

By Senator Farmer

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1 A bill to be entitled
 2 An act relating to the safe storage of loaded
 3 firearms; amending s. 790.174, F.S.; making technical
 4 changes; revising the locations and circumstances in
 5 which a loaded firearm is required to be kept or
 6 secured with a trigger lock; deleting provisions
 7 relating to conditions for committing the crime of
 8 failing to safely store, leave, or secure a loaded
 9 firearm in a specified manner; reenacting s.
 10 409.175(5)(f), F.S., relating to rules of the
 11 Department of Children and Families requiring the
 12 adoption of a form used by child-placing agencies;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 790.174, Florida Statutes, is amended to
 18 read:

19 790.174 Safe storage of firearms required.—

20 (1) As used in this section, the term "minor" means a
 21 person younger than 16 years of age.

22 (2)~~(1)~~ A person who stores or leaves, on a premise under
 23 his or her control, a loaded firearm, as defined in s. 790.001,
 24 and who knows or reasonably should know that a minor is likely
 25 to gain access to the firearm without the lawful permission of
 26 the minor's parent or the person having charge of the minor, or
 27 without the supervision required by law, shall keep the firearm
 28 in a securely locked box or container ~~or in a location which a~~
 29 ~~reasonable person would believe to be secure~~ or shall secure it
 30 with a trigger lock, ~~except when the person is carrying the~~
 31 ~~firearm on his or her body or within such close proximity~~
 32 ~~thereto that he or she can retrieve and use it as easily and~~

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33 ~~quickly as if he or she carried it on his or her body.~~

34 ~~(3)(2) It is~~ A person who violates subsection (2) commits a
35 misdemeanor of the second degree, punishable as provided in s.
36 775.082 or s. 775.083, ~~if a person violates subsection (1) by~~
37 ~~failing to store or leave a firearm in the required manner and~~
38 ~~as a result thereof a minor gains access to the firearm, without~~
39 ~~the lawful permission of the minor's parent or the person having~~
40 ~~charge of the minor, and possesses or exhibits it, without the~~
41 ~~supervision required by law:~~

42 ~~(a) In a public place; or~~

43 ~~(b) In a rude, careless, angry, or threatening manner in~~
44 ~~violation of s. 790.10.~~

45
46 ~~This subsection does not apply if the minor obtains the firearm~~
47 ~~as a result of an unlawful entry by any person.~~

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

50 Section 2. For the purpose of incorporating the amendment
51 made by this act to section 790.174, Florida Statutes, in a
52 reference thereto, paragraph (f) of subsection (5) of section
53 409.175, Florida Statutes, is reenacted to read:

54 409.175 Licensure of family foster homes, residential
55 child-caring agencies, and child-placing agencies; public
56 records exemption.—

57 (5)

58 (f) The department's rules shall include adoption of a form
59 to be used by child-placing agencies during an adoption home
60 study that requires all prospective adoptive applicants to
61 acknowledge in writing the receipt of a document containing

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62 solely and exclusively the language provided for in s. 790.174
63 verbatim.

64 Section 3. This act shall take effect October 1, 2017.