

Bad Check Diversion Unit

Our Bad Check Diversion Unit program is one tool in our fight against those who write worthless checks. It enables us to more swiftly get restitution for the victims of bad checks. This unique, public/private partnership requires offenders to not only pay restitution promptly, but also mandates that they complete an educational program which is designed specifically to address the violation and prevent repeat offenses. The program is also designed to educate businesses in preventative check acceptance policies.

This service is provided at no expense to the merchants or individuals who receive the worthless checks.

The program is not appropriate for all offenders. We follow Florida law which gives the guidelines for who is eligible for diversion. We will continue to aggressively prosecute serious repeat offenders and “scam artists” who use worthless checks as part of their method of committing crimes. But for those for whom it is appropriate, the Bad Check Diversion Unit secures restitution more quickly than could be obtained through the court system.

We are confident that your participation in this program will help your business. By working together we will combat the problem of worthless checks by achieving the three main goals of the Bad Check Diversion Unit: One, to increase accountability of bad check writers; two, to obtain restitution for victims of bad checks; and three, to do these things without increasing the administrative or financial burden on the criminal justice system or the taxpayer.

Below are instructions on how to initiate a complaint if you receive a bad check, as well as some tips on how to avoid getting one. The format for the fifteen-day letter, as required by Florida law, is available on this site, as is a Bad Check Complaint Form that may be downloaded as an Adobe .pdf file. We look forward to working together with the business community to resolve this serious problem.

IF YOU RECEIVE A BAD CHECK...

1. Send a letter by certified mail with return receipt, or by first class mail to the check writer at the address on the check or given at the time of issuance demanding payment. The check writer has 15 days to respond and remit payment. An "account closed" check does not need this letter sent. This letter may be downloaded in PDF format, *by clicking here*.
2. If you do not hear from the check writer or receive payment within the 15 days noted above, obtain a Bad Check Complaint Form. This form is available by calling the Bad Check Diversion Unit at 866-494-8556, from your local law enforcement agency, or by downloading the form PDF format along with the Instructions for Filing the Bad Check Complaint Form.

3. Fill out the complaint form, attach originals (you retain photocopies) of all checks and notification documents, such as your letter, return receipts or affidavit of service of mail, and bank notices, and mail to:

**20th Judicial Circuit
State Attorney Bad Check
Restitution Program
P.O. Box 6904
Fort Myers, FL 33911-6904**

If you do not receive restitution within 60 days, contact the State Attorney Bad Check Diversion Unit at (866) 494-8556.

ELIGIBILITY...

State law limits eligibility for the program or for prosecution to those checks that meet the following criteria:

A check is **Eligible** if...

- It was received in the 20th Judicial Circuit, deposited in a bank, and presumed “good” at the time of acceptance.
- A “statutory notice” is sent to the check writer allowing 15 days to make the check good.
- A photo I.D. (driver’s license with state of issuance or state identification card was recorded at the time of transaction.

A check is **Ineligible** if...

- It is postdated.
- Both parties knew there were insufficient funds at the time of transaction.
- The identity of the check writer is unknown.
- There is no amount, date, or signature on the check.
- The check has not been processed by a bank.
- You were asked to hold the check before depositing or cashing it.
- Third Party Checks.
- Stop Payment Checks.

We strongly recommend submitting the check to the program within 90 days from the date of the check.

Checks ineligible for the State Attorney Bad Check Diversion Unit Program may be pursued through small claims court action or by a private collection agency.

All necessary forms may be found under the worthless check tab.