

1 A bill to be entitled
 2 An act relating to restitution for juvenile offenses;
 3 amending s. 985.437, F.S.; requiring a child's parent
 4 or guardian, in addition to the child, to make
 5 restitution for damage or loss caused by the child's
 6 offense; providing for payment plans in certain
 7 circumstances; authorizing the parent or guardian to
 8 be absolved of liability for restitution in certain
 9 circumstances; specifying that the Department of
 10 Children and Families is not a guardian for purposes
 11 of restitution; amending s. 985.513, F.S.; removing
 12 duplicative provisions authorizing the court to
 13 require a parent or guardian to be responsible for any
 14 restitution ordered against the child; providing an
 15 effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Subsection (5) of section 985.437, Florida
 20 Statutes, is renumbered as subsection (6), subsections (2) and
 21 (4) are amended, and a new subsection (5) is added to that
 22 section, to read:

23 985.437 Restitution.—

24 (2) The court shall ~~may~~ order the child and the child's
 25 parent or guardian to make restitution in money, through a
 26 promissory note cosigned by the child's parent or guardian, or
 27 in kind for any damage or loss caused by the child's offense in
 28 a reasonable amount or manner to be determined by the court.

29 | When restitution is ordered by the court, the amount of
30 | restitution may not exceed an amount the child and the parent or
31 | guardian could reasonably be expected to pay or make. If the
32 | child and the child's parent or guardian are unable to pay the
33 | restitution in one lump-sum payment, the court may set up a
34 | payment plan that reflects their ability to pay the restitution
35 | amount.

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

38 | (a) After a hearing, the court finds that it is the
39 | child's first referral to the delinquency system and ~~A finding~~
40 | by the court, after a hearing, that the parent or guardian has
41 | made diligent and good faith efforts to prevent the child from
42 | engaging in delinquent acts; or

43 | (b) The victim entitled to restitution as a result of
44 | damage or loss caused by the child's offense is that child's
45 | parent or guardian absolves the parent or guardian of liability
46 | for restitution under this section.

47 | (5) For purposes of this section, the Department of
48 | Children and Families is not considered a guardian responsible
49 | for restitution for the delinquent acts of a child who is found
50 | to be dependent as defined in s. 39.01(15).

51 | Section 2. Subsection (1) of section 985.513, Florida
52 | Statutes, is amended to read:

53 | 985.513 Powers of the court over parent or guardian at
54 | disposition.—

55 | (1) The court that has jurisdiction over an adjudicated
56 | delinquent child may, by an order stating the facts upon which a

57 determination of a sanction and rehabilitative program was made
58 at the disposition hearing,+

59 ~~(a)~~ order the child's parent or guardian, together with
60 the child, to render community service in a public service
61 program or to participate in a community work project. In
62 addition to the sanctions imposed on the child, the court may
63 order the child's parent or guardian to perform community
64 service if the court finds that the parent or guardian did not
65 make a diligent and good faith effort to prevent the child from
66 engaging in delinquent acts.

67 ~~(b) Order the parent or guardian to make restitution in~~
68 ~~money or in kind for any damage or loss caused by the child's~~
69 ~~offense. The court may also require the child's parent or legal~~
70 ~~guardian to be responsible for any restitution ordered against~~
71 ~~the child, as provided under s. 985.437. The court shall~~
72 ~~determine a reasonable amount or manner of restitution, and~~
73 ~~payment shall be made to the clerk of the circuit court as~~
74 ~~provided in s. 985.437. The court may retain jurisdiction, as~~
75 ~~provided under s. 985.0301, over the child and the child's~~
76 ~~parent or legal guardian whom the court has ordered to pay~~
77 ~~restitution until the restitution order is satisfied or the~~
78 ~~court orders otherwise.~~

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