

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.; redefining the
4 term "minor"; revising requirements for the safe
5 storage of firearms; providing criminal penalties if a
6 person fails to properly secure or store a firearm and
7 a minor gains access to the weapon as a result;
8 amending s. 790.175, F.S.; conforming provisions to
9 changes made by the act; requiring a seller or
10 transferor of a firearm to provide each purchaser or
11 transferee with specified information; providing an
12 exception; providing immunity for certain providers of
13 information; providing criminal penalties; amending s.
14 784.05, F.S.; revising the standard for adults and
15 minors to be criminally negligent in the storage of a
16 firearm under certain circumstances; providing
17 criminal penalties; redefining the term "minor";
18 amending s. 790.115, F.S.; revising an exception to
19 the prohibition on storing or leaving a loaded firearm
20 within the reach or easy access of a minor who obtains
21 it and commits a certain violation; amending s.
22 921.0022, F.S.; conforming a cross-reference;
23 reenacting s. 409.175(5)(g), F.S., relating to rules
24 of the Department of Children and Families requiring
25 the adoption of a form used by child-placing agencies,

26 to incorporate the amendment made to s. 790.174, F.S.,
 27 in a reference thereto; providing an effective date.
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29 Be It Enacted by the Legislature of the State of Florida:
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31 Section 1. Section 790.174, Florida Statutes, is amended
 32 to read:

33 790.174 Safe storage of firearms required.—

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

36 (2)~~(1)~~ A person who stores or leaves, on a premise under
 37 his or her control, a ~~loaded~~ firearm, as defined in s. 790.001,
 38 and who knows or reasonably should know that a minor is likely
 39 to gain access to the firearm without the lawful permission of
 40 the minor's parent or guardian or the person having charge of
 41 the minor, or without the supervision required by law, shall
 42 keep the firearm in a securely locked box or container ~~or in a~~
 43 ~~location which a reasonable person would believe to be secure or~~
 44 shall secure it with a firearm locking mechanism ~~trigger lock~~,
 45 except when the person is carrying the firearm on his or her
 46 body or within such close proximity thereto that he or she can
 47 retrieve and use it as easily and quickly as if he or she
 48 carried it on his or her body.

49 (3)~~(2)~~ It is a misdemeanor of the second degree,
 50 punishable as provided in s. 775.082 or s. 775.083, if a person

51 violates subsection (2) ~~(1)~~ by failing to store or leave a
52 firearm in the required manner and as a result thereof a minor
53 gains access to the firearm, without the lawful permission of
54 the minor's parent or guardian or the person having charge of
55 the minor, and possesses or exhibits it, without the supervision
56 required by law:

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

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

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

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

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

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

69 Section 2. Section 790.175, Florida Statutes, is amended
70 to read:

71 790.175 Transfer or sale of firearms; required warnings
72 and information; penalties.-

73 (1) Upon the retail commercial sale or retail transfer of
74 any firearm, the seller or transferor shall deliver a written
75 warning to the purchaser or transferee, which warning states, in

76 | block letters not less than 1/4 inch in height:

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

82 | (2) Any retail or wholesale store, shop, or sales outlet
 83 | which sells firearms must conspicuously post at each purchase
 84 | counter the following warning in block letters not less than 1
 85 | inch in height:

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

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

94 | 1. Provide each purchaser or transferee with a basic
 95 | firearm safety brochure. Such brochure must be produced by a
 96 | national nonprofit membership organization that provides a
 97 | comprehensive voluntary safety program, including the training
 98 | of individuals in the safe handling and use of firearms, or by
 99 | another comparable nonprofit organization, and must contain all
 100 | of the following information relating to firearms:

