

1                                   A bill to be entitled  
2           An act relating to firearms; amending s.  
3           790.001, F.S.; defining the term "locking  
4           device"; amending s. 790.174, F.S.; providing  
5           that a locking device may be used for the  
6           purpose of lawfully storing a firearm within  
7           access of a minor, as defined; requiring a  
8           person to secure a firearm with a locking  
9           device under specified circumstances when the  
10          firearm is left or stored on premises where  
11          such minor resides; providing penalties for  
12          failure to store or leave the firearm in the  
13          required manner, under specified circumstances;  
14          providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Subsection (19) is added to section  
19           790.001, Florida Statutes, to read:

20           790.001 Definitions.--As used in this chapter, except  
21           where the context otherwise requires:

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

28           Section 2. Section 790.174, Florida Statutes, is  
29           amended to read:

30           790.174 Safe storage of firearms required.--  
31

1           (1) A person who stores or leaves, on a premise under  
2 his or her control, a loaded firearm, as defined in s.  
3 790.001, and who knows or reasonably should know that a minor  
4 is likely to gain access to the firearm without the lawful  
5 permission of the minor's parent or the person having charge  
6 of the minor, or without the supervision required by law,  
7 shall keep the firearm in a securely locked box or container  
8 or in a location that ~~which~~ a reasonable person would believe  
9 to be secure or shall secure it with a trigger lock or a  
10 locking device, except when the person is carrying the firearm  
11 on his or her body or within such close proximity thereto that  
12 he or she can retrieve and use it as easily and quickly as if  
13 he or she carried it on his or her body. However, if the  
14 person stores or leaves the firearm on any premises where the  
15 person knows or reasonably should know that a minor is  
16 temporarily or permanently residing, the person must in all  
17 cases secure the firearm with an activated locking device, in  
18 addition to keeping the firearm in a secure location, except  
19 when the person is carrying the firearm on his or her body or  
20 within such close proximity thereto that he or she can  
21 retrieve it and use it as easily and quickly as if he or she  
22 carried it on his or her body.

23           (2) It is a misdemeanor of the second degree,  
24 punishable as provided in s. 775.082 or s. 775.083, if a  
25 person violates subsection (1) by failing to store or leave a  
26 firearm in the required manner and as a result thereof a minor  
27 gains access to the firearm, without the lawful permission of  
28 the minor's parent or the person having charge of the minor,  
29 and possesses or exhibits it, without the supervision required  
30 by law:

31           (a) In a public place; or

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

3  
4 This subsection does not apply if the minor obtains the  
5 firearm as a result of an unlawful entry by any person.

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

8 Section 3. This act shall take effect October 1, 1999.

9  
10 \*\*\*\*\*

11 SENATE SUMMARY

12 Defines the term "locking device" with respect to  
13 specified provisions relating to firearms. Provides that  
14 a locking device may be used for the purpose of lawfully  
15 storing a firearm within access of a minor under a  
16 specified age. Requires a person to secure a firearm with  
17 a locking device under specified circumstances when the  
18 firearm is left or stored on premises where a minor  
19 resides. Provides penalties for failure to store or leave  
20 the firearm in the required manner, under specified  
21 circumstances.