

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 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:

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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 must ~~shall~~ immediately obtain payment from the defendant

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30 or 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 in bold font
33 of not less than 12 points a notice containing ~~explaining~~ all of
34 the following statements:

35 (a) ~~"That~~ All funds are subject to forfeiture." and
36 ~~withholding by~~

37 (b) "The clerk of the court is authorized to withhold funds
38 posted by a criminal defendant or his or her spouse for the
39 payment of costs of prosecution, costs of representation as
40 provided by ss. 27.52 and 938.29, F.S., court fees, court costs,
41 and criminal penalties ~~on behalf of the criminal defendant~~
42 ~~regardless of who posted the funds."~~

43 Section 2. This act shall take effect July 1, 2025.