

Bill No. CS for CS for SB 1840

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Holzendorf moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 13, between lines 29 and 30,		
15			
16	insert:		
17	Section 3. Subsection (19) is added to section		
18	790.001, Florida Statutes, to read:		
19	790.001 Definitions.--As used in this chapter, except		
20	where the context otherwise requires:		
21	(19) <u>"Locking device" means a device that when</u>		
22	<u>installed on a firearm and secured by means of a key or a</u>		
23	<u>mechanically or electronically operated combination lock</u>		
24	<u>prevents the firearm from being discharged without first</u>		
25	<u>deactivating or removing the device by means of the key or</u>		
26	<u>mechanically or electronically operated combination lock.</u>		
27	Section 4. Section 790.174, Florida Statutes, is		
28	amended to read:		
29	790.174 Safe storage of firearms required.--		
30	(1) A person who stores or leaves, on a premise under		
31	his or her control, a loaded firearm, as defined in s.		

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

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

29 (a) In a public place; or

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

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

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

(Redesignate subsequent sections.)

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page 1, line 24, after the semicolon,

insert:

amending s. 790.001, F.S.; defining the term
"locking device"; amending s. 790.174, F.S.;
providing that a locking device may be used for
the purpose of lawfully storing a firearm
within access of a minor, as defined; requiring
a person to secure a firearm with a locking
device under specified circumstances when the
firearm is left or stored on premises where
such minor resides; providing penalties for
failure to store or leave the firearm in the
required manner, under specified circumstances;