

Amendment No.

## CHAMBER ACTION

SenateHouse

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Representative Harris offered the following:

**Amendment (with title amendment)**

Between lines 24 and 25, insert:

**Section 2. Paragraph (c) of subsection (2) of section 790.115, Florida Statutes, is amended to read:**

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

(2)

(c)1. Except as provided in paragraph (e), a person who willfully and knowingly possesses any firearm in violation of

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13 this subsection commits a felony of the third degree, punishable  
14 as provided in s. 775.082, s. 775.083, or s. 775.084.

15 2. A person who stores or leaves a loaded firearm within  
16 the reach or easy access of a minor who obtains the firearm and  
17 commits a violation of subparagraph 1. commits a misdemeanor of  
18 the second degree, punishable as provided in s. 775.082 or s.  
19 775.083; except that this does not apply if the firearm was  
20 stored or left in a securely locked box or container or in a  
21 secure location ~~which a reasonable person would have believed to~~  
22 ~~be secure~~, or was securely locked with a firearm-mounted push-  
23 button combination lock or a firearm locking mechanism ~~trigger~~  
24 ~~lock~~; if the minor obtains the firearm as a result of an  
25 unlawful entry by any person; or to members of the United States  
26 Armed Forces, National Guard, or State Militia, or to police or  
27 other law enforcement officers, with respect to firearm  
28 possession by a minor which occurs during or incidental to the  
29 performance of their official duties.

30 **Section 3. Section 790.174, Florida Statutes, is amended**  
31 **to read:**

32 790.174 Safe storage of firearms required.—

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

35 (2) A person who stores or leaves, on a premise under his  
36 or her control, a loaded firearm, as defined in s. 790.001, and  
37 who knows or reasonably should know that a minor is likely to

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38 gain access to the firearm without the lawful permission of the  
39 minor's parent or guardian or the person having charge of the  
40 minor, or without the supervision required by law, shall keep  
41 the firearm in a securely locked box or container ~~or in a~~  
42 ~~location which a reasonable person would believe to be secure~~ or  
43 shall secure it with a firearm locking mechanism ~~trigger lock~~,  
44 except when the person is carrying the firearm on his or her  
45 body or within such close proximity thereto that he or she can  
46 retrieve and use it as easily and quickly as if he or she  
47 carried it on his or her body.

48 (3) ~~(2)~~ It is a misdemeanor of the second degree,  
49 punishable as provided in s. 775.082 or s. 775.083, if a person  
50 violates subsection (2) ~~(1)~~ by failing to store or leave a  
51 firearm in the required manner and as a result thereof a minor  
52 gains access to the firearm, without the lawful permission of  
53 the minor's parent or guardian or the person having charge of  
54 the minor, and possesses or exhibits it, without the supervision  
55 required by law:

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

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

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

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

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63  
64 This subsection does not apply if the minor obtains the firearm  
65 as a result of an unlawful entry by any person.

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

68 **Section 4. Section 790.175, Florida Statutes, is amended**  
69 **to read:**

70 790.175 Transfer or sale of firearms; required warnings  
71 and information; penalties.—

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

76  
77 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND  
78 FINE, ~~FOR ANY ADULT~~ TO STORE OR LEAVE A FIREARM IN AN  
79 UNSAFE MANNER IN ANY PLACE WITHIN THE REACH OR EASY  
80 ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO  
81 KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR  
82 POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF  
83 UNSOUND MIND."  
84

85 (2) Any retail or wholesale store, shop, or sales outlet  
86 which sells firearms must conspicuously post at each purchase

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counter the following warning in block letters not less than 1 inch in height:

"IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN AN UNSAFE MANNER IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

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

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

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

b. Nomenclature and descriptions of various types of firearms.

c. Responsibilities of firearm ownership.

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112 d. The following information developed by the Department  
113 of Law Enforcement:

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

115 (II) Information concerning the use of handguns for self-  
116 defense.

117 2. Offer the purchaser a demonstration of how to use a  
118 firearm locking mechanism.

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

121 (b) The brochure required under paragraph (a) does not  
122 need to be provided by the firearm dealer if the firearm  
123 manufacturer provides with the firearm a brochure on basic  
124 firearm safety.

125 (c) The firearm dealer may charge a fee for the brochure  
126 which may not exceed the dealer's cost in obtaining the  
127 brochure.

128 (d) Organizations that produce brochures on basic firearm  
129 safety for distribution to firearm dealers for subsequent  
130 distribution to purchasers of firearms under this section and  
131 firearm dealers are not liable for injuries resulting from the  
132 accidental discharge of nondefective firearms purchased from any  
133 firearm dealer.

134 (4) Any person or business that knowingly violates  
135 subsection (1) or subsection (2) or that violates subsection (3)  
136 violating a requirement to provide warning under this section

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commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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**T I T L E   A M E N D M E N T**

Remove lines 2-7 and insert:

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An act relating to the sale, transfer, and storage of firearms; amending s. 790.065, F.S.; reducing the minimum age at which a person may purchase a firearm and the age of purchasers to which specified licensees are prohibited from selling or transferring a firearm; repealing an exception; amending s. 790.115, F.S.; revising an exception to the prohibition on storing or leaving a loaded firearm within the reach or easy access of a minor who obtains it and commits a specified violation; conforming a provision to changes made by the act; amending s. 790.174, F.S.; revising the definition of the term "minor"; revising requirements for the safe storage of loaded firearms; providing criminal penalties if a person is found to have failed to properly secure or store a firearm, resulting in a minor gaining access to the weapon; amending s. 790.175, F.S.; conforming provisions to changes made by the act; requiring the seller or transferor of a firearm to comply with specified provisions; providing an exception; authorizing a firearm dealer to charge a certain fee; providing immunity for certain providers of information; providing criminal penalties; making technical changes; reenacting s. 409.175(5)(g), F.S., relating to rules of the Department of Children and Families

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187 requiring the adoption of a form used by child-placing  
188 agencies, to incorporate the amendment made to s.  
189 790.174, F.S., in a reference thereto; providing an  
190 effective date.

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