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LEGISLATIVE ACTION

Senate

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House

Senator Stewart moved the following:

Senate Amendment (with title amendment)

Between lines 960 and 961

insert:

Section 14. Section 790.174, Florida Statutes, is amended
to read:

790.174 Safe storage of firearms required.-

(1) A person who stores or leaves, on a premise or in a conveyance under his or her control, a loaded firearm, as defined in s. 790.001, or an unloaded firearm within close proximity of ammunition, and who knows or reasonably should know



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

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

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

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

33

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

36 (3) It is a felony of the third degree, punishable as
37 provided in s. 775.082, s. 775.083, or s. 775.084, if a person
38 violates subsection (2) by failing to store or leave a firearm
39 in the required manner and a minor gains access to the firearm
40 without the lawful permission of the minor's parent or the



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41 person having charge of the minor, and the minor:

42 (a) Discharges such firearm, not in self-defense, and
43 causes bodily harm to himself or herself or another person; or

44 (b) Gives the firearm to another person who discharges the
45 firearm, not in self-defense, and causes bodily harm to any
46 person.

47 (4) (a) A person who unsafely stores or leaves, in a
48 conveyance, a firearm in such a manner that he or she knows or
49 reasonably should know exposes the firearm to a heightened
50 likelihood of theft commits a misdemeanor of the second degree,
51 punishable as provided in s. 775.082 or s. 775.083.

52 (b) There is a presumption of safe storage that does not
53 expose the firearm to heightened likelihood of theft under the
54 following circumstances:

55 1. The firearm is stored in a lockbox or locked safe or has
56 a trigger lock engaged.

57 2. The firearm is stored in a locked conveyance, and, if
58 the firearm is a handgun, the firearm is outside of the plain
59 view of a person outside of the conveyance.

60 3. The firearm is on the person or under the immediate
61 control of the person lawfully allowed to possess the firearm.

62 (5) As used in this section act, the term "minor" means any
63 person under the age of 16.

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Between lines 57 and 58

68 insert:

69 790.174, F.S.; revising provisions related to the



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70 requirements for the safe storage of firearms;
71 increasing the criminal penalties related to the safe
72 storage provisions; providing criminal penalties for
73 the failure to store or leave firearms in the required
74 manner under specified circumstances; providing
75 criminal penalties for the unsafe storing or leaving
76 of a firearm in a conveyance under specified
77 circumstances; providing for a presumption of safe
78 storage under certain circumstances; amending s.