

By Representatives Bloom, Greenstein, Jacobs and Sobel

1 A bill to be entitled
2 An act relating to weapons and firearms;
3 amending s. 790.001, F.S.; defining "childproof
4 handgun" and "trigger locking device"; amending
5 s. 790.065, F.S.; revising provisions with
6 respect to the sale and delivery of firearms to
7 provide that no person may sell or deliver any
8 firearm to another person other than a licensed
9 importer, licensed manufacturer, licensed
10 dealer, or licensed collector when any part of
11 the transaction is conducted on property to
12 which the public has a right of access until
13 specified requirements have been fulfilled;
14 requiring any person, other than a licensed
15 importer, licensed manufacturer, or licensed
16 dealer, who sells a firearm to request a
17 licensed importer, licensed manufacturer, or
18 licensed dealer to fulfill specified
19 requirements prior to the completion of the
20 sale of any firearm; authorizing licensed
21 importers, licensed manufacturers, and licensed
22 dealers to charge a fee for such services;
23 requiring any handgun sold or delivered in the
24 state prior to July 1, 2002, to be accompanied
25 by a trigger locking device; providing an
26 exception; prohibiting the sale or delivery of
27 any handgun in this state on or after July 1,
28 2002, other than a childproof handgun;
29 conforming provisions; eliminating the
30 scheduled repeal of s. 790.065, F.S.; creating
31 s. 790.0651, F.S.; requiring potential buyers

1 or transferees of firearms to demonstrate
2 competence with a firearm prior to completion
3 of sale or delivery; specifying methods of
4 instruction which satisfy the requirement;
5 providing exceptions; providing penalties;
6 amending s. 790.0655, F.S.; conforming
7 provisions relating to the mandatory 3-day
8 waiting period between the purchase and
9 delivery of any handgun to the amendments to s.
10 790.065, F.S.; providing penalties; amending s.
11 790.174, F.S.; requiring any person who stores
12 or leaves a firearm on a premises where a minor
13 is permanently or temporarily residing to
14 secure the firearm with a trigger locking
15 device and keep the firearm in a secure
16 location; providing an exception; amending ss.
17 784.05 and 790.115, F.S., to conform; amending
18 s. 274.05, F.S., relating to surplus property
19 owned by local governments; authorizing
20 governmental units to destroy obsolete
21 firearms; providing an effective date.

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

24
25 Section 1. Subsections (19) and (20) are added to
26 section 790.001, Florida Statutes, to read:

27 790.001 Definitions.--As used in this chapter, except
28 where the context otherwise requires:

29 (19) "Trigger locking device" means a device that,
30 when installed on a firearm and secured by means of a
31 key-operated lock or a mechanically, electronically, or

1 electromechanically operated combination lock, prevents the
2 firearm from being discharged without first deactivating or
3 removing the device by means of a key or a mechanical,
4 electronic, or electromechanical combination.

5 (20) "Childproof handgun" means a handgun which
6 incorporates within its design, and as part of its original
7 manufacture, technology which automatically limits its
8 operational use, and which cannot be readily deactivated, in
9 such a manner that the handgun may only be fired by an
10 authorized or recognized user. The technology limiting the
11 handgun's operational use may include, but is not limited to,
12 radio tagging; touch memory; remote control; fingerprint
13 magnetic encoding; and other automatic user identification
14 systems utilizing biometrics, mechanical, and electronic
15 systems.

16 Section 2. Section 790.065, Florida Statutes, is
17 amended to read:

18 790.065 Sale and delivery of firearms.--

19 (1)(a) No person ~~A licensed importer, licensed~~
20 ~~manufacturer, or licensed dealer~~ may not sell or deliver from
21 ~~her or his inventory at her or his licensed premises~~ any
22 firearm to another person, other than a licensed importer,
23 licensed manufacturer, licensed dealer, or licensed collector,
24 when any part of the transaction is conducted on property to
25 which the public has the right of access, until a licensed
26 importer, licensed manufacturer, or licensed dealer ~~she or he~~
27 has:

28 1.(a) ~~Obtained~~ a completed form from the potential
29 buyer or transferee, which form shall have been promulgated by
30 the Department of Law Enforcement and provided by the licensed
31 importer, licensed manufacturer, or licensed dealer, which

