

HB 495

2021

1 A bill to be entitled
2 An act relating to determining restitution amounts for
3 crimes; amending s. 775.089, F.S.; revising the
4 standards and evidence to be used in determining
5 restitution amounts; providing an effective date.

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

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9 Section 1. Subsection (7) of section 775.089, Florida
10 Statutes, is amended to read:

11 775.089 Restitution.—

12 (7) Any dispute as to the proper amount or type of
13 restitution shall be resolved by the court by the preponderance
14 of the evidence. The court is not bound by fair market value as
15 the sole standard for determining restitution amounts, but
16 rather, may exercise such discretion as required to further the
17 purposes of restitution, including consideration of hearsay. The
18 burden of demonstrating the amount of the loss sustained by a
19 victim as a result of the offense is on the state attorney. The
20 burden of demonstrating the present financial resources and the
21 absence of potential future financial resources of the defendant
22 and the financial needs of the defendant and his or her
23 dependents is on the defendant. The burden of demonstrating such
24 other matters as the court deems appropriate is upon the party
25 designated by the court as justice requires.

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26 | Section 2. This act shall take effect July 1, 2021. |