

By Senator Holzendorf

2-23-02

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.

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

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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.

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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.

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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.

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