

1 A bill to be entitled
2 An act relating to restitution and other court-ordered
3 payments; amending s. 775.089, F.S.; transferring the
4 responsibility for collecting and disbursing restitution
5 and other court-ordered payments from the Department of
6 Corrections to the Department of Revenue; requiring the
7 Department of Revenue to conduct a needs assessment and
8 cost-benefit analysis of the system of restitution and
9 court-ordered payments; requiring the State Technology
10 Office to provide assistance, if available; authorizing
11 the Department of Revenue to procure from a private vendor
12 services for collecting and disbursing restitution and
13 court-ordered payments; requiring that the new system for
14 collecting and disbursing restitution and other court-
15 ordered payments be operational by a specified date;
16 requiring the Department of Revenue to include performance
17 standards in its contract with a private vendor; amending
18 s. 948.09, F.S., relating to payments for the costs of
19 supervision and rehabilitation; conforming provisions to
20 changes made by the act; requiring the Department of
21 Corrections to establish a payment schedule for each
22 offender and provide this information to the Department of
23 Revenue; requiring disbursement of payments by the
24 Department of Revenue; requiring that restitution payments
25 be deposited into the Crimes Compensation Trust Fund when
26 the Department of Revenue is unable to locate a victim
27 within a certain time period; providing an effective date.
28

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

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31 Section 1. Subsection (11) of section 775.089, Florida
 32 Statutes, is amended to read:

33 775.089 Restitution.--

34 (11)(a) The court may order the clerk of the court to
 35 collect and dispense restitution payments in any case.

36 (b) The Department of Revenue shall ~~court may order the~~
 37 ~~Department of Corrections to~~ collect and dispense restitution
 38 and other payments ordered by the court from persons remanded to
 39 the its custody or supervision of the Department of Corrections.

40 Section 2. The Department of Corrections shall transfer
 41 its responsibility for collecting and disbursing restitution and
 42 other payments from offenders, as provided under section
 43 775.089(11)(b), Florida Statutes, to the Department of Revenue
 44 by December 31, 2006.

45 (1) To assist in this transfer, the Department of Revenue
 46 shall work with the staff of the Department of Corrections to
 47 conduct, by September 30, 2005, a needs assessment and cost-
 48 benefit analysis of the restitution and court-ordered payment
 49 system. If available, the State Technology Office shall provide
 50 assistance in conducting the needs assessment.

51 (2) Based on the results of the needs assessment and cost-
 52 benefit analysis, the Department of Revenue may, through
 53 competitive bidding, procure services from a private vendor to
 54 perform the functions necessary to collect and disburse
 55 restitution and other payments from offenders. The new system
 56 for collecting and disbursing restitution and other payments

57 shall be operational by December 31, 2006.

58 (3) The Department of Revenue shall include performance
 59 standards in its contract with the private vendor. Such
 60 standards may include the vendor's effectiveness in customer
 61 service; the efficiency of the vendor in disbursing collections;
 62 and the timeliness of the vendor in depositing payments,
 63 disbursing payments, and correcting errors.

64 Section 3. Subsection (7) of section 948.09, Florida
 65 Statutes, is amended to read:

66 948.09 Payment for cost of supervision and
 67 rehabilitation.--

68 (7)(a) The department shall establish a payment plan for
 69 all costs ordered by the courts for collection by the Department
 70 of Revenue and a priority order for payments, except that victim
 71 restitution payments authorized under s. 948.03(1)(e) ~~s.~~
 72 ~~948.03(5)~~ take precedence over all other court-ordered payments.
 73 The Department of Revenue is not required to disburse cumulative
 74 amounts of less than \$10 to individual payees established on
 75 this payment plan.

76 (b) The Department of Corrections shall establish a
 77 payment schedule for each offender and provide this payment
 78 information to the Department of Revenue. The Department of
 79 Revenue shall disburse payments made by an offender first to the
 80 victim of the offense, then to other payees in the order of
 81 priority established by the court or the Department of
 82 Corrections. The Department of Revenue shall provide to the
 83 Department of Corrections an automated monthly statement of the
 84 amount collected from each offender and the amount disbursed.

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85 (c) The Department of Revenue shall use due diligence in
86 locating victims for purposes of making restitution payments. If
87 the Department of Revenue is unable to locate a victim within
88 180 days, the Department of Revenue shall disburse that victim's
89 restitution payments to the Crimes Compensation Trust Fund
90 established in s. 960.21.

91 Section 4. This act shall take effect upon becoming a law.