

**ORDER GOVERNING “SEXTING” 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); and

WHEREAS, to provide for the efficient processing of sexting offense cases pursuant to section 847.0141, Florida Statutes;

NOW, THEREFORE, I, Frederick J. Lauten, 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 Ninth Judicial Circuit of Florida 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* § 985.0301(1)(b), Fla. Stat. (2015).

2. First-time violators must sign and accept a citation indicating a promise to appear before the Juvenile Court.

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 is 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 procedures 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.

Additionally, the citation must contain a statement that the first-time violator will receive a notice of hearing from the Clerk of Court.

4. The citation is filed with the Clerk of Court who shall assign the citation a noncriminal infraction number, assign the citation to a division, and set a court date for 45 days from the date of the offense.

5. The Clerk of Court shall send a notice of hearing to the alleged first-time violator advising that in lieu of appearing in Court, pursuant to section 847.0141(3)(a), Florida Statutes, first-time violators may complete 8 hours community service work, pay a \$60.00 civil penalty and applicable court costs, or participate in a cyber-safety program if such a program is locally available. The first-time violator must satisfy any penalty, and provide proof of such to the Clerk of Court within 30 days after receipt of the citation.

If one of the three sanctions is completed, proof given and confirmed by the Clerk of Court, in conjunction with the Alternative Sanctions Program Office, within 30 days of the offense, the hearing date will be cancelled and the Clerk of Court will mail notice of the cancellation of the hearing to the first-time violator. The notice shall further advise that failure

to complete one of the three sanctions within 30 days after receipt of the citation will require the first-time violator's appearance in Court on the scheduled arraignment date.

DONE AND ORDERED at Orlando, Florida, this 29th day of January, 2016.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Courts, Orange County
Clerk of Courts, Osceola County
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