

By Senator Campbell

33-922-00

See HB 997

1 A bill to be entitled
2 An act relating to firearm manufacturer product
3 liability; creating s. 790.0653, F.S.;
4 providing definitions; limiting product
5 liability actions against firearm manufacturers
6 or dealers under certain circumstances;
7 providing application; providing limitations;
8 providing construction; providing for a limited
9 firearm license fee waiver under certain
10 circumstances; amending s. 790.174, F.S.;
11 clarifying application of the term "secured
12 firearm" under certain circumstances; providing
13 an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 790.0653, Florida Statutes, is
18 created to read:

19 790.0653 Firearm manufacturer product liability.--

20 (1) Definitions.--For purposes of this act:

21 (a) "Integrated safety device" means a device such as,
22 but not limited to, a combination handle lock or comparable
23 locking device, which is a nondetachable part of a firearm and
24 which precludes the discharging of the firearm by a person
25 other than the owner of the firearm or any other person
26 specifically authorized by the owner to use the firearm but
27 does include a safety device integrated into a detachable
28 ammunition magazine which, when the device is activated,
29 prevents the magazine itself from being detached. The term
30 does not include any device which contains a mechanism which

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1 allows a user to readily bypass the lock, other than by simply
2 not engaging the lock.

3 (b) "Combination handle lock" means a device that is
4 part of a firearm and which contains a code of three or more
5 digits which may be set by the owner to prevent unauthorized
6 use by rendering the firearm inoperable unless the correct
7 combination is entered.

8 (c) "Comparable locking device" means any device which
9 is a nondetachable part of a firearm which renders the firearm
10 inoperable.

11 (2)(a) In any product liability action for harm
12 allegedly caused by a firearm, brought against a firearm
13 manufacturer or dealer duly licensed by the appropriate
14 federal and state authorities, it is presumed that the firearm
15 itself is not unreasonably dangerous for its lawful use, and
16 the manufacturer or seller is not liable if, at the time the
17 specific unit of the firearm was sold or delivered to the
18 initial purchaser or user, the firearm has an integrated
19 safety device.

20 (b) This section applies to any action brought by or
21 on behalf of any individual, the state or its agencies and
22 instrumentalities, or a municipality, town, special purpose
23 district, or any other political subdivision of the state.

24 (c) This section does not prohibit:

25 1. Actions against firearm manufacturers or dealers
26 relating to firearms which are manufactured, distributed, or
27 sold in violation of applicable federal or state laws.

28 2. Actions against firearm manufacturers or dealers
29 for breach of contract or warranty in connection with the
30 purchase of any firearm.

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1 3. Actions for injuries resulting from a firearm
2 malfunction due to defects in design or manufacture.

3 (d) This section shall not be construed to:

4 1. Require a firearm manufacturer or dealer to
5 manufacture, distribute, or sell only firearms with an
6 integrated safety device or a firearm purchaser to purchase
7 only a firearm with an integrated safety device.

8 2. Mean that a firearm with an integrated safety
9 device constitutes a firearm which is "not readily accessible
10 for immediate use" within the meaning of s. 790.25(5).

11 (3) Any firearm owner who voluntarily retrofits a
12 firearm with an integrated safety device shall be entitled to
13 a one time waiver of the initial or renewal license fee under
14 s. 790.06(5)(b).

15 Section 2. Section 790.174, Florida Statutes, is
16 amended to read:

17 790.174 Safe storage of firearms required.--

18 (1) A person who stores or leaves, on a premise under
19 his or her control, a loaded firearm, as defined in s.
20 790.001, and who knows or reasonably should know that a minor
21 is likely to gain access to the firearm without the lawful
22 permission of the minor's parent or the person having charge
23 of the minor, or without the supervision required by law,
24 shall keep the firearm in a securely locked box or container
25 or in a location which a reasonable person would believe to be
26 secure or shall secure it with a trigger lock, 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 and
29 use it as easily and quickly as if he or she carried it on his
30 or her body.

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1 (2) It is a misdemeanor of the second degree,
2 punishable as provided in s. 775.082 or s. 775.083, if a
3 person violates subsection (1) by failing to store or leave a
4 firearm in the required manner and as a result thereof a minor
5 gains access to the firearm, without the lawful permission of
6 the minor's parent or the person having charge of the minor,
7 and possesses or exhibits it, without the supervision required
8 by law:

9 (a) In a public place; or

10 (b) In a rude, careless, angry, or threatening manner
11 in violation of s. 790.10.

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

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

17 (4) A firearm, even if loaded, which has an activated
18 integrated safety device shall constitute a secured firearm
19 within the meaning of this section, regardless of the location
20 or other condition of the firearm's storage.

21 Section 3. This act shall take effect upon becoming a
22 law.

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25 LEGISLATIVE SUMMARY

26 Limits product liability actions, for harm allegedly
27 caused by a firearm, against licensed firearm
28 manufacturers or dealers for firearms sold or delivered
29 with an integrated safety device. Provides exceptions and
30 construction. Provides for a one-time waiver of initial
31 or renewal firearm license fees for owners who retrofit
their firearms with integrated safety devices. Specifies
that firearms with integrated safety devices are secured
firearms for purposes of requirements for safe storage of
firearms. See bill for details.