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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/29/2025 04:26 PM

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Senator Polsky moved the following:

**Senate Amendment (with title amendment)**

Before line 49

insert:

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

790.174 Safe storage of firearms required.—

(1) A person safely stores a firearm as defined in s.

790.001 by:

(a) Keeping the firearm in a securely locked safe;

(b) Keeping the firearm in a securely locked container,



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12 including, but not limited to, a lockbox, drawer, cabinet, or  
13 case; or

14 (c) Equipping the firearm with a tamper-resistant  
15 mechanical lock or other safety device, properly engaged in  
16 order to render the firearm inoperable by any person other than  
17 the owner or other lawfully authorized user. Such devices  
18 include, but are not limited to, a trigger lock or cable lock.

19 (2) A person who stores or leaves, ~~on a premise under his~~  
20 ~~or her control,~~ a loaded firearm, as defined in s. 790.001 in  
21 any place must safely store the firearm in accordance with this  
22 section, and who knows or reasonably should know that a minor is  
23 likely to gain access to the firearm without the lawful  
24 permission of the minor's parent or the person having charge of  
25 the minor, or without the supervision required by law, shall  
26 keep the firearm in a securely locked box or container or in a  
27 location which a reasonable person would believe to be secure or  
28 shall secure it with a trigger lock, except when the person or  
29 other lawfully authorized user is carrying the firearm on his or  
30 her body or within such close proximity thereto that he or she  
31 can retrieve and use it as easily and quickly as if he or she  
32 carried it on his or her body. Except as provided in subsection  
33 (3) or subsection (4), a person who violates this subsection  
34 commits:

35 (a) For a first offense, a noncriminal infraction,  
36 punishable by a fine of \$100.

37 (b) For a second or subsequent offense, a misdemeanor of  
38 the second degree, punishable as provided in s. 775.082 or s.  
39 775.083.

40 (3) A person who violates subsection (2) commits a



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41 misdemeanor of the first degree, punishable as provided in s.  
42 775.082 or s. 775.083, if the firearm is loaded and stored in a  
43 place and manner that he or she knows or reasonably should know  
44 creates a likelihood of a minor being able to gain access to the  
45 firearm.

46 (4) A person whose unlawful storage of a firearm under this  
47 section causes another person to access and unlawfully discharge  
48 the firearm commits a felony of the third degree, punishable as  
49 provided in s. 775.082, s. 775.083, or s. 775.084. This  
50 subsection does not apply if the firearm was obtained by the  
51 unlawful entry of a dwelling by any person.

52 (5) Evidence obtained solely as a result of a person  
53 reporting the theft of a firearm to a law enforcement agency is  
54 inadmissible in an action under this section.

55 ~~(2) It is a misdemeanor of the second degree, punishable as~~  
56 ~~provided in s. 775.082 or s. 775.083, if a person violates~~  
57 ~~subsection (1) by failing to store or leave a firearm in the~~  
58 ~~required manner and as a result thereof a minor gains access to~~  
59 ~~the firearm, without the lawful permission of the minor's parent~~  
60 ~~or the person having charge of the minor, and possesses or~~  
61 ~~exhibits it, without the supervision required by law:~~

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

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

65  
66 ~~This subsection does not apply if the minor obtains the firearm~~  
67 ~~as a result of an unlawful entry by any person.~~

68 (6)(3) As used in this section act, the term "minor" means  
69 a any person younger than under the age of 16 years of age.



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

And the title is amended as follows:

Delete lines 2 - 3

and insert:

An act relating to public safety; amending s. 790.174,  
F.S.; specifying what qualifies as safely storing a  
firearm; revising requirements relating to the safe  
storage of firearms; providing penalties; revising and  
providing criminal penalties; revising applicability;  
providing for the inadmissibility of certain evidence;  
amending s. 112.1815, F.S.; authorizing