz-Diaz, State of Florida

TOPICS

forfeiture

subject matter jurisdiction

waiver

appellate procedure

statutory interpretation

PRACTICE AREAS

civil procedure

criminal procedure

appellate procedure

bail and bond forfeiture

QUESTIONS PRESENTED

1. Whether the circuit court's order discharging the cash-bond forfeiture was void because section 903.26 did not authorize discharge of a cash bond and section 903.286 was the controlling statute.
2. Whether the circuit court lost jurisdiction to decide the motion to discharge because it did not hear and rule on the motion within sixty days after forfeiture.
3. Whether the Clerk preserved its objection that the circuit court lacked jurisdiction to rule on the discharge motion.

HOLDINGS

1. Section 903.26 applies to the forfeiture and discharge of bonds, including cash bonds, because its text does not distinguish between bonds posted by a surety and bonds posted in cash by or on behalf of a defendant.
2. The sixty-day timing requirement in section 903.26 concerns case or procedural jurisdiction, not subject matter jurisdiction; it does not eliminate the court's subject matter jurisdiction to decide a timely pending motion when the court fails to rule within sixty days.
3. The Clerk waived its objection to the circuit court's alleged lack of case jurisdiction by failing to raise the objection in the trial court when responding to the discharge motion and again when moving to vacate the discharge order.

KEY QUOTATIONS

“A judgment is void when it is entered by a court lacking jurisdiction over the subject matter of the case or jurisdiction over the person of the defendant or where there is a violation of due process.” (at 2)

“By failing to raise the issue on both occasions, the Clerk has waived its objection.” (at 5)

FACTUAL BACKGROUND

On August 12, 2023, Angie Rangel posted four cash bonds on behalf of Efrain Ruiz-Diaz in a criminal proceeding. Ruiz-Diaz failed to appear on October 19, 2023, and the Clerk forfeited the bonds the following day. Rangel moved to set aside the forfeiture under section 903.26(5)(b), asserting that Ruiz-Diaz had been deported, and the circuit court granted the motion.

PROCEDURAL HISTORY

After Efrain Ruiz-Diaz failed to appear, the Clerk forfeited four cash bonds posted by Angie Rangel. Rangel moved to set aside the forfeiture under section 903.26(5)(b), arguing that Ruiz-Diaz had been deported, and the

circuit court granted the motion. The Clerk's subsequent Rule 1.540(b)(4) motion to vacate was denied, leading to this appeal.

DISPOSITION

affirmed

CASES CITED

- Jamuna Petroleum, Inc. v. Conklin, 391 So. 3d 627, 631 (Fla. 2d DCA 2024)
- Deluca v. King, 197 So. 3d 74, 75 (Fla. 2d DCA 2016)
- State Farm Mut. Auto. Ins. Co. v. Statsick, 231 So. 3d 528, 531 (Fla. 2d DCA 2017)
- State ex rel. Fulton Bag & Cotton Mills v. Burnside, 15 So. 2d 324, 326 (Fla. 1943)
- Nationwide Ins. Co. of Am. v. Auto Glass Am., LLC, 424 So. 3d 988, 991 (Fla. 2d DCA 2025)
- Cnty. Bonding Agency v. State, 724 So. 2d 131, 132 (Fla. 3d DCA 1998)
- Frontier Insurance Co. v. State, 760 So. 2d 299, 299 (Fla. 3d DCA 2000)
- Malone v. Meres, 109 So. 677, 685 (Fla. 1926)
- JJTB, Inc. v. Schmidt, 415 So. 3d 129, 131, 133 (Fla. 2025)