

Bill No. SB 412

Amendment No. \_\_\_\_ Barcode 924096

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Campbell moved the following amendment:

**Senate Amendment (with title amendment)**

On page 4, between lines 4 and 5,

insert:

Section 2. Section 790.0653, Florida Statutes, is created to read:

790.0653 Firearm manufacturer product liability.--

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

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

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

(c) "Integrated safety device" means a device, including, but not limited to, a combination handle lock or comparable locking device, which is a nondetachable part of a

Bill No. SB 412

Amendment No. \_\_\_\_ Barcode 924096

1 firearm and which precludes the discharging of the firearm by  
2 a person other than the owner of the firearm or any other  
3 person specifically authorized by the owner to use the  
4 firearm. The term does not include a safety device integrated  
5 into a detachable ammunition magazine which, when the device  
6 is activated, prevents the magazine itself from being  
7 detached. The term does not include any device that contains a  
8 mechanism that allows a user to readily bypass the lock other  
9 than by simply not engaging the lock.

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

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

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

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

27 2. For breach of contract or warranty in connection  
28 with the purchase of a firearm.

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

31 (d) This section does not:

Bill No. SB 412

Amendment No. \_\_\_\_ Barcode 924096

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

4           2. Require a firearm purchaser to purchase only a  
5 firearm that has an integrated safety device.

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

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10 (Redesignate subsequent sections.)

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

14 And the title is amended as follows:

15           On page 1, line 25, after the semicolon,

16

17 insert:

18           creating s. 790.0653, F.S.; providing  
19           definitions; defining the term "integrated  
20           safety device"; limiting product liability  
21           actions against firearm manufacturers or  
22           firearm dealers if the firearm has an  
23           integrated safety device when sold or delivered  
24           to the initial purchaser or user; providing  
25           that specified actions against a firearm  
26           manufacturer or firearm dealer are not  
27           prohibited;

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