

1 A bill to be entitled
 2 An act relating to the sale, transfer, or storage of
 3 firearms; amending s. 790.174, F.S.; revising
 4 requirements for the storage of firearms; providing
 5 criminal penalties if a person other than the owner
 6 accesses a stored firearm and uses it in specified
 7 ways; amending s. 790.175, F.S.; conforming provisions
 8 to changes made by the act; requiring a seller or
 9 transferor of a firearm to provide specified
 10 information; providing an exception; providing
 11 criminal penalties; providing immunity for certain
 12 providers of information; amending ss. 784.05 and
 13 790.115, F.S.; conforming provisions to changes made
 14 by the act; reenacting s. 409.175(5)(g), F.S.,
 15 relating to licensure of family foster homes,
 16 residential child-caring agencies, and child-placing
 17 agencies, to incorporate the amendments made by the
 18 act; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 790.174, Florida Statutes, is amended
 23 to read:

24 790.174 Safe storage of firearms required.—

25 (1) A person who stores or leaves, on a premise under his

26 | or her control, a ~~loaded~~ firearm, as defined in s. 790.001, and
 27 | ~~who knows or reasonably should know that a minor is likely to~~
 28 | ~~gain access to the firearm without the lawful permission of the~~
 29 | ~~minor's parent or the person having charge of the minor, or~~
 30 | ~~without the supervision required by law,~~ shall keep the firearm
 31 | in a securely locked box or container ~~or in a location which a~~
 32 | ~~reasonable person would believe to be secure~~ or shall secure it
 33 | with a firearm locking mechanism ~~trigger lock~~, except when the
 34 | person is carrying the firearm on his or her body or within such
 35 | close proximity thereto that he or she can retrieve and use it
 36 | as easily and quickly as if he or she carried it on his or her
 37 | body.

38 | (2) It is a misdemeanor of the second degree, punishable
 39 | as provided in s. 775.082 or s. 775.083, if a person violates
 40 | subsection (1) by failing to store or leave a firearm in the
 41 | required manner and as a result thereof another person ~~a minor~~
 42 | gains access to the firearm, without the lawful permission of
 43 | the owner of the firearm ~~the minor's parent or the person having~~
 44 | ~~charge of the minor,~~ and possesses or exhibits it, ~~without the~~
 45 | ~~supervision required by law:~~

- 46 | (a) In a public place; ~~or~~
- 47 | (b) In a rude, careless, angry, or threatening manner in
 48 | violation of s. 790.10;
- 49 | (c) During the commission of any violation of law; or
- 50 | (d) When great bodily harm or injury occurs, unless the

51 bodily harm or injury is a result of the firearm's use for
52 lawful self-defense or defense of another person.

53
54 ~~This subsection does not apply if the minor obtains the firearm~~
55 ~~as a result of an unlawful entry by any person.~~

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

58 Section 2. Subsection (3) of section 790.175, Florida
59 Statutes, is renumbered as subsection (4) and amended, and a new
60 subsection (3) is added to that section, and subsections (1) and
61 (2) of that section are amended, to read:

62 790.175 Transfer or sale of firearms; required warnings
63 and information; penalties.-

64 (1) Upon the retail commercial sale or retail transfer of
65 any firearm, the seller or transferor shall deliver a written
66 warning to the purchaser or transferee, which warning states, in
67 block letters not less than 1/4 inch in height:

68 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, ~~FOR~~
69 ~~ANY ADULT TO STORE OR LEAVE A FIREARM IN AN UNSAFE MANNER ANY~~
70 ~~PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS~~
71 ~~OF AGE~~ OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR
72 POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

73 (2) Any retail or wholesale store, shop, or sales outlet
74 which sells firearms must conspicuously post at each purchase
75 counter the following warning in block letters not less than 1

76 | inch in height:

77 | "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN AN UNSAFE MANNER
 78 | ~~ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18~~
 79 | ~~YEARS OF AGE~~ OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER
 80 | OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF
 81 | UNSOUND MIND."

82 | (3) (a) At the retail commercial sale or retail transfer of
 83 | any firearm, the seller or transferor shall:

84 | 1. Provide each purchaser or transferee with a basic
 85 | firearm safety brochure. Such brochure must be produced by a
 86 | national nonprofit membership organization that provides a
 87 | comprehensive voluntary safety program, including the training
 88 | of people in the safe handling and use of firearms, or by
 89 | another comparable nonprofit organization, and must contain the
 90 | following information relating to firearms:

91 | a. Rules for safe handling, storage, and use of firearms.

92 | b. Nomenclature and descriptions of various types of
 93 | firearms.

94 | c. Responsibilities of firearm ownership.

