

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee

3 Representative Zika offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (2), (3), and (4) of section

8 985.437, Florida Statutes, are amended, to read:

9 985.437 Restitution.—

10 (2) Regardless of whether adjudication is imposed or
 11 withheld, if the court orders restitution, the court shall ~~may~~
 12 order the child and the child's parent or guardian, as provided
 13 under s. 985.513, to make restitution in money, through a
 14 promissory note signed by the child and cosigned by the child's
 15 parent or guardian, or in kind for any damage or loss caused by
 16 the child's offense in a reasonable amount or manner to be

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17 determined by the court. When restitution is ordered by the
18 court, the amount of restitution may not exceed an amount the
19 child and the child's parent or guardian could reasonably be
20 expected to pay or make. If the child and the child's parent or
21 guardian are unable to make restitution in kind or pay the
22 restitution in one lump-sum, the court may establish a payment
23 plan based on the child's and the child's parent or guardian's
24 ability to pay the restitution amount.

25 (3) The clerk of the circuit court shall be the receiving
26 and dispensing agent. In such case, the court shall order the
27 child or the child's parent or guardian to pay to the office of
28 the clerk of the circuit court an amount not to exceed the
29 actual cost incurred by the clerk as a result of receiving and
30 dispensing restitution payments. The clerk shall notify the
31 court if restitution is not made or if a restitution payment
32 plan is not followed, and the court shall take any further
33 action that is necessary against the child or the child's parent
34 or guardian.

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

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

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42 985.513 Powers of the court over parent or guardian at
43 disposition.—

44 (1) Regardless of whether adjudication is imposed or
45 withheld, by an order stating the facts upon which a
46 determination of a sanction and rehabilitative program was made
47 at a disposition hearing, the court that has jurisdiction over
48 ~~an adjudicated delinquent~~ a child may, ~~by an order stating the~~
49 ~~facts upon which a determination of a sanction and~~
50 ~~rehabilitative program was made at the disposition hearing:~~

51 (a) May order the child's parent or guardian, together
52 with the child, to render community service in a public service
53 program or to participate in a community work project. In
54 addition to the sanctions imposed on the child, the court may
55 order the child's parent or guardian to perform community
56 service if the court finds that the parent or guardian did not
57 make a diligent and good faith effort to prevent the child from
58 engaging in delinquent acts.

59 (b) May order the child's parent or guardian to make
60 restitution in money or in kind for any damage or loss caused by
61 the child's offense.

62 (c) Must ~~The court may also~~ require the child's parent or
63 legal guardian to be responsible for any restitution ordered
64 against the child, as provided under s. 985.437. The court shall
65 determine a reasonable amount or manner of restitution, and
66 payment shall be made to the clerk of the circuit court as

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67 provided in s. 985.437. The court may retain jurisdiction, as
68 provided under s. 985.0301, over the child and the child's
69 parent or legal guardian whom the court has ordered to pay
70 restitution until the restitution order is satisfied or the
71 court orders otherwise.

72 1. The child's parent or guardian may be absolved of
73 liability for restitution ordered under this chapter if:

74 a. After a hearing, the court finds that it is the child's
75 first referral to the delinquency system and that the child's
76 parent or guardian has made diligent and good faith efforts to
77 prevent the child from engaging in delinquent acts;

78 b. The victim entitled to restitution is the child's
79 parent or guardian; or

80 c. The parent or guardian did not, at any time relevant to
81 the proceedings under this chapter, have custody of or parental
82 responsibility for the child.

83 2. For purposes of this section, the Department of
84 Children and Families, a foster parent with whom the child is
85 placed, the community-based care lead agency supervising the
86 placement of the child pursuant to a contract with the
87 Department of Children and Families, or a facility licensed or
88 registered under s. 409.175 or s. 409.176 is not considered a
89 parent or guardian responsible for restitution for the
90 delinquent acts of a child who is found to be dependent as
91 defined in s. 39.01(15).

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92 Section 3. This act shall take effect October 1, 2020.
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95 **T I T L E A M E N D M E N T**

96 Remove everything before the enacting clause and insert:
97 An act relating to restitution for juvenile offenses; amending
98 s. 985.437, F.S.; requiring a child's parent or guardian to be
99 responsible for restitution for damage or loss caused by the
100 child's offense; authorizing the court to establish a payment
101 plan in certain circumstances; requiring notification to the
102 court if a payment plan is not followed; amending s. 985.513,
103 F.S.; conforming changes made by the act; authorizing the
104 child's parent or guardian to be absolved of liability for
105 restitution in certain circumstances; providing that the
106 Department of Children and Families, foster parents, and
107 specified facilities and agencies are not guardians for purposes
108 of restitution; providing an effective date.