

1                                   A bill to be entitled  
 2           An act relating to the sale, transfer, or storage of  
 3           firearms; amending s. 790.174, F.S.; revising  
 4           requirements for the storage of firearms; providing  
 5           criminal penalties if a minor accesses a stored  
 6           firearm and uses it in specified ways; revising the  
 7           definition of the term "minor"; amending s. 790.175,  
 8           F.S.; conforming provisions to changes made by the  
 9           act; requiring a seller or transferor of a firearm to  
 10          provide specified information; providing an exception;  
 11          providing criminal penalties; providing immunity for  
 12          certain providers of information; amending s. 784.05,  
 13          F.S.; revising the standard for adults and minors to  
 14          be criminally negligent in the storage of firearms in  
 15          certain circumstances; providing criminal penalties;  
 16          revising the definition of the term "minor"; amending  
 17          ss. 790.115 and 921.0022, F.S.; conforming provisions  
 18          to changes made by the act; providing an effective  
 19          date.

20  
 21   Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1.   Section 790.174, Florida Statutes, is amended  
 24   to read:  
 25           790.174   Safe storage of firearms required.—

26 (1) A person who stores or leaves, on a premise under his  
 27 or her control, a ~~loaded~~ firearm, as defined in s. 790.001, and  
 28 who knows or reasonably should know that a minor is likely to  
 29 gain access to the firearm without the lawful permission of the  
 30 minor's parent or the person having charge of the minor, or  
 31 without the supervision required by law, shall keep the firearm  
 32 in a securely locked box or container ~~or in a location which a~~  
 33 ~~reasonable person would believe to be secure~~ or shall secure it  
 34 with a firearm locking mechanism ~~trigger lock~~, except when the  
 35 person is carrying the firearm on his or her body or within such  
 36 close proximity thereto that he or she can retrieve and use it  
 37 as easily and quickly as if he or she carried it on his or her  
 38 body.

39 (2) It is a misdemeanor of the second degree, punishable  
 40 as provided in s. 775.082 or s. 775.083, if a person violates  
 41 subsection (1) by failing to store or leave a firearm in the  
 42 required manner and as a result thereof a minor gains access to  
 43 the firearm, without the lawful permission of the minor's parent  
 44 or guardian or the person having charge of the minor, and  
 45 possesses or exhibits it, without the supervision required by  
 46 law:

- 47 (a) In a public place; ~~or~~
- 48 (b) In a rude, careless, angry, or threatening manner in  
 49 violation of s. 790.10;
- 50 (c) During the commission of any violation of law; or

51           (d) When great bodily harm or injury occurs, unless the  
 52 bodily harm or injury is a result of the firearm's use for  
 53 lawful self-defense or defense of another person.

54  
 55 This subsection does not apply if the minor obtains the firearm  
 56 as a result of an unlawful entry by any person.

57           (3) As used in this section ~~act~~, the term "minor" means  
 58 any person under the age of 18 ~~16~~.

59           Section 2. Section 790.175, Florida Statutes, is amended  
 60 to read:

61           790.175 Transfer or sale of firearms; required warnings  
 62 and information; penalties.—

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

67 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, ~~FOR~~  
 68 ~~ANY ADULT~~ TO STORE OR LEAVE A FIREARM IN AN UNSAFE MANNER IN ANY  
 69 PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS  
 70 OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR  
 71 POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

72           (2) Any retail or wholesale store, shop, or sales outlet  
 73 which sells firearms must conspicuously post at each purchase  
 74 counter the following warning in block letters not less than 1  
 75 inch in height:

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

81 (3) (a) At the retail commercial sale or retail transfer of  
82 any firearm, the seller or transferor shall:

83 1. Provide each purchaser or transferee with a basic  
84 firearm safety brochure. Such brochure must be produced by a  
85 national nonprofit membership organization that provides a  
86 comprehensive voluntary safety program, including the training  
87 of people in the safe handling and use of firearms, or by  
88 another comparable nonprofit organization, and must contain the  
89 following information relating to firearms:

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

91 b. Nomenclature and descriptions of various types of  
92 firearms.

93 c. Responsibilities of firearm ownership.

94 d. The following information developed by the Department  
95 of Law Enforcement:

96 (I) A list of locations at which handguns are prohibited.

97 (II) Information concerning the use of handguns for self-  
98 defense.

99 2. Offer to demonstrate to the purchaser the use of a  
100 firearm locking mechanism.

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

103 (b) The brochure required by paragraph (a) need not be  
 104 supplied by the firearm dealer if the firearm manufacturer  
 105 provides a basic firearm safety brochure with the firearm.

106 (c) The dealer may collect a charge for the brochure,  
 107 which may not be greater than the dealer's cost to obtain the  
 108 brochure.

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

115 (4)(3) Any person or business knowingly violating a  
 116 requirement to provide a warning as required by ~~under~~ this  
 117 section or failing to comply with subsection (3) commits a  
 118 misdemeanor of the second degree, punishable as provided in s.  
 119 775.082 or s. 775.083.

