

By Senator Farmer

34-00609A-21

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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 or cable lock; deleting  
7           conditions that pertain to the crime of failing to  
8           safely store, leave, or secure a loaded firearm in a  
9           specified manner; reenacting s. 409.175(5)(g), F.S.,  
10          relating to rules of the Department of Children and  
11          Families requiring the adoption of a form used by  
12          child-placing agencies, to incorporate the amendment  
13          made to s. 790.174, F.S., in a reference thereto;  
14          providing an effective date.

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

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

20           790.174 Safe storage of firearms required.—

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

23           (2)~~(1)~~ A person who stores or leaves, on a premise under  
24           his or her control, a loaded firearm, as defined in s. 790.001,  
25           and who knows or reasonably should know that a minor is likely  
26           to gain access to the firearm without the lawful permission of  
27           the minor's parent or the person having charge of the minor, or  
28           without the supervision required by law, shall keep the firearm  
29           in a securely locked box or container ~~or in a location which a~~

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30 ~~reasonable person would believe to be secure or shall secure it~~  
31 ~~with a trigger lock or cable lock, except when the person is~~  
32 ~~carrying the firearm on his or her body or within such close~~  
33 ~~proximity thereto that he or she can retrieve and use it as~~  
34 ~~easily and quickly as if he or she carried it on his or her~~  
35 ~~body.~~

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

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

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

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

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

52 Section 2. For the purpose of incorporating the amendment  
53 made by this act to section 790.174, Florida Statutes, in a  
54 reference thereto, paragraph (g) of subsection (5) of section  
55 409.175, Florida Statutes, is reenacted to read:

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

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59           (5) The department shall adopt and amend rules for the  
60 levels of licensed care associated with the licensure of family  
61 foster homes, residential child-caring agencies, and child-  
62 placing agencies. The rules may include criteria to approve  
63 waivers to licensing requirements when applying for a child-  
64 specific license.

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

71           Section 3. This act shall take effect July 1, 2021.