1 shall include the name, date of birth, gender, race, and
2 social security number or other identification number of such
3 potential buyer or transferee and has inspected proper
4 identification including an identification containing a
5 photograph of the potential buyer or transferee.
6 2.(b) Collected a fee from the potential buyer for
7 processing the criminal history check of the potential buyer.
8 The fee shall be established by the Department of Law
9 Enforcement and may not exceed \$8 per transaction. The
10 Department of Law Enforcement may reduce, or suspend
11 collection of, the fee to reflect payment received from the
12 Federal Government applied to the cost of maintaining the
13 criminal history check system established by this section as a
14 means of facilitating or supplementing the National Instant
15 Criminal Background Check System. The Department of Law
16 Enforcement shall, by rule, establish procedures for the fees
17 to be transmitted by the licensee to the Department of Law
18 Enforcement. All such fees shall be deposited into the
19 Department of Law Enforcement Operating Trust Fund, but shall
20 be segregated from all other funds deposited into such trust
21 fund and must be accounted for separately. Such segregated
22 funds must not be used for any purpose other than the
23 operation of the criminal history checks required by this
24 section. The Department of Law Enforcement, each year prior to
25 February 1, shall make a full accounting of all receipts and
26 expenditures of such funds to the President of the Senate, the
27 Speaker of the House of Representatives, the majority and
28 minority leaders of each house of the Legislature, and the
29 chairs of the appropriations committees of each house of the
30 Legislature. In the event that the cumulative amount of funds
31 collected exceeds the cumulative amount of expenditures by

1 more than \$2.5 million, excess funds may be used for the
2 purpose of purchasing soft body armor for law enforcement
3 officers.

4 3.(c) Requested, by means of a toll-free telephone
5 call, the Department of Law Enforcement to conduct a check of
6 the information as reported and reflected in the Florida Crime
7 Information Center and National Crime Information Center
8 systems as of the date of the request.

9 4.(d) Received a unique approval number for that
10 inquiry from the Department of Law Enforcement, and recorded
11 the date and such number on the consent form.

12 5. Verified that the potential buyer or transferee has
13 demonstrated competence with a firearm by satisfying the
14 requirements of s. 790.065(1).

15
16 However, if the person purchasing, or receiving delivery of,
17 the firearm is a holder of a valid concealed weapons or
18 firearms license pursuant to the provisions of s. 790.06 or
19 holds an active certification from the Criminal Justice
20 Standards and Training Commission as a "law enforcement
21 officer," a "correctional officer," or a "correctional
22 probation officer" as defined in s. 943.10(1), (2), (3), (6),
23 (7), (8), or (9), the provisions of this subsection do not
24 apply.

25 (b) Any person other than a licensed importer,
26 licensed manufacturer, or licensed dealer who sells a firearm
27 must request a licensed importer, licensed manufacturer, or
28 licensed dealer to fulfill the requirements of paragraph (a)
29 prior to the completion of the sale of any firearm. A
30 licensed importer, licensed manufacturer, or licensed dealer
31 may charge a reasonable fee for costs associated with

1 fulfilling the requirements of paragraph (a) to a person who
2 requests the services of the importer, manufacturer, or dealer
3 in fulfilling such requirements.

4 (c)1. Until July 1, 2002, any handgun sold or
5 delivered in this state must be accompanied by a trigger
6 locking device, as defined in s. 790.001(19), except for a
7 handgun that is identified as a childproof handgun, as defined
8 in s. 790.001(20), and included on a list of childproof
9 handguns compiled and distributed by the Department of Law
10 Enforcement.

11 2. No handgun may be sold or delivered in this state
12 on or after July 1, 2002, unless such handgun is identified as
13 a childproof handgun, as defined in s. 790.001(20), and
14 included on a list of childproof handguns compiled and
15 distributed by the Department of Law Enforcement.

