



26 relating to rules of the Department of Children and  
 27 Families requiring the adoption of a form used by  
 28 child-placing agencies, to incorporate the amendment  
 29 made to s. 790.174, F.S., in a reference thereto;  
 30 providing an effective date.

31  
 32 Be It Enacted by the Legislature of the State of Florida:

33  
 34 Section 1. Subsections (3) and (4) of section 784.05,  
 35 Florida Statutes, are amended, and subsection (1) of that  
 36 section is republished, to read:

37 784.05 Culpable negligence.—

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

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

47 2. A minor who violates subsection (1) by storing or  
 48 leaving a loaded firearm within the reach or easy access of  
 49 another minor commits, if the other minor obtains the firearm  
 50 and uses it to inflict injury or death upon himself or herself

51 or any other person, a misdemeanor of the second degree,  
52 punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

62 4.(d) To members of the Armed Forces, National Guard, or  
63 State Militia, or to police or other law enforcement officers,  
64 with respect to firearm possession by a minor which occurs  
65 during or incidental to the performance of their official  
66 duties.

67  
68 When any minor child is accidentally shot by another family  
69 member, no arrest shall be made pursuant to this subsection  
70 prior to 7 days after the date of the shooting. With respect to  
71 any parent or guardian of any deceased minor, the investigating  
72 officers shall file all findings and evidence with the state  
73 attorney's office with respect to violations of this subsection.  
74 The state attorney shall evaluate such evidence and shall take  
75 such action as he or she deems appropriate under the

76 | circumstances and may file an information against the  
 77 | appropriate parties.

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

80 | Section 2. Paragraph (c) of subsection (2) of section  
 81 | 790.115, Florida Statutes, is amended to read:

82 | 790.115 Possessing or discharging weapons or firearms at a  
 83 | school-sponsored event or on school property prohibited;  
 84 | penalties; exceptions.—

85 | (2)

86 | (c)1. A person who willfully and knowingly possesses any  
 87 | firearm in violation of this subsection commits a felony of the  
 88 | third degree, punishable as provided in s. 775.082, s. 775.083,  
 89 | or s. 775.084.

90 | 2. A person who stores or leaves a loaded firearm within  
 91 | the reach or easy access of a minor who obtains the firearm and  
 92 | commits a violation of subparagraph 1. commits a misdemeanor of  
 93 | the second degree, punishable as provided in s. 775.082 or s.  
 94 | 775.083; except that this does not apply if the firearm was  
 95 | stored or left in a securely locked box or container or in a  
 96 | secure location ~~which a reasonable person would have believed to~~  
 97 | ~~be secure~~, or was securely locked with a firearm-mounted push-  
 98 | button combination lock or a firearm locking mechanism ~~trigger~~  
 99 | ~~lock~~; if the minor obtains the firearm as a result of an  
 100 | unlawful entry by any person; or to members of the Armed Forces,

101 National Guard, or State Militia, or to police or other law  
 102 enforcement officers, with respect to firearm possession by a  
 103 minor which occurs during or incidental to the performance of  
 104 their official duties.

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

107 790.174 Safe storage of firearms required.—

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

110 (2)~~(1)~~ A person who stores or leaves, on a premise under  
 111 his or her control, a loaded firearm, as defined in s. 790.001,  
 112 and who knows or reasonably should know that a minor is likely  
 113 to gain access to the firearm without the lawful permission of  
 114 the minor's parent or guardian or the person having charge of  
 115 the minor, or without the supervision required by law, shall  
 116 keep the firearm in a securely locked box or container ~~or in a~~  
 117 ~~location which a reasonable person would believe to be secure or~~  
 118 shall secure it with a firearm locking mechanism ~~trigger lock~~,  
 119 except when the person is carrying the firearm on his or her  
 120 body or within such close proximity thereto that he or she can  
 121 retrieve and use it as easily and quickly as if he or she  
 122 carried it on his or her body.

123 (3)~~(2)~~ It is a misdemeanor of the second degree,  
 124 punishable as provided in s. 775.082 or s. 775.083, if a person  
 125 violates subsection (2) ~~(1)~~ by failing to store or leave a

126 | firearm in the required manner and as a result thereof a minor  
 127 | gains access to the firearm, without the lawful permission of  
 128 | the minor's parent or guardian or the person having charge of  
 129 | the minor, and possesses or exhibits it, without the supervision  
 130 | required by law:

- 131 |       (a) In a public place; ~~or~~
- 132 |       (b) In a rude, careless, angry, or threatening manner in  
 133 | violation of s. 790.10;
- 134 |       (c) During the commission of any violation of law; or
- 135 |       (d) When great bodily harm or injury occurs, unless the  
 136 | bodily harm or injury is a result of the firearm's use for  
 137 | lawful self-defense or defense of another person.

138 |  
 139 | This subsection does not apply if the minor obtains the firearm  
 140 | as a result of an unlawful entry by any person.

