By Senators King, Lynn and Wise

8-678B-05

1	A bill to be entitled
2	An act relating to restitution and other
3	court-ordered payments; amending s. 775.089,
4	F.S.; transferring the responsibility for
5	collecting and disbursing restitution and other
6	court-ordered payments from the Department of
7	Corrections to the Department of Revenue;
8	requiring the Department of Revenue to conduct
9	a needs assessment and cost-benefit analysis of
10	the system of court-ordered payments; requiring
11	the State Technology Office to provide
12	assistance, if available; authorizing the
13	Department of Revenue to procure from a private
14	vendor services for collecting restitution and
15	court-ordered payments; requiring that the new
16	system for collecting and disbursing
17	restitution and other payments be operational
18	by a specified date; requiring the Department
19	of Revenue to include performance standards in
20	its contract with a private vendor; amending s.
21	948.09, F.S., relating to payments for the
22	costs of supervision and rehabilitation;
23	conforming provisions to changes made by the
24	act; requiring the Department of Corrections to
25	establish a payment schedule for each offender
26	and provide this information to the Department
27	of Revenue; requiring disbursement of payments
28	by the Department of Revenue; requiring that
29	restitution payments be deposited into the
30	Crimes Compensation Trust Fund when the
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Department of Revenue is unable to locate a 2 victim; providing an effective date. 3 4 Be It Enacted by the Legislature of the State of Florida: 5 6 Section 1. Subsection (11) of section 775.089, Florida 7 Statutes, is amended to read: 775.089 Restitution.--8 9 (11)(a) The court may order the clerk of the court to collect and dispense restitution payments in any case. 10 (b) The Department of Revenue shall court may order 11 12 the Department of Corrections to collect and dispense restitution and other payments ordered by the court from 13 persons remanded to the its custody or supervision of the 14 15 <u>Department of Corrections</u>. Section 2. The Department of Corrections shall 16 17 transfer its responsibility for collecting and disbursing 18 restitution and other payments from offenders, as provided under section 775.089(11)(b), Florida Statutes, to the 19 Department of Revenue by December 31, 2006. 2.0 21 (1) To assist in this transfer, the Department of Revenue shall work with the staff of the Department of 22 23 Corrections to conduct, by September 30, 2005, a needs assessment and cost-benefit analysis of the restitution and 2.4 court-ordered payment system. If available, the State 2.5 Technology Office shall provide assistance in conducting the 26 27 needs assessment. 28 (2) Based on the results of the needs assessment and cost-benefit analysis, the Department of Revenue may, through 29 competitive bidding, procure services from a private vendor to 30 perform the functions necessary to collect and disburse

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disbursed.

restitution and other payments from offenders. The new system 2 for collecting and disbursing restitution and other payments shall be operational by December 31, 2006. 3 4 (3) The Department of Revenue shall include 5 performance standards in its contract with the private vendor. 6 Such standards may include the vendor's effectiveness in 7 customer service; the efficiency of the vendor in disbursing collections; and the timeliness of the vendor in depositing 8 payments, disbursing payments, and correcting errors. 9 10 Section 3. Subsection (7) of section 948.09, Florida Statutes, is amended to read: 11 12 948.09 Payment for cost of supervision and rehabilitation. --13 (7)(a) The department shall establish a payment plan 14 for all costs ordered by the courts for collection by the 15 Department of Revenue and a priority order for payments, 16 except that victim restitution payments authorized under s. 18 948.03(1)(e) s. 948.03(5) take precedence over all other court-ordered payments. The Department of Revenue is not 19 required to disburse cumulative amounts of less than \$10 to 2.0 21 individual payees established on this payment plan. 22 (b) The Department of Corrections shall establish a 23 payment schedule for each offender and provide this payment information to the Department of Revenue. The Department of 2.4 25 Revenue shall disburse payments made by an offender first to the victim of the offense, then to other payees in the order 26 27 of priority established by the court or the Department of 2.8 Corrections. The Department of Revenue shall provide to the Department of Corrections an automated monthly statement of 29

the amount collected from each offender and the amount

1	(c) The Department of Revenue shall use due diligence
2	in locating victims for purposes of making restitution
3	payments. If the Department of Revenue is unable to locate a
4	victim within 180 days, the Department of Revenue shall
5	disburse that victim's restitution payments to the Crimes
6	Compensation Trust Fund established in s. 960.21.
7	Section 4. This act shall take effect upon becoming a
8	law.
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11	SENATE SUMMARY
12	Requires that the Department of Corrections transfer to the Department of Revenue by December 31, 2006,
13	responsibility for collecting and disbursing restitution and other court-ordered payments. Authorizes the
14	Department of Revenue to enter into a contract with a private vendor to operate the collection and disbursement
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16	provide this information to the Department of Revenue. Provides for restitution payments to be deposited into
17	the Crimes Compensation Trust Fund when the Department of Revenue is unable to locate the victim.
18	Revenue is unable to locate the victim.
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