16 (2) Upon receipt of a request for a criminal history
17 record check, the Department of Law Enforcement shall, during
18 the licensee's call or by return call, forthwith:

19 (a) Review criminal history records to determine if
20 the potential buyer or transferee:

21 1. Has been convicted of a felony and is prohibited
22 from receipt or possession of a firearm pursuant to s. 790.23;

23 2. Has been convicted of a misdemeanor crime of
24 domestic violence, and therefore is prohibited from purchasing
25 a firearm; or

26 3. Has had adjudication of guilt withheld or
27 imposition of sentence suspended on any felony or misdemeanor
28 crime of domestic violence unless 3 years have elapsed since
29 probation or any other conditions set by the court have been
30 fulfilled or expunction has occurred.

31

1 (b) Inform the licensee making the inquiry either that
2 records demonstrate that the buyer or transferee is so
3 prohibited and provide the licensee a nonapproval number, or
4 provide the licensee with a unique approval number.

5 (c)1. Review any records available to it to determine
6 whether the potential buyer or transferee has been indicted or
7 has had an information filed against her or him for an offense
8 that is a felony under either state or federal law, or, as
9 mandated by federal law, has had an injunction for protection
10 against domestic violence entered against the potential buyer
11 or transferee under s. 741.30, has had an injunction for
12 protection against repeat violence entered against the
13 potential buyer or transferee under s. 784.046, or has been
14 arrested for a dangerous crime as specified in s.

15 907.041(4)(a) or for any of the following enumerated offenses:

- 16 a. Criminal anarchy under ss. 876.01 and 876.02.
- 17 b. Extortion under s. 836.05.
- 18 c. Explosives violations under s. 552.22(1) and (2).
- 19 d. Controlled substances violations under chapter 893.
- 20 e. Resisting an officer with violence under s. 843.01.
- 21 f. Weapons and firearms violations under this chapter.
- 22 g. Treason under s. 876.32.
- 23 h. Assisting self-murder under s. 782.08.
- 24 i. Sabotage under s. 876.38.
- 25 j. Stalking or aggravated stalking under s. 784.048.

26
27 If the review indicates any such indictment, information, or
28 arrest, the department shall provide to the licensee a
29 conditional nonapproval number.

30 2. Within 24 working hours, the department shall
31 determine the disposition of the indictment, information, or

1 arrest and inform the licensee as to whether the potential
2 buyer is prohibited from receiving or possessing a firearm.
3 For purposes of this paragraph, "working hours" means the
4 hours from 8 a.m. to 5 p.m. Monday through Friday, excluding
5 legal holidays.

6 3. The office of the clerk of court, at no charge to
7 the department, shall respond to any department request for
8 data on the disposition of the indictment, information, or
9 arrest as soon as possible, but in no event later than 8
10 working hours.

11 4. The department shall determine as quickly as
12 possible within the allotted time period whether the potential
13 buyer is prohibited from receiving or possessing a firearm.

14 5. If the potential buyer is not so prohibited, or if
15 the department cannot determine the disposition information
16 within the allotted time period, the department shall provide
17 the licensee with a conditional approval number.

18 6. If the buyer is so prohibited, the conditional
19 nonapproval number shall become a nonapproval number.

20 7. The department shall continue its attempts to
21 obtain the disposition information and may retain a record of
22 all approval numbers granted without sufficient disposition
23 information. If the department later obtains disposition
24 information which indicates:

25 a. That the potential buyer is not prohibited from
26 owning a firearm, it shall treat the record of the transaction
27 in accordance with this section; or

28 b. That the potential buyer is prohibited from owning
29 a firearm, it shall immediately revoke the conditional
30 approval number and notify local law enforcement.

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1 8. During the time that disposition of the indictment,
2 information, or arrest is pending and until the department is
3 notified by the potential buyer that there has been a final
4 disposition of the indictment, information, or arrest, the
5 conditional nonapproval number shall remain in effect.

6 (3) In the event of scheduled computer downtime,
7 electronic failure, or similar emergency beyond the control of
8 the Department of Law Enforcement, the department shall
9 immediately notify the licensee of the reason for, and
10 estimated length of, such delay. After such notification, the
11 department shall forthwith, and in no event later than the end
12 of the next business day of the licensee, either inform the
13 requesting licensee if its records demonstrate that the buyer
14 or transferee is prohibited from receipt or possession of a
15 firearm pursuant to Florida and Federal law or provide the
16 licensee with a unique approval number. Unless notified by the
17 end of said next business day that the buyer or transferee is
18 so prohibited, and without regard to whether the licensee ~~she~~
19 ~~or he~~ has received a unique approval number, the licensee,
20 seller, or transferor may complete the sale or transfer and
21 shall not be deemed in violation of this section with respect
22 to such sale or transfer.

