

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 to be responsible for restitution for
 5 damage or loss caused by the child's offense;
 6 authorizing the court to establish a payment plan in
 7 certain circumstances; requiring notification to the
 8 court if a payment plan is not followed; conforming
 9 provisions to changes made by the act; amending s.
 10 985.513, F.S.; revising provisions concerning when the
 11 child's parent or guardian may be absolved of
 12 liability for restitution in certain circumstances;
 13 providing that the Department of Children and
 14 Families, foster parents, and specified facilities and
 15 agencies are not considered parents or guardians for
 16 purposes of restitution; providing an effective date.

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

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 20 Section 1. Subsection (5) of section 985.437, Florida
 21 Statutes, is renumbered as subsection (4), and subsections (2)
 22 and (3) and present subsection (4) of that section are amended,
 23 to read:

24 985.437 Restitution.—

25 (2) Regardless of whether adjudication is imposed or

26 | withheld, if the court orders restitution, the court shall ~~may~~
27 | order the child and the child's parent or guardian, as provided
28 | under s. 985.513, to make restitution in money, through a
29 | promissory note signed by the child and cosigned by the child's
30 | parent or guardian, or in kind for any damage or loss caused by
31 | the child's offense in a reasonable amount or manner to be
32 | determined by the court. When restitution is ordered by the
33 | court, the amount of restitution may not exceed an amount the
34 | child and the child's parent or guardian could reasonably be
35 | expected to pay or make. If the child and the child's parent or
36 | guardian are unable to make restitution in kind or pay the
37 | restitution in one lump sum, the court may establish a payment
38 | plan based on the child's and the child's parent or guardian's
39 | ability to pay the restitution amount.

40 | (3) The clerk of the circuit court shall be the receiving
41 | and dispensing agent. In such case, the court shall order the
42 | child or the child's parent or guardian to pay to the office of
43 | the clerk of the circuit court an amount not to exceed the
44 | actual cost incurred by the clerk as a result of receiving and
45 | dispensing restitution payments. The clerk shall notify the
46 | court if restitution is not made or if a restitution payment
47 | plan is not followed, and the court shall take any further
48 | action that is necessary against the child or the child's parent
49 | or guardian.

50 | ~~(4) A finding by the court, after a hearing, that the~~

51 ~~parent or guardian has made diligent and good faith efforts to~~
52 ~~prevent the child from engaging in delinquent acts absolves the~~
53 ~~parent or guardian of liability for restitution under this~~
54 ~~section.~~

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

57 985.513 Powers of the court over parent or guardian at
58 disposition.—

59 (1) Regardless of whether adjudication is imposed or
60 withheld, by an order stating the facts upon which a
61 determination of a sanction and rehabilitative program or a
62 probation program and penalty component was made at a
63 disposition hearing, the court that has jurisdiction over a ~~an~~
64 ~~adjudicated delinquent child may, by an order stating the facts~~
65 ~~upon which a determination of a sanction and rehabilitative~~
66 ~~program was made at the disposition hearing:~~

67 (a) May order the child's parent or guardian, together
68 with the child, to render community service in a public service
69 program or to participate in a community work project, either as
70 an alternative to monetary restitution or as part of the
71 rehabilitative or probation program. In addition to the
72 sanctions imposed on the child, the court may order the child's
73 parent or guardian to perform community service if the court
74 finds that the parent or guardian did not make a diligent and
75 good faith effort to prevent the child from engaging in

76 delinquent acts.

77 (b) May order the child's parent or guardian to make
 78 restitution in money or in kind for any damage or loss caused by
 79 the child's offense.

80 (c) Must ~~The court may also~~ require the child's parent or
 81 legal guardian to be responsible for any restitution ordered
 82 against 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
 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 1. The child's parent or guardian may be absolved of
 91 liability for restitution ordered under this chapter if, after a
 92 hearing, the court finds that:

93 a. It is the child's first referral to the delinquency
 94 system and the child's parent or guardian has made diligent and
 95 good faith efforts to prevent the child from engaging in
 96 delinquent acts;

97 b. The victim entitled to restitution is the child's
 98 parent or guardian;

99 c. The parent or guardian did not, at any time relevant to
 100 the proceedings under this chapter which resulted in the

101 restitution owed, have custody of or parental responsibility for
102 the child; or

103 d. There is otherwise good cause not to order a child's
104 parent or guardian to be liable for restitution ordered, and the
105 court enters such findings on the record.

106 2. For purposes of this section, the Department of
107 Children and Families, a foster parent with whom the child is
108 placed, the community-based care lead agency supervising the
109 placement of the child pursuant to a contract with the
110 Department of Children and Families, or a facility licensed or
111 registered under s. 409.175 or s. 409.176 is not considered a
112 parent or guardian responsible for restitution for the
113 delinquent acts of a child who is found to be dependent as
114 defined in s. 39.01.

115 Section 3. This act shall take effect October 1, 2020.