

CHAPTER 137

BONDS OF COUNTY OFFICERS

- 137.01 Bonds required by county officers.
 137.02 Bond of tax collector.
 137.03 Bond of property appraisers.
 137.04 County commissioners to give bond.
 137.05 Duty of county commissioners.
 137.06 Failure to give new bond; misfeasance.
 137.07 Failure to perform duties.
 137.08 Sums for which sureties may be bound.
 137.09 Justification and approval of bonds.
 137.10 Provisions not applicable to surety companies.

137.01 Bonds required by county officers.—Each of the county officers of whom a bond is or shall be required by law, shall, before he or she is commissioned, give bond, with not less than two sureties, or a surety company as hereinafter specified, to the Governor of the state and the Governor's successors in office, conditioned for the faithful performance of the duties of his or her office, which shall be approved by the board of county commissioners, and be filed with and approved by the Department of State.

History.—s. 1, ch. 3724, 1887; RS 616; GS 822; RGS 1568; CGL 2416; ss. 10, 12, 35, ch. 69-106; s. 837, ch. 95-147; s. 28, ch. 95-312.

137.02 Bond of tax collector.—The tax collector of each county shall give bond in a sum to be fixed by the board of county commissioners of the respective county, subject to the approval of the Department of State as to amount and surety. This bond shall be specifically conditioned to account duly and faithfully for all taxes collected by the tax collector. In fixing said bond the board of county commissioners shall take into consideration the amount of money likely to be in the custody of the collector at any one time.

History.—s. 5, ch. 3724, 1887; RS 617; GS 823; RGS 1569; s. 1, ch. 10033, 1925; CGL 2417; ss. 12, 35, ch. 69-106; s. 1, ch. 76-140; s. 29, ch. 95-312.

137.03 Bond of property appraisers.—The county property appraiser shall give a bond, the amount of which shall be fixed by the board of county commissioners at not less than \$1,000 or more than \$10,000. In fixing the amount of said bond, the board of county commissioners shall take into consideration the amount of money likely to be in the custody of the property appraiser at any one time.

History.—s. 7, ch. 3724, 1887; s. 1, ch. 3844, 1889; RS 618, 619; GS 824; RGS 1570; CGL 2418; s. 1, ch. 28294, 1953; s. 3, ch. 73-47; s. 1, ch. 77-102.

137.04 County commissioners to give bond.—Each and every county commissioner of the several counties of the state, elected or appointed to such office before he or she is commissioned, shall be required to give a good and sufficient bond with not less than two sureties, or a surety company duly authorized under the laws of the state, in the sum of \$2,000, conditioned for the faithful performance of the duties of his or her office, which bond shall be approved by the board of county commissioners and the Department of State. The premium of the bonds given with surety companies as sureties shall be paid out of the county treasury.

History.—s. 1, ch. 6477, 1913; RGS 1571; CGL 2419; ss. 12, 35, ch. 69-106; s. 838, ch. 95-147; s. 30, ch. 95-312.

137.05 Duty of county commissioners.—The county commissioners of the various counties of the state shall at their regular meeting in January and June of each year examine carefully as to the sufficiency of bonds of the county officers of their respective counties, and if by reason of death, assignment, or insolvency of any of the sureties on the bonds of said officers, they have reason to believe that the sufficiency of said bond has become impaired, they shall at once report the same to the Governor, who shall call upon and require such officer or officers to execute and file with the proper officer a new bond for the same amount, under the same conditions as his or her former bond.

History.—s. 2, ch. 4413, 1895; GS 825; RGS 1572; CGL 2420; s. 839, ch. 95-147.

137.06 Failure to give new bond; misfeasance.—Upon the failure of any state or county officer to give the new bond required by s. 137.05, within 60 days after he or she is called upon to do so, such failure on the part of any county officer shall be deemed and held to be a misfeasance within the meaning of the Constitution; and the Governor shall suspend such officer, as provided in s. 7, Art. IV of the State Constitution, and shall at once appoint a successor to fill such vacancy, who after giving the bond required and otherwise qualifying, shall take charge of the office to which he or she has been appointed, and perform the duties of the same until a successor shall have been elected and qualified, or the officer suspended be reinstated; and in all cases where officers are liable to impeachment under the Constitution, the failure to give the bond as hereinbefore mentioned shall constitute a ground of impeachment.

History.—s. 3, ch. 4413, 1895; GS 826; RGS 1573; CGL 2421; s. 6, ch. 69-216; s. 840, ch. 95-147.

137.07 Failure to perform duties.—If the Comptroller of the state, or the boards of county commissioners of the various counties, shall fail to perform the duties required by ss. 17.19 and 137.05 respectively, they shall be liable to the state or county for any loss which may be sustained by the state or county, by reason of such failure, such sum to be recovered by suit in any county in which such Comptroller or county commissioners may reside.

History.—s. 4, ch. 4413, 1895; GS 827; RGS 1574; CGL 2422.

137.08 Sums for which sureties may be bound.—In every bond in which the amount of the bond shall not exceed \$1,000, there shall be at least two sureties, each bound for the full amount of the bond. In every bond so specified in which the amount of the bond shall exceed \$1,000, each surety may bind himself or herself for a specified sum, and the aggregate amount for which the sureties shall bind themselves shall not be less than the penalty of the bond.

History.—s. 9, ch. 3724, 1887; RS 620; GS 828; RGS 1575; CGL 2423; s. 841, ch. 95-147.

137.09 Justification and approval of bonds.—Each surety upon every bond of any county officer shall make affidavit that he or she is a resident of the county for

which the officer is to be commissioned, and that he or she has sufficient visible property therein unencumbered and not exempt from sale under legal process to make good his or her bond. Every such bond shall be approved by the board of county commissioners and by the Department of Banking and Finance when they and it are satisfied in their judgment that the same is legal, sufficient, and proper to be approved.

History.—s. 10, ch. 3724, 1887; RS 621; GS 829; RGS 1576; CGL 2424; ss. 12, 35, ch. 69-106; s. 842, ch. 95-147.

137.10 Provisions not applicable to surety companies.—The provisions of this chapter requiring two sureties and justification by surety shall not apply where such surety is a surety company authorized to do business in this state.

History.—GS 630; RGS 1577; CGL 2425.