



922076

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
4/8/2008	.	
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	.	

1 The Committee on Criminal Justice (King) recommended the
2 following **amendment**:

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

5 Delete line(s) 40-86

6 and insert:

7 Section 3. Subsection (1) of section 775.089, Florida
8 Statutes, is amended to read:

9 775.089 Restitution.--

10 (1)(a) In addition to any punishment, the court shall order
11 the defendant to make restitution to the victim for:

12 1. Damage or loss caused directly or indirectly by the
13 defendant's offense; and

14 2. Damage or loss related to the defendant's criminal
15 episode,
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17 unless it finds clear and compelling reasons not to order such
18 restitution. Restitution may be monetary or nonmonetary
19 restitution. The court shall make the payment of restitution a
20 condition of probation in accordance with s. 948.03. An order
21 requiring the defendant to make restitution to a victim does not
22 remove or diminish the requirement that the court order payment
23 to the Crimes Compensation Trust Fund pursuant to chapter 960.
24 Payment of an award by the Crimes Compensation Trust Fund shall
25 create an order of restitution to the Crimes Compensation Trust
26 Fund, unless specifically waived in accordance with subparagraph
27 (b)1.

28 (b)1. If the court does not order restitution, or orders
29 restitution of only a portion of the damages, as provided in this
30 section, it shall state on the record in detail the reasons
31 therefor.

32 2. An order of restitution entered as part of a plea
33 agreement is as definitive and binding as any other order of
34 restitution, and a statement to such effect must be made part of
35 the plea agreement. A plea agreement may contain provisions that
36 order restitution relating to criminal offenses committed by the
37 defendant to which the defendant did not specifically enter a
38 plea.

39 (c) The term "victim" as used in this section and in any
40 provision of law relating to restitution means each person who
41 suffers property damage or loss, monetary expense, or physical
42 injury or death as a direct or indirect result of the defendant's
43 offense or criminal episode, and also includes the victim's
44 estate if the victim is deceased, and the victim's next of kin if
45 the victim is deceased as a result of the offense.



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46 (d) If a child is born as the result of a sexual battery as
47 proscribed in s. 794.011, or a lewd or lascivious battery as
48 proscribed in s. 800.04(4), the court may order the defendant to
49 pay restitution to the victim, for the monetary expenses related
50 to the support of the child, unless the parental rights of the
51 victim have been terminated pursuant to chapter 39. This
52 subsection does not preclude the court from ordering any other
53 restitution to which the victim of a sexual battery or lewd or
54 lascivious battery may be entitled pursuant to this section,
55 regardless of whether or not a child is born. If restitution is
56 ordered:

57 1. The court shall give consideration to the child support
58 guideline schedules provided in s. 61.30 when determining the
59 amount of restitution.

60 2. The amount may not be reduced due to the offender's
61 inability to pay.

62
63 (Redesignate Subsequent Section.)

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete line(s) 7-10

68 and insert:

69 authorizing restitution to the victim of sexual battery or
70 lewd or lascivious battery to pay for the expenses of the
71 child;