

FLORIDA THIRD DISTRICT COURT OF APPEAL

William Walls v. State of Florida

No. 3D24-1652 (Fla. 3d DCA July 30, 2025) · No. 3D24-1652 · Decided July 30, 2025

SUMMARY

The Third District Court of Appeal of Florida reviewed William Walls’s appeal from a post-sentencing restitution order. The court reversed and remanded with instructions to subtract a \$1,000 insurance deductible from the restitution amount and affirmed the order in all other respects.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez, J.; Emas, J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 30, 2025
DOCKET	3D24-1652
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a post-sentencing restitution order entered after an August 27, 2024 restitution hearing.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Published opinion
PARTIES	William Walls v. State of Florida

TOPICS

- restitution criminal
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- restitution

QUESTIONS PRESENTED

- Whether the restitution order should include a \$1,000 insurance deductible.
- Whether the trial court abused its discretion in determining the restitution amount on the remaining issues.

HOLDINGS

1. The restitution order must be reduced by \$1,000 to subtract the insurance deductible.
2. The trial court did not abuse its discretion as to the remaining issues, and the restitution order was affirmed in all other respects.

KEY QUOTATIONS

“Taking into account the State’s concession and our review of the record, we reverse and remand the restitution order with instructions to subtract the \$1,000 insurance deductible from the restitution amount and affirm as to all other issues finding no abuse of discretion.”

“This Court has recognized that ‘[t]he statutory provisions requiring the imposition of restitution recognize the discretion of the trial court in determining the amount of restitution.’” (573 So. 2d at 332-33)

“Restitution must be proved by substantial competent evidence.” (902 So. 2d at 824)

FACTUAL BACKGROUND

The trial court entered a restitution order after a post-sentencing hearing. The restitution amount included a \$1,000 insurance deductible. On appeal, the State conceded that the deductible should be subtracted, while the appellate court found no abuse of discretion as to the remaining issues.

PROCEDURAL HISTORY

The Circuit Court for Miami-Dade County entered a restitution order following a post-sentencing restitution hearing. Walls appealed, and the Third District Court of Appeal reversed and remanded in part, directing the trial court to subtract a \$1,000 insurance deductible from the restitution amount while affirming the order on all other issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Subtract the \$1,000 insurance deductible from the restitution amount; affirm the restitution order as to all other issues.

CASES CITED

- State v. Hawthorne, 573 So. 2d 330, 332-33 (Fla. 1991)
- Spivey v. State, 531 So. 2d 965, 966 (Fla. 1988)
- Koile v. State, 902 So. 2d 822, 824 (Fla. 5th DCA 2005)

OPINION

William Walls v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed July 30, 2025. Not final until disposition of timely filed motion for rehearing. No. 3D24-1652 Lower Tribunal No. F23-23343 William Walls, Appellant, vs. The State of Florida, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Carmen Cabarga, Judge. Carlos J. Martinez, Public Defender, and Nicholas A. Lynch, Assistant Public Defender, for appellant. James Uthmeier, Attorney General, and Camilo Montoya, Assistant Attorney General, for appellee. Before EMAS, FERNANDEZ and BOKOR, JJ. FERNANDEZ, J. William Walls appeals the trial court's restitution order, which was entered following an August 27, 2024 post-sentencing restitution hearing. Taking into account the State's concession and our review of the record, we reverse and remand the restitution order with instructions to subtract the \$1,000 insurance deductible from the restitution amount and affirm as to all other issues finding no abuse of discretion. See *State v. Hawthorne*, 573 So. 2d 330, 332-33 (Fla. 1991) ("This Court has recognized that '[t]he statutory provisions requiring the imposition of restitution recognize the discretion of the trial court in determining the amount of restitution.'" (quoting *Spivey v. State*, 531 So. 2d 965, 966 (Fla.1988))); *Koile v. State*, 902 So. 2d 822, 824 (Fla. 5th DCA 2005) ("Restitution must be proved by substantial competent evidence."). Reversed and remanded with instructions. 2