

By Senator Pizzo

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1 A bill to be entitled
2 An act relating to minors posting firearms on social
3 media; creating s. 790.111, F.S.; prohibiting the
4 posting or publishing of a picture of a firearm, BB
5 gun, air or gas-operated gun, or device displayed to
6 resemble a firearm to social media by a minor;
7 providing criminal penalties; authorizing a court to
8 require certain adults to participate in parenting
9 classes subsequent to a violation; providing for
10 community service programs for violations; providing
11 requirements for such programs; requiring seizure of
12 firearms under certain circumstances; providing
13 construction; providing applicability; amending s.
14 790.174, F.S.; prohibiting storing a firearm in such a
15 way that a minor obtains access to it without
16 permission and posts a picture of it on social media;
17 providing criminal penalties; amending s. 901.15,
18 F.S.; authorizing warrantless arrest when a law
19 enforcement officer has probable cause to believe that
20 a minor has violated s. 790.111, F.S.; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 790.111, Florida Statutes, is created to
26 read:

27 790.111 Minors posting firearms on social media.-

28 (1) A minor who posts or publishes a picture of a firearm,
29 a BB gun, an air or a gas-operated gun, or a device displayed to

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30 resemble a firearm to a social media page, post, profile, or
31 account that is openly viewable to the public commits a
32 misdemeanor of the first degree, punishable as provided in s.
33 775.082 or s. 775.083.

34 (2) (a) Any parent or guardian of a minor, or other adult
35 responsible for the welfare of a minor, if the minor possesses a
36 firearm in violation of this section, may, if the court finds it
37 appropriate, be required to participate in classes on parent
38 education which are approved by the Department of Juvenile
39 Justice, upon the first conviction of the minor. Upon any
40 subsequent conviction of the minor, the court may, if the court
41 finds it appropriate, require the parent to attend further
42 parent education classes or render community service hours
43 together with the child.

44 (b) The Department of Juvenile Justice may establish
45 appropriate community service programs to be available to the
46 alternative sanctions coordinators of the circuit courts in
47 implementing this subsection. If the department does not do so,
48 the juvenile justice circuit advisory board in each circuit must
49 establish such program in that circuit. The boards or the
50 department shall propose the implementation of a community
51 service program in each circuit, and may submit a circuit plan,
52 to be implemented upon approval of the circuit alternative
53 sanctions coordinator.

54 (c) For the purposes of this subsection, community service
55 shall be performed, if possible, in a manner involving a
56 hospital emergency room or other medical environment that deals
57 on a regular basis with trauma patients and gunshot wounds.

58 (3) Any firearm that is possessed or used by a minor in

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59 violation of this section shall be promptly seized by a law
60 enforcement officer and disposed of in accordance with s.
61 790.08.

62 (4) This section does not reduce or limit any existing
63 right to purchase and own firearms, nor apply to the exceptions
64 provided in s. 790.22.

65 (5) This section applies to social media posts made on or
66 after October 1, 2019.

67 Section 2. Subsection (2) of section 790.174, Florida
68 Statutes, is amended, and subsection (1) of that section is
69 republished, to read:

70 790.174 Safe storage of firearms required.—

71 (1) A person who stores or leaves, on a premise under his
72 or her control, a loaded firearm, as defined in s. 790.001, and
73 who knows or reasonably should know that a minor is likely to
74 gain access to the firearm without the lawful permission of the
75 minor's parent or the person having charge of the minor, or
76 without the supervision required by law, shall keep the firearm
77 in a securely locked box or container or in a location which a
78 reasonable person would believe to be secure or shall secure it
79 with a trigger lock, except when the person is carrying the
80 firearm on his or her body or within such close proximity
81 thereto that he or she can retrieve and use it as easily and
82 quickly as if he or she carried it on his or her body.

83 (2) It is a misdemeanor of the second degree, punishable as
84 provided in s. 775.082 or s. 775.083, if a person violates
85 subsection (1) by failing to store or leave a firearm in the
86 required manner and as a result thereof a minor gains access to
87 the firearm, without the lawful permission of the minor's parent

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88 or the person having charge of the minor, and possesses or
89 exhibits it, without the supervision required by law:

90 (a) In a public place; ~~or~~

91 (b) In a rude, careless, angry, or threatening manner in
92 violation of s. 790.10; or

93 (c) On a social media page, post, profile, or account
94 openly viewable to the public in violation of s. 790.111.

95

96 This subsection does not apply if the minor obtains the firearm
97 as a result of an unlawful entry by any person.

98 Section 3. Subsection (17) is added to section 901.15,
99 Florida Statutes, to read:

100 901.15 When arrest by officer without warrant is lawful.—A
101 law enforcement officer may arrest a person without a warrant
102 when:

103 (17) There is probable cause to believe that the person has
104 committed a criminal act as described in s. 790.111.

105 Section 4. This act shall take effect October 1, 2019.