

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE ORDER NO. 6.11

**TEEN SMOKING PREVENTION IN BRADFORD COUNTY**

**WHEREAS**, sections 569.11(1) and 322.056 (2), Florida Statutes (2001), provide procedures and sanctions for minors who purchase, possess or use tobacco products, and

**WHEREAS**, any violation of section 569.11(1), Florida Statutes (2001) by a “minor” as defined by section 569.002(7), Florida Statutes (2001), is a civil infraction, and

**WHEREAS**, the manner of implementation of the new procedures and sanctions is not sufficiently set forth in the statutes, and an administrative order is appropriate to give guidance to the Clerk and the public in this regard. It is therefore

**ORDERED:**

1. The Clerk of the Court (“the Clerk”) and the County Court Judge of Bradford County (“the court”) shall follow the procedures set forth below in implementing sections 569.11(1) and 322.056(2), Florida Statutes (2001).

2. All court files regarding a minor’s civil infraction in violation of section 569.11(1), Florida Statutes, will be treated in a similar manner as traffic infractions and they will not be sealed.

3. The civil citation issued to a minor for a violation of section 569.11(1), Florida Statutes, shall indicate that, within thirty (30) days, the minor must appear in the Clerk’s office and either pay a fine of \$25.00, elect 16 hours of community service in lieu of the fine, *or* obtain a court date. However, if the Clerk determines that the infraction would be the minor’s third or subsequent infraction within twelve (12) weeks of the first violation, the Clerk shall set a court hearing.

4. If the minor admits the infraction and elects to pay a fine, the Clerk shall forthwith collect \$25.00 from the minor. If the minor admits the infraction and requests community service hours, the Clerk shall forthwith assign the minor to a community service program to be completed

within thirty (30) days.

5. If the minor admits the infraction and either pays a fine or elects community service hours, the minor must attend the required school-approved anti-tobacco program within thirty (30) days.

6. If the minor requests a court date to contest the infraction, the Clerk shall put the case on the next available traffic calendar. The Clerk shall issue a subpoena for the officer issuing the citation.

7. If the minor appears in court on a citation alleging a violation of section 569.11(1), Florida Statutes, the court shall make a determination as to whether the minor committed a non-criminal violation of section 569.11 (1), Florida Statutes, and if the minor is found to have committed the infraction, the court shall impose sanctions set forth in said statute.

8. If sanctions are imposed, the court shall order the minor to forthwith contact the Clerk so that the Clerk may assign the community service, if ordered, collect the fine, if ordered, and monitor the minor's compliance with the program attendance.

9. If the minor fails to contact the Clerk within thirty (30) days of the issuance of the citation, the Clerk shall set a hearing on the court's next reasonable available traffic court date and notify the minor of the hearing and issue a subpoena to the officer issuing the citation.

10. If the minor fails to timely complete the community service (if ordered), attend the anti-tobacco program, or pay a court-ordered fine, the Clerk shall file an affidavit notifying the court of such noncompliance.

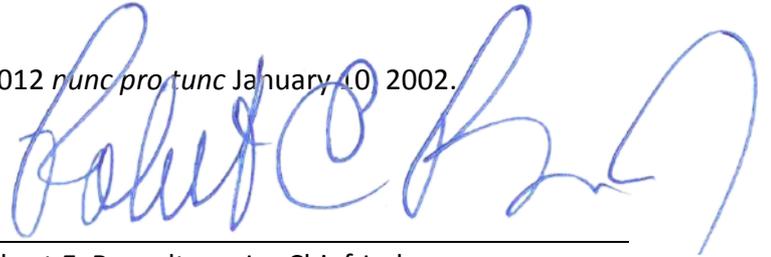
11. Upon receipt of the Clerk's affidavit of noncompliance, the court shall enter an Order to Show Cause why the minor should not be held in contempt of court.

12. *Minor's failure to comply:* After due notice and after being given an opportunity to be heard, if the minor fails to comply and fails to show cause for non-compliance, the court shall impose the sanctions dictated by sections 569.11(1) and 322.056(2), Florida Statutes, which

impose either a thirty-day or forty-five day suspension or the withholding of issuance of the minor's driver's license or driving privilege.

This order renumbers and reformats prior Administrative Order No. 4.060 entitled "Teen Smoking Prevention in Bradford County."

**ORDERED ON** this 5<sup>th</sup> day of October, 2012 *nunc pro tunc* January 10, 2002.



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Robert E. Roundtree, Jr., Chief Judge