

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Justice Appropriations
 2 Subcommittee

3 Representative Eagle offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 17-37 and insert:

7 Section 1. Subsections (2), (4), and (5) of section
 8 985.437, Florida Statutes, are amended to read:

9 985.437 Restitution.—

10 (2) The court shall ~~may~~ order the child and the child's
 11 parent or guardian to make restitution in money, through a
 12 promissory note cosigned by the child's parent or guardian, or
 13 in kind for any damage or loss caused by the child's offense in
 14 a reasonable amount or manner to be determined by the court.
 15 When restitution is ordered by the court, the amount of
 16 restitution may not exceed an amount the child and the parent or
 17 guardian could reasonably be expected to pay or make. If the
 18 child and the child's parent or guardian are unable to pay the
 19 restitution in one lump-sum payment, the court may set up a

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20 payment plan that reflects their ability to pay the restitution
21 amount.

22 (4) The parent or guardian may be absolved of liability
23 for restitution under this section, if:

24 (a) After a hearing, the court finds that it is the child's
25 first referral to the delinquency system and ~~A finding by the~~
26 court, after a hearing, that the parent or guardian has made
27 diligent and good faith efforts to prevent the child from
28 engaging in delinquent acts; or

29 (b) The victim entitled to restitution as a result of
30 damage or loss caused by the child's offense is that child's
31 parent or guardian absolves the parent or guardian of liability
32 for restitution under this section.

33 (5) For purposes of this section, the Department of
34 Children and Families shall not be considered a guardian
35 responsible for restitution for the delinquent acts of a child
36 who is found to be dependent, as defined in s. 39.01(15).

37 (6) ~~(5)~~ The court may retain jurisdiction over a child and
38 the child's parent or legal guardian whom the court has ordered
39 to pay restitution until the restitution order is satisfied or
40 until the court orders otherwise, as provided in s. 985.0301.

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42
43 **T I T L E A M E N D M E N T**

44 Remove lines 7-9 and insert:
45 circumstances; absolving the parent or guardian of liability for
46 restitution in certain circumstances; providing that Department

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 785 (2013)

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47 | of Children and Families shall not be considered a guardian for
48 | purposes of restitution; amending s. 985.513, F.S.;

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