

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Plasencia offered the following:

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3 **Amendment to Amendment (563852) (with title amendment)**

4 Remove lines 7-252 of the amendment and insert:

5 Section 2. Paragraph (b) of subsection (13) of section  
6 775.15, Florida Statutes, is republished, and subsection (14) of  
7 that section is amended, to read:

8 775.15 Time limitations; general time limitations;  
9 exceptions.—

10 (13)

11 (b) If the offense is a first degree felony violation of  
12 s. 794.011 and the victim was under 18 years of age at the time  
13 the offense was committed, a prosecution of the offense may be  
14 commenced at any time. This paragraph applies to any such

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15 offense except an offense the prosecution of which would have  
16 been barred by subsection (2) on or before October 1, 2003.

17 (14) (a) A prosecution for a first or second degree felony  
18 violation of s. 794.011, if the victim is 16 ~~18~~ years of age or  
19 older at the time of the offense and the offense is reported to  
20 a law enforcement agency within 72 hours after commission of the  
21 offense, may be commenced at any time. ~~If the offense is not~~  
22 ~~reported within 72 hours after the commission of the offense,~~  
23 ~~the prosecution must be commenced within the time periods~~  
24 ~~prescribed in subsection (2).~~

25 (b) Except as provided in paragraph (a) or paragraph  
26 (13) (b), a prosecution for a first or second degree felony  
27 violation of s. 794.011, if the victim is 16 years of age or  
28 older at the time of the offense, must be commenced within 8  
29 years after the violation is committed. This paragraph applies  
30 to any such offense except an offense the prosecution of which  
31 would have been barred by subsection (2) on or before July 1,  
32 2015.

33 Section 3. 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~~

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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. The~~  
48 ~~minor must satisfy any penalty within 30 days after receipt of~~  
49 ~~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, or participate in a cyber-safety program.

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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

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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.

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104 **T I T L E A M E N D M E N T**

105 Remove lines 268-305 of the amendment and insert:  
106 An act relating to sexual offenses; providing a short  
107 title; amending s. 775.15, F.S.; revising time  
108 limitations for the criminal prosecution of specified  
109 sexual battery offenses if the victim is 16 years of  
110 age or older; providing applicability; amending s.  
111 847.0141, F.S.; removing the court's discretion to  
112 impose a specified penalty for a first violation of  
113 sexting; requiring a minor cited for a first violation  
114 to sign and accept a citation to appear before  
115 juvenile court or, in lieu of appearing in court, to  
116 complete community service work, pay a civil penalty,  
117 or participate in a cyber-safety program within a  
118 certain period of time, if such program is locally

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119 available; requiring the citation to be in a form  
120 prescribed by the issuing law enforcement agency;  
121 requiring such citation to include certain  
122 information; authorizing a court to order certain  
123 penalties under certain circumstances; authorizing a  
124 court to order specified additional penalties in  
125 certain circumstances; prohibiting the court from  
126 imposing incarceration; conforming provisions to  
127 changes made by the act; requiring that a specified  
128 percentage of civil penalties received by a juvenile  
129 court be remitted by the clerk of court to the county  
130 commission to provide cyber-safety training for  
131 minors; requiring that the remaining percentage remain  
132 with the clerk of the court to cover administrative  
133 costs; amending s. 985.0301, F.S.;

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