

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.

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 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  
 16          to read:

17           903.286 Return of cash bond; requirement to withhold  
 18          unpaid 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  
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.