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

143 |       Section 4. Section 790.175, Florida Statutes, is amended  
 144 | to read:

145 |       790.175 Transfer or sale of firearms; required warnings  
 146 | and information; penalties.-

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

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151  
152 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, ~~FOR~~  
153 ~~ANY ADULT~~ TO STORE OR LEAVE A FIREARM IN AN UNSAFE MANNER IN ANY  
154 PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS  
155 OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR  
156 POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."

157  
158 (2) Any retail or wholesale store, shop, or sales outlet  
159 which sells firearms must conspicuously post at each purchase  
160 counter the following warning in block letters not less than 1  
161 inch in height:

162  
163 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN AN UNSAFE  
164 MANNER IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A  
165 MINOR UNDER 18 YEARS OF AGE OR TO KNOWINGLY SELL OR  
166 OTHERWISE TRANSFER OWNERSHIP OR POSSESSION OF A FIREARM TO  
167 A MINOR OR A PERSON OF UNSOUND MIND."

168  
169 (3)(a) At the retail commercial sale or retail transfer of  
170 any firearm, the seller or transferor shall comply with all of  
171 the following:

172 1. Provide each purchaser or transferee with a basic  
173 firearm safety brochure. Such brochure must be produced by a  
174 national nonprofit membership organization that provides a  
175 comprehensive voluntary safety program, including the training

176 of individuals in the safe handling and use of firearms, or by  
177 another comparable nonprofit organization, and must contain all  
178 of the following information relating to firearms:

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

180 b. Nomenclature and descriptions of various types of  
181 firearms;

182 c. Responsibilities of firearm ownership; and

183 d. The following information developed by the Department  
184 of Law Enforcement:

185 (I) A list of locations at which handguns are prohibited;  
186 and

187 (II) Information concerning the use of handguns for self-  
188 defense.

189 2. Offer to demonstrate to the purchaser the use of a  
190 firearm locking mechanism.

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

193 (b) The brochure required under paragraph (a) need not be  
194 supplied by the firearm dealer if the firearm manufacturer  
195 provides a basic firearm safety brochure with the firearm.

196 (c) The dealer may collect a charge for the brochure which  
197 may not be greater than the dealer's cost to obtain the  
198 brochure.

199 (d) Organizations that produce basic firearm safety  
200 brochures for distribution to firearm dealers for subsequent



201 distribution to purchasers of firearms under this section and  
 202 firearm dealers are not liable for injuries resulting from the  
 203 accidental discharge of nondefective firearms purchased from any  
 204 dealer.

205 (4)-(3) Any person or business knowingly violating a  
 206 requirement to provide a warning as required by ~~under~~ this  
 207 section or failing to comply with subsection (3) commits a  
 208 misdemeanor of the second degree, punishable as provided in s.  
 209 775.082 or s. 775.083.

210 Section 5. Paragraph (b) of subsection (3) of section  
 211 921.0022, Florida Statutes, is amended to read:

212 921.0022 Criminal Punishment Code; offense severity  
 213 ranking chart.—

214 (3) OFFENSE SEVERITY RANKING CHART

215 (b) LEVEL 2

216

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

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of the Marine Turtle Protection Act.

219

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.

220

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

221

590.28(1) 3rd Intentional burning of lands.

222

784.03(3) 3rd Battery during a riot or an aggravated riot.

223

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

224

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

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225 806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000  
or more to public communication  
or any other public service.

226 806.13(3) 3rd Criminal mischief; damage of  
\$200 or more to a memorial or  
historic property.

227 810.061(2) 3rd Impairing or impeding telephone  
or power to a dwelling;  
facilitating or furthering  
burglary.

228 810.09(2)(e) 3rd Trespassing on posted commercial  
horticulture property.

229 812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$750 or  
more but less than \$5,000.

230 812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or  
more but less than \$750, taken  
from unenclosed curtilage of  
dwelling.

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232	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
233	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
234	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
235	817.52 (3)	3rd	Failure to redeliver hired vehicle.
236	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
237	817.60 (5)	3rd	Dealing in credit cards of another.
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.

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238	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
239	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
240	831.01	3rd	Forgery.
241	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
242	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
243	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
244	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
245			

246	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
247	832.05(3) (a)	3rd	Cashing or depositing item with intent to defraud.
248	843.08	3rd	False personation.
249	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.
250	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

251 Section 6. For the purpose of incorporating the amendment  
 252 made by this act to section 790.174, Florida Statutes, in a  
 253 reference thereto, paragraph (g) of subsection (5) of section  
 254 409.175, Florida Statutes, is reenacted to read:

255 409.175 Licensure of family foster homes, residential  
 256 child-caring agencies, and child-placing agencies; public  
 257 records exemption.—

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258 (5) The department shall adopt and amend rules for the  
259 levels of licensed care associated with the licensure of family  
260 foster homes, residential child-caring agencies, and child-  
261 placing agencies. The rules may include criteria to approve  
262 waivers to licensing requirements when applying for a child-  
263 specific license.

264 (g) The department's rules shall include adoption of a  
265 form to be used by child-placing agencies during an adoption  
266 home study that requires all prospective adoptive applicants to  
267 acknowledge in writing the receipt of a document containing  
268 solely and exclusively the language provided for in s. 790.174  
269 verbatim.

270 Section 7. This act shall take effect October 1, 2022.