23 (4)(a) Any records containing any of the information
24 set forth in subsection (1) pertaining to a buyer or
25 transferee who is not found to be prohibited from receipt or
26 transfer of a firearm by reason of Florida and federal law
27 which records are created by the Department of Law Enforcement
28 to conduct the criminal history record check shall be
29 confidential and exempt from the provisions of s. 119.07(1)
30 and may not be disclosed by the Department of Law Enforcement
31 or any officer or employee thereof to any person or to another

1 agency. The Department of Law Enforcement shall destroy any
2 such records forthwith after it communicates the approval and
3 nonapproval numbers to the licensee and, in any event, such
4 records shall be destroyed within 48 hours after the day of
5 the response to the licensee's request.

6 (b) Notwithstanding the provisions of this subsection,
7 the Department of Law Enforcement may maintain records of NCIC
8 transactions to the extent required by the Federal Government,
9 and may maintain a log of dates of requests for criminal
10 history records checks, unique approval and nonapproval
11 numbers, license identification numbers, and transaction
12 numbers corresponding to such dates for a period of not longer
13 than 2 years or as otherwise required by law.

14 (c) Nothing in this chapter shall be construed to
15 allow the State of Florida to maintain records containing the
16 names of purchasers or transferees who receive unique approval
17 numbers or to maintain records of firearm transactions.

18 (d) Any officer or employee, or former officer or
19 employee of the Department of Law Enforcement or law
20 enforcement agency who intentionally and maliciously violates
21 the provisions of this subsection commits a felony of the
22 third degree punishable as provided in s. 775.082 or s.
23 775.083.

24 (5) The Department of Law Enforcement shall establish
25 a toll-free telephone number which shall be operational 7 days
26 a week with the exception of Christmas Day and New Year's Day,
27 for a period of 12 hours a day beginning at 9 a.m. and ending
28 at 9 p.m., for purposes of responding to inquiries as
29 described in this section from licensed manufacturers,
30 licensed importers, and licensed dealers. The Department of
31 Law Enforcement shall employ and train such personnel as are

1 necessary expeditiously to administer the provisions of this
2 section.

3 (6) Any person who is denied the right to receive or
4 purchase a firearm as a result of the procedures established
5 by this section may request a criminal history records review
6 and correction in accordance with the rules promulgated by the
7 Department of Law Enforcement.

8 (7) It shall be unlawful for any licensed dealer,
9 licensed manufacturer, or licensed importer willfully and
10 intentionally to request criminal history record information
11 under false pretenses, or willfully and intentionally to
12 disseminate criminal history record information to any person
13 other than the subject of such information. Any person
14 convicted of a violation of this subsection commits a felony
15 of the third degree punishable as provided in s. 775.082 or s.
16 775.083.

17 (8) The Department of Law Enforcement shall promulgate
18 regulations to ensure the identity, confidentiality, and
19 security of all records and data provided pursuant to this
20 section.

21 (9) This section shall become effective at such time
22 as the Department of Law Enforcement has notified all licensed
23 importers, licensed manufacturers, and licensed dealers in
24 writing that the procedures and toll-free number described in
25 this section are operational. This section shall remain in
26 effect only during such times as the procedures described in
27 subsection (2) remain operational.

28 (10) A person ~~licensed importer, licensed~~
29 ~~manufacturer, or licensed dealer~~ is not required to comply
30 with the requirements of this section in the event of:
31

1 (a) Unavailability of telephone service at the
2 licensed premises due to the failure of the entity which
3 provides telephone service in the state, region, or other
4 geographical area in which the licensee is located to provide
5 telephone service to the premises of the licensee due to the
6 location of said premises; or the interruption of telephone
7 service by reason of hurricane, tornado, flood, natural
8 disaster, or other act of God, war, invasion, insurrection,
9 riot, or other bona fide emergency, or other reason beyond the
10 control of the licensee; or

11 (b) Failure of the Department of Law Enforcement to
12 comply with the requirements of subsections (2) and (3).

