

By Senator Grall

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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 display a specified notice; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 903.286, Florida Statutes, is amended to
16 read:

17 903.286 Return of cash bond; requirement to withhold unpaid
18 fines, fees, and 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 by ~~on~~
21 ~~behalf of a criminal defendant or his or her spouse by a person~~
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
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

29-00359-23

2023582__

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 all of the following:

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, 2023.