



624990

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/15/2015	.	
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The Committee on Fiscal Policy (Abruzzo) recommended the following:

Senate Amendment (with title amendment)

Between lines 40 and 41

insert:

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

847.0141 Sexting; prohibited acts; penalties.—

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

(a) Commits a noncriminal violation for a first violation



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11 ~~punishable by 8 hours of community service or, if ordered by the~~
12 ~~court in lieu of community service, a \$60 fine. The court may~~
13 ~~also order the minor to participate in suitable training or~~
14 ~~instruction in lieu of, or in addition to, community service or~~
15 ~~a fine. The minor must sign and accept a citation indicating a~~
16 promise to appear before the juvenile court. In lieu of
17 appearing in court, the minor may complete 8 hours of community
18 service work, pay a \$60 civil penalty, or participate in a
19 cyber-safety program if such a program is locally available. The
20 minor must satisfy any penalty within 30 days after receipt of
21 the citation.

22 1. A citation issued to a minor under this subsection must
23 be in a form prescribed by the issuing law enforcement agency,
24 must be signed by the minor, and must contain all of the
25 following:

26 a. The date and time of issuance.

27 b. The name and address of the minor to whom the citation
28 is issued.

29 c. A thumbprint of the minor to whom the citation is
30 issued.

31 d. Identification of the noncriminal violation and the time
32 it was committed.

33 e. The facts constituting reasonable cause.

34 f. The specific section of law violated.

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

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

39 2. If the citation is contested and the court determines



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40 that the minor committed a noncriminal violation under this
41 section, the court may order the minor to perform 8 hours of
42 community service, pay a \$60 civil penalty, or participate in a
43 cyber-safety program, or any combination thereof.

44 3. A minor who fails to comply with the citation waives his
45 or her right to contest it, and the court may impose any of the
46 penalties identified in subparagraph 2. or issue an order to
47 show cause. Upon a finding of contempt, the court may impose
48 additional age-appropriate penalties, which may include issuance
49 of an order to the Department of Highway Safety and Motor
50 Vehicles to withhold issuance of, or suspend the driver license
51 or driving privilege of, the minor for 30 consecutive days.
52 However, the court may not impose incarceration.

53 4. All court records and information obtained or produced
54 under this paragraph shall be afforded the same level of
55 confidentiality provided under ss. 985.04 and 985.045. All
56 noncriminal violations for sexting that occurred on or after
57 October 1, 2011, are considered confidential.

58 (b) Commits a misdemeanor of the first degree for a
59 violation that occurs after the minor has been ~~being~~ found to
60 have committed a noncriminal violation for sexting or has
61 satisfied the penalty imposed in lieu of a court appearance as
62 provided in paragraph (a), punishable as provided in s. 775.082
63 or s. 775.083, unless a law enforcement officer elects to issue
64 a civil citation as provided in paragraph (3) (a).

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



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69 (5) As used in this section, the term "found to have
70 committed" means a determination of guilt that is the result of
71 a plea or trial, or a finding of delinquency that is the result
72 of a plea or an adjudicatory hearing, regardless of whether
73 adjudication is withheld.

74 (6) Eighty percent of all civil penalties received by a
75 juvenile court pursuant to this section shall be remitted by the
76 clerk of the court to the county commission to provide training
77 on cyber-safety for minors. The remaining 20 percent shall
78 remain with the clerk of the court to defray administrative
79 costs.

80 Section 4. Subsection (1) of section 985.0301, Florida
81 Statutes, is amended to read:

82 985.0301 Jurisdiction.—

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

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

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

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete line 6

92 and insert:

93 age or older; providing applicability; amending s.
94 847.0141, F.S.; removing the court's discretion to
95 impose a specified penalty for a first violation of
96 sexting; requiring a minor cited for a first violation
97 to sign and accept a citation to appear before



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98 juvenile court or, in lieu of appearing in court, to
99 complete community service work, pay a civil penalty,
100 or participate in a cyber-safety program within a
101 certain period of time, if such program is locally
102 available; requiring the citation to be in a form
103 prescribed by the issuing law enforcement agency;
104 requiring such citation to include certain
105 information; authorizing a court to order certain
106 penalties under certain circumstances; authorizing a
107 court to order specified additional penalties in
108 certain circumstances; authorizing a law enforcement
109 officer to issue a civil citation in lieu of criminal
110 penalties; prohibiting the court from imposing
111 incarceration; specifying that all court records and
112 any information obtained or produced are confidential;
113 providing retroactive application of confidentiality
114 provisions for certain violations; conforming
115 provisions to changes made by the act; requiring that
116 a specified percentage of civil penalties received by
117 a juvenile court be remitted by the clerk of court to
118 the county commission to provide cyber-safety training
119 for minors; requiring that the remaining percentage
120 remain with the clerk of the court to cover
121 administrative costs; amending s. 985.0301, F.S.;
122 creating exclusive original jurisdiction in the
123 circuit court when a child is alleged to have
124 committed a noncriminal violation that is assigned to
125 juvenile court; providing an