

By Senator Stewart

17-00393-24

20241390__

1 A bill to be entitled
2 An act relating to safe storage of firearms; amending
3 s. 790.174, F.S.; revising provisions related to the
4 requirements for the safe storage of firearms;
5 increasing the criminal penalties related to such safe
6 storage provisions; providing criminal penalties for
7 the failure to store or leave firearms in the required
8 manner under specified circumstances; providing
9 criminal penalties for the unsafe storing or leaving
10 of a firearm in a conveyance under specified
11 circumstances; providing for a presumption of safe
12 storage under certain circumstances; reenacting s.
13 409.175(5)(g), F.S., relating to the required adoption
14 of a specified form by a Department of Children and
15 Families rule, to incorporate the amendment made to s.
16 790.174, F.S., in a reference thereto; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 790.174, Florida Statutes, is amended to
22 read:

23 790.174 Safe storage of firearms required.—

24 (1) A person who stores or leaves, on a premise or in a
25 conveyance under his or her control, a loaded firearm, as
26 defined in s. 790.001, or an unloaded firearm within close
27 proximity of ammunition, and who knows or reasonably should know
28 that a minor is likely to gain access to the firearm without the
29 lawful permission of the minor's parent or the person having

17-00393-24

20241390__

30 charge of the minor, or without the supervision required by law,
31 must ~~shall~~ keep the firearm in a securely locked box or
32 container or in a location which a reasonable person would
33 believe to be secure or must ~~shall~~ secure it with a trigger
34 lock, except when the person is carrying the firearm on his or
35 her body or within such close proximity thereto that he or she
36 can retrieve and use it as easily and quickly as if he or she
37 carried it on his or her body.

38 (2) It is a misdemeanor of the first ~~second~~ degree,
39 punishable as provided in s. 775.082 or s. 775.083, if a person
40 violates subsection (1) by failing to store or leave a firearm
41 in the required manner and as a result thereof a minor gains
42 access to the firearm, without the lawful permission of the
43 minor's parent or the person having charge of the minor, ~~and~~
44 ~~possesses or exhibits it, without the supervision required by~~
45 ~~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
50 ~~This subsection does not apply if the minor obtains the firearm~~
51 ~~as a result of an unlawful entry by any person.~~

52 (3) It is a felony of the third degree, punishable as
53 provided in s. 775.082, s. 775.083, or s. 775.084, if a person
54 violates subsection (2) by failing to store or leave a firearm
55 in the required manner and a minor gains access to the firearm
56 without the lawful permission of the minor's parent or the
57 person having charge of the minor, and the minor:

58 (a) Discharges such firearm, not in self-defense, and

17-00393-24

20241390__

59 causes bodily harm to himself or herself or another person; or

60 (b) Gives the firearm to another person who discharges the
61 firearm, not in self-defense, and causes bodily harm to any
62 person.

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

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

71 1. The firearm is stored in a lockbox or locked safe or has
72 a trigger lock engaged;

73 2. The firearm is stored in a locked conveyance, and, if
74 the firearm is a handgun, the firearm is outside of the plain
75 view of a person outside of the conveyance; or

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

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

80 Section 2. For the purpose of incorporating the amendment
81 made by this act to section 790.174, Florida Statutes, in a
82 reference thereto, paragraph (g) of subsection (5) of section
83 409.175, Florida Statutes, is reenacted to read:

84 409.175 Licensure of family foster homes, residential
85 child-caring agencies, and child-placing agencies; public
86 records exemption.—

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

17-00393-24

20241390__

88 levels of licensed care associated with the licensure of family
89 foster homes, residential child-caring agencies, and child-
90 placing agencies. The rules may include criteria to approve
91 waivers to licensing requirements when applying for a child-
92 specific license.

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

99 Section 3. This act shall take effect July 1, 2024.