



CS/CS/CS/HB 785, Engrossed 1

2013

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

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (5) of section 985.437, Florida
18 Statutes, is renumbered as subsection (6), subsections (1), (2),
19 and (4) are amended, and a new subsection (5) is added to that
20 section, to read:

21 985.437 Restitution.—

22 (1) The court that has jurisdiction over an adjudicated
23 delinquent child may, by an order stating the facts upon which a
24 determination of a sanction and rehabilitative program was made
25 at the disposition hearing, order the child and the child's
26 parent or guardian to make restitution in the manner provided in
27 this section. This order shall be part of the child's probation
28 program to be implemented by the department or, in the case of a



29 committed child, as part of the community-based sanctions
30 ordered by the court at the disposition hearing or before the
31 child's release from commitment.

32 (2) If the court orders restitution, the court shall ~~may~~
33 order the child and the child's parent or guardian to make
34 restitution in money, through a promissory note cosigned by the
35 child's parent or guardian, or in kind for any damage or loss
36 caused by the child's offense in a reasonable amount or manner
37 to be determined by the court. When restitution is ordered by
38 the court, the amount of restitution may not exceed an amount
39 the child and the parent or guardian could reasonably be
40 expected to pay or make. If the child and the child's parent or
41 guardian are unable to pay the restitution in one lump-sum
42 payment, the court may set up a payment plan that reflects their
43 ability to pay the restitution amount.

44 (4) The parent or guardian may be absolved of liability
45 for restitution under this section, if:

46 (a) After a hearing, the court finds that it is the
47 child's first referral to the delinquency system and ~~A finding~~
48 ~~by the court, after a hearing,~~ that the parent or guardian has
49 made diligent and good faith efforts to prevent the child from
50 engaging in delinquent acts; or

51 (b) The victim entitled to restitution as a result of
52 damage or loss caused by the child's offense is that child's
53 parent or guardian absolves the parent or guardian of liability
54 ~~for restitution under this section.~~

55 (5) For purposes of this section, the Department of
56 Children and Families, a foster parent with whom the child is



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57 placed, or the community-based care lead agency supervising the
58 placement of the child pursuant to contract with the department
59 are not considered guardians responsible for restitution for the
60 delinquent acts of a child who is found to be dependent as
61 defined in s. 39.01(15).

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

64 985.513 Powers of the court over parent or guardian at
65 disposition.—

66 (1) The court that has jurisdiction over an adjudicated
67 delinquent child may, by an order stating the facts upon which a
68 determination of a sanction and rehabilitative program was made
69 at the disposition hearing, +

70 ~~(a)~~ order the child's parent or guardian, together with
71 the child, to render community service in a public service
72 program or to participate in a community work project. In
73 addition to the sanctions imposed on the child, the court may
74 order the child's parent or guardian to perform community
75 service if the court finds that the parent or guardian did not
76 make a diligent and good faith effort to prevent the child from
77 engaging in delinquent acts.

78 ~~(b) Order the parent or guardian to make restitution in~~
79 ~~money or in kind for any damage or loss caused by the child's~~
80 ~~offense. The court may also require the child's parent or legal~~
81 ~~guardian to be responsible for any restitution ordered against~~
82 ~~the child, as provided under s. 985.437. The court shall~~
83 ~~determine a reasonable amount or manner of restitution, and~~
84 ~~payment shall be made to the clerk of the circuit court as~~



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85 ~~provided in s. 985.437. The court may retain jurisdiction, as~~
86 ~~provided under s. 985.0301, over the child and the child's~~
87 ~~parent or legal guardian whom the court has ordered to pay~~
88 ~~restitution until the restitution order is satisfied or the~~
89 ~~court orders otherwise.~~

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