CS/HB 97 2022

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A bill to be entitled

An act relating to withholding funds from the return of cash bonds; amending s. 903.286, F.S.; requiring a clerk of the court to withhold from the return of a cash bond posted by a criminal defendant or his or her spouse, rather than to withhold from the return of a cash bond posted on behalf of the criminal defendant by a person other than a bail bond agent, funds for specified purposes; requiring all cash bond forms to provide a specified notice; providing an effective date.

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

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

903.286 Return of cash bond; requirement to withhold unpaid fines, fees, court costs; cash bond forms.—

(1) Notwithstanding s. 903.31(2), the clerk of the court shall withhold from the return of a cash bond posted by on behalf of a criminal defendant or his or her spouse by a person other than a bail bond agent licensed pursuant to chapter 648 sufficient funds to pay any unpaid costs of prosecution, costs of representation as provided by ss. 27.52 and 938.29, court fees, court costs, and criminal penalties. If sufficient funds

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are not available to pay all unpaid costs of prosecution, costs of representation as provided by ss. 27.52 and 938.29, court fees, court costs, and criminal penalties, the clerk of the court shall immediately obtain payment from the defendant or enroll the defendant in a payment plan pursuant to s. 28.246.

- (2) All cash bond forms used in conjunction with the requirements of s. 903.09 must prominently display a notice explaining all of the following:
- (a) That all funds are subject to forfeiture. and withholding by

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- (b) The clerk of the court is authorized to withhold funds posted by a criminal defendant or his or her spouse for the payment of costs of prosecution, costs of representation as provided by ss. 27.52 and 938.29, court fees, court costs, and criminal penalties on behalf of the criminal defendant regardless of who posted the funds.
 - Section 2. This act shall take effect July 1, 2022.