

By Senators Holzendorf, Dyer, Dawson and Meek

2-12-00

1 A bill to be entitled
2 An act relating to firearms; amending s.
3 790.001, F.S.; defining the term "locking
4 device"; amending s. 790.174, F.S.; providing
5 that a locking device may be used for the
6 purpose of lawfully storing a firearm within
7 access of a minor, as defined; requiring a
8 person to secure a firearm with a locking
9 device under specified circumstances when the
10 firearm is left or stored on premises where
11 such minor resides; providing penalties for
12 failure to store or leave the firearm in the
13 required manner, under specified circumstances;
14 providing an effective date.

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

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18 Section 1. Subsection (19) is added to section
19 790.001, Florida Statutes, to read:
20 790.001 Definitions.--As used in this chapter, except
21 where the context otherwise requires:

22 (19) "Locking device" means a device that when
23 installed on a firearm and secured by means of a key or a
24 mechanically or electronically operated combination lock
25 prevents the firearm from being discharged without first
26 deactivating or removing the device by means of the key or
27 mechanically or electronically operated combination lock.

28 Section 2. Section 790.174, Florida Statutes, is
29 amended to read:

30 790.174 Safe storage of firearms required.--
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1 (1) A person who stores or leaves, on a premise under
2 his or her control, a loaded firearm, as defined in s.
3 790.001, and who knows or reasonably should know that a minor
4 is likely to gain access to the firearm without the lawful
5 permission of the minor's parent or the person having charge
6 of the minor, or without the supervision required by law,
7 shall keep the firearm in a securely locked box or container
8 or in a location that ~~which~~ a reasonable person would believe
9 to be secure or shall secure it with a trigger lock or a
10 locking device, except when the person is carrying the firearm
11 on his or her body or within such close proximity thereto that
12 he or she can retrieve and use it as easily and quickly as if
13 he or she carried it on his or her body. However, if the
14 person stores or leaves the firearm on any premises where the
15 person knows or reasonably should know that a minor is
16 temporarily or permanently residing, the person must in all
17 cases secure the firearm with an activated locking device, in
18 addition to keeping the firearm in a secure location, except
19 when the person is carrying the firearm on his or her body or
20 within such close proximity thereto that he or she can
21 retrieve it and use it as easily and quickly as if he or she
22 carried it on his or her body.

23 (2) It is a misdemeanor of the second degree,
24 punishable as provided in s. 775.082 or s. 775.083, if a
25 person violates subsection (1) by failing to store or leave a
26 firearm in the required manner and as a result thereof a minor
27 gains access to the firearm, without the lawful permission of
28 the minor's parent or the person having charge of the minor,
29 and possesses or exhibits it, without the supervision required
30 by law:

31 (a) In a public place; or

1 (b) In a rude, careless, angry, or threatening manner
2 in violation of s. 790.10.

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

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

8 Section 3. This act shall take effect October 1, 2000.

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SENATE SUMMARY

Defines the term "locking device" for purposes of laws governing the storage of firearms. Provides that a locking device may be used for the purpose of lawfully storing a firearm within access of a minor under a specified age. Requires that a person secure a firearm with a locking device under specified circumstances when the firearm is left or stored on premises where a minor resides. Specifies circumstances under which it is a second-degree misdemeanor to fail to store or leave a firearm in the required manner.

CODING:Words ~~stricken~~ are deletions; words underlined are additions.