

1 A bill to be entitled
2 An act relating to the sale, transfer, or storage of
3 firearms; amending s. 784.05, F.S.; revising the
4 standard by which adults and minors may be considered
5 criminally negligent in the storage of a firearm under
6 specified circumstances; providing criminal penalties;
7 redefining the term "minor"; conforming provisions to
8 changes made by the act; amending s. 790.115, F.S.;
9 revising an exception to the prohibition on storing or
10 leaving a loaded firearm within the reach or easy
11 access of a minor who obtains it and commits a
12 specified violation; conforming a provision to changes
13 made by the act; amending s. 790.174, F.S.; redefining
14 the term "minor"; revising requirements for the safe
15 storage of loaded firearms; providing criminal
16 penalties if a person is found to have failed to
17 properly secure or store a firearm resulting in a
18 minor gaining access to the weapon; amending s.
19 790.175, F.S.; conforming provisions to changes made
20 by the act; requiring the seller or transferor of a
21 firearm to provide each purchaser or transferee with
22 specified information; providing an exception;
23 providing immunity for certain providers of
24 information; providing criminal penalties; amending s.
25 921.0022, F.S.; conforming a cross-reference and a

26 provision to changes made by the act; reenacting s.
 27 409.175(5)(g), F.S., relating to rules of the
 28 Department of Children and Families requiring the
 29 adoption of a form used by child-placing agencies, to
 30 incorporate the amendment made to s. 790.174, F.S., in
 31 a reference thereto; providing an effective date.
 32

33 Be It Enacted by the Legislature of the State of Florida:
 34

35 Section 1. Section 784.05, Florida Statutes, is amended to
 36 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 (2) Whoever, through culpable negligence, inflicts actual
 42 personal injury on another commits a misdemeanor of the first
 43 degree, punishable as provided in s. 775.082 or s. 775.083.

44 (3) (a) Except as provided in paragraph (b):

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

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51 775.084.

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

58 (b) However, This subsection does not apply:

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

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

65 3.(c) To injuries resulting from target or sport shooting
66 accidents or hunting accidents; or

67 4.(d) To members of the Armed Forces, National Guard, or
68 State Militia, or to police or other law enforcement officers,
69 with respect to firearm possession by a minor which occurs
70 during or incidental to the performance of their official
71 duties.

72

73 When any minor child is accidentally shot by another family
74 member, no arrest shall be made pursuant to this subsection
75 prior to 7 days after the date of the shooting. With respect to

76 | any parent or guardian of any deceased minor, the investigating
 77 | officers shall file all findings and evidence with the state
 78 | attorney's office with respect to violations of this subsection.
 79 | The state attorney shall evaluate such evidence and shall take
 80 | such action as he or she deems appropriate under the
 81 | circumstances and may file an information against the
 82 | appropriate parties.

83 | (4) As used in this section ~~act~~, the term "minor" means a
 84 | any person younger than 18 years of age ~~under the age of 16~~.

85 | Section 2. Paragraph (c) of subsection (2) of section
 86 | 790.115, Florida Statutes, is amended to read:

87 | 790.115 Possessing or discharging weapons or firearms at a
 88 | school-sponsored event or on school property prohibited;
 89 | penalties; exceptions.—

90 | (2)

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

95 | 2. A person who stores or leaves a loaded firearm within
 96 | the reach or easy access of a minor who obtains the firearm and
 97 | commits a violation of subparagraph 1. commits a misdemeanor of
 98 | the second degree, punishable as provided in s. 775.082 or s.
 99 | 775.083; except that this does not apply if the firearm was
 100 | stored or left in a securely locked box or container or in a

101 secure location ~~which a reasonable person would have believed to~~
 102 ~~be secure~~, or was securely locked with a firearm-mounted push-
 103 button combination lock or a firearm locking mechanism ~~trigger~~
 104 ~~lock~~; if the minor obtains the firearm as a result of an
 105 unlawful entry by any person; or to members of the Armed Forces,
 106 National Guard, or State Militia, or to police or other law
 107 enforcement officers, with respect to firearm possession by a
 108 minor which occurs during or incidental to the performance of
 109 their official duties.

110 Section 3. Section 790.174, Florida Statutes, is amended
 111 to read:

112 790.174 Safe storage of firearms required.—

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

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

126 retrieve and use it as easily and quickly as if he or she
 127 carried it on his or her body.

128 ~~(3)-(2)~~ It is a misdemeanor of the second degree,
 129 punishable as provided in s. 775.082 or s. 775.083, if a person
 130 violates subsection (2) ~~(1)~~ by failing to store or leave a
 131 firearm in the required manner and as a result thereof a minor
 132 gains access to the firearm, without the lawful permission of
 133 the minor's parent or guardian or the person having charge of
 134 the minor, and possesses or exhibits it, without the supervision
 135 required by law:

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

143
 144 This subsection does not apply if the minor obtains the firearm
 145 as a result of an unlawful entry by any person.

