

By Senator Simpson

18-00995-13

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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 conforming provisions to changes made by the act;  
11 providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Present subsection (5) of section 985.437,  
16 Florida Statutes, is renumbered as subsection (4), and  
17 subsections (2) and (4) of that section are amended to read:  
18 985.437 Restitution.—

19 (2) The court shall ~~may~~ order the child and the child's  
20 parent or guardian to make restitution in money, through a  
21 promissory note cosigned by the child's parent or guardian, or  
22 in kind for any damage or loss caused by the child's offense in  
23 a reasonable amount or manner to be determined by the court.  
24 When restitution is ordered by the court, the amount of  
25 restitution may not exceed an amount the child and the parent or  
26 guardian could reasonably be expected to pay or make. If the  
27 child and the child's parent or guardian are unable to pay the  
28 restitution in one lump-sum payment, the court may set up a  
29 payment plan that reflects their ability to pay the restitution

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30 amount.

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

36 Section 2. Paragraph (b) of subsection (1) of section  
37 985.513, Florida Statutes, is amended to read:

38 985.513 Powers of the court over parent or guardian at  
39 disposition.—

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

44 (b) Order the parent or guardian to make restitution in  
45 money or in kind for any damage or loss caused by the child's  
46 offense. The court shall ~~may~~ also require the child's parent or  
47 legal guardian to be responsible for any restitution ordered  
48 against the child, as provided under s. 985.437. The court shall  
49 determine a reasonable amount or manner of restitution, and  
50 payment shall be made to the clerk of the circuit court as  
51 provided in s. 985.437. The court may retain jurisdiction, as  
52 provided under s. 985.0301, over the child and the child's  
53 parent or legal guardian whom the court has ordered to pay  
54 restitution until the restitution order is satisfied or the  
55 court orders otherwise.

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