

By Senator Campbell

33-15A-01

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; defining the term
5 "integrated safety device"; limiting product
6 liability actions against firearm manufacturers
7 or firearm dealers if the firearm has an
8 integrated safety device when sold or delivered
9 to the initial purchaser or user; providing
10 that the act does not prohibit specified
11 actions; clarifying requirements of the act;
12 providing for a one-time waiver of the firearm
13 license fee if the owner retrofits a firearm
14 with an integrated safety device; amending s.
15 790.174, F.S.; clarifying application of the
16 term "secured firearm" for purposes of
17 provisions requiring the safe storage of
18 firearms; providing an effective date.

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

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22 Section 1. Section 790.0653, Florida Statutes, is
23 created to read:

24 790.0653 Firearm manufacturer product liability.--

25 (1) As used in this section, the term:

26 (a) "Combination handle lock" means a device that is
27 part of a firearm and that contains a code of three or more
28 digits which may be set in order to prevent the unauthorized
29 use of a firearm by rendering the firearm inoperable unless
30 the correct combination is entered.

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1 (b) "Comparable locking device" means any device that
2 is a nondetachable part of a firearm and that renders the
3 firearm inoperable.

4 (c) "Integrated safety device" means a device,
5 including, but not limited to, a combination handle lock or
6 comparable locking device, which is a nondetachable part of a
7 firearm and which precludes the discharging of the firearm by
8 a person other than the owner of the firearm or any other
9 person specifically authorized by the owner to use the
10 firearm. The term does not include a safety device integrated
11 into a detachable ammunition magazine which, when the device
12 is activated, prevents the magazine itself from being
13 detached. The term does not include any device that contains a
14 mechanism that allows a user to readily bypass the lock other
15 than by simply not engaging the lock.

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

24 (b) This section applies to any action brought by or
25 on behalf of any individual; the state or its agencies and
26 instrumentalities; or a municipality, special district, or
27 other political subdivision of the state.

28 (c) This section does not prohibit an action against a
29 firearm manufacturer or firearm dealer:

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1 1. Which relates to a firearm that is manufactured,
2 distributed, or sold in violation of applicable federal or
3 state laws.

4 2. For breach of contract or warranty in connection
5 with the purchase of a firearm.

6 3. For injuries resulting from a firearm malfunction
7 due to defects in design or manufacture.

8 (d) This section does not:

9 1. Require a firearm manufacturer or firearm dealer to
10 manufacture, distribute, or sell only firearms that have an
11 integrated safety device.

12 2. Require a firearm purchaser to purchase only a
13 firearm that has an integrated safety device.

14 3. Mean that a firearm that has an integrated safety
15 device constitutes a firearm that is "not readily accessible
16 for immediate use" within the meaning of s. 790.25(5).

17 (3) Any firearm owner who voluntarily retrofits a
18 firearm with an integrated safety device is entitled to a
19 one-time waiver of the initial or renewal license fee under s.
20 790.06(5)(b).

21 Section 2. Section 790.174, Florida Statutes, is
22 amended to read:

23 790.174 Safe storage of firearms required.--

24 (1) A person who stores or leaves, on a premise under
25 his or her control, a loaded firearm, as defined in s.
26 790.001, and who knows or reasonably should know that a minor
27 is likely to gain access to the firearm without the lawful
28 permission of the minor's parent or the person having charge
29 of the minor, or without the supervision required by law,
30 shall keep the firearm in a securely locked box or container
31 or in a location which a reasonable person would believe to be

1 secure or shall secure it with a trigger lock, except when the
2 person is carrying the firearm on his or her body or within
3 such close proximity thereto that he or she can retrieve and
4 use it as easily and quickly as if he or she carried it on his
5 or her body.

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

14 (a) In a public place; or

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

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

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

22 (4) A firearm, even if loaded, which has an activated
23 integrated safety device as defined in s. 790.0653 constitutes
24 a secured firearm within the meaning of this section
25 regardless of the location or other condition of the firearm's
26 storage.

27 Section 3. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Limits product liability actions for harm allegedly caused by a firearm against licensed firearm manufacturers or firearm dealers for firearms sold or delivered which have an integrated safety device. Provides for a one-time waiver of the initial or renewal firearm license fee if an owner retrofits the firearm with an integrated safety device. Specifies that a firearm that has an integrated safety device is a secured firearm for purposes of the law requiring the safe storage of firearms. (See bill for details.)