

By Senator Fasano

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A bill to be entitled
An act relating to appellate review of juvenile
court orders; amending s. 985.234, F.S.;
providing that the state may appeal an order
denying restitution; providing an effective
date.

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

Section 1. Subsection (1) of section 985.234, Florida
Statutes, is amended to read:

985.234 Appeal.--

(1) An appeal from an order of the court affecting a
party to a case involving a child under ~~pursuant to~~ this part
may be taken to the appropriate district court of appeal
within the time and in the manner prescribed by s. 924.051 and
the Florida Rules of Appellate Procedure by:

- (a) Any child, and any parent or legal guardian or
custodian of any child.
- (b) The state, which may appeal from:
 1. An order dismissing a petition or any section
thereof;
 2. An order granting a new adjudicatory hearing;
 3. An order arresting judgment;
 4. A ruling on a question of law when the child is
adjudicated delinquent and appeals from the judgment;
 5. The disposition, on the ground that it is illegal;
 6. A judgment discharging a child on habeas corpus;
 7. An order denying restitution;
 - ~~8.7.~~ An order adjudicating a child insane under the
Florida Rules of Juvenile Procedure; and

1 9.8. All other preadjudicatory hearings, except that
2 the state may not take more than one appeal under this
3 subsection in any case.

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5 In the case of an appeal by the state, the notice of appeal
6 shall be filed by the appropriate state attorney or his or her
7 authorized assistant under ~~pursuant to the provisions of s.~~
8 27.18. The ~~Such an~~ appeal shall embody all assignments of
9 error in each preadjudicatory hearing order that the state
10 seeks to have reviewed. The state shall pay all costs of the
11 appeal except for the child's attorney's fee.

12 Section 2. This act shall take effect July 1, 2004.

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15 SENATE SUMMARY

16 Provides that the state may appeal a juvenile court order
17 denying restitution to the victim of the offense.