

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; deleting provisions for absolving the
8 parent or guardian of liability for restitution in
9 certain circumstances; amending s. 985.513, F.S.;
10 removing duplicative language authorizing the court to
11 require a parent or guardian to be responsible for any
12 restitution ordered against the child; providing an
13 effective date.

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

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17 Section 1. Subsection (5) of section 985.437, Florida
18 Statutes, is renumbered as subsection (4), and subsections (2)
19 and (4) of that section are amended to read:

20 985.437 Restitution.—

21 (2) The court shall ~~may~~ order the child and the child's
22 parent or guardian to make restitution in money, through a
23 promissory note cosigned by the child's parent or guardian, or
24 in kind for any damage or loss caused by the child's offense in
25 a reasonable amount or manner to be determined by the court.
26 When restitution is ordered by the court, the amount of
27 restitution may not exceed an amount the child and the parent or
28 guardian could reasonably be expected to pay or make. If the

29 child and the child's parent or guardian are unable to pay the
30 restitution in one lump-sum payment, the court may set up a
31 payment plan that reflects their ability to pay the restitution
32 amount.

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

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

40 985.513 Powers of the court over parent or guardian at
41 disposition.—

42 (1) The court that has jurisdiction over an adjudicated
43 delinquent child may, by an order stating the facts upon which a
44 determination of a sanction and rehabilitative program was made
45 at the disposition hearing, ~~÷~~

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

54 ~~(b) Order the parent or guardian to make restitution in~~
55 ~~money or in kind for any damage or loss caused by the child's~~
56 ~~offense. The court may also require the child's parent or legal~~

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57 ~~guardian to be responsible for any restitution ordered against~~
58 ~~the child, as provided under s. 985.437. The court shall~~
59 ~~determine a reasonable amount or manner of restitution, and~~
60 ~~payment shall be made to the clerk of the circuit court as~~
61 ~~provided in s. 985.437. The court may retain jurisdiction, as~~
62 ~~provided under s. 985.0301, over the child and the child's~~
63 ~~parent or legal guardian whom the court has ordered to pay~~
64 ~~restitution until the restitution order is satisfied or the~~
65 ~~court orders otherwise.~~

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