

By Senator Farmer

34-00130A-22

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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.; revising
4 requirements for the storage or leaving of a loaded
5 firearm by a person on a premise under his or her
6 control under certain circumstances involving a minor;
7 revising the circumstances under which such person
8 commits a specified violation; making technical
9 changes; reenacting s. 409.175(5)(g), F.S., relating
10 to rules of the Department of Children and Families
11 requiring the adoption of a form used by child-placing
12 agencies, to incorporate the amendment made to s.
13 790.174, F.S., in a reference thereto; providing an
14 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, except when the person is carrying the~~
32 ~~firearm on his or her body or within such close proximity~~
33 ~~thereto that he or she can retrieve and use it as easily and~~
34 ~~quickly as if he or she carried it on his or her body.~~

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

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

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

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

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

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

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

58 (5) The department shall adopt and amend rules for the

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

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

70 Section 3. This act shall take effect July 1, 2022.