120 Section 3. Subsections (3) and (4) of section 784.05,  
 121 Florida Statutes, are amended and subsection (1) of that section  
 122 is republished, to read:

123 784.05 Culpable negligence.—

124 (1) Whoever, through culpable negligence, exposes another  
 125 person to personal injury commits a misdemeanor of the second

126 degree, punishable as provided in s. 775.082 or s. 775.083.

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

133 2. A minor who violates subsection (1) by storing or  
 134 leaving a loaded firearm within the reach or easy access of  
 135 another minor commits, if the other minor obtains the firearm  
 136 and uses it to inflict injury or death upon himself or herself  
 137 or any other person, a misdemeanor of the second degree,  
 138 punishable as provided in s. 775.082 or s. 775.083.

139 (b) However, this subsection does not apply:

140 1.(a) If the firearm was stored or left in a securely  
 141 locked box or container or in a location which a reasonable  
 142 person would have believed to be secure, or was securely locked  
 143 with a firearm locking mechanism ~~trigger lock~~;

144 2.(b) If the minor obtains the firearm as a result of an  
 145 unlawful entry by any person;

146 3.(e) To injuries resulting from target or sport shooting  
 147 accidents or hunting accidents; or

148 4.(d) To members of the Armed Forces, National Guard, or  
 149 State Militia, or to police or other law enforcement officers,  
 150 with respect to firearm possession by a minor which occurs

151 during or incidental to the performance of their official  
 152 duties.

153  
 154 When any minor child is accidentally shot by another family  
 155 member, no arrest shall be made pursuant to this subsection  
 156 prior to 7 days after the date of the shooting. With respect to  
 157 any parent or guardian of any deceased minor, the investigating  
 158 officers shall file all findings and evidence with the state  
 159 attorney's office with respect to violations of this subsection.  
 160 The state attorney shall evaluate such evidence and shall take  
 161 such action as he or she deems appropriate under the  
 162 circumstances and may file an information against the  
 163 appropriate parties.

164 (4) As used in this section ~~act~~, the term "minor" means  
 165 any person under the age of 18 ~~16~~.

166 Section 4. Paragraph (c) of subsection (2) of section  
 167 790.115, Florida Statutes, is amended to read:

168 790.115 Possessing or discharging weapons or firearms at a  
 169 school-sponsored event or on school property prohibited;  
 170 penalties; exceptions.-

171 (2)

172 (c)1. A person who willfully and knowingly possesses any  
 173 firearm in violation of this subsection commits a felony of the  
 174 third degree, punishable as provided in s. 775.082, s. 775.083,  
 175 or s. 775.084.

176           2. A person who stores or leaves a loaded firearm within  
 177 the reach or easy access of a minor who obtains the firearm and  
 178 commits a violation of subparagraph 1. commits a misdemeanor of  
 179 the second degree, punishable as provided in s. 775.082 or s.  
 180 775.083; except that this does not apply if the firearm was  
 181 stored or left in a securely locked box or container or in a  
 182 location which a reasonable person would have believed to be  
 183 secure, or was securely locked with a firearm-mounted push-  
 184 button combination lock or a firearm locking mechanism ~~trigger~~  
 185 ~~lock~~; if the minor obtains the firearm as a result of an  
 186 unlawful entry by any person; or to members of the Armed Forces,  
 187 National Guard, or State Militia, or to police or other law  
 188 enforcement officers, with respect to firearm possession by a  
 189 minor which occurs during or incidental to the performance of  
 190 their official duties.

191           Section 5. Paragraph (b) of subsection (3) of section  
 192 921.0022, Florida Statutes, is amended to read:

193           921.0022 Criminal Punishment Code; offense severity  
 194 ranking chart.—

195           (3) OFFENSE SEVERITY RANKING CHART

196           (b) LEVEL 2

197

Florida	Felony	
Statute	Degree	Description

198



HB 631

2020

199	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
200	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
201	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.
202	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
203	590.28 (1)	3rd	Intentional burning of lands.
	<u>784.05 (3) (a) 1.</u> <del>784.05 (3)</del>	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

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2020

204	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
205	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
206	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
207	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
208	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
209	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage

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2020

of dwelling.

210

812.015 (7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

211

817.234 (1) (a) 2. 3rd False statement in support of insurance claim.

212

817.481 (3) (a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

213

817.52 (3) 3rd Failure to redeliver hired vehicle.

214

817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.

215

817.60 (5) 3rd Dealing in credit cards of another.

216

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2020

217	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
218	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
219	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
220	831.01	3rd	Forgery.
221	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
222	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
223	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.

224

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

225

832.05 (3) (a) 3rd Cashing or depositing item with intent to defraud.

226

843.08 3rd False personation.

227

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.

228

893.147 (2) 3rd Manufacture or delivery of drug paraphernalia.

229

230 Section 6. This act shall take effect October 1, 2020.