13 (11) Compliance with the provisions of this chapter
14 shall be a complete defense to any claim or cause of action
15 under the laws of any state for liability for damages arising
16 from the importation or manufacture, or the subsequent sale or
17 transfer to any person who has been convicted in any court of
18 a crime punishable by imprisonment for a term exceeding 1
19 year, of any firearm which has been shipped or transported in
20 interstate or foreign commerce. The Department of Law
21 Enforcement, its agents and employees shall not be liable for
22 any claim or cause of action under the laws of any state for
23 liability for damages arising from its actions in lawful
24 compliance with this section.

25 (12)(a) Any potential buyer or transferee who
26 willfully and knowingly provides false information or false or
27 fraudulent identification commits a felony of the third degree
28 punishable as provided in s. 775.082 or s. 775.083.

29 (b) Any person ~~licensed importer, licensed~~
30 ~~manufacturer, or licensed dealer~~ who violates the provisions

31

1 of subsection (1) commits a felony of the third degree
2 punishable as provided in s. 775.082 or s. 775.083.

3 (c) Any employee or agency of a person licensed
4 ~~importer, licensed manufacturer, or licensed dealer~~ who
5 violates the provisions of subsection (1) commits a felony of
6 the third degree punishable as provided in s. 775.082 or s.
7 775.083.

8 (d) Any person who knowingly acquires a firearm
9 through purchase or transfer intended for the use of a person
10 who is prohibited by state or federal law from possessing or
11 receiving a firearm commits a felony of the third degree,
12 punishable as provided in s. 775.082 or s. 775.083.

13 (13) This section does not apply to employees of
14 sheriff's offices, municipal police departments, correctional
15 facilities or agencies, or other criminal justice or
16 governmental agencies when the purchases or transfers are made
17 on behalf of an employing agency for official law enforcement
18 purposes.

19 ~~(14) This section is repealed effective June 1, 2000.~~

20 Section 3. Section 790.0651, Florida Statutes, is
21 created to read:

22 790.0651 Safety instruction required prior to sale and
23 delivery of firearms.--

24 (1) No person may sell or deliver any firearm to
25 another person, other than a licensed importer, licensed
26 manufacturer, licensed dealer, or licensed collector, when any
27 part of the transaction is conducted on property to which the
28 public has the right of access, until a licensed importer,
29 licensed manufacturer, or licensed dealer has verified that
30 the potential buyer or transferee has demonstrated competence
31 with a firearm by any of the following:

1 (a) Completion of any hunter education or hunter
2 safety course approved by the Fish and Wildlife Conservation
3 Commission or a similar agency of another state;
4 (b) Completion of any National Rifle Association
5 firearms safety or training course;
6 (c) Completion of any firearms safety or training
7 course or class available to the general public offered by a
8 law enforcement, junior college, college, or private or public
9 institution or organization or firearms training school,
10 utilizing instructors certified by the National Rifle
11 Association, Criminal Justice Standards and Training
12 Commission, or the Department of State;
13 (d) Completion of any law enforcement firearms safety
14 or training course or class offered for security guards,
15 investigators, special deputies, or any division or
16 subdivision of law enforcement or security enforcement;
17 (e) Presents evidence of equivalent experience with a
18 firearm through participation in organized shooting
19 competition or military service;
20 (f) Is licensed or has been licensed to carry a
21 firearm in this state or a county or municipality of this
22 state, unless such license has been revoked for cause; or
23 (g) Completion of any firearms training or safety
24 course or class conducted by a state-certified or National
25 Rifle Association certified firearms instructor;
26
27 A photocopy of a certificate of completion of any of the
28 courses or classes; or an affidavit from the instructor,
29 school, club, organization, or group that conducted or taught
30 said course or class attesting to the completion of the course
31 or class by the applicant; or a copy of any document which

1 shows completion of the course or class or evidences
2 participation in firearms competition shall constitute
3 evidence of qualification under this subsection; any person
4 who conducts a course pursuant to paragraph (b), paragraph
5 (c), or paragraph (g), or who, as an instructor, attests to
6 the completion of such courses, must maintain records
7 certifying that he or she observed the student safely handle
8 and discharge the firearm.

