

By Senator Posey

24-03690A-08

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1 A bill to be entitled

2 An act relating to cash bonds for criminal defendants;
3 amending s. 903.286, F.S.; providing that funds for unpaid
4 fines, fees, and court costs may not be withheld from a
5 criminal defendant's cash bond unless the clerk of the
6 court retains a signed receipt acknowledging that the
7 person posting the bond was informed that funds could be
8 withheld; providing an effective date.

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

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12 Section 1. Section 903.286, Florida Statutes, is amended to
13 read:

14 903.286 Return of cash bond; requirement to withhold unpaid
15 fines, fees, and court costs.--

16 (1) Notwithstanding the provisions of s. 903.31(2), the
17 clerk of the court shall withhold from the return of a cash bond
18 posted on behalf of a criminal defendant by a person other than a
19 bail bond agent licensed pursuant to chapter 648 sufficient funds
20 to pay any unpaid court fees, court costs, and criminal
21 penalties. ~~If In the event that~~ sufficient funds are not
22 available to pay all unpaid court fees, court costs, and criminal
23 penalties, the clerk of the court shall immediately obtain
24 payment from the defendant or enroll the defendant in a payment
25 plan pursuant to s. 28.246.

26 (2) Notwithstanding the provisions of subsection (1), funds
27 may not be withheld unless the clerk of the court retains a
28 signed receipt, signed at the time the bond was posted,
29 indicating that the person posting the bond received written

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30 | notice that funds may be withheld.

31 | Section 2. This act shall take effect July 1, 2008.