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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/27/2011	.	
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The Committee on Budget (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Between lines 117 and 118
insert:

Section 2. Subsection (1) of section 775.089, Florida
Statutes, is amended to read:

775.089 Restitution.—

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

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

2. Damage or loss related to the defendant's criminal



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14 episode,

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

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

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

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



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43 victim's estate if the victim is deceased, ~~and~~ the victim's next
44 of kin if the victim is deceased as a result of the offense, and
45 the victim's trade association if the victim has granted the
46 trade association written authorization to represent the
47 victim's interests in criminal proceedings and to collect
48 restitution on the victim's behalf.

49
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete line 17

53 and insert:

54 Act; amending s. 775.089, F.S.; redefining the term
55 "victim" for purposes of court-ordered restitution;
56 providing an effective date.