

1 A bill to be entitled
 2 An act relating to the safe storage of loaded
 3 firearms; amending s. 790.174, F.S.; making technical
 4 changes; revising the locations and circumstances in
 5 which a loaded firearm is required to be kept or
 6 secured with a trigger lock; deleting provisions
 7 relating to conditions for committing the crime of
 8 failing to safely store, leave, or secure a loaded
 9 firearm in a specified manner; reenacting s.
 10 409.175(5)(f), F.S., relating to rules of the
 11 Department of Children and Families requiring the
 12 adoption of a form used by child-placing agencies;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 790.174, Florida Statutes, is amended
 18 to read:

19 790.174 Safe storage of firearms required.—

20 (1) As used in this section, the term "minor" means a
 21 person younger than 16 years of age.

22 ~~(2)~~~~(1)~~ A person who stores or leaves, on a premise under
 23 his or her control, a loaded firearm, as defined in s. 790.001,
 24 and who knows or reasonably should know that a minor is likely
 25 to gain access to the firearm without the lawful permission of

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26 | the minor's parent or the person having charge of the minor, or
27 | without the supervision required by law, shall keep the firearm
28 | in a securely locked box or container ~~or in a location which a~~
29 | ~~reasonable person would believe to be secure~~ or shall secure it
30 | with a trigger lock, ~~except when the person is carrying the~~
31 | ~~firearm on his or her body or within such close proximity~~
32 | ~~thereto that he or she can retrieve and use it as easily and~~
33 | ~~quickly as if he or she carried it on his or her body.~~

34 | (3) ~~(2)~~ ~~It is~~ A person who violates subsection (2) commits
35 | a misdemeanor of the second degree, punishable as provided in s.
36 | 775.082 or s. 775.083, ~~if a person violates subsection (1) by~~
37 | ~~failing to store or leave a firearm in the required manner and~~
38 | ~~as a result thereof a minor gains access to the firearm, without~~
39 | ~~the lawful permission of the minor's parent or the person having~~
40 | ~~charge of the minor, and possesses or exhibits it, without the~~
41 | ~~supervision required by law:~~

42 | ~~(a) In a public place; or~~

43 | ~~(b) In a rude, careless, angry, or threatening manner in~~
44 | ~~violation of s. 790.10.~~

45 |
46 | ~~This subsection does not apply if the minor obtains the firearm~~
47 | ~~as a result of an unlawful entry by any person.~~

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

50 | Section 2. For the purpose of incorporating the amendment

51 made by this act to section 790.174, Florida Statutes, in a
52 reference thereto, paragraph (f) of subsection (5) of section
53 409.175, Florida Statutes, is reenacted to read:

54 409.175 Licensure of family foster homes, residential
55 child-caring agencies, and child-placing agencies; public
56 records exemption.—

57 (5)

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

64 Section 3. This act shall take effect October 1, 2017.