

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 1551](#)

TITLE: Products Liability for Firearms

SPONSOR(S): Duggan

COMPANION BILL: [SB 1748](#) (Trumbull)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Civil Justice & Claims](#)

13 Y, 4 N



[Judiciary](#)

SUMMARY

Effect of the Bill:

HB 1551 provides that a firearm manufacturer who otherwise lawfully manufactures a firearm is not liable in a products liability lawsuit based on a theory of defective product design, failure to warn, negligence, strict liability, or other claims based on the absence or presence of any design feature, functionality, safety mechanism, or performance standard that is not required by federal law.

The bill is effective upon becoming law.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

HB 1551 creates s. 768.1258, F.S., to provide immunity from liability for a firearm manufacturer in certain [products liability actions](#). Under the bill, a firearm manufacturer is not liable under a theory of [defective product design](#), [failure to warn](#), [negligence](#), [strict liability](#), or other claims based on the absence or presence of any design feature, functionality, safety mechanism, or performance standard that is not required by federal law as a condition for the lawful manufacture, sale, import, or receipt of the firearm. The bill provides, by way of examples, that a firearm manufacturer is immune from liability based on the absence or presence of a magazine disconnect mechanism, a loaded chamber indicator, authorized user recognition technology, or an external manual safety mechanism which are not required by federal law. (Section [1](#)).

The bill does not limit a firearm manufacturer's liability in cases involving an actual manufacturing defect of the firearm or in which the firearm failed to operate as specified by the manufacturer's express warranties or representations. (Section [1](#)).

The bill defines the following firearm-related terms:

- "Authorized user recognition technology" means a mechanism, device, or technology applied to a firearm which prevents a user not authorized by the firearm owner from firing the firearm.
- "External manual safety" means a manually operated mechanism that, when engaged, blocks the firearm trigger from functioning.
- "Loaded chamber indicator" means a mechanism or feature intended to indicate to the user that a cartridge is in the firing chamber of a firearm.
- "Magazine disconnect mechanism" means a mechanism that prevents a semiautomatic firearm from firing when the detachable magazine is not fully inserted in the firearm.
- "Firearm" has the same definition as in [s. 790.001\(a\), F.S.](#) (Section [1](#)).

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The bill is effective upon becoming law. (Section [2](#)).

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill may have a positive economic impact on businesses that manufacture firearms based on the immunity from liability in civil products liability lawsuits. The bill may have a negative economic impact on private individuals who wish to bring suit against a firearms manufacturer for products liability related to an injury from a firearm.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Products Liability in General](#)

A “products liability action” is a civil action based upon a theory of strict liability, negligence, defective design, failure to warn, or similar theories for damages caused by the manufacture, construction, design, formulation, installation, preparation, or assembly of a product or the failure to warn that the product is potentially dangerous.

Products liability laws are based on the premise that companies have a duty to protect consumers from potential hazards caused by their products.¹ Generally, a product must meet the ordinary expectations of a consumer; when a product has an unexpected defect or danger, the product cannot be said to meet those expectations.² However, Florida courts have held that:

- A manufacturer has no duty to design the safest possible product;
- A manufacturer cannot be held liable for the misuse of a product;
- There is no duty to warn of an obvious danger or a danger about which the user is aware;
- A legally sufficient warning does not need to prevent a user from misusing a product; and
- A product manufacturer, distributor, or seller does not owe a duty to a third party who is injured as a result of a buyer’s use of a product for unintended purposes.³

A manufacturer, although liable for injuries caused by a defect in its product, is not an insurer for all physical injuries caused by its product.⁴ Additionally, the Fourth DCA has repeatedly held that “products liability does not make the manufacturer an insurer of all foreseeable accidents which involve its product...the availability of an alternative design does not translate into a legal duty in products liability. An action is not maintainable in products liability merely because the design used was not the safest possible.”⁵

Products Liability Theories

[Strict Liability](#)

A products liability action based on the theory of strict liability exists when a defendant is liable for committing an action, regardless of what his or her intent or mental state was when committing the action. In the products liability context, strict liability may apply when a defective product for which a defendant holds responsibility causes injury to a plaintiff.⁶

[Negligence](#)

¹ Legal Information Institute, Products Liability, https://www.law.cornell.edu/wex/products_liability (last visited Jan. 29, 2026).

² *Id.*

³ *Michael Grieco v. Daiho Sangyo, Inc.*, 344 So. 3d 11 (Fla. 4th DCA 2022).

