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WORTHLESS CHECK UNIT  
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**REQUIREMENTS FOR FILING A WORTHLESS CHECK**

1. The check must have been given in, or mailed from Hillsborough County, Florida.
2. The check cannot be post-dated.
3. If you are the person taking the check and were asked by the writer of the check to hold or delay depositing the check for even a brief period or were given any reason to believe that the check might not be honored, then this will not be a worthless check under Florida Law. You should contact an attorney or the Clerk of the Circuit Court's Small Claims Court at 276-8100, to file a civil suit.
4. Partial restitution on the worthless check does not prevent prosecution.
5. When a check bounces, the bank must either stamp on the check or attach a flyer to it stating the reason for refusal to pay.
6. A "Stop Payment" is not a worthless check. Any stop payment check or a suspected forgery must be taken to the law enforcement agency in your jurisdiction.
7. The minimum information the State Attorney must have to prosecute a worthless check is:
  - THE FULL NAME OF THE WRITER OF THE CHECK
  - ADDRESS
  - SEX
  - DATE OF BIRTH
  - RACE
  - HEIGHT
8. The person who received the check from the defendant must be able to appear in Court and positively identify the defendant as the person who wrote the check.
9. This identification may be provided in three ways:
  - TAKER OF THE CHECK CAN PERSONALLY IDENTIFY THE CHECKWRITER
  - THE INFORMATION MAY BE RECORDED ON THE CHECK ITSELF;  
OR
  - IF THE INFORMATION ABOVE IS PLACED ON FILE IN YOUR BUSINESS, THE NUMBER OF THE CHECK CASHING CARD MAY BE PLACED ON THE CHECK ITSELF.
10. In order to establish the identify of a person sending a check by mail, you must present the original contract or request for services, which the check is supposed to pay for, bearing the signature of the person who has signed the check.

**CONTINUED ON REVERSE SIDE**

11. Prior to initiating prosecution, the person who receives the worthless check must send the following letter (sample attached) or any letter in a substantially similar form **Certified Mail, Return Receipt Requested** or **First Class Mail**.

*You are hereby notified that a check, numbered \_\_\_\_\_, issued by you on \_\_\_\_\_ (date) and payable to \_\_\_\_\_ has been dishonored. Pursuant to Florida Law, you have 15 days from the date of this notice to tender payment of the full amount of such check plus a service charge of \$\_\_\_\_\_ \*\*the total amount due being \$\_\_\_\_\_ and \_\_\_\_\_ cents. Unless this amount is paid in full within the time specified above, the holder of such check may turn over the dishonored check and all other available information relating to this incident to the State Attorney for criminal prosecution. You may be additionally liable in a civil action for triple the amount of the check, but in no case less than \$50.00, together with the amount of the check, a service charge, court costs, reasonable attorney fees and incurred bank fees, as provided in Section 68.065 FS.*

**\*\*\$25.00 if the face value of the check does not exceed \$50, \$30 if the face value exceeds \$50 but does not exceed \$300, \$40 if the face value is between \$300 and \$800, or an amount up to five percent of the face amount of the check (whichever is greater)**

This letter must be mailed by First Class Mail, evidenced by the Affidavit of First Class Mailing; or certified registered mail, evidenced by the return receipt. Notice must be mailed to the address on the check or the address given at the time the check was written. Even if the letter is returned undeliverable, this is sufficient notice under Florida Law.

Section 832.07 of the Florida Statutes states that any party giving notice substantially similar to the above, shall be immune from civil liability for the giving of such notice and for proceedings under the forms of such notice.

12. Every Worthless Check Affidavit must be accompanied by the check itself; **and**
- a(1) the return receipt properly stamped by the US Post Office; if the letter is undeliverable, leave the letter in the envelope intact; **or**
  - a(2) If the 15-day letter was sent First Class Mail, the Affidavit of Mailing along with a copy of the letter should also be attached.
  - b Rental Lease or Agreement if applicable
  - c Contract or Copy of Invoice if applicable
13. The party accepting the check should witness the signature of the person writing the check and should initial the check.
14. You must complete a Worthless Check Affidavit for each check and attach the original check (no copies), the Affidavit of First Class Mail or the original return receipt.
15. If it is a third-party check, you must complete a third-party worthless check Affidavit.
16. Miscellaneous problems, which are too numerous to mention, may prevent the ability to prosecute. The State Attorney must be able to prove the case beyond a reasonable doubt or the case will not be filed.
17. If "diversion" is approved by the State Attorney's Office, an effort will be made to contact the accused and make a pre-trial disposition which includes restitution.
18. If you are aware that a particular accused has passed a great number of worthless checks, please advise us when you present the check and the affidavit at the State Attorney's Worthless Check Unit, located at 419 N. Pierce Street, 3rd floor, Tampa, FL 33602.
19. In certain circumstances, the accused will not be referred to the Diversionary Program. Each case is evaluated independently.

**IF YOU HAVE ANY QUESTIONS,  
PLEASE CALL US AT 272-5336**