CS/HB 97

1	A bill to be entitled
2	An act relating to withholding funds from the return
3	of cash bonds; amending s. 903.286, F.S.; requiring a
4	clerk of the court to withhold from the return of a
5	cash bond posted by a criminal defendant or his or her
6	spouse, rather than to withhold from the return of a
7	cash bond posted on behalf of the criminal defendant
8	by a person other than a bail bond agent, funds for
9	specified purposes; requiring all cash bond forms to
10	provide a specified notice; providing an effective
11	date.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
15	Section 1. Section 903.286, Florida Statutes, is amended
16	to read:
17	903.286 Return of cash bond; requirement to withhold
18	unpaid fines, fees, court costs; cash bond forms
19	(1) Notwithstanding s. 903.31(2), the clerk of the court
20	shall withhold from the return of a cash bond posted <u>by</u> <del>on</del>
21	<del>behalf of</del> a criminal defendant <u>or his or her spouse</u> <del>by a person</del>
22	other than a bail bond agent licensed pursuant to chapter 648
23	sufficient funds to pay any unpaid costs of prosecution, costs
24	of representation as provided by ss. 27.52 and 938.29, court
25	fees, court costs, and criminal penalties. If sufficient funds

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26	are not available to pay all unpaid costs of prosecution, costs
27	of representation as provided by ss. 27.52 and 938.29, court
28	fees, court costs, and criminal penalties, the clerk of the
29	court shall immediately obtain payment from the defendant or
30	enroll the defendant in a payment plan pursuant to s. 28.246.
31	(2) All cash bond forms used in conjunction with the
32	requirements of s. 903.09 must prominently display a notice
33	explaining <u>all of the following:</u>
34	(a) That all funds are subject to forfeiture. and
35	withholding by
36	(b) The clerk of the court is authorized to withhold funds
37	posted by a criminal defendant or his or her spouse for the
38	payment of costs of prosecution, costs of representation as
39	provided by ss. 27.52 and 938.29, court fees, court costs, and
40	criminal penalties on behalf of the criminal defendant
41	regardless of who posted the funds.
42	Section 2. This act shall take effect July 1, 2022.

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