

By Senator Polsky

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1 A bill to be entitled
2 An act relating to the sale, transfer, and storage of
3 firearms; amending s. 784.05, F.S.; revising the
4 standard by which adults and minors are considered
5 criminally negligent in the storage of a firearm under
6 specified circumstances; providing criminal penalties;
7 revising the definition of the term "minor";
8 conforming provisions to changes made by the act;
9 amending s. 790.115, F.S.; revising an exception to
10 the prohibition on storing or leaving a loaded firearm
11 within the reach or easy access of a minor who obtains
12 it and commits a specified violation; conforming a
13 provision to changes made by the act; amending s.
14 790.174, F.S.; revising the definition of the term
15 "minor"; revising requirements for the safe storage of
16 loaded firearms; providing criminal penalties if a
17 person is found to have failed to properly secure or
18 store a firearm, resulting in a minor gaining access
19 to the weapon; amending s. 790.175, F.S.; conforming
20 provisions to changes made by the act; requiring the
21 seller or transferor of a firearm to provide each
22 purchaser or transferee with specified information;
23 providing an exception; authorizing a firearm dealer
24 to charge a certain fee; providing immunity for
25 certain providers of information; providing criminal
26 penalties; making technical changes; amending s.
27 921.0022, F.S.; conforming a cross-reference and a
28 provision to changes made by the act; reenacting s.
29 409.175(5)(g), F.S., relating to rules of the

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30 Department of Children and Families requiring the
31 adoption of a form used by child-placing agencies, to
32 incorporate the amendment made to s. 790.174, F.S., in
33 a reference thereto; providing an effective date.
34

35 Be It Enacted by the Legislature of the State of Florida:
36

37 Section 1. Section 784.05, Florida Statutes, is amended to
38 read:

39 784.05 Culpable negligence.—

40 (1) Whoever, through culpable negligence, exposes another
41 person to personal injury commits a misdemeanor of the second
42 degree, punishable as provided in s. 775.082 or s. 775.083.

43 (2) Whoever, through culpable negligence, inflicts actual
44 personal injury on another commits a misdemeanor of the first
45 degree, punishable as provided in s. 775.082 or s. 775.083.

46 (3) (a) Except as provided in paragraph (b):

47 1. An adult who stores or leaves ~~Whoever violates~~
48 ~~subsection (1) by storing or leaving~~ a loaded firearm within the
49 reach or easy access of a minor ~~commits~~, if the minor obtains
50 the firearm and uses it to inflict injury or death upon himself
51 or herself or any other person, commits a felony of the third
52 degree, punishable as provided in s. 775.082, s. 775.083, or s.
53 775.084.

54 2. A minor who violates subsection (1) by storing or
55 leaving a loaded firearm within the reach or easy access of
56 another minor, if the other minor obtains the firearm and uses
57 it to inflict injury or death upon himself or herself or any
58 other person, commits a misdemeanor of the second degree,

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59 punishable as provided in s. 775.082 or s. 775.083.

60 (b) However, This subsection does not apply:

61 1.(a) If the firearm was stored or left in a securely
62 locked box or container or in a secure location ~~which a~~
63 ~~reasonable person would have believed to be secure,~~ or was
64 securely locked with a firearm locking mechanism ~~trigger lock;~~

65 2.(b) If the minor obtains the firearm as a result of an
66 unlawful entry by any person;

67 3.(e) To injuries resulting from target or sport shooting
68 accidents or hunting accidents; or

69 4.(d) To members of the United States Armed Forces,
70 National Guard, or State Militia, or to police or other law
71 enforcement officers, with respect to firearm possession by a
72 minor which occurs during or incidental to the performance of
73 their official duties.

74
75 When any minor child is accidentally shot by another family
76 member, an arrest may not ~~no arrest shall~~ be made pursuant to
77 this subsection before ~~prior to~~ 7 days after the date of the
78 shooting. With respect to any parent or guardian of any deceased
79 minor, the investigating officers shall file all findings and
80 evidence with the state attorney's office with respect to
81 violations of this subsection. The state attorney shall evaluate
82 such evidence and shall take such action as he or she deems
83 appropriate under the circumstances, and may file an information
84 against the appropriate parties.

85 (4) As used in this section ~~act~~, the term "minor" means a
86 any person younger than 18 years of age ~~under the age of 16.~~

87 Section 2. Paragraph (c) of subsection (2) of section

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88 790.115, Florida Statutes, is amended to read:

89 790.115 Possessing or discharging weapons or firearms at a
90 school-sponsored event or on school property prohibited;
91 penalties; exceptions.-

92 (2)

93 (c)1. Except as provided in paragraph (e), a person who
94 willfully and knowingly possesses any firearm in violation of
95 this subsection commits a felony of the third degree, punishable
96 as provided in s. 775.082, s. 775.083, or s. 775.084.

