

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
20-24-B

IN RE: JUVENILES – SEXTING BY MINORS-SECTION 847.0141, FLORIDA STATUTES

WHEREAS, Florida Statute provides elements defining when a minor commits the offense of sexting in violation of section 847.0141(1);

WHEREAS, a minor for purposes of section 847.0141, Florida Statutes, is defined in section 847.001(8), Florida Statutes, as a person under the age of eighteen years;

WHEREAS, the Sheriff of Brevard County has established a Sexting and Cyber-Safety Awareness Program to address civil and criminal sexting violations pursuant to section 847.0141, Florida Statutes;

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, see Fla. R. Jud. Admin. 2.215(b)(2), (b)(3);

NOW, THEREFORE, I, Lisa Davidson, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Eighteenth Judicial Circuit of Florida, Brevard County, under Florida Rule of Judicial Administration 2.215, hereby order the following, effective immediately, and to continue until further order:

1. First-time violations of section 847.0141, Florida Statutes, are designated as non-criminal violations that are to be heard by the Circuit Judges assigned to hear juvenile delinquency matters. See 985.030(1)(b), Fla. Stat. (2019).
2. First-time violators must sign and accept a citation. (ATTACHMENT 1).
3. Pursuant to section 847.0141(3)(a)1., Florida Statutes, the citation must contain all of the following:
 - a. The date and time of issuance.
 - b. The name and address of the minor to whom the citation was issued.
 - c. A thumbprint of the minor to whom the citation is issued.

- d. Identification of the noncriminal violation and the time it was committed.
 - e. The facts constituting reasonable cause.
 - f. The specific section of law violated.
 - g. The name and authority of the citing officer.
 - h. The procedure that the minor must follow to contest the citation, perform the required community service, pay the civil penalty, or participate in a cyber-safety program.
4. The Civil Sexting Citation shall advise the first-time violator that pursuant to section 847.0141(3)(a), Florida Statutes, first-time violators may complete the Sexting and Cyber-Safety Awareness Program administered through the Brevard County Sheriff's Office. The first-time violator must enroll in the class within 45 days of receipt of the citation and satisfy attendance completion and provide proof of such to the Clerk of Court – Juvenile Division within 60 days after receipt of the citation.
 5. The Civil-Sexting Citation shall further advise that failure to provide proof of completion of the Sexting and Cyber-Safety Awareness Program within 60 days after receipt of the citation will require the first-time violator's appearance in Court on a hearing date to be scheduled by the Court and a Notice of Hearing will be mailed by the Court to the address listed on the citation.
 6. A minor who completes the Sexting and Cyber-Safety Awareness Education Program shall be issued a certificate of completion by the Brevard County Sheriff's Office Sexting and Cyber-Safety Awareness Program. The citation shall contain the minor's name, citation or case number and the date of completion. The minor shall file the certificate of completion with the Clerk of Court Juvenile Division. The Brevard County Sherriff's Office Sexting and Cyber-Safety Awareness Program Administrator shall e-file the certificate of completion with the Clerk of Court Juvenile Division.
 7. All Civil Sexting Citations shall be e-filed by the issuing agency with the Clerk of the Court Juvenile Division and copies provided to the minor and e-served on the Brevard County Sheriff's Office Sexting and Cyber-Safety Awareness Program Administrator.
 8. Second and subsequent violations of section 847.0141, Florida Statutes, are criminal violations and will be processed as any other delinquent act or violation of law.
 9. The Civil Sexting Citation attached to this Administrative Order is recognized as the Civil Sexting Citation for use in Brevard County and is incorporated herein as part of this Order.
 10. Access to the Civil Sexting Citation and related documents and case shall be restricted by the Clerk of Court and not be considered a public record.
 11. A civil penalty of \$60.00 and applicable court costs may be assessed. Pursuant to Florida Statute 847.0141(6), 80 percent of all civil penalties received by a juvenile court pursuant to this section shall be remitted by the clerk of the court to the Brevard County Sheriff's Office to provide training on cyber-safety for minors.

DONE and ORDERED this 8th day of May, 2020.

