

Bill No. SB 1586

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Meek moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 3, between lines 19 and 20,		
15			
16	insert:		
17	Section 3. Section 790.001, Florida Statutes, is		
18	amended to read:		
19	790.001 Definitions.--As used in this chapter, except		
20	where the context otherwise requires:		
21	(1) "Antique firearm" means any firearm manufactured		
22	in or before 1918 (including any matchlock, flintlock,		
23	percussion cap, or similar early type of ignition system) or		
24	replica thereof, whether actually manufactured before or after		
25	the year 1918, and also any firearm using fixed ammunition		
26	manufactured in or before 1918, for which ammunition is no		
27	longer manufactured in the United States and is not readily		
28	available in the ordinary channels of commercial trade.		
29	(2) <u>"Child-proof handgun" means a handgun which</u>		
30	<u>incorporates within its design, and as part of its original</u>		
31	<u>manufacture, technology which automatically limits its</u>		

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1 operational use, and which cannot be readily deactivated, so
2 that it may only be fired by an authorized or recognized user.
3 The technology limiting the handgun's operational use may
4 include, but not be limited to: radio tagging, touch memory,
5 remote control, fingerprint, magnetic encoding and other
6 automatic user identification systems utilizing biometrics,
7 mechanical and electronic systems.

8 ~~(3)~~(2) "Concealed firearm" means any firearm, as
9 defined in subsection (6), which is carried on or about a
10 person in such a manner as to conceal the firearm from the
11 ordinary sight of another person.

12 ~~(4)~~(3)(a) "Concealed weapon" means any dirk, metallic
13 knuckles, slungshot, billie, tear gas gun, chemical weapon or
14 device, or other deadly weapon carried on or about a person in
15 such a manner as to conceal the weapon from the ordinary sight
16 of another person.

17 (b) "Tear gas gun" or "chemical weapon or device"
18 means any weapon of such nature, except a device known as a
19 "self-defense chemical spray." "Self-defense chemical spray"
20 means a device carried solely for purposes of lawful
21 self-defense that is compact in size, designed to be carried
22 on or about the person, and contains not more than two ounces
23 of chemical.

24 ~~(5)~~(4) "Destructive device" means any bomb, grenade,
25 mine, rocket, missile, pipebomb, or similar device containing
26 an explosive, incendiary, or poison gas and includes any
27 frangible container filled with an explosive, incendiary,
28 explosive gas, or expanding gas, which is designed or so
29 constructed as to explode by such filler and is capable of
30 causing bodily harm or property damage; any combination of
31 parts either designed or intended for use in converting any

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1 device into a destructive device and from which a destructive
2 device may be readily assembled; any device declared a
3 destructive device by the Bureau of Alcohol, Tobacco, and
4 Firearms; any type of weapon which will, is designed to, or
5 may readily be converted to expel a projectile by the action
6 of any explosive and which has a barrel with a bore of
7 one-half inch or more in diameter; and ammunition for such
8 destructive devices, but not including shotgun shells or any
9 other ammunition designed for use in a firearm other than a
10 destructive device. "Destructive device" does not include:

11 (a) A device which is not designed, redesigned, used,
12 or intended for use as a weapon;

13 (b) Any device, although originally designed as a
14 weapon, which is redesigned so that it may be used solely as a
15 signaling, line-throwing, safety, or similar device;

16 (c) Any shotgun other than a short-barreled shotgun;
17 or

18 (d) Any nonautomatic rifle (other than a
19 short-barreled rifle) generally recognized or particularly
20 suitable for use for the hunting of big game.

21 ~~(6)~~(5) "Explosive" means any chemical compound or
22 mixture that has the property of yielding readily to
23 combustion or oxidation upon application of heat, flame, or
24 shock, including but not limited to dynamite, nitroglycerin,
25 trinitrotoluene, or ammonium nitrate when combined with other
26 ingredients to form an explosive mixture, blasting caps, and
27 detonators; but not including:

28 (a) Shotgun shells, cartridges, or ammunition for
29 firearms;

30 (b) Fireworks as defined in s. 791.01;

31 (c) Smokeless propellant powder or small arms

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1 ammunition primers, if possessed, purchased, sold,
2 transported, or used in compliance with s. 552.241;

3 (d) Black powder in quantities not to exceed that
4 authorized by chapter 552, or by any rules or regulations
5 promulgated thereunder by the Department of Insurance, when
6 used for, or intended to be used for, the manufacture of
7 target and sporting ammunition or for use in muzzle-loading
8 flint or percussion weapons.