9 (2) This section does not apply if the person
10 purchasing or receiving delivery of the firearm is:

11 (a) A holder of a valid concealed weapons or firearms
12 license pursuant to the provisions of s. 790.06 or holds an
13 active certification from the Criminal Justice Standards and
14 Training Commission as a law enforcement officer, a
15 correctional officer, or a correctional probation officer, as
16 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), the
17 provisions of this subsection do not apply.

18 (b) An employee of a sheriff's office, municipal
19 police department, correctional facility or agency, or other
20 criminal justice or governmental agency when the purchase or
21 transfer is made on behalf of an employing agency for official
22 law enforcement purposes.

23 (3)(a) Any potential buyer or transferee who willfully
24 and knowingly provides false information or false or
25 fraudulent identification for the purpose of fulfilling the
26 requirements of subsection (1), or who falsifies any
27 certificate, document, or evidence of completion of any of the
28 requirements of subsection (1), commits a felony of the third
29 degree, punishable as provided in s. 775.082 or s. 775.083.

30 (b) Any instructor, employee, or agent of a school,
31 club, organization, or group that conducts or teaches a course

1 or class on hunter education or safety or firearms safety or
2 training who provides false information, false identification,
3 or any false or fraudulent representation for the purpose of
4 assisting another in fraudulently fulfilling the requirements
5 of subsection (1), or who falsifies any certificate, document,
6 or evidence of completion of or participation in such a course
7 or class, commits a felony of the third degree, punishable as
8 provided in s. 775.082, s. 775.083, or s. 775.084.

9 (c) Any person who violates the provisions of
10 subsection (1) commits a felony of the third degree,
11 punishable as provided in s. 775.082 or s. 775.083.

12 (d) Any employee or agency of a person who violates
13 the provisions of subsection (1) commits a felony of the third
14 degree, punishable as provided in s. 775.082 or s. 775.083.

15 (e) Any person who violates any provision of this
16 section for the purpose of knowingly acquiring a firearm
17 through purchase or transfer intended for the use of a person
18 who is prohibited by state or federal law from possessing or
19 receiving a firearm commits a felony of the third degree,
20 punishable as provided in s. 775.082 or s. 775.083.

21 Section 4. Section 790.0655, Florida Statutes, is
22 amended to read:

23 790.0655 Purchase and delivery of handguns; mandatory
24 waiting period; exceptions; penalties.--

25 (1)(a) There shall be a mandatory 3-day waiting
26 period, which shall be 3 days, excluding weekends and legal
27 holidays, between the purchase and the delivery ~~at retail~~ of
28 any handgun. "Purchase" means the transfer of money or other
29 valuable consideration when any part of the transaction is
30 conducted on property to which the public has the right of
31 access to the retailer. "Handgun" means a firearm capable of

1 being carried and used by one hand, such as a pistol or
2 revolver. "~~Retailer~~" ~~means and includes every person engaged~~
3 ~~in the business of making sales at retail or for distribution,~~
4 ~~or use, or consumption, or storage to be used or consumed in~~
5 ~~this state, as defined in s. 212.02(13).~~

6 (b) Records of handgun sales must be available for
7 inspection by any law enforcement agency, as defined in s.
8 934.02, during normal business hours.

9 (2) The 3-day waiting period shall not apply in the
10 following circumstances:

11 (a) When a handgun is being purchased by a holder of a
12 concealed weapons permit as defined in s. 790.06.

13 (b) To a trade-in of another handgun.

14 (3) It is a felony of the third degree, punishable as
15 provided in s. 775.082, s. 775.083, or s. 775.084:

16 (a) For any person ~~retailer~~, or any employee or agent
17 of a person ~~retailer~~, to deliver a handgun before the
18 expiration of the 3-day waiting period, subject to the
19 exceptions provided in subsection (2).

20 (b) For a purchaser to obtain delivery of a handgun by
21 fraud, false pretense, or false representation.

