

**STORAGE NAME:** h3241.leps  
**DATE:** March 26, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
LAW ENFORCEMENT AND PUBLIC SAFETY  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3241  
**RELATING TO:** Firearms/ Locking Devices  
**SPONSOR(S):** Representative(s) Meek, Miller and Others  
**COMPANION BILL(S):** SB 420 (l), SB 262 (c)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY
- (2) CRIME AND PUNISHMENT
- (3) GOVERNMENTAL RULES AND REGULATIONS
- (4) CRIMINAL JUSTICE APPROPRIATIONS
- (5)

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I. SUMMARY:

House Bill 3241 provides for the safe storage of firearms with the use of a locking device, which when installed on a firearm prevents the firearm from discharging. The term "locking device" is defined to mean a device that when installed on a firearm and secured by means of a key or a mechanically or electronically operated combination lock prevents the firearm from being discharged without first deactivating or removing the device by means of a key or a mechanically or electronically operated combination lock.

Currently, a loaded firearm stored where a minor could gain access to it must be kept in a securely locked box or secured with a "trigger lock." The bill allows the use of a "locking device" as defined as an additional means which qualifies under the safe storage of firearms requirement, where children might gain access to the firearm.

However, if the loaded firearm is stored on a premises where a minor is temporarily or permanently residing, the bill requires that the firearm be secured with an activated locking device and that the firearm be kept in a secure location. An exception is provided when the person is carrying the firearm on his or her body or within close proximity for quick retrieval.

House Bill 3241 would also limit the purchase of handguns to one every 30 days, except by special application to the Department of Law Enforcement. A violation of this section would be punishable as a first-degree misdemeanor. Exceptions are provided for law enforcement agencies, correctional facilities, private security agencies, the purchase of antique firearms, or persons who have had handguns lost or stolen.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Currently, in Florida, a person commits culpable negligence by storing or leaving a loaded firearm within the reach or easy access of a minor, if the minor obtains the firearm and uses it to inflict injury or death upon himself or any other person. This offense is punishable as a third degree felony. However, it does not constitute culpable negligence "if the firearm was stored or left in a securely locked box" or "was securely locked with a trigger lock." The statute does not specifically contemplate the use of a "locking device" as defined and it is not a violation of law for a person to remove or alter a locking device on a firearm, without the authorization of the owner of the firearm.

Florida law also currently requires the safe storage of a loaded firearm, either in a locked box or with a trigger lock. Failure to do so constitutes a misdemeanor of the second degree, if a minor gains access to the firearm, and possesses or exhibits it in a public place or in a rude, careless, angry, or threatening manner. Once again, the statute makes no specific reference to the use of a locking device, as defined, as a means of safe storage of firearms.

B. EFFECT OF PROPOSED CHANGES:

House Bill 3241 provides for the safe storage of firearms with the use of a locking device, which when installed on a firearm prevents the firearm from discharging. The term "locking device" is defined to mean a device that when installed on a firearm and secured by means of a key or a mechanically or electronically operated combination lock prevents the firearm from being discharged without first deactivating or removing the device by means of a key or a mechanically or electronically operated combination lock.

Currently, a loaded firearm stored where a minor could gain access to it must be kept in a securely locked box or secured with a "trigger lock." The bill allows the use of a "locking device" as defined as an additional means which qualifies under the safe storage of firearms requirement, where children might gain access to the firearm.

However, if the loaded firearm is stored on a premises where a minor is temporarily or permanently residing, the bill requires that the firearm be secured with an activated locking device and that the firearm be kept in a secure location. An exception is provided when the person is carrying the firearm on his or her body or within close proximity for quick retrieval.

House Bill 3241 would also limit the purchase of handguns (as opposed to firearms) to one every 30 days, except by special application to the Department of Law Enforcement. A violation of this section would be punishable as a first-degree misdemeanor. Exceptions are provided for law enforcement agencies, correctional facilities, private security agencies, the purchase of antique firearms, or persons who have had handguns lost or stolen.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

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c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

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(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 790.001, 790.174, and 790.065, F.S.

E. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendment 1 includes locking devices in the definition of "securely encased." It makes it a third degree felony to knowingly alter or remove a locking device from a firearm without the owner's authorization, or to sell or possess a firearm if the locking device has been so altered or removed. The amendment provides that if a firearm is secured with a locking device, the firearm is safely store and it is not culpable negligence if the firearm is within the reach or easy access of a minor under 16 years of age.

Amendment 2 would limit applicability of the bill to the use of locking devices for the safe storage of firearms. The bill would not affect or limit the purchase or delivery of handguns.

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

Prepared by:

Legislative Research Director:

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Kurt E. Ahrendt

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