

By Representative Smith

1                                   A bill to be entitled  
2           An act relating to firearms; amending s.  
3           790.174, F.S.; requiring that, if a minor is  
4           likely to gain access to a firearm, the firearm  
5           must be stored in a locked box or container in  
6           a location that is secure and must be secured  
7           with a trigger lock; providing penalties for  
8           failure to store or leave the firearm in the  
9           required manner, under specified circumstances;  
10          providing an effective date.

11

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

13

14           Section 1. Section 790.174, Florida Statutes, is  
15 amended to read:

16           790.174 Safe storage of firearms required.--

17           (1) A person who stores or leaves, on a premise under  
18 his or her control, a loaded firearm, as defined in s.  
19 790.001, and who knows or reasonably should know that a minor  
20 is likely to gain access to the firearm without the lawful  
21 permission of the minor's parent or the person having charge  
22 of the minor, or without the supervision required by law,  
23 shall keep the firearm in a securely locked box or container  
24 and ~~or~~ in a location that ~~which~~ a reasonable person would  
25 believe to be secure and ~~or~~ shall secure it with a trigger  
26 lock, except when the person is carrying the firearm on his or  
27 her body or within such close proximity thereto that he or she  
28 can retrieve and use it as easily and quickly as if he or she  
29 carried it on his or her body.

30           (2) It is a misdemeanor of the second degree,  
31 punishable as provided in s. 775.082 or s. 775.083, if a

1 person violates subsection (1) by failing to store or leave a  
2 firearm in the required manner and as a result thereof a minor  
3 gains access to the firearm, without the lawful permission of  
4 the minor's parent or the person having charge of the minor,  
5 and possesses or exhibits it, without the supervision required  
6 by law:

7 (a) In a public place; or

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

10

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

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

15 Section 2. This act shall take effect October 1, 2002.

16

17 \*\*\*\*\*

18

SENATE SUMMARY

19 Provides that it is a second-degree misdemeanor to fail  
20 to store a firearm that is accessible to a minor in a  
21 locked box or container in a location that is secure and  
22 to also secure the firearm with a trigger lock.

22

23

24

25

26

27

28

29

30

31