

By Senators Grant and Williams

13-1124-98

See HB 3323

1 A bill to be entitled
2 An act relating to sport shooting ranges;
3 providing definitions; providing exemption
4 from civil liability and criminal prosecution
5 for owners and users of sport shooting ranges
6 with respect to noise pollution resulting from
7 the operation of the range under certain
8 circumstances; exempting sport shooting ranges
9 from specified rules and regulations;
10 prohibiting certain nuisance actions against
11 sport shooting ranges; providing for the
12 continued operation of sport shooting ranges
13 under specified circumstances; providing an
14 effective date.

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

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18 Section 1. Sport shooting ranges; definitions;
19 exemption from liability; exemption from specified rules and
20 regulations; exemption from nuisance actions; continued
21 operation.--

22 (1) Definitions.--As used in this act, the following
23 terms shall have the following meanings:

24 (a) "Unit of local government" means a unit of local
25 government created or established by law, including, but not
26 limited to, a city, consolidated government, county,
27 metropolitan government, municipality, town, or village.

28 (b) "Person" means an individual, corporation,
29 proprietorship, partnership, association, club, two or more
30 persons having a joint or common interest, or any other legal
31 entity.

1 (c) "Sport shooting range" or "range" means an area
2 designed and operated for the use of rifles, shotguns,
3 pistols, silhouettes, skeet, trap, black powder, or any other
4 similar type of sport shooting.

5 (2) Notwithstanding any other provision of law, a
6 person who operates or uses a sport shooting range in this
7 state shall not be subject to civil liability or criminal
8 prosecution in any matter relating to noise or noise pollution
9 which results from the operation or use of a sport shooting
10 range, if the range is in compliance with any noise control
11 laws or ordinances adopted by a unit of local government
12 applicable to the range and its operation at the time of
13 construction or initial operation of the range.

14 (3) A person who operates or uses a sport shooting
15 range is not subject to an action for nuisance, and a court of
16 this state shall not enjoin the use or operation of a sport
17 shooting range on the basis of noise or noise pollution, if
18 the range is in compliance with any noise control laws or
19 ordinances that applied to the range and its operation at the
20 time of construction or initial operation of the range.

21 (4) Rules or regulations adopted by any state
22 department or agency for limiting levels of noise in terms of
23 decibel levels which may occur in the outdoor atmosphere shall
24 not apply to a sport shooting range exempted from liability
25 under this act.

26 (5) A person who acquires title to or owns real
27 property adversely affected by the use of property with a
28 permanently located and improved sport shooting range shall
29 not maintain a nuisance action against the person who owns the
30 range to restrain, enjoin, or impede the use of the range
31 where there has not been a substantial change in the nature of

1 the use of the range. This section does not prohibit actions
2 for negligence or recklessness in the operation of a sport
3 shooting range or by a person using the range.

4 (6) A sport shooting range that is not in violation of
5 existing law at the time of the enactment of an ordinance
6 applicable to the sport shooting range shall be permitted to
7 continue in operation even if the operation of the sport
8 shooting range does not conform to the new ordinance or an
9 amendment to an existing ordinance.

10 (7) Each person who participates in sport shooting at
11 a sport shooting range accepts the risks associated with the
12 sport to the extent that the risks are obvious and inherent.
13 Those risks include, but are not limited to, injuries that may
14 result from noise, discharge of a projectile or shot,
15 malfunction of sport shooting equipment not owned by the sport
16 shooting range, natural variations in terrain, surface or
17 subsurface snow or ice conditions, bare spots, rocks, trees,
18 and other forms of natural growth or debris.

19 (8) Except as otherwise provided in this act, this act
20 shall not prohibit a local government from regulating the
21 location and construction of a sport shooting range after the
22 effective date of this act.

23 Section 2. This act shall take effect upon becoming a
24 law.

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HOUSE SUMMARY

Defines "sport shooting range" for purposes of the act.
Provides exemption from civil liability and criminal
prosecution for owners and users of sport shooting ranges
with respect to noise pollution resulting from the
operation of the range under certain circumstances.
Exempts sport shooting ranges from specified rules and
regulations. Prohibits certain nuisance actions against
sport shooting ranges. Provides for the continued
operation of sport shooting ranges under specified
circumstances.