9
10 The exclusions contained in paragraphs (a)-(d) do not apply to
11 the term "explosive" as used in the definition of "firearm" in
12 subsection (6).

13 ~~(7)(6)~~ "Firearm" means any weapon (including a starter
14 gun) which will, is designed to, or may readily be converted
15 to expel a projectile by the action of an explosive; the frame
16 or receiver of any such weapon; any firearm muffler or firearm
17 silencer; any destructive device; or any machine gun. The
18 term "firearm" does not include an antique firearm unless the
19 antique firearm is used in the commission of a crime.

20 ~~(8)(7)~~ "Indictment" means an indictment or an
21 information in any court under which a crime punishable by
22 imprisonment for a term exceeding 1 year may be prosecuted.

23 ~~(9)(8)~~ "Law enforcement officer" means:

24 (a) All officers or employees of the United States or
25 the State of Florida, or any agency, commission, department,
26 board, division, municipality, or subdivision thereof, who
27 have authority to make arrests;

28 (b) Officers or employees of the United States or the
29 State of Florida, or any agency, commission, department,
30 board, division, municipality, or subdivision thereof, duly
31 authorized to carry a concealed weapon;

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1 (c) Members of the Armed Forces of the United States,
2 the organized reserves, state militia, or Florida National
3 Guard, when on duty, when preparing themselves for, or going
4 to or from, military duty, or under orders;

5 (d) An employee of the state prisons or correctional
6 systems who has been so designated by the Department of
7 Corrections or by a superintendent of an institution;

8 (e) All peace officers;

9 (f) All state attorneys and United States attorneys
10 and their respective assistants and investigators.

11 ~~(10)~~~~(9)~~ "Machine gun" means any firearm, as defined
12 herein, which shoots, or is designed to shoot, automatically
13 more than one shot, without manually reloading, by a single
14 function of the trigger.

15 ~~(11)~~~~(10)~~ "Short-barreled shotgun" means a shotgun
16 having one or more barrels less than 18 inches in length and
17 any weapon made from a shotgun (whether by alteration,
18 modification, or otherwise) if such weapon as modified has an
19 overall length of less than 26 inches.

20 ~~(12)~~~~(11)~~ "Short-barreled rifle" means a rifle having
21 one or more barrels less than 16 inches in length and any
22 weapon made from a rifle (whether by alteration, modification,
23 or otherwise) if such weapon as modified has an overall length
24 of less than 26 inches.

25 ~~(13)~~~~(12)~~ "Slungshot" means a small mass of metal,
26 stone, sand, or similar material fixed on a flexible handle,
27 strap, or the like, used as a weapon.

28 ~~(14)~~~~(13)~~ "Weapon" means any dirk, metallic knuckles,
29 slungshot, billie, tear gas gun, chemical weapon or device, or
30 other deadly weapon except a firearm or a common pocketknife.

31 ~~(15)~~~~(14)~~ "Electric weapon or device" means any device

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1 which, through the application or use of electrical current,
2 is designed, redesigned, used, or intended to be used for
3 offensive or defensive purposes, the destruction of life, or
4 the infliction of injury.

5 (16)~~(15)~~ "Remote stun gun" means any nonlethal device
6 with a tethered range not to exceed 16 feet and which shall
7 utilize an identification and tracking system which, upon use,
8 disperses coded material traceable to the purchaser through
9 records kept by the manufacturer on all remote stun guns and
10 all individual cartridges sold which information shall be made
11 available to any law enforcement agency upon request.

12 (17)~~(16)~~ "Readily accessible for immediate use" means
13 that a firearm or other weapon is carried on the person or
14 within such close proximity and in such a manner that it can
15 be retrieved and used as easily and quickly as if carried on
16 the person.

17 (18)~~(17)~~ "Securely encased" means in a glove
18 compartment, whether or not locked; snapped in a holster; in a
19 gun case, whether or not locked; in a zippered gun case; or in
20 a closed box or container which requires a lid or cover to be
21 opened for access.

22 (19) "Trigger locking device" means a device that, if
23 installed on a firearm and secured by means of a key or
24 mechanically, electronically or electromechanically operated
25 combination lock, prevents the firearm from being discharged
26 without first deactivating or removing the device by means of
27 a key or mechanically, electronically or electromechanically
28 operated combination lock.

