

By Senator Fasano

11-00291A-08

2008384__

1 A bill to be entitled

2 An act relating to restitution in criminal cases; amending
3 s. 775.089, F.S.; requiring that the restitution awarded
4 to the victim of a crime be credited against any civil
5 remedy to the extent that the restitution is actually
6 collected by the victim; providing an effective date.
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8 Be It Enacted by the Legislature of the State of Florida:
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10 Section 1. Subsection (8) of section 775.089, Florida
11 Statutes, is amended to read:

12 775.089 Restitution.--

13 (8) (a) The conviction of a defendant for an offense
14 involving the act giving rise to restitution under this section
15 shall estop the defendant from denying the essential allegations
16 of that offense in any subsequent civil proceeding.

17 (b) An order of restitution under this section does
18 ~~hereunder will~~ not bar any subsequent civil remedy or recovery,
19 but the amount of such restitution actually collected shall be
20 credited set-off against any ~~subsequent~~ independent civil award
21 ~~recovery~~.

22 Section 2. This act shall take effect July 1, 2008.