

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; providing construction; providing  
13 applicability; amending s. 790.174, F.S.; prohibiting  
14 storing a firearm in such a way that a minor obtains  
15 access to it without permission and posts a picture of  
16 it on social media; providing criminal penalties;  
17 amending s. 901.15, F.S.; authorizing warrantless  
18 arrest when a law enforcement officer has probable  
19 cause to believe that a minor has violated s. 790.111,  
20 F.S.; providing an effective date.

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

23  
24 Section 1. Section 790.111, Florida Statutes, is created  
25 to read:

26 790.111 Minors posting firearms on social media.—

27 (1) A minor who posts or publishes a picture of firearm,  
28 BB gun, air or gas-operated gun, or device displayed to resemble  
29 a firearm to a social media page, post, profile, or account that  
30 is openly viewable to the public commits a misdemeanor of the  
31 first degree, punishable as provided in s. 775.082 or s.  
32 775.083.

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

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

51 to be implemented upon approval of the circuit alternative  
52 sanctions coordinator.

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

57 (3) Any firearm that is possessed or used by a minor in  
58 violation of this section shall be promptly seized by a law  
59 enforcement officer and disposed of in accordance with s.  
60 790.08.

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

64 Section 2. Section 790.111, Florida Statutes, as created  
65 by this act, applies to social media posts made on or after July  
66 1, 2019.

67 Section 3. 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

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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  
84 | as 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  
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 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 4. 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

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101 | law enforcement officer may arrest a person without a warrant  
102 | when:

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

105 |       Section 5. This act shall take effect July 1, 2019.