29 (20)~~(18)~~ "Sterile area" means the area of an airport
30 to which access is controlled by the inspection of persons and
31 property in accordance with federally approved airport

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1 security programs.

2 Section 4. Subsection (4) of section 79.0655, Florida
3 Statutes is created to read:

4 (a) A licensed importer, licensed manufacturer, or
5 licensed dealer may not sell or deliver from her or his
6 inventory at her or his licensed premises any handgun to
7 another person, other than a licensed importer, licensed
8 manufacturer, licensed dealer, or licensed collector, unless
9 the handgun is accompanied by a trigger locking device or has
10 been certified by the Department of Law Enforcement to be a
11 child-proof handgun. This paragraph shall expire on July 1,
12 2002.

13 (b) Effective July 1, 2002, a licensed importer,
14 licensed manufacturer, or licensed dealer may not sell or
15 deliver from her or his inventory at her or his licensed
16 premises any handgun to another person, other than a licensed
17 importer, licensed manufacturer, licensed dealer, or licensed
18 collector, unless it has been certified by the Department of
19 Law Enforcement to be a child-proof handgun.

20 (c) The Department of Law Enforcement shall prepare a
21 list containing the make and model of handguns which the
22 department certifies to meet the definition of a "child-proof
23 handgun." The department shall make this list available to
24 licensed importers, licensed manufacturers or dealers.

25 (d) Any licensed importer, licensed manufacturer, or
26 licensed dealer or any employee or agency of a licensed
27 importer, licensed manufacturer, or licensed dealer who
28 violates the provisions of this subsection commits a felony of
29 the third degree punishable as provided in s. 775.082 or s.
30 775.083.

31 (e) This subsection does not apply to employees of

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1 sheriff's offices, municipal police departments, correctional
2 facilities or agencies, or other criminal justice or
3 governmental agencies when the purchases or transfers are made
4 on behalf of an employing agency for official law enforcement
5 purposes.

6 Section 5. Subsection (1) of section 790.174, Florida
7 Statutes, is amended to read:

8 790.174 Safe storage of firearms required.--

9 (1) A person who stores or leaves, on a premise under
10 his or her control, a loaded firearm, as defined in s.
11 790.001, and who knows or reasonably should know that a minor
12 is likely to gain access to the firearm without the lawful
13 permission of the minor's parent or the person having charge
14 of the minor, or without the supervision required by law,
15 shall keep the firearm in a securely locked box or container
16 or in a location which a reasonable person would believe to be
17 secure or shall secure it with an activated ~~a~~ trigger locking
18 device ~~lock~~, except when the person is carrying the firearm on
19 his or her body or within such close proximity thereto that he
20 or she can retrieve and use it as easily and quickly as if he
21 or she carried it on his or her body. However, if the person
22 stores or leaves the firearm on any premises where the person
23 knows or reasonably should know that a minor is temporarily or
24 permanently residing, the person must in all cases secure the
25 firearm with an activated trigger locking device, in addition
26 to keeping the firearm in a secure location, except when the
27 person is carrying the firearm on his or her body or within
28 such close proximity thereto that he or she can retrieve it
29 and use it as easily and quickly as if he or she carried it on
30 his or her body.

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1 (Redesignate subsequent sections.)

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, lines 2-15, delete those lines

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8 and insert:

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An act relating to firearms; creating s.
790.331, F.S.; prohibiting civil actions
against manufacturers and dealers of firearms
and ammunition under certain circumstances;
providing legislative findings; providing
conditions to sue on behalf of the state for
its agencies and instrumentalities, or on
behalf of a county, municipality, town, special
purpose district, or any other political
subdivision of the state; providing
application; providing penalties; providing for
expenses to be awarded in certain civil
actions; providing for application; amending s.
790.001, F.S.; defining the terms "child-proof
handgun" and "trigger locking device"; amending
s. 790.0655, F.S.; providing that a handgun may
not be sold or delivered without a trigger
locking device or unless it is a child-proof
handgun; providing that after July 1, 2002, a
handgun may not be sold or delivered unless it
is a child-proof handgun; providing that the
Department of Law Enforcement shall certify and
provide lists of child-proof handguns;

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1 providing penalties; amending s. 790.174, F.S.;

2 requiring a person to secure a firearm with a

3 trigger locking device under specific

4 circumstances when the firearm is left or

5 stored on premises where such minors reside;

6 providing penalties for failure to store or

7 leave the firearm in the required manner under

8 specified circumstances; providing

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