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LEGISLATIVE ACTION

Senate

House

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Floor: 1a/F/2R

03/03/2018 01:06 PM

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Senator Rodriguez moved the following:

1           **Senate Amendment to Amendment (234288) (with title**  
2 **amendment)**

3  
4           Between lines 423 and 424

5 insert:

6           Section 12. Section 790.174, Florida Statutes, is amended  
7 to read:

8           790.174 Safe storage of firearms required.-

9           (1) As used in this section, the term "minor" means a  
10 person younger than 18 years of age.

11           (2)~~(1)~~ A person who stores or leaves, on a premise under



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

23 ~~(3)(2) It is~~ A person who violates subsection (2) commits a  
24 misdemeanor of the second degree, punishable as provided in s.  
25 775.082 or s. 775.083, ~~if a person violates subsection (1) by~~  
26 ~~failing to store or leave a firearm in the required manner and~~  
27 ~~as a result thereof a minor gains access to the firearm, without~~  
28 ~~the lawful permission of the minor's parent or the person having~~  
29 ~~charge of the minor, and possesses or exhibits it, without the~~  
30 ~~supervision required by law:~~

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

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

34  
35 ~~This subsection does not apply if the minor obtains the firearm~~  
36 ~~as a result of an unlawful entry by any person.~~

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

39 Section 13. For the purpose of incorporating the amendment  
40 made by this act to section 790.174, Florida Statutes, in a



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41 reference thereto, paragraph (f) of subsection (5) of section  
42 409.175, Florida Statutes, is reenacted to read:

43 409.175 Licensure of family foster homes, residential  
44 child-caring agencies, and child-placing agencies; public  
45 records exemption.-

46 (5)

47 (f) The department's rules shall include adoption of a form  
48 to be used by child-placing agencies during an adoption home  
49 study that requires all prospective adoptive applicants to  
50 acknowledge in writing the receipt of a document containing  
51 solely and exclusively the language provided for in s. 790.174  
52 verbatim.

53

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

55 And the title is amended as follows:

56 Between lines 2448 and 2449

57 insert:

58 amending s. 790.174, F.S.; redefining the term  
59 "minor"; requiring that, in specified circumstances, a  
60 loaded firearm be kept in a securely locked box or  
61 container or be secured with a trigger lock; deleting  
62 conditions that pertain to the crime of failing to  
63 safely store, leave, or secure a loaded firearm in a  
64 specified manner; reenacting s. 409.175(5) (f), F.S.,  
65 relating to certain rules of the Department of  
66 Children and Families, to incorporate the amendment  
67 made to s. 790.174, F.S., in a reference thereto;