

FLORIDA THIRD DISTRICT COURT OF APPEAL

Michael Grimace v. The State of Florida, et al.

No. 3D23-1885 · No. No. 3D23-1885 · Decided April 2, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed an order involving a civil restitution lien against Michael Grimace. The court relied on section 960.292(2), Florida Statutes (1999), and precedent recognizing the sentencing court’s continuing jurisdiction to enter restitution lien orders after sentencing.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Chief Judge Logue; Judge Scales; Judge Miller
JURISDICTION	Florida Third District Court of Appeal
DECIDED	April 2, 2025
DOCKET	No. 3D23-1885
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a circuit-court order concerning a civil restitution lien.
PRECEDENTIAL VALUE	published
PARTIES	Michael Grimace v. The State of Florida, et al.

TOPICS

- restitution
- appellate procedure
- statutory interpretation
- civil procedure

PRACTICE AREAS

- civil procedure
- remedies
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

- Whether the sentencing court retains jurisdiction under section 960.292(2), Florida Statutes (1999), to enter a civil restitution lien order after sentencing.
- Whether the statute of limitations for civil actions brought by the State affects the State’s ability to pursue a restitution lien through the sentencing court.

HOLDINGS

1. Under section 960.292(2), Florida Statutes (1999), the sentencing court retains continuing jurisdiction over the convicted offender for the sole purpose of entering civil restitution lien orders in favor of crime victims, the State, local subdivisions, and other aggrieved parties.
2. The statute of limitations applicable to civil actions brought by the State does not affect the State's ability to pursue a restitution lien through the sentencing court under section 960.292(2).

KEY QUOTATIONS

“The court shall retain continuing jurisdiction over the convicted offender for the sole purpose of entering civil restitution lien orders.” (2)

FACTUAL BACKGROUND

The opinion provides no material factual narrative beyond identifying Grimace as the appellant and referencing a civil restitution lien. The appeal concerned the authority of the sentencing court to enter or maintain a civil restitution lien after conviction.

PROCEDURAL HISTORY

Michael Grimace appealed from the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed per curiam, citing Florida's civil restitution lien statute and decisions recognizing the sentencing court's continuing jurisdiction to enter such liens.

DISPOSITION

affirmed

CASES CITED

- Smith v. Fla. Dep’t of Corr., 27 So. 3d 124, 128 (Fla. 1st DCA 2010)
- Rodriguez v. State, 899 So. 2d 471, 472 (Fla. 3d DCA 2005)

OPINION

Michael Grimace v. the State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed April 2, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D23-1885 Lower Tribunal No. F96-41742A _____ Michael Grimace, Appellant, vs. The State of Florida, et al., Appellees. An Appeal from the Circuit Court for Miami-Dade County, Laura Shearon Cruz, Judge. Michael Grimace, in proper person. Charles T. Martin, Jr., Assistant General Counsel (Tallahassee), for appellee Florida Department of Corrections. Before LOGUE, C.J., and SCALES and MILLER, JJ. PER CURIAM. Affirmed. See § 960.292(2), Fla. Stat. (1999) (“Upon

motion by the state, upon petition of the local subdivision, crime victim, or aggrieved party, or on its own motion, the court in which the convicted offender is convicted shall enter civil restitution lien orders in favor of crime victims, the state, its local subdivisions, and other aggrieved parties. The court shall retain continuing jurisdiction over the convicted offender for the sole purpose of entering civil restitution lien orders.”); *Smith v. Fla. Dep’t of Corr.*, 27 So. 3d 124, 128 (Fla. 1st DCA 2010) (recognizing that the statute of limitations for civil actions brought by the state “does not affect the state’s ability to pursue a restitution lien through the sentencing court under section 960.292(2)”); *Rodriguez v. State*, 899 So. 2d 471, 472 (Fla. 3d DCA 2005) (observing that the sentencing court retains jurisdiction over the defendant post-sentencing to enter a civil restitution lien order). 2