

1 A bill to be entitled
 2 An act relating to products liability for firearms;
 3 creating s. 768.1258, F.S.; providing definitions;
 4 providing that a firearm manufacturer is not liable
 5 for certain torts based on the absence or presence of
 6 certain features, mechanisms, or standards not
 7 required under federal law; providing construction and
 8 application; providing a directive to the Division of
 9 Law Revision; providing an effective date.

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

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 13 **Section 1. Section 768.1258, Florida Statutes, is created**
 14 **to read:**

15 768.1258 Limitation of actions against firearm
 16 manufacturers.—

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

18 (a) "Authorized user recognition technology" means a
 19 mechanism, device, or technology applied to a firearm which
 20 prevents a user not authorized by the firearm owner from firing
 21 the firearm.

22 (b) "External manual safety" means a manually operated
 23 mechanism that, when engaged, blocks the firearm trigger from
 24 functioning.

25 (c) "Firearm" has the same meaning as in s. 790.001.

26 (d) "Loaded chamber indicator" means a mechanism or
 27 feature intended to indicate to the user that a cartridge is in
 28 the firing chamber of a firearm.

29 (e) "Magazine disconnect mechanism" means a mechanism that
 30 prevents a semiautomatic firearm from firing when the detachable
 31 magazine is not fully inserted in the firearm.

32 (2) In a products liability action involving a firearm, a
 33 firearm manufacturer is not liable under a theory of defective
 34 product design, failure to warn, negligence, strict liability,
 35 or other claims based on the absence or presence of any design
 36 feature, functionality, safety mechanism, or performance
 37 standard that is not required by federal law as a condition for
 38 the lawful manufacture, sale, import, or receipt of the firearm,
 39 including, but not limited to:

40 (a) A magazine disconnect mechanism;

41 (b) A loaded chamber indicator;

42 (c) Authorized user recognition technology; or

43 (d) An external manual safety, including, but not limited
 44 to, a hinged, pivoting, or tabbed trigger safety.

45 (3) This section does not limit liability for a firearm
 46 manufacturer in cases in which the claimant establishes that the
 47 firearm contained an actual manufacturing or design defect or
 48 failed to operate in a manner consistent with the manufacturer's
 49 express warranties or representations.

50 (4) This section shall apply to causes of action filed

51 after the effective date of this act.

52 **Section 2.** The Division of Law Revision is directed to
53 replace the phrase "the effective date of this act" wherever it
54 occurs in this act with the date this act becomes a law.

55 **Section 3.** This act shall take effect upon becoming a law.