97 2. A person who stores or leaves a loaded firearm within
98 the reach or easy access of a minor who obtains the firearm and
99 commits a violation of subparagraph 1. commits a misdemeanor of
100 the second degree, punishable as provided in s. 775.082 or s.
101 775.083; except that this does not apply if the firearm was
102 stored or left in a securely locked box or container or in a
103 secure location ~~which a reasonable person would have believed to~~
104 ~~be secure~~, or was securely locked with a firearm-mounted push-
105 button combination lock or a firearm locking mechanism ~~trigger~~
106 ~~lock~~; if the minor obtains the firearm as a result of an
107 unlawful entry by any person; or to members of the United States
108 Armed Forces, National Guard, or State Militia, or to police or
109 other law enforcement officers, with respect to firearm
110 possession by a minor which occurs during or incidental to the
111 performance of their official duties.

112 Section 3. Section 790.174, Florida Statutes, is amended to
113 read:

114 790.174 Safe storage of firearms required.-

115 (1) As used in this section, the term "minor" means a
116 person younger than 18 years of age.

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117 (2) A person who stores or leaves, on a premise under his
118 or her control, a loaded firearm, as defined in s. 790.001, and
119 who knows or reasonably should know that a minor is likely to
120 gain access to the firearm without the lawful permission of the
121 minor's parent or guardian or the person having charge of the
122 minor, or without the supervision required by law, shall keep
123 the firearm in a securely locked box or container ~~or in a~~
124 ~~location which a reasonable person would believe to be secure~~ or
125 shall secure it with a firearm locking mechanism ~~trigger lock~~,
126 except when the person is carrying the firearm on his or her
127 body or within such close proximity thereto that he or she can
128 retrieve and use it as easily and quickly as if he or she
129 carried it on his or her body.

130 (3)~~(2)~~ It is a misdemeanor of the second degree, punishable
131 as provided in s. 775.082 or s. 775.083, if a person violates
132 subsection (2) ~~(1)~~ by failing to store or leave a firearm in the
133 required manner and as a result thereof a minor gains access to
134 the firearm, without the lawful permission of the minor's parent
135 or guardian or the person having charge of the minor, and
136 possesses or exhibits it, without the supervision required by
137 law:

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

139 (b) In a rude, careless, angry, or threatening manner in
140 violation of s. 790.10;

141 (c) During the commission of any violation of law; or

142 (d) When great bodily harm or injury occurs, unless the
143 bodily harm or injury is a result of the firearm being used for
144 lawful self-defense or defense of another person.

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

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

150 Section 4. Section 790.175, Florida Statutes, is amended to
151 read:

152 790.175 Transfer or sale of firearms; required warnings and
153 information; penalties.-

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

158
159 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND
160 FINE, ~~FOR ANY ADULT~~ TO STORE OR LEAVE A FIREARM IN AN
161 UNSAFE MANNER IN ANY PLACE WITHIN THE REACH OR EASY
162 ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO
163 KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR
164 POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF
165 UN SOUND MIND."

166
167 (2) Any retail or wholesale store, shop, or sales outlet
168 which sells firearms must conspicuously post at each purchase
169 counter the following warning in block letters not less than 1
170 inch in height:

171
172 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN AN
173 UNSAFE MANNER IN ANY PLACE WITHIN THE REACH OR EASY
174 ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO

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175 KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR
176 POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF
177 UNSOUND MIND.”

178
179 (3) (a) At the time of the retail commercial sale or the
180 retail transfer of any firearm, the seller or transferor shall
181 comply with all of the following:

182 1. Provide each purchaser or transferee with a brochure on
183 basic firearm safety. The brochure must be produced by a
184 national nonprofit membership organization that provides a
185 comprehensive voluntary safety program, including the training
186 of individuals on the safe handling and use of firearms, or by a
187 comparable nonprofit organization, and must contain all of the
188 following information relating to firearms:

189 a. Rules for the safe handling, storage, and use of
190 firearms;

191 b. Nomenclature and descriptions of various types of
192 firearms;

193 c. Responsibilities of firearm ownership; and

194 d. The following information developed by the Department of
195 Law Enforcement:

196 (I) A list of locations where handguns are prohibited; and

197 (II) Information concerning the use of handguns for self-
198 defense;

199 2. Offer the purchaser a demonstration of how to use a
200 firearm locking mechanism; and

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

203 (b) The brochure required under paragraph (a) does not need

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204 to be provided by the firearm dealer if the firearm manufacturer
 205 provides with the firearm a brochure on basic firearm safety.

