

1                   A bill to be entitled  
2           An act relating to sexting; amending s. 847.0141,  
3           F.S.; removing the court's discretion to impose a  
4           specified penalty for a first violation of sexting;  
5           requiring a minor cited for a first violation to sign  
6           and accept a citation to appear before juvenile court  
7           or, in lieu of appearing in court, to complete  
8           community service work, pay a civil penalty, or  
9           participate in a cyber-safety program within a certain  
10          period of time, if such program is locally available;  
11          requiring the citation to be in a form prescribed by  
12          the issuing law enforcement agency; requiring such  
13          citation to include certain information; authorizing a  
14          court to order certain penalties under certain  
15          circumstances; authorizing a court to order specified  
16          additional penalties in certain circumstances;  
17          prohibiting the court from imposing incarceration;  
18          conforming provisions to changes made by the act;  
19          requiring that a specified percentage of civil  
20          penalties received by a juvenile court be remitted by  
21          the clerk of court to the county commission to provide  
22          cyber-safety training for minors; requiring that the  
23          remaining percentage remain with the clerk of the  
24          court to cover administrative costs; amending s.  
25          985.0301, F.S.; creating exclusive original  
26          jurisdiction in the circuit court when a child is

27 |       alleged to have committed a noncriminal violation that  
 28 |       is assigned to juvenile court; providing an effective  
 29 |       date.

30 |  
 31 | Be It Enacted by the Legislature of the State of Florida:

32 |  
 33 |       Section 1. Subsections (3) and (5) of section 847.0141,  
 34 | Florida Statutes, are amended, and subsection (6) is added to  
 35 | that section, to read:

36 |       847.0141 Sexting; prohibited acts; penalties.—

37 |       (3) A minor who violates subsection (1):

38 |       (a) Commits a noncriminal violation for a first violation,  
 39 | ~~punishable by 8 hours of community service or, if ordered by the~~  
 40 | ~~court in lieu of community service, a \$60 fine. The court may~~  
 41 | ~~also order the minor to participate in suitable training or~~  
 42 | ~~instruction in lieu of, or in addition to, community service or~~  
 43 | ~~a fine. The minor must sign and accept a citation indicating a~~  
 44 | promise to appear before the juvenile court. In lieu of  
 45 | appearing in court, the minor may complete 8 hours of community  
 46 | service work, pay a \$60 civil penalty, or participate in a  
 47 | cyber-safety program, if such a program is locally available.  
 48 | The minor must satisfy any penalty within 30 days after receipt  
 49 | of the citation.

50 |       1. A citation issued to a minor under this subsection must  
 51 | be in a form prescribed by the issuing law enforcement agency,  
 52 | must be signed by the minor, and must contain all of the

53 following:

54 a. The date and time of issuance.

55 b. The name and address of the minor to whom the citation  
56 is issued.

57 c. A thumbprint of the minor to whom the citation is  
58 issued.

59 d. Identification of the noncriminal violation and the  
60 time it was committed.

61 e. The facts constituting reasonable cause.

62 f. The specific section of law violated.

63 g. The name and authority of the citing officer.

64 h. The procedures that the minor must follow to contest  
65 the citation, perform the required community service, pay the  
66 civil penalty, and participate in a cyber-safety program.

67 2. If the citation is contested and the court determines  
68 that the minor committed a noncriminal violation under this  
69 section, the court may order the minor to perform 8 hours of  
70 community service, pay a \$60 civil penalty, or participate in a  
71 cyber-safety program, or any combination thereof.

72 3. A minor who fails to comply with the citation waives  
73 his or her right to contest it, and the court may impose any of  
74 the penalties identified in subparagraph 2. or issue an order to  
75 show cause. Upon a finding of contempt, the court may impose  
76 additional age-appropriate penalties, which may include issuance  
77 of an order to the Department of Highway Safety and Motor  
78 Vehicles to withhold issuance of, or suspend the driver license

79 or driving privilege of, the minor for 30 consecutive days.  
80 However, the court may not impose incarceration.

81 (b) Commits a misdemeanor of the first degree for a  
82 violation that occurs after the minor has been ~~being~~ found to  
83 have committed a noncriminal violation for sexting or has  
84 satisfied the penalty imposed in lieu of a court appearance as  
85 provided in paragraph (a), punishable as provided in s. 775.082  
86 or s. 775.083.

87 (c) Commits a felony of the third degree for a violation  
88 that occurs after the minor has been ~~being~~ found to have  
89 committed a misdemeanor of the first degree for sexting,  
90 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

91 (5) As used in this section, the term "found to have  
92 committed" means a determination of guilt that is the result of  
93 a plea or trial, or a finding of delinquency that is the result  
94 of a plea or an adjudicatory hearing, regardless of whether  
95 adjudication is withheld.

96 (6) Eighty percent of all civil penalties received by a  
97 juvenile court pursuant to this section shall be remitted by the  
98 clerk of the court to the county commission to provide training  
99 on cyber safety for minors. The remaining 20 percent shall  
100 remain with the clerk of the court to defray administrative  
101 costs.

102 Section 2. Subsection (1) of section 985.0301, Florida  
103 Statutes, is amended to read:

104 985.0301 Jurisdiction.—

CS/HB 845

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105 (1) The circuit court has exclusive original jurisdiction  
106 of proceedings in which a child is alleged to have committed:

107 (a) ~~to have committed~~ A delinquent act or violation of  
108 law.

109 (b) A noncriminal violation that has been assigned to  
110 juvenile court by law.

111 Section 3. This act shall take effect upon becoming a law.