

By Senator Grall

29-00950-24

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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 funds for specified  
5           purposes from the return of a cash bond posted by a  
6           criminal defendant or his or her spouse, rather than  
7           to withhold such funds from the return of a cash bond  
8           posted on behalf of the criminal defendant by a person  
9           other than a bail bond agent; requiring all cash bond  
10          forms to display a specified notice; providing an  
11          effective 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 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

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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, 2024.