

By Senator Polsky

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A bill to be entitled

An act relating to the sale, transfer, and storage of firearms; amending s. 784.05, F.S.; revising the standard by which adults and minors are considered criminally negligent in the storage of a firearm under specified circumstances; providing criminal penalties; revising the definition of the term "minor"; conforming provisions to changes made by the act; 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; amending s. 921.0022, F.S.; conforming a cross-reference and a provision to changes made by the act; reenacting s. 409.175(5)(g), F.S., relating to rules of the Department of Children

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

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

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

784.05 Culpable negligence.—

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

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

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

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

2. A minor who violates subsection (1) by storing or leaving a loaded firearm within the reach or easy access of another minor, if the other minor obtains the firearm and uses it to inflict injury or death upon himself or herself or any 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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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 this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

790.174 Safe storage of firearms required.—

(1) As used in this section, the term "minor" means a 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 UNSOUND 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.

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.

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

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
365.172 (14) (b) 1.	3rd	Misuse of emergency communications system causing great bodily

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harm, permanent
disfigurement, or
permanent disability.

228

379.2431
(1) (e) 3.

3rd

Possession of 11 or
fewer marine turtle eggs
in violation of the
Marine Turtle Protection
Act.

229

379.2431
(1) (e) 4.

3rd

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

230

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.

231

517.07 (2)

3rd

Failure to furnish a
prospectus meeting
requirements.

232

590.28 (1)

3rd

Intentional burning of
lands.

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233	784.03 (3)	3rd	Battery during a riot or an aggravated riot.
234	<u>784.05 (3) (a) 1.</u> 784.05 (3)	3rd	<u>Adult</u> storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
235	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
236	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
237	806.13 (3)	3rd	Criminal mischief; damage of \$200 or more to a memorial or historic property.
238	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating

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or furthering burglary.

239

810.09(2)(d)

3rd

Trespassing on posted
commercial horticulture
property.

240

812.014(2)(c)1.

3rd

Grand theft, 3rd degree;
\$750 or more but less
than \$5,000.

241

812.014(2)(d)1.

3rd

Grand theft, 3rd degree;
\$40 or more but less
than \$750, taken from
dwelling or its
unenclosed curtilage.

242

812.014(2)(e)2.

3rd

Petit theft, 1st degree;
less than \$40 taken from
dwelling or its
unenclosed curtilage
with one prior theft
conviction.

243

812.015(7)

3rd

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

244

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817.234 (1) (a) 2.

3rd

False statement in
support of insurance
claim.

817.481 (3) (a)

3rd

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

817.52 (3)

3rd

Failure to redeliver
hired vehicle.

817.54

3rd

With intent to defraud,
obtain mortgage note,
etc., by false
representation.

817.60 (5)

3rd

Dealing in credit cards
of another.

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false
card.

817.61

3rd

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

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826.04 3rd Knowingly marries or has
sexual intercourse with
person to whom related.

831.01 3rd Forgery.

831.02 3rd Uttering forged
instrument; utters or
publishes alteration
with intent to defraud.

831.07 3rd Forging bank bills,
checks, drafts, or
promissory notes.

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

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item with intent to
defraud.

259

836.13(3)

3rd

Soliciting an altered
sexual depiction of an
identifiable person
without consent.

260

843.01(2)

3rd

Resist police canine or
police horse with
violence; under certain
circumstances.

261

843.08

3rd

False personation.

262

843.19(3)

3rd

Touch or strike police,
fire, SAR canine or
police horse.

263

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.

264

893.147(2)

3rd

Manufacture or delivery

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of drug paraphernalia.

Section 6. 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.

Section 7. This act shall take effect October 1, 2026.