⁴ *Houdaille Indus., Inc. v. Edwards*, 374 So. 2d 490 (Fla. 1979).

⁵ *Grunow v. Valor Corp. of Florida*, 904 So. 2d 551 (Fla. 4th DCA 2005).

⁶ Legal Information Institute, *Strict Liability*, https://www.law.cornell.edu/wex/strict_liability (last visited Jan. 26, 2026).

“Negligence” is the failure to act with the level of care that a reasonable person would have exercised under the same circumstances. The elements required to prove negligence are duty, breach, causation, and damages.⁷ Specifically, with respect to a claim based on negligence involving firearms, the injured party may be required to show that a defendant owed not merely a general duty to society, but a specific duty to the injured party.⁸

Breach of Warranty

“Breach of warranty” is the violation of an express or implied contract of warranty, and thus it is a breach of contract. Essentially, it occurs when the warrantor fails to provide the assurances warranted.⁹

Defective Design

Defective product design is a theory often cited in products liability cases. A “design defect” means that the product was manufactured correctly, but the defect is inherent in the design of the product itself, which makes the product dangerous to consumers.¹⁰ In a products liability case, a plaintiff can only establish a design defect when he or she proves there is a hypothetical alternative design that would be:

- Safer than the original design;
- As economically feasible as the original design; and
- As practical as the original design, retaining the primary purpose behind the original design despite the changes made.¹¹

Manufacturing Defects

Unlike a flawed or defective design, a product may also fail due to a manufacturing defect, that is, a defect that occurred during the production or manufacturing of the product.¹² In contrast to a design defect which impacts the entire line of products, a manufacturing defect is a flaw that occurs only to some of the products during manufacture.¹³

Failure to Warn

In addition to an action based on a manufacturing defect or design defect of a product, a plaintiff may also commence a products liability action based on a failure to warn or warning defect. A claim based on a failure to warn does not assert that the physical product was flawed, but rather that the manufacturer failed to provide adequate warning or instructions about the safe use of the product and the consumer was injured due to such undisclosed risk.¹⁴

Firearms

Section [790.001, F.S.](#), defines a “firearm” as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon;

⁷ Legal Information Institute, *Negligence*, <https://www.law.cornell.edu/wex/negligence> (last visited Jan. 26, 2026).

⁸ See *Grunow*, 904 So. 2d at 556.

⁹ Legal Information Institute, *Breach of Warranty*, https://www.law.cornell.edu/wex/breach_of_warranty (last visited Jan. 26, 2026).

¹⁰ Legal Information Institute, *Design Defect*, https://www.law.cornell.edu/wex/design_defect (last visited Jan. 27, 2026).

¹¹ *Id.*

¹² Legal Information Institute, *Manufacturing Defect*, https://www.law.cornell.edu/wex/manufacturing_defect (last visited Jan. 30, 2026).

¹³ *Id.*

¹⁴ Justia: Products Liability Law Center, *Failures to Warn Supporting Products Liability Legal Claims*, <https://www.justia.com/products-liability/types-of-products-liability-claims/failure-to-warn/> (last visited Jan. 29, 2026).

any firearm muffler or firearm silencer; any destructive device; or any machine gun.¹⁵ The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.¹⁶

Generally, firearm manufacturing is regulated and licensed through the federal government and the Gun Control Act of 1968.¹⁷ Manufacturers must adhere to federal and state laws which include restrictions on the sale and transport of firearms as well as certain production requirements, including, but not limited to, placing individual serial numbers on each firearm produced by the licensee.

Florida Prohibition of Civil Action by a Government Entity

Section [790.331, F.S.](#), prohibits the state, a subdivision or agency thereof, or a county or municipality, from filing an action against a firearm manufacturer arising out of the lawful design, marketing, distribution, or sale of firearms or ammunition to the public.¹⁸

OTHER RESOURCES:

[ATF: Federal Firearms Regulation Reference Guide 2014.](#)

[ATF: State Laws and Published Ordinances-Firearms, 36th Edition.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Civil Justice & Claims Subcommittee Judiciary Committee	13 Y, 4 N	2/3/2026	Jones	Mathews

¹⁵ [S. 790.001, F.S.](#)

¹⁶ *Id.*

¹⁷ 18 U.S.C. 44.

¹⁸ [S. 790.331, F.S.](#)