LISA DAVIDSON
LISA DAVIDSON
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard County)

Court Administration (Brevard and Seminole Counties)

Clerk of Court (Brevard County)

Public Defender (Brevard County)

State Attorney (Brevard County)

Sheriff (Brevard County)

Bar Association (Brevard County)

Law Library (Brevard County)

County Attorney (Brevard County)

BREVARD COUNTY SEXTING CITATION

Issued by Agency: _____

Incident #:	Date/Time Citation Issued:
Name: DOB:	Offense: Non-Criminal First Offense Sexting in violation of Florida Statute § 847.0141(1) and (3)(a)
Address: Phone:	Date/Time Committed:

Facts Constituting Reasonable Cause:

1. This is a non-criminal civil citation for violation of Florida Statute 847.0141 Sexting- First Offense. Florida Statute requires that you sign this citation and that the citation contain your thumbprint. You must appear before the Juvenile Court of the Eighteenth Judicial Circuit if you wish to contest this citation.
2. In lieu of your court appearance, you may 1) complete 8 hours of community service work, 2) pay \$60.00 civil penalty plus applicable court costs, or 3) participate in a Sexting and Cyber-Safety Education Program administered by the Brevard County Sheriff's Office. **To register and participate in this Education Program, visit www.BrevardSheriff.com and access the Sexting & Cyber-Safety Education Program on the home page.** The proof of completion must be presented to the Clerk of Court Eighteenth Judicial Circuit, Brevard - Juvenile Division located at the **Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, Florida 32940**. You must enroll in the course within **45 days** and provide proof within 60 days of issuance of this citation. Contact Brooke Hines at the Brevard County Sheriff's Office at (321) 633-1000 ext. 11297 or stopsextinggroup@bcso.us if you have any questions regarding the Education Program.
3. If you choose to contest the citation or do not show compliance to the Clerk of Court within 60 days as instructed in paragraph 2, you will be required to appear for a court hearing. **In order to obtain a hearing, contact the Clerk of Court at (321) 637-5413. If the Court finds you committed the non- criminal violation, you may be ordered to perform 8 hours of community service and pay a \$60.00 civil penalty plus applicable court costs and also complete a cyber-safety education course.** If you fail to comply with the citation sanctions imposed by the Court, after a court finding of violation, **you may be subject to an order to show cause for contempt of court.** In addition to the citation sanctions imposed, you may also be subject to the imposition of additional age appropriate penalties, to include penalties, which may affect your driver's license or driving privileges. A second or subsequent violation of Fla. Stat. § 847.0141 is a criminal offense.

Juvenile's Thumbprints		Parent/Guardian Notified (Check One)					
Left	Right	<input type="checkbox"/> Yes	<input type="checkbox"/> No				
		Time _____					
		_____	_____				
		Name	Relationship				
		<table border="1"> <tr><td>1.Face to Face</td></tr> <tr><td>2.Telephone</td></tr> <tr><td>3.Unable to Contact</td></tr> <tr><td>4.Message left with whom:</td></tr> </table>		1.Face to Face	2.Telephone	3.Unable to Contact	4.Message left with whom:
1.Face to Face							
2.Telephone							
3.Unable to Contact							
4.Message left with whom:							

Juvenile's Signature: _____

Deputy/Officer Name (Printed): _____	AGENCY & ID#: _____
Deputy/Officer Signature: _____	

JUVENILE COPY OF BREVARD COUNTY SEXTING CITATION

Issued by Agency: _____

Incident #:	Date/Time Citation Issued:
Name : DOB:	Offense: Non-Criminal First Offense Sexting in violation of Florida Statute § 847.0141(1) and (3)(a)
Address: Phone:	Date/Time Committed:

Facts Supporting Reasonable Cause:

1. This is a non-criminal civil citation for violation of Florida Statute 847.0141 Sexting- First Offense. Florida Statute requires that you sign this citation and that the citation contain your thumbprint. You must appear before the Juvenile Court of the Eighteenth Judicial Circuit if you wish to contest this citation.
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COPY TO BE ISSUED TO JUVENILE AS IF ORIGINAL