



1                   A bill to be entitled  
2           An act relating to sexual offenses; providing a short  
3           title; amending s. 775.15, F.S.; revising time  
4           limitations for the criminal prosecution of specified  
5           sexual battery offenses if the victim is 16 years of  
6           age or older; providing applicability; amending s.  
7           847.0141, F.S.; removing the court's discretion to  
8           impose a specified penalty for a first violation of  
9           sexting; requiring a minor cited for a first violation  
10          to sign and accept a citation to appear before  
11          juvenile court or, in lieu of appearing in court, to  
12          complete community service work, pay a civil penalty,  
13          or participate in a cyber-safety program within a  
14          certain period of time, if such program is locally  
15          available; requiring the citation to be in a form  
16          prescribed by the issuing law enforcement agency;  
17          requiring such citation to include certain  
18          information; authorizing a court to order certain  
19          penalties under certain circumstances; authorizing a  
20          court to order specified additional penalties in  
21          certain circumstances; prohibiting the court from  
22          imposing incarceration; conforming provisions to  
23          changes made by the act; requiring that a specified  
24          percentage of civil penalties received by a juvenile  
25          court be remitted by the clerk of court to the county  
26          commission to provide cyber-safety training for



27 minors; requiring that the remaining percentage remain  
 28 with the clerk of the court to cover administrative  
 29 costs; amending s. 985.0301, F.S.; creating exclusive  
 30 original jurisdiction in the circuit court when a  
 31 child is alleged to have committed a noncriminal  
 32 violation that is assigned to juvenile court;  
 33 providing an effective date.

34

35 Be It Enacted by the Legislature of the State of Florida:

36

37 Section 1. This act may be cited as the "43 Days  
 38 Initiative Act."

39 Section 2. Paragraph (b) of subsection (13) of section  
 40 775.15, Florida Statutes, is republished, and subsection (14) of  
 41 that section is amended, to read:

42 775.15 Time limitations; general time limitations;  
 43 exceptions.—

44 (13)

45 (b) If the offense is a first degree felony violation of  
 46 s. 794.011 and the victim was under 18 years of age at the time  
 47 the offense was committed, a prosecution of the offense may be  
 48 commenced at any time. This paragraph applies to any such  
 49 offense except an offense the prosecution of which would have  
 50 been barred by subsection (2) on or before October 1, 2003.

51 (14) (a) A prosecution for a first or second degree felony  
 52 violation of s. 794.011, if the victim is 16 ~~18~~ years of age or



53 | older at the time of the offense and the offense is reported to  
54 | a law enforcement agency within 72 hours after commission of the  
55 | offense, may be commenced at any time. ~~If the offense is not~~  
56 | ~~reported within 72 hours after the commission of the offense,~~  
57 | ~~the prosecution must be commenced within the time periods~~  
58 | ~~prescribed in subsection (2).~~

59 |       (b) Except as provided in paragraph (a) or paragraph  
60 | (13) (b), a prosecution for a first or second degree felony  
61 | violation of s. 794.011, if the victim is 16 years of age or  
62 | older at the time of the offense, must be commenced within 8  
63 | years after the violation is committed. This paragraph applies  
64 | to any such offense except an offense the prosecution of which  
65 | would have been barred by subsection (2) on or before July 1,  
66 | 2015.

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

70 |       847.0141 Sexting; prohibited acts; penalties.—

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

72 |       (a) Commits a noncriminal violation for a first violation,  
73 | ~~punishable by 8 hours of community service or, if ordered by the~~  
74 | ~~court in lieu of community service, a \$60 fine. The court may~~  
75 | ~~also order the minor to participate in suitable training or~~  
76 | ~~instruction in lieu of, or in addition to, community service or~~  
77 | ~~a fine. The minor must sign and accept a citation indicating a~~  
78 | promise to appear before the juvenile court. In lieu of



79 appearing in court, the minor may complete 8 hours of community  
80 service work, pay a \$60 civil penalty, or participate in a  
81 cyber-safety program if such a program is locally available. The  
82 minor must satisfy any penalty within 30 days after receipt of  
83 the citation.

84 1. A citation issued to a minor under this subsection must  
85 be in a form prescribed by the issuing law enforcement agency,  
86 must be signed by the minor, and must contain all of the  
87 following:

88 a. The date and time of issuance.

89 b. The name and address of the minor to whom the citation  
90 is issued.

91 c. A thumbprint of the minor to whom the citation is  
92 issued.

93 d. Identification of the noncriminal violation and the  
94 time it was committed.

95 e. The facts constituting reasonable cause.

96 f. The specific section of law violated.

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

98 h. The procedures that the minor must follow to contest  
99 the citation, perform the required community service, pay the  
100 civil penalty, or participate in a cyber-safety program.

101 2. If the citation is contested and the court determines  
102 that the minor committed a noncriminal violation under this  
103 section, the court may order the minor to perform 8 hours of  
104 community service, pay a \$60 civil penalty, or participate in a



105 cyber-safety program, or any combination thereof.

106 3. A minor who fails to comply with the citation waives  
107 his or her right to contest it, and the court may impose any of  
108 the penalties identified in subparagraph 2. or issue an order to  
109 show cause. Upon a finding of contempt, the court may impose  
110 additional age-appropriate penalties, which may include issuance  
111 of an order to the Department of Highway Safety and Motor  
112 Vehicles to withhold issuance of, or suspend the driver license  
113 or driving privilege of, the minor for 30 consecutive days.  
114 However, the court may not impose incarceration.

115 (b) Commits a misdemeanor of the first degree for a  
116 violation that occurs after the minor has been ~~being~~ found to  
117 have committed a noncriminal violation for sexting or has  
118 satisfied the penalty imposed in lieu of a court appearance as  
119 provided in paragraph (a), punishable as provided in s. 775.082  
120 or s. 775.083.

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

125 (5) As used in this section, the term "found to have  
126 committed" means a determination of guilt that is the result of  
127 a plea or trial, or a finding of delinquency that is the result  
128 of a plea or an adjudicatory hearing, regardless of whether  
129 adjudication is withheld.

130 (6) Eighty percent of all civil penalties received by a



131 juvenile court pursuant to this section shall be remitted by the  
 132 clerk of the court to the county commission to provide training  
 133 on cyber-safety for minors. The remaining 20 percent shall  
 134 remain with the clerk of the court to defray administrative  
 135 costs.

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

138 985.0301 Jurisdiction.—

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

141 (a) to have committed A delinquent act or violation of  
 142 law.

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

145 Section 5. This act shall take effect July 1, 2015.