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

148 Section 4. Section 790.175, Florida Statutes, is amended
 149 to read:

150 790.175 Transfer or sale of firearms; required warnings

151 and information; penalties.-

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

156
 157 "IT IS UNLAWFUL, AND PUNISHABLE BY IMPRISONMENT AND FINE, ~~FOR~~
 158 ~~ANY ADULT~~ TO STORE OR LEAVE A FIREARM IN AN UNSAFE MANNER IN ANY
 159 PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18 YEARS
 160 OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER OWNERSHIP OR
 161 POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF UNSOUND MIND."
 162

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

167
 168 "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN AN UNSAFE MANNER
 169 IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR UNDER 18
 170 YEARS OF AGE OR TO KNOWINGLY SELL OR OTHERWISE TRANSFER
 171 OWNERSHIP OR POSSESSION OF A FIREARM TO A MINOR OR A PERSON OF
 172 UNSOUND MIND."
 173

174 (3) (a) At the time of the retail commercial sale or the
 175 retail transfer of any firearm, the seller or transferor shall

176 comply with all of the following:

177 1. Provide each purchaser or transferee with a basic
178 firearm safety brochure. Such brochure must be produced by a
179 national nonprofit membership organization that provides a
180 comprehensive voluntary safety program, including the training
181 of individuals in the safe handling and use of firearms, or by
182 another comparable nonprofit organization, and must contain all
183 of the following information relating to firearms:

184 a. Rules for the safe handling, storage, and use of
185 firearms;

186 b. Nomenclature and descriptions of various types of
187 firearms;

188 c. Responsibilities of firearm ownership; and

189 d. The following information developed by the Department
190 of Law Enforcement:

191 (I) A list of locations at which handguns are prohibited;
192 and

193 (II) Information concerning the use of handguns for self-
194 defense;

195 2. Offer to demonstrate to the purchaser the use of a
196 firearm locking mechanism; and

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

199 (b) The brochure required to be provided under paragraph
200 (a) need not be supplied by the firearm dealer if the firearm

201 manufacturer provides a basic firearm safety brochure with the
 202 firearm.

203 (c) The dealer may collect a charge for the brochure which
 204 may not exceed the dealer's cost in obtaining the brochure.

205 (d) Organizations that produce basic firearm safety
 206 brochures for distribution to firearm dealers for subsequent
 207 distribution to purchasers of firearms under this section and
 208 firearm dealers are not liable for injuries resulting from the
 209 accidental discharge of nondefective firearms purchased from any
 210 dealer.

211 (4) Any person or business that knowingly violates
 212 subsection (1) or subsection (2) or that violates subsection (3)
 213 ~~violating a requirement to provide warning under this section~~
 214 commits a misdemeanor of the second degree, punishable as
 215 provided in s. 775.082 or s. 775.083.

216 Section 5. Paragraph (b) of subsection (3) of section
 217 921.0022, Florida Statutes, is amended to read:

218 921.0022 Criminal Punishment Code; offense severity
 219 ranking chart.—

220 (3) OFFENSE SEVERITY RANKING CHART

221 (b) LEVEL 2

222

| | | |
|---------|--------|-------------|
| Florida | Felony | Description |
| Statute | Degree | |

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|-----|---|-----|--|
| 224 | 379.2431 (1) (e) 3. | 3rd | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 225 | 379.2431 (1) (e) 4. | 3rd | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 226 | 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. |
| 227 | 517.07 (2) | 3rd | Failure to furnish a prospectus meeting requirements. |
| 228 | 590.28 (1) | 3rd | Intentional burning of lands. |
| 229 | 784.03 (3) | 3rd | Battery during a riot or an aggravated riot. |
| | <u>784.05 (3) (a) 1.</u> 784.05 (3) | 3rd | <u>Adult</u> storing or leaving a loaded firearm within reach of |

minor who uses it to inflict
injury or death.

230

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

231

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

232

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

233

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

234

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

235

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

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|-----|--------------------|-----|--|
| 236 | 812.014 (2) (d) | 3rd | Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling. |
| 237 | 812.015 (7) | 3rd | Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure. |
| 238 | 817.234 (1) (a) 2. | 3rd | False statement in support of insurance claim. |
| 239 | 817.481 (3) (a) | 3rd | Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300. |
| 240 | 817.52 (3) | 3rd | Failure to redeliver hired vehicle. |
| 241 | 817.54 | 3rd | With intent to defraud, obtain mortgage note, etc., by false representation. |

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|-----|--------------|-----|--|
| 242 | 817.60(5) | 3rd | Dealing in credit cards of another. |
| 243 | 817.60(6)(a) | 3rd | Forgery; purchase goods, services with false card. |
| 244 | 817.61 | 3rd | Fraudulent use of credit cards over \$100 or more within 6 months. |
| 245 | 826.04 | 3rd | Knowingly marries or has sexual intercourse with person to whom related. |
| 246 | 831.01 | 3rd | Forgery. |
| 247 | 831.02 | 3rd | Uttering forged instrument; utters or publishes alteration with intent to defraud. |
| 248 | 831.07 | 3rd | Forging bank bills, checks, drafts, or promissory notes. |
| 249 | 831.08 | 3rd | Possessing 10 or more forged |

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notes, bills, checks, or drafts.

250

831.09 3rd Uttering forged notes, bills, checks, drafts, or promissory notes.

251

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

252

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

253

843.08 3rd False personation.

254

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.

255

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

256

257

Section 6. For the purpose of incorporating the amendment

258 made by this act to section 790.174, Florida Statutes, in a
259 reference thereto, paragraph (g) of subsection (5) of section
260 409.175, Florida Statutes, is reenacted to read:

261 409.175 Licensure of family foster homes, residential
262 child-caring agencies, and child-placing agencies; public
263 records exemption.—

264 (5) The department shall adopt and amend rules for the
265 levels of licensed care associated with the licensure of family
266 foster homes, residential child-caring agencies, and child-
267 placing agencies. The rules may include criteria to approve
268 waivers to licensing requirements when applying for a child-
269 specific license.

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

276 Section 7. This act shall take effect October 1, 2023.