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LEGISLATIVE ACTION

Senate

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House

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

**Senate Amendment (with title amendment)**

Delete lines 95 - 122

and insert:

Section 3. Section 985.513, Florida Statutes, is amended to read:

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

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



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11 determination of a sanction and rehabilitative program was made  
12 at the disposition hearing,~~±~~

13 ~~(a)~~ order the child's parent or guardian, together with the  
14 child, to render community service in a public service program  
15 or to participate in a community work project. In addition to  
16 the sanctions imposed on the child, the court may order the  
17 child's parent or guardian to perform community service if the  
18 court finds that the child's parent or guardian did not make a  
19 diligent and good faith effort to prevent the child from  
20 engaging in delinquent acts.

21 ~~(b) Order the parent or guardian to make restitution in~~  
22 ~~money or in kind for any damage or loss caused by the child's~~  
23 ~~offense. The court may also require the child's parent or legal~~  
24 ~~guardian to be responsible for any restitution ordered against~~  
25 ~~the child, as provided under s. 985.437. The court shall~~  
26 ~~determine a reasonable amount or manner of restitution, and~~  
27 ~~payment shall be made to the clerk of the circuit court as~~  
28 ~~provided in s. 985.437.~~

29 (2) Notwithstanding whether adjudication is imposed or  
30 withheld, the court may retain jurisdiction, as provided under  
31 s. 985.0301, over the child and the child's parent or legal  
32 guardian whom the court has ordered to make restitution in kind  
33 or pay restitution until the restitution order is satisfied or  
34 the court orders otherwise.

35 (3)~~(2)~~ Notwithstanding whether adjudication is imposed or  
36 withheld, the court may order the natural parents or legal  
37 custodian or guardian of a child who is found to have committed  
38 a delinquent act to participate in family counseling and other  
39 professional counseling activities deemed necessary for the



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40 rehabilitation of the child or to enhance their ability to  
41 provide the child with adequate support, guidance, and  
42 supervision. The court may also order that the parent,  
43 custodian, or guardian support the child and participate with  
44 the child in fulfilling a court-imposed sanction. In addition,  
45 the court may use its contempt powers to enforce a court-imposed  
46 sanction.

47  
48 ===== T I T L E A M E N D M E N T =====

49 And the title is amended as follows:

50 Delete lines 3 - 18

51 and insert:

52 amending s. 985.437, F.S.; providing a uniform set of  
53 conditions of restitution for juvenile offenses,  
54 regardless of whether adjudication is imposed or  
55 withheld; requiring a child's parent or guardian, in  
56 addition to the child, to make restitution for damage  
57 or loss caused by the child's offense; authorizing the  
58 court to establish a payment plan in certain  
59 circumstances; authorizing the child's parent or  
60 guardian to be absolved of liability for restitution  
61 in certain circumstances; authorizing the court to  
62 order restitution to be paid only by the parents or  
63 guardians who have current custody and parental  
64 responsibility; providing that the Department of  
65 Children and Families, foster parents, and specified  
66 facilities and agencies are not guardians for purposes  
67 of restitution; amending s. 985.35, F.S.; conforming  
68 provisions to changes made by the act; amending s.



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985.513, F.S.; removing duplicative provisions;  
conforming provisions to changes made by the act;  
providing an effective date.