101 a. Rules for safe handling, storage, and use of firearms.
 102 b. Nomenclature and descriptions of various types of
 103 firearms.
 104 c. Responsibilities of firearm ownership.
 105 d. The following information developed by the Department
 106 of Law Enforcement:
 107 (I) A list of locations at which handguns are prohibited;
 108 and
 109 (II) Information concerning the use of handguns for self-
 110 defense.
 111 2. Offer to demonstrate to the purchaser the use of a
 112 firearm locking mechanism.
 113 3. Post in a conspicuous place information relating to the
 114 availability of known local voluntary firearm safety programs.
 115 (b) The brochure required under paragraph (a) need not be
 116 supplied by the firearm dealer if the firearm manufacturer
 117 provides a basic firearm safety brochure with the firearm.
 118 (c) The dealer may collect a charge for the brochure which
 119 may not be greater than the dealer's cost to obtain the
 120 brochure.
 121 (d) Organizations that produce basic firearm safety
 122 brochures for distribution to firearm dealers for subsequent
 123 distribution to purchasers of firearms under this section and
 124 firearm dealers are not liable for injuries resulting from the
 125 accidental discharge of nondefective firearms purchased from any

126 dealer.

127 ~~(4)~~⁽³⁾ Any person or business knowingly violating a
 128 requirement to provide a warning as required by ~~under~~ this
 129 section or failing to comply with subsection (3) commits a
 130 misdemeanor of the second degree, punishable as provided in s.
 131 775.082 or s. 775.083.

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

135 784.05 Culpable negligence.—

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

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

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

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

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

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

158 3.~~(e)~~ To injuries resulting from target or sport shooting
159 accidents or hunting accidents; or

160 4.~~(d)~~ To members of the Armed Forces, National Guard, or
161 State Militia, or to police or other law enforcement officers,
162 with respect to firearm possession by a minor which occurs
163 during or incidental to the performance of their official
164 duties.

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166 When any minor child is accidentally shot by another family
167 member, no arrest shall be made pursuant to this subsection
168 prior to 7 days after the date of the shooting. With respect to
169 any parent or guardian of any deceased minor, the investigating
170 officers shall file all findings and evidence with the state
171 attorney's office with respect to violations of this subsection.
172 The state attorney shall evaluate such evidence and shall take
173 such action as he or she deems appropriate under the
174 circumstances and may file an information against the
175 appropriate parties.

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

178 Section 4. Paragraph (c) of subsection (2) of section
 179 790.115, Florida Statutes, is amended to read:

180 790.115 Possessing or discharging weapons or firearms at a
 181 school-sponsored event or on school property prohibited;
 182 penalties; exceptions.—

183 (2)

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

188 2. A person who stores or leaves a loaded firearm within
 189 the reach or easy access of a minor who obtains the firearm and
 190 commits a violation of subparagraph 1. commits a misdemeanor of
 191 the second degree, punishable as provided in s. 775.082 or s.
 192 775.083; except that this does not apply if the firearm was
 193 stored or left in a securely locked box or container or in a
 194 location which a reasonable person would have believed to be
 195 secure, or was securely locked with a firearm-mounted push-
 196 button combination lock or a firearm locking mechanism ~~trigger~~
 197 ~~lock~~; if the minor obtains the firearm as a result of an
 198 unlawful entry by any person; or to members of the Armed Forces,
 199 National Guard, or State Militia, or to police or other law
 200 enforcement officers, with respect to firearm possession by a

201 | minor which occurs during or incidental to the performance of
 202 | their official duties.

203 | Section 5. Paragraph (b) of subsection (3) of section
 204 | 921.0022, Florida Statutes, is amended to read:

205 | 921.0022 Criminal Punishment Code; offense severity
 206 | ranking chart.—

207 | (3) OFFENSE SEVERITY RANKING CHART

208 | (b) LEVEL 2

209 |

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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

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hazardous waste.

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517.07(2) 3rd Failure to furnish a prospectus meeting requirements.

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590.28(1) 3rd Intentional burning of lands.

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784.05(3)(a)1. 3rd Adult storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
~~784.05(3)~~

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787.04(1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

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806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

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810.061(2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

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220	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
221	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
222	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
223	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
224	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
225	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.

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

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

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817.60 (6) (a) 3rd Forgery; purchase goods, services with false card.

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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.

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831.01 3rd Forgery.

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

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233	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
234	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
235	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
236	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
237	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
238	843.08	3rd	False personation.
239	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.

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893.147(2) 3rd Manufacture or delivery 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, 2021.