22 Section 5. Section 790.174, Florida Statutes, is
23 amended to read:

24 790.174 Safe storage of firearms required.--

25 (1) A person who stores or leaves, on a premise under
26 his or her control, a loaded firearm, as defined in s.
27 790.001, and who knows or reasonably should know that a minor
28 is likely to gain access to the firearm without the lawful
29 permission of the minor's parent or the person having charge
30 of the minor, or without the supervision required by law,
31 shall keep the firearm in a securely locked box or container

1 or in a location which a reasonable person would believe to be
2 secure or shall secure it with a trigger locking device ~~lock~~,
3 except when the person is carrying the firearm on his or her
4 body or within such close proximity thereto that he or she can
5 retrieve and use it as easily and quickly as if he or she
6 carried it on his or her body. However, if the person stores
7 or leaves the firearm on any premises where the person knows
8 or reasonably should know that a minor is temporarily or
9 permanently residing, the person must in all cases secure the
10 firearm with an activated trigger locking device, in addition
11 to keeping the firearm in a secure location, except when the
12 person is carrying the firearm on his or her body or within
13 such close proximity thereto that he or she can retrieve it
14 and use it as easily and quickly as if he or she carried it on
15 his or her body.

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

24 (a) In a public place; or

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

27
28 This subsection does not apply if the minor obtains the
29 firearm as a result of an unlawful entry by any person.

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

1 Section 6. Section 784.05, Florida Statutes, is
2 amended to read:

3 784.05 Culpable negligence.--

4 (1) Whoever, through culpable negligence, exposes
5 another person to personal injury commits a misdemeanor of the
6 second degree, punishable as provided in s. 775.082 or s.
7 775.083.

8 (2) Whoever, through culpable negligence, inflicts
9 actual personal injury on another commits a misdemeanor of the
10 first degree, punishable as provided in s. 775.082 or s.
11 775.083.

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

19 (a) If the firearm was stored or left in a securely
20 locked box or container or in a location which a reasonable
21 person would have believed to be secure, or was securely
22 locked with a trigger locking device ~~lock~~;

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

25 (c) To injuries resulting from target or sport
26 shooting accidents or hunting accidents; or

27 (d) To members of the Armed Forces, National Guard, or
28 State Militia, or to police or other law enforcement officers,
29 with respect to firearm possession by a minor which occurs
30 during or incidental to the performance of their official
31 duties.

1
2 When any minor child is accidentally shot by another family
3 member, no arrest shall be made pursuant to this subsection
4 prior to 7 days after the date of the shooting. With respect
5 to any parent or guardian of any deceased minor, the
6 investigating officers shall file all findings and evidence
7 with the state attorney's office with respect to violations of
8 this subsection. The state attorney shall evaluate such
9 evidence and shall take such action as he or she deems
10 appropriate under the circumstances and may file an
11 information against the appropriate parties.

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

14 Section 7. Subsection (2) of section 790.115, Florida
15 Statutes, is amended to read:

16 790.115 Possessing or discharging weapons or firearms
17 at a school-sponsored event or on school property prohibited;
18 penalties; exceptions.--

19 (2)(a) A person shall not possess any firearm,
20 electric weapon or device, destructive device, or other
21 weapon, including a razor blade, box cutter, or knife, except
22 as authorized in support of school-sanctioned activities, at a
23 school-sponsored event or on the property of any school,
24 school bus, or school bus stop; however, a person may carry a
25 firearm:

26 1. In a case to a firearms program, class or function
27 which has been approved in advance by the principal or chief
28 administrative officer of the school as a program or class to
29 which firearms could be carried;

30 2. In a case to a vocational school having a firearms
31 training range; or

1 3. In a vehicle pursuant to s. 790.25(5); except that
2 school districts may adopt written and published policies that
3 waive the exception in this subparagraph for purposes of
4 student and campus parking privileges.

5
6 For the purposes of this section, "school" means any
7 preschool, elementary school, middle school, junior high
8 school, secondary school, vocational school, or postsecondary
9 school, whether public or nonpublic.

10 (b) A person who willfully and knowingly possesses any
11 electric weapon or device, destructive device, or other
12 weapon, including a razor blade, box cutter, or knife, except
13 as authorized in support of school-sanctioned activities, in
14 violation of this subsection commits a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084.

17 (c)1. A person who willfully and knowingly possesses
18 any firearm in violation of this subsection commits a felony
19 of the third degree, punishable as provided in s. 775.082, s.
20 775.083, or s. 775.084.

