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LEGISLATIVE ACTION

Senate

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House

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The Committee on Criminal Justice (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (5) of section 985.437, Florida Statutes, is renumbered as subsection (4), and subsection (2) and present subsection (4) of that section are amended, to read:

985.437 Restitution.—

(2) (a) The court shall ~~may~~ order the child and the child's parent or guardian to make restitution in money, through a promissory note cosigned by the child's parent or guardian, or in kind for any damage or loss caused by the child's offense in



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13 a reasonable amount or manner to be determined by the court.  
14 When restitution is ordered by the court, the amount of  
15 restitution may not exceed an amount the child and the parent or  
16 guardian could reasonably be expected to pay or make. If the  
17 child and the child's parent or guardian are unable to pay the  
18 restitution in one lump-sum payment, the court may set up a  
19 payment plan that reflects their ability to pay the restitution  
20 amount.

21 (b) Notwithstanding paragraph (a), the court may not order  
22 the child or the child's parent or guardian to make restitution  
23 in money if the offense committed by the child is a first  
24 nonviolent offense. A child who commits a second or subsequent  
25 offense shall pay restitution in money as required under  
26 paragraph (a)

27 ~~(4) A finding by the court, after a hearing, that the~~  
28 ~~parent or guardian has made diligent and good faith efforts to~~  
29 ~~prevent the child from engaging in delinquent acts absolves the~~  
30 ~~parent or guardian of liability for restitution under this~~  
31 ~~section.~~

32 Section 2. Subsection (1) of section 985.513, Florida  
33 Statutes, is amended to read:

34 985.513 Powers of the court over parent or guardian at  
35 disposition.—

36 (1) The court that has jurisdiction over an adjudicated  
37 delinquent child may, by an order stating the facts upon which a  
38 determination of a sanction and rehabilitative program was made  
39 at the disposition hearing, ÷

40 ~~(a)~~ order the child's parent or guardian, together with the  
41 child, to render community service in a public service program



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42 or to participate in a community work project. In addition to  
43 the sanctions imposed on the child, the court may order the  
44 child's parent or guardian to perform community service if the  
45 court finds that the parent or guardian did not make a diligent  
46 and good faith effort to prevent the child from engaging in  
47 delinquent acts.

48 ~~(b) Order the parent or guardian to make restitution in~~  
49 ~~money or in kind for any damage or loss caused by the child's~~  
50 ~~offense. The court may also require the child's parent or legal~~  
51 ~~guardian to be responsible for any restitution ordered against~~  
52 ~~the child, as provided under s. 985.437. The court shall~~  
53 ~~determine a reasonable amount or manner of restitution, and~~  
54 ~~payment shall be made to the clerk of the circuit court as~~  
55 ~~provided in s. 985.437. The court may retain jurisdiction, as~~  
56 ~~provided under s. 985.0301, over the child and the child's~~  
57 ~~parent or legal guardian whom the court has ordered to pay~~  
58 ~~restitution until the restitution order is satisfied or the~~  
59 ~~court orders otherwise.~~

60 Section 3. This act shall take effect July 1, 2013.

61  
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete everything before the enacting clause  
65 and insert:

66 A bill to be entitled  
67 An act relating to restitution for juvenile offenses;  
68 amending s. 985.437, F.S.; requiring a child's parent  
69 or guardian, in addition to the child, to make  
70 restitution for damage or loss caused by the child's



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71 offense; providing for payment plans in certain  
72 circumstances; prohibiting a court from ordering a  
73 child or his or her parent or guardian to make  
74 restitution in money if the offense committed by the  
75 child is his or her first nonviolent offense;  
76 requiring a child or his or her parent or guardian to  
77 pay restitution if the child commits a second or  
78 subsequent offense; deleting provisions for absolving  
79 the parent or guardian of liability for restitution in  
80 certain circumstances; amending s. 985.513, F.S.;  
81 removing duplicate language authorizing the court to  
82 require a parent or guardian to be responsible for any  
83 restitution ordered against the child; providing an  
84 effective date.