



682316

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2021	.	
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The Committee on Rules (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 30 - 55

and insert:

this purpose, provided it finds that the hearsay evidence has a minimal indicia of reliability. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense is on the state attorney. The burden of demonstrating the present financial resources and the absence of potential future financial resources of the defendant and the financial needs of the defendant and his or her dependents is on the



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12 defendant. The burden of demonstrating such other matters as the
13 court deems appropriate is upon the party designated by the
14 court as justice requires.

15 Section 2. Subsection (2) of section 985.437, Florida
16 Statutes, is amended to read:

17 985.437 Restitution.—

18 (2) (a) While the primary purpose of restitution is to
19 compensate the victim, it also serves the rehabilitative and
20 deterrent goals of the juvenile justice system.

21 (b) The court may order the child to make restitution in
22 money, through a promissory note cosigned by the child's parent
23 or guardian, or in kind for any damage or loss caused by the
24 child's offense in a reasonable amount or manner to be
25 determined by the court. Restitution must be determined on a
26 fair market value basis unless the state, victim, or child shows
27 that using another basis, including, but not limited to,
28 replacement cost, purchase price less depreciation, or actual
29 cost of repair, is equitable and better furthers the purposes of
30 restitution. The court may consider hearsay evidence for this
31 purpose, provided it finds that the hearsay evidence has a
32 minimal indicia of reliability.

33
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete lines 7 - 12

37 and insert:

38 restitution award under certain circumstances;
39 amending s. 985.437, F.S.; providing for the purposes
40 of restitution in a delinquency proceeding; specifying



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41 the standards for valuation of a restitution order;
42 authorizing a court to consider hearsay evidence
43 regarding valuation of a restitution award under
44 certain circumstances; providing an effective date.