21 2. A person who stores or leaves a loaded firearm
22 within the reach or easy access of a minor who obtains the
23 firearm and commits a violation of subparagraph 1. commits a
24 misdemeanor of the second degree, punishable as provided in s.
25 775.082 or s. 775.083; except that this does not apply if the
26 firearm was stored or left in a securely locked box or
27 container or in a location which a reasonable person would
28 have believed to be secure, or was securely locked with a
29 firearm-mounted push-button combination lock or a trigger
30 locking device ~~lock~~; if the minor obtains the firearm as a
31 result of an unlawful entry by any person; or to members of

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

5 (d) A person who discharges any weapon or firearm
6 while in violation of paragraph (a), unless discharged for
7 lawful defense of himself or herself or another or for a
8 lawful purpose, commits a felony of the second degree,
9 punishable as provided in s. 775.082, s. 775.083, or s.
10 775.084.

11 (e) The penalties of this subsection shall not apply
12 to persons licensed under s. 790.06. Persons licensed under
13 s. 790.06 shall be punished as provided in s. 790.06(12),
14 except that a licenseholder who unlawfully discharges a weapon
15 or firearm on school property as prohibited by this subsection
16 commits a felony of the second degree, punishable as provided
17 in s. 775.082, s. 775.083, or s. 775.084.

18 Section 8. Section 274.05, Florida Statutes, is
19 amended to read:

20 274.05 Surplus property.--A governmental unit shall
21 have discretion to classify as surplus any of its property,
22 which property is not otherwise lawfully disposed of, that is
23 obsolete or the continued use of which is uneconomical or
24 inefficient, or which serves no useful function. Within the
25 reasonable exercise of its discretion and having consideration
26 for the best interests of the county or district, the value
27 and condition of property classified as surplus, and the
28 probability of such property's being desired by the
29 prospective bidder or donee to whom offered, the governmental
30 unit may offer surplus property to other governmental units in
31 the county or district for sale or donation or may offer the

1 property to private nonprofit agencies as defined in s.
2 273.01(3) by sale or donation. If the surplus property is
3 offered for sale and no acceptable bid is received within a
4 reasonable time, the governmental unit shall offer such
5 property to such other governmental units or private nonprofit
6 agencies as determined by the governmental units on the basis
7 of the foregoing criteria. Such offer shall disclose the value
8 and condition of the property. The best bid shall be accepted
9 by the governmental unit offering such surplus property. The
10 cost of transferring the property shall be paid by the
11 governmental unit or the private nonprofit agency purchasing
12 or receiving the donation of the surplus property.
13 Notwithstanding any other provision of this section, a
14 governmental unit shall have discretion to destroy any firearm
15 that is obsolete, the continued use of which is uneconomical
16 or inefficient, or which serves no useful function to the
17 governmental unit.

18 Section 9. This act shall take effect October 1, 2000.
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HOUSE SUMMARY

With respect to weapons and firearms, defines "childproof handgun" and "trigger locking device." Revises provisions with respect to the sale and delivery of firearms to provide that no person may sell or deliver any firearm to another person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector when any part of the transaction is conducted on property to which the public has a right of access until specified requirements have been fulfilled. Requires any person, other than a licensed importer, licensed manufacturer, or licensed dealer, who sells a firearm to request a licensed importer, licensed manufacturer, or licensed dealer to fulfill specified requirements prior to the completion of the sale of any firearm. Authorizes licensed importers, licensed manufacturers, and licensed dealers to charge a fee for such services.

Requires any handgun sold or delivered in the state prior to July 1, 2002, to be accompanied by a trigger locking device. Provides an exception. Prohibits the sale or delivery of any handgun in this state on or after July 1, 2002, other than a childproof handgun.

Eliminates the repeal of s. 790.065, F.S., scheduled for June 1, 2000.

Requires potential buyers or transferees of firearms to demonstrate competence with a firearm prior to completion of sale or delivery. Specifies methods of instruction which satisfy the requirement. Provides exceptions. Provides penalties.

Conforms provisions relating to the mandatory 3-day waiting period between the purchase and delivery of any handgun to the amendments to s. 790.065, F.S., by the act. Provides penalties.

Requires any person who stores or leaves a firearm on a premises where a minor is permanently or temporarily residing to secure the firearm with a trigger locking device and keep the firearm in a secure location. Provides an exception.

Authorizes governmental units to destroy obsolete firearms.