

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 270

INTRODUCER: Senator Berman

SUBJECT: Discharging a Firearm in Residential Areas

DATE: January 29, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	<b>Pre-meeting</b>
2.			JU	
3.			RC	

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**I. Summary:**

SB 270 reorganizes and amends subsection (4) of s. 790.15, F.S.

The bill deletes the *current* minimum residential density of an area - one or more dwelling units per acre – as the baseline spatial requirement for any person to recreationally discharge a firearm outdoors in particular areas, including target shooting. The density under the bill is a residential density of 1.25 or more acres per dwelling unit.

The bill provides that a person who “knows or reasonably should know” that the area is primarily residential in nature *or* that the area has a residential density of 1.25 or more acres per dwelling unit, *and* the firearm discharge by the person does not remain within the boundaries of the property in which the discharge takes place, commits a first degree misdemeanor.

The bill deletes current paragraphs (b) and (c) which eliminates the specified inapplicability of s. 790.15, F.S., to circumstances under which the discharge of a firearm does not pose a reasonable foreseeable risk to life, safety, or property; or to a person who accidentally discharges a firearm.

The bill retains the inapplicability of s. 790.15(4), F.S., to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm.

The bill is effective October 1, 2024.

## II. Present Situation:

### Discharging a Firearm

Prior to 2012, s. 790.15(1), F.S., did not address discharging a firearm on private property except that it was a first degree misdemeanor to knowingly discharge a firearm over any occupied premises.<sup>1</sup>

In 2012, the Legislature amended s. 790.15(1), F.S., to prohibit “recklessly or negligently discharging a firearm” outdoors on any property used primarily as the site of a dwelling as defined in s. 776.013, F.S., or zoned exclusively for residential use.<sup>2</sup>

### Backyard Gun Ranges

In 2015, the Legislature created s. 790.15(4), F.S., to address safety issues surrounding the use of backyard gun ranges in residential areas. Section 790.15(4), F.S., states: Any person who recreationally discharges a firearm outdoors, including target shooting, in an area that the person knows or reasonably should know is primarily residential in nature and that has a residential density of one or more dwelling units per acre, commits a misdemeanor of the first degree.<sup>3</sup> This section of the law does not apply:

- To a person lawfully defending life or property or performing official duties requiring the discharge of a firearm;
- If, under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property; or
- To a person who accidentally discharges a firearm.<sup>4</sup>

Now, based on more recent news accounts, it appears there may be additional and more recent concerns about backyard shooting ranges.<sup>5</sup>

## III. Effect of Proposed Changes:

The bill deletes the *current* minimum residential density of an area - one or more dwelling units per acre – as the baseline spatial requirement for any person to recreationally discharge a firearm

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<sup>1</sup> Section 790.15(1), F.S., also provides that it is a first degree misdemeanor to knowingly discharge a firearm in any public place or on the right-of-way of any paved public road, highway, or street or over the right-of-way of any paved public road, highway, or street.

<sup>2</sup> Chapter 2012-108, L.O.F. The term “dwelling” is defined in s. 776.013, F.S., as a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.

<sup>3</sup> A first degree misdemeanor is punishable by up to 1 year in the county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

<sup>4</sup> Section 790.15(4), F.S.

<sup>5</sup> Patrick Riley, Naples Daily News, May 27, 2019, *Backyard shooting ranges spark debate in Golden Gate Estate*, available at <https://www.naplesnews.com/story/news/local/2019/03/15/golden-gate-estates-backyard-shooting-ranges-spark-debate/2549089002/> (last visited January 26, 2024); Cheryl S. Grant, Naples Daily News, December 31, 2019, *Reasons Florida deputies can't shut down most backyard shooting ranges*, available at <https://www.naplesnews.com/story/news/local/florida/2019/12/31/why-deputies-cant-shut-down-most-backyard-shooting-ranges-florida/2784051001/> (last visited January 26, 2024).

outdoors in particular areas, including target shooting. The density under the bill is a residential density of 1.25 or more acres per dwelling unit.

The bill provides that a person who “knows or reasonably should know” that the area is primarily residential in nature *or* that the area has a residential density of 1.25 or more acres per dwelling unit, *and* the firearm discharged by the person does not remain within the boundaries of the property in which the discharge takes place commits a first degree misdemeanor.

The bill deletes current paragraphs (b) and (c) which eliminates the current specified inapplicability of s. 790.15, F.S., to circumstances under which the discharge of a firearm does not pose a reasonable foreseeable risk to life, safety, or property; or to a person who accidentally discharges a firearm.

The bill retains the inapplicability of s. 790.15(4), F.S., to a person lawfully defending life or property or performing official duties requiring the discharge of a firearm.

The bill does not change the first degree misdemeanor penalty.<sup>6</sup>

The bill is effective October 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 790.15 of the Florida Statutes.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.