95 | d. The following information developed by the Department
 96 | of Law Enforcement:

97 | (I) A list of locations at which handguns are prohibited.

98 | (II) Information concerning the use of handguns for self-
 99 | defense.

100 | 2. Offer to demonstrate to the purchaser the use of a

101 firearm locking mechanism.

102 3. Post in a conspicuous place information relating to the
103 availability of known local voluntary firearm safety programs.

104 (b) The brochure required by paragraph (a) need not be
105 supplied by the firearm dealer if the firearm manufacturer
106 provides a basic firearm safety brochure with the firearm.

107 (c) The dealer may collect a charge for the brochure,
108 which may not be greater than the dealer's cost to obtain the
109 brochure.

110 (d) Organizations that produce basic firearm safety
111 brochures for distribution to firearm dealers for subsequent
112 distribution to purchasers of firearms under this section and
113 firearm dealers are not liable for injuries resulting from the
114 accidental discharge of nondefective firearms purchased from any
115 dealer.

116 (4)~~(3)~~ Any person or business knowingly violating a
117 requirement to provide a warning as required by ~~under~~ this
118 section or failing to comply with subsection (3) commits a
119 misdemeanor of the second degree, punishable as provided in s.
120 775.082 or s. 775.083.

121 Section 3. Paragraph (a) of subsection (3) of section
122 784.05, Florida Statutes, is amended to read:

123 784.05 Culpable negligence.—

124 (3) Whoever violates subsection (1) by storing or leaving
125 a loaded firearm within the reach or easy access of a minor

126 | commits, if the minor obtains the firearm and uses it to inflict
 127 | injury or death upon himself or herself or any other person, a
 128 | felony of the third degree, punishable as provided in s.
 129 | 775.082, s. 775.083, or s. 775.084. However, this subsection
 130 | does not apply:

131 | (a) If the firearm was stored or left in a securely locked
 132 | box or container or in a location which a reasonable person
 133 | would have believed to be secure, or was securely locked with a
 134 | firearm locking mechanism ~~trigger lock~~;

135 |
 136 | When any minor child is accidentally shot by another family
 137 | member, no arrest shall be made pursuant to this subsection
 138 | prior to 7 days after the date of the shooting. With respect to
 139 | any parent or guardian of any deceased minor, the investigating
 140 | officers shall file all findings and evidence with the state
 141 | attorney's office with respect to violations of this subsection.
 142 | The state attorney shall evaluate such evidence and shall take
 143 | such action as he or she deems appropriate under the
 144 | circumstances and may file an information against the
 145 | appropriate parties.

146 | Section 4. Paragraph (c) of subsection (2) of section
 147 | 790.115, Florida Statutes, is amended to read:

148 | 790.115 Possessing or discharging weapons or firearms at a
 149 | school-sponsored event or on school property prohibited;
 150 | penalties; exceptions.-

151 (2)

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

156 2. A person who stores or leaves a loaded firearm within
 157 the reach or easy access of a minor who obtains the firearm and
 158 commits a violation of subparagraph 1. commits a misdemeanor of
 159 the second degree, punishable as provided in s. 775.082 or s.
 160 775.083; except that this does not apply if the firearm was
 161 stored or left in a securely locked box or container or in a
 162 location which a reasonable person would have believed to be
 163 secure, or was securely locked with a firearm-mounted push-
 164 button combination lock or a firearm locking mechanism ~~trigger~~
 165 ~~lock~~; if the minor obtains the firearm as a result of an
 166 unlawful entry by any person; or to members of the Armed Forces,
 167 National Guard, or State Militia, or to police or other law
 168 enforcement officers, with respect to firearm possession by a
 169 minor which occurs during or incidental to the performance of
 170 their official duties.

171 Section 5. For the purpose of incorporating the amendment
 172 made by this act to section 790.174, Florida Statutes, in a
 173 reference thereto, paragraph (g) of subsection (5) of section
 174 409.175, Florida Statutes, is reenacted to read:

175 409.175 Licensure of family foster homes, residential

176 child-caring agencies, and child-placing agencies; public
177 records exemption.—

178 (5) The department shall adopt and amend rules for the
179 levels of licensed care associated with the licensure of family
180 foster homes, residential child-caring agencies, and child-
181 placing agencies. The rules may include criteria to approve
182 waivers to licensing requirements when applying for a child-
183 specific license.

184 (g) The department's rules shall include adoption of a
185 form to be used by child-placing agencies during an adoption
186 home study that requires all prospective adoptive applicants to
187 acknowledge in writing the receipt of a document containing
188 solely and exclusively the language provided for in s. 790.174
189 verbatim.

190 Section 6. This act shall take effect October 1, 2019.