

By the Committee on Law Enforcement & Public Safety and  
Representatives Meek, Miller and Heyman

1                                   A bill to be entitled  
2           An act relating to securing of firearms;  
3           amending s. 790.001, F.S.; redefining the term  
4           "securely encased" as used in ch. 790, F.S., to  
5           include description of a firearm that is  
6           secured with an activated locking device;  
7           defining the term "locking device"; providing  
8           that it is a third degree felony to knowingly  
9           alter or remove a locking device from a firearm  
10          without the owner's authorization, or to sell,  
11          deliver, or possess a firearm if the locking  
12          device has been altered or removed without the  
13          owner's authorization; providing penalties;  
14          amending s. 784.05, F.S.; providing that  
15          specified provisions which prohibit a person  
16          from exposing another person to personal injury  
17          through culpable negligence by storing or  
18          leaving a loaded firearm within reach or easy  
19          access of a minor under 16 years of age do not  
20          apply if the firearm was securely locked with a  
21          locking device; amending s. 790.174, F.S.;  
22          revising the provisions prescribing alternative  
23          means for satisfying certain requirements for  
24          lawfully storing or leaving a loaded firearm  
25          within access of a minor; providing the  
26          alternative that a locking device may be used  
27          for purposes of lawfully storing a firearm  
28          within access of a minor; removing the  
29          alternative provision that a person could  
30          satisfy such requirements by keeping the  
31          firearm in a location which a reasonable person

1 would believe to be secure; providing penalties  
2 for failure to store or leave the firearm in  
3 the required manner, under specified  
4 circumstances; providing an effective date.

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

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8 Section 1. Subsection (17) of section 790.001, Florida  
9 Statutes, is amended, and subsection (19) is added to said  
10 section, to read:

11 790.001 Definitions.--As used in this chapter, except  
12 where the context otherwise requires:

13 (17) "Securely encased" means in a glove compartment,  
14 whether or not locked; snapped in a holster; in a gun case,  
15 whether or not locked; in a zippered gun case; ~~or~~ in a closed  
16 box or container that ~~which~~ requires a lid or cover to be  
17 opened for access; or secured with an activated locking  
18 device.

19 (19) "Locking device" means a device that when  
20 installed on a firearm and secured by means of a key or a  
21 mechanically or electronically operated combination lock  
22 prevents the firearm from being discharged without first  
23 deactivating or removing the device by means of a key or a  
24 mechanically or electronically operated combination lock.

25 Section 2. (1) A person may not knowingly alter or  
26 remove a locking device from a firearm unless authorized to do  
27 so by the owner of the firearm.

28 (2) A person may not knowingly sell, deliver, or  
29 possess a firearm if the locking device has been altered or  
30 removed without the authorization of the owner of the firearm.

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1           (3) A person who violates this section commits a  
2 felony of the third degree, punishable as provided in section  
3 775.082, section 775.083, or section 775.084, Florida  
4 Statutes.

5           Section 3. Section 784.05, Florida Statutes, is  
6 amended to read:

7           784.05 Culpable negligence.--

8           (1) Whoever, through culpable negligence, exposes  
9 another person to personal injury commits a misdemeanor of the  
10 second degree, punishable as provided in s. 775.082 or s.  
11 775.083.

12           (2) Whoever, through culpable negligence, inflicts  
13 actual personal injury on another commits a misdemeanor of the  
14 first degree, punishable as provided in s. 775.082 or s.  
15 775.083.

16           (3) Whoever violates subsection (1) by storing or  
17 leaving a loaded firearm within the reach or easy access of a  
18 minor commits, if the minor obtains the firearm and uses it to  
19 inflict injury or death upon himself or herself or any other  
20 person, a felony of the third degree, punishable as provided  
21 in s. 775.082, s. 775.083, or s. 775.084. However, this  
22 subsection does not apply:

23           (a) If the firearm was stored or left in a securely  
24 locked box or container or in a location that ~~which~~ a  
25 reasonable person would have believed to be secure, or was  
26 securely locked with a trigger lock or a locking device;

27           (b) If the minor obtains the firearm as a result of an  
28 unlawful entry by any person;

29           (c) To injuries resulting from target or sport  
30 shooting accidents or hunting accidents; or

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1 (d) To members of the Armed Forces, National Guard, or  
2 State Militia, or to police or other law enforcement officers,  
3 with respect to firearm possession by a minor which occurs  
4 during or incidental to the performance of their official  
5 duties.

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7 When any minor child is accidentally shot by another family  
8 member, no arrest shall be made pursuant to this subsection  
9 prior to 7 days after the date of the shooting. With respect  
10 to any parent or guardian of any deceased minor, the  
11 investigating officers shall file all findings and evidence  
12 with the state attorney's office with respect to violations of  
13 this subsection. The state attorney shall evaluate such  
14 evidence and shall take such action as he or she deems  
15 appropriate under the circumstances and may file an  
16 information against the appropriate parties.

17 (4) As used in this act, the term "minor" means any  
18 person under the age of 16.

19 Section 4. Section 790.174, Florida Statutes, is  
20 amended to read:

21 790.174 Safe storage of firearms required.--

22 (1) A person who stores or leaves, on a premise under  
23 his or her control, a loaded firearm, as defined in s.  
24 790.001, and who knows or reasonably should know that a minor  
25 is likely to gain access to the firearm without the lawful  
26 permission of the minor's parent or the person having charge  
27 of the minor, or without the supervision required by law,  
28 shall keep the firearm in a securely locked box or container  
29 ~~or in a location which a reasonable person would believe to be~~  
30 ~~secure~~ or shall secure it with a trigger lock or a locking  
31 device, except when the person is carrying the firearm on his

1 or her body or within such close proximity thereto that he or  
2 she can retrieve and use it as easily and quickly as if he or  
3 she carried it on his or her body.

4 (2) It is a misdemeanor of the second degree,  
5 punishable as provided in s. 775.082 or s. 775.083, if a  
6 person violates subsection (1) by failing to store or leave a  
7 firearm in the required manner and as a result thereof a minor  
8 gains access to the firearm, without the lawful permission of  
9 the minor's parent or the person having charge of the minor,  
10 and possesses or exhibits it, without the supervision required  
11 by law:

12 (a) In a public place; or

13 (b) In a rude, careless, angry, or threatening manner  
14 in violation of s. 790.10.

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

18 (3) As used in this act, the term "minor" means any  
19 person under the age of 16.

20 Section 5. This act shall take effect October 1 of the  
21 year in which enacted.

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