206 (c) The firearm dealer may charge a fee for the brochure
 207 which may not exceed the dealer's cost in obtaining the
 208 brochure.

209 (d) Organizations that produce brochures on basic firearm
 210 safety for distribution to firearm dealers for subsequent
 211 distribution to purchasers of firearms under this section and
 212 firearm dealers are not liable for injuries resulting from the
 213 accidental discharge of nondefective firearms purchased from any
 214 firearm dealer.

215 (4) Any person or business that knowingly violates
 216 subsection (1) or subsection (2) or that violates subsection (3)
 217 ~~violating a requirement to provide warning under this section~~
 218 commits a misdemeanor of the second degree, punishable as
 219 provided in s. 775.082 or s. 775.083.

220 Section 5. Paragraph (b) of subsection (3) of section
 221 921.0022, Florida Statutes, is amended to read:

222 921.0022 Criminal Punishment Code; offense severity ranking
 223 chart.—

224 (3) OFFENSE SEVERITY RANKING CHART

225 (b) LEVEL 2

226

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the

227

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Marine Turtle Protection Act.

228

379.2431
(1) (e) 4.

3rd

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

229

403.413 (6) (c)

3rd

Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

230

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

231

590.28 (1)

3rd

Intentional burning of lands.

232

784.03 (3)

3rd

Battery during a riot or an aggravated riot.

233

784.05 (3) (a) 1.
~~784.05 (3)~~

3rd

Adult storing or leaving a loaded firearm within reach of minor who uses

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it to inflict injury or death.

234

787.04 (1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

235

806.13 (1) (b) 3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

236

806.13 (3)

3rd

Criminal mischief; damage of \$200 or more to a memorial or historic property.

237

810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

238

810.09 (2) (e)

3rd

Trespassing on posted commercial horticulture property.

239

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree;

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\$750 or more but less than \$5,000.

240

812.014 (2) (d)

3rd

Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.

241

812.015 (7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

242

817.234 (1) (a) 2.

3rd

False statement in support of insurance claim.

243

817.481 (3) (a)

3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

244

817.52 (3)

3rd

Failure to redeliver hired vehicle.

245

817.54

3rd

With intent to defraud,

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obtain mortgage note,
etc., by false
representation.

246

817.60 (5)

3rd

Dealing in credit cards
of another.

247

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

248

817.61

3rd

Fraudulent use of credit
cards over \$100 or more
within 6 months.

249

826.04

3rd

Knowingly marries or has
sexual intercourse with
person to whom related.

250

831.01

3rd

Forgery.

251

831.02

3rd

Uttering forged
instrument; utters or
publishes alteration
with intent to defraud.

252

831.07

3rd

Forging bank bills,
checks, drafts, or
promissory notes.

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831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
843.01 (2)	3rd	Resist police canine or police horse with violence; under certain circumstances.
843.08	3rd	False personation.
843.19 (3)	3rd	Touch or strike police, fire, SAR canine or police horse.

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893.13(2)(a)2.

3rd

Purchase of any s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3.,
 (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9.,
 (2)(c)10., (3), or (4)
 drugs other than
 cannabis.

261

893.147(2)

3rd

Manufacture or delivery
 of drug paraphernalia.

262

263 Section 6. For the purpose of incorporating the amendment
 264 made by this act to section 790.174, Florida Statutes, in a
 265 reference thereto, paragraph (g) of subsection (5) of section
 266 409.175, Florida Statutes, is reenacted to read:

267 409.175 Licensure of family foster homes, residential
 268 child-caring agencies, and child-placing agencies; public
 269 records exemption.—

270 (5) The department shall adopt and amend rules for the
 271 levels of licensed care associated with the licensure of family
 272 foster homes, residential child-caring agencies, and child-
 273 placing agencies. The rules may include criteria to approve
 274 waivers to licensing requirements when applying for a child-
 275 specific license.

276 (g) The department's rules shall include adoption of a form
 277 to be used by child-placing agencies during an adoption home
 278 study that requires all prospective adoptive applicants to
 279 acknowledge in writing the receipt of a document containing

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280 solely and exclusively the language provided for in s. 790.174
281 verbatim.

282 Section 7. This act shall take effect October 1, 2024.