

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 was made
62 at a disposition hearing, the court that has jurisdiction over a
63 ~~an adjudicated delinquent child may, by an order stating the~~
64 ~~facts upon which a determination of a sanction and~~
65 ~~rehabilitative program was made at the disposition hearing:~~

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

74 (b) May order the child's parent or guardian to make
75 restitution in money or in kind for any damage or loss caused by

76 the child's offense.

77 (c) Must ~~The court may also~~ require the child's parent or
78 legal guardian to be responsible for any restitution ordered
79 against the child, as provided under s. 985.437. The court shall
80 determine a reasonable amount or manner of restitution, and
81 payment shall be made to the clerk of the circuit court as
82 provided in s. 985.437. The court may retain jurisdiction, as
83 provided under s. 985.0301, over the child and the child's
84 parent or legal guardian whom the court has ordered to pay
85 restitution until the restitution order is satisfied or the
86 court orders otherwise.

87 1. The child's parent or guardian may be absolved of
88 liability for restitution ordered under this chapter if:

89 a. After a hearing, the court finds that it is the child's
90 first referral to the delinquency system and that the child's
91 parent or guardian has made diligent and good faith efforts to
92 prevent the child from engaging in delinquent acts;

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

95 c. The parent or guardian did not, at any time relevant to
96 the proceedings under this chapter, have custody of or parental
97 responsibility for the child.

98 2. For purposes of this section, the Department of
99 Children and Families, a foster parent with whom the child is
100 placed, the community-based care lead agency supervising the

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101 placement of the child pursuant to a contract with the
102 Department of Children and Families, or a facility licensed or
103 registered under s. 409.175 or s. 409.176 is not considered a
104 parent or guardian responsible for restitution for the
105 delinquent acts of a child who is found to be dependent as
106 defined in s. 39.01.

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