

TWENTIETH JUDICIAL CIRCUIT STATE ATTORNEY'S NEW WORTHLESS CHECK RESTITUTION PROGRAM



Steven B. Russell
State Attorney

*A FREE SERVICE FOR THE CITIZENS AND MERCHANTS
IN OUR COMMUNITY*

Serving Charlotte, Collier, Glades, Hendry and Lee Counties



New Worthless Check Restitution Program

A Message from your State Attorney
Stephen B. Russell

As your State Attorney, I am troubled by the damage done to innocent parties by those who pass worthless checks. Merchants lose thousands of dollars every year due to offenders who pass bad checks. Worthless checks affect our entire community. Merchants are forced to raise the prices

burden on taxpayers and the criminal justice system.

Through the new program, we give worthless check offenders the opportunity to avoid criminal prosecution by paying immediate and full restitution and completing a mandatory online educational class. We

"Working together, we can stop the passing of worthless checks in our community and help businesses in the Twentieth Judicial Circuit succeed."

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they charge all of us for goods and services to offset the losses they suffer from worthless checks. The dollars needed to fund law enforcement and prosecution efforts to hold these offenders accountable increase every year.

To fight this growing problem, I have organized a new Worthless Check Restitution Program to help victims of worthless checks recover complete and quick restitution without increasing the financial

do all this without any additional expense to the taxpayers of the Twentieth Judicial Circuit.

I encourage local businesses to participate in this program. The Worthless Check Restitution Program is a proven, effective way to help victims recover their financial losses. This program holds first time offenders accountable, and reduces the negative effects of worthless checks at no cost to law abiding citizens of our district.

What is a Worthless Check?



Florida Statute § 832.05 sets forth that a person commits an offense if he or she issues or passes a check knowing that an account is closed or has insufficient funds. In a criminal prosecution, penalties for First Degree Misdemeanors may include fines up to \$1,000 and up to one year jail sentence. Penalties for Third Degree Felonies may include fines up to \$5,000 and up to five years in prison.

When a person receives a worthless check, they are required by Florida Statutes to notify the check writer. If the check writer resolves the check at this point, it is no longer an issue.

If the check writer refuses to make restitution after notification, the check can be turned over to the State Attorney's Worthless Check Restitution Program.

Non-qualifying checks: Post-dated, Held, Three Party, Stop Payment, and Business Checks do not qualify for this Program.

Please contact the State Attorney's Worthless Check Restitution Program for any additional questions regarding these types of checks.

How Does The Restitution Program Work?

To submit a worthless check to our program you can:

- Fill out a worthless check complaint form, attach original certified legal copy of the check (you retain photocopy) and copies of any notification documents, such as your 15 day letter, affidavit of mailing, return receipts, invoices, bank notices, signed rental/lease agreements, etc..
- Mail to:
State Attorney
20th Judicial Circuit
Worthless Check Restitution Program
P.O. Box 399
Fort Myers, FL 33902-0399

*Additional forms and instructions can be found at <http://www.sao.cjis20.org/worthlesschecks.htm>

Or contact the State Attorney's Worthless Check Restitution Program at **239-533-1000**.

As a condition of this program, once the check is submitted you may not collect funds at your store unless the check writer has paperwork from the State Attorney's Office or Court to support a direct payment. Because this is a diversion opportunity, there is a strong incentive for check writers to comply. The check writer has two choices: comply with the requirements of the program or face possible prosecution.

Merchants will collect the full face amount of the check, and an additional service fee.

If the check writer does not comply with the requirements of the Program, prosecution proceedings can begin. Contact the State Attorney's Office for more information.

Tips To Prevent Losses From The Passing of Worthless Checks.

There are questions you should always ask yourself when accepting a check for payment to prevent check fraud before it starts:

How Low is the Check Number? Most worthless checks are written on new accounts, so be especially cautious of checks with low check numbers.

Did I Check the Signature and Address? Watch the person sign the check. Compare the signature against a photo ID that contains the person's signature, a Driver's License

is best. Record the Driver's License number **and** the State of Issuance on the check at the time of acceptance. Compare the address on the check against the photo ID to ensure the address listed on the check is correct.

Is the Date on the Check Correct? Make sure the date written on the check is the current date and not post-dated.

Do the Check Amounts Match? Be sure the amount written in numbers and the amount written in words on the check are the same.

Did I Get Enough Identification? You must get:

1. The driver's license number or state identification number, specifying the state of issuance of the person presenting the check must be written on the check; or
2. The following information regarding the identity of the person presenting the check must be obtained by the person accepting such check:
 - **Presenter's full name**
 - **Residence address**
 - **Home phone number**
 - **Business phone number**
 - **Place of employment**
 - **Sex**
 - **Date of Birth**
 - **Height**