

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Mooney offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 31-56 and insert:

6 this purpose, provided it finds that the hearsay evidence has a
7 minimal indicia of reliability. The burden of demonstrating the
8 amount of the loss sustained by a victim as a result of the
9 offense is on the state attorney. The burden of demonstrating
10 the present financial resources and the absence of potential
11 future financial resources of the defendant and the financial
12 needs of the defendant and his or her dependents is on the
13 defendant. The burden of demonstrating such other matters as the
14 court deems appropriate is upon the party designated by the
15 court as justice requires.

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16 Section 2. Subsection (2) of section 985.437, Florida
17 Statutes, is amended to read:

18 985.437 Restitution.—

19 (2)(a) While the primary purpose of restitution is to
20 compensate the victim, it also serves the rehabilitative and
21 deterrent goals of the juvenile justice system.

22 (b) The court may order the child to make restitution in
23 money, through a promissory note cosigned by the child's parent
24 or guardian, or in kind for any damage or loss caused by the
25 child's offense in a reasonable amount or manner to be
26 determined by the court. Restitution must be determined on a
27 fair market value basis unless the state, victim, or child shows
28 that using another basis, including, but not limited to,
29 replacement cost, purchase price less depreciation, or actual
30 cost of repair, is equitable and better furthers the purposes of
31 restitution. The court may consider hearsay evidence for this
32 purpose, provided it finds that the hearsay evidence has a
33 minimal indicia of reliability.

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36 **T I T L E A M E N D M E N T**

37 Remove lines 8-13 and insert:
38 award under certain circumstances; amending s. 985.437, F.S.;
39 declaring the purposes of restitution in a delinquency
40 proceeding; specifying the standards for valuation of a

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 495 (2021)

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41 | restitution order; authorizing a court to consider hearsay
42 | evidence regarding valuation of a restitution award under
43 | certain circumstances; providing an effective date.