

By Senator Bronson

18-1520-99

See HB 937

1                                   A bill to be entitled  
2           An act relating to civil actions against  
3           manufacturers and dealers of firearms; creating  
4           s. 790.331, F.S.; prohibiting civil actions  
5           against manufacturers and dealers of firearms  
6           and ammunition under certain circumstances;  
7           providing legislative findings; providing  
8           conditions to sue on behalf of the state for  
9           its agencies and instrumentalities, or on  
10          behalf of a county, municipality, town, special  
11          purpose district, or any other political  
12          subdivision of the state; providing  
13          application; providing penalties; providing for  
14          expenses to be awarded in certain civil  
15          actions; providing for application; providing  
16          an effective date.

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

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20           Section 1. Section 790.331, Florida Statutes, is  
21          created to read:

22           790.331 Prohibition of civil actions against  
23          manufacturers and dealers of firearms and ammunition.--

24           (1) The Legislature finds and declares that the  
25          manufacture and sale of firearms by manufacturers and dealers  
26          duly licensed by the appropriate federal and state authorities  
27          is a lawful activity and is not unreasonably dangerous, and  
28          further finds that the unlawful use of firearms and  
29          ammunition, rather than their lawful manufacture,  
30          distribution, or sale, is the proximate cause of injuries  
31          arising from their unlawful use.

1           (2) Except as permitted by this section, the right and  
2 authority to sue a firearms manufacturer, firearms trade  
3 association, or firearms dealer on behalf of the state or its  
4 agencies and instrumentalities, or on behalf of a county,  
5 municipality, town, special purpose district, or any other  
6 political subdivision of the state, for damages, abatement, or  
7 injunctive relief resulting from or arising out of the lawful  
8 design, marketing, or sale of firearms to the public is  
9 prohibited.

10           (3) No county, municipality, town, special purpose  
11 district, or other political subdivision of the state may sue  
12 or recover from a firearms manufacturer, firearms trade  
13 association, or firearms dealer damages, abatement, or  
14 injunctive relief in cases arising out of or resulting from  
15 the lawful design, marketing, or sale of firearms to the  
16 public.

17           (4) This section shall not prohibit an action against  
18 a firearms manufacturer or dealer for breach of contract or  
19 warranty in connection with firearms purchased by the county,  
20 municipality, special purpose district, or other political  
21 subdivision or agency of the state.

22           (5) This section shall not prohibit actions for  
23 injuries resulting from a firearm malfunction due to defects  
24 in design or manufacture.

25           (6)(a) For the purposes of this section, the potential  
26 of a firearm to cause serious injury, damage, or death as a  
27 result of normal function does not constitute a defective  
28 condition of the product.

29           (b) A firearm may not be deemed defective on the basis  
30 of its potential to cause serious injury, damage, or death  
31 when discharged legally or illegally.

1           (7)(a) Any official, agent, or employee of a county,  
2 municipality, town, special purpose district, or other  
3 political subdivision or agent of the state, while he or she  
4 was acting in his or her official capacity and within the  
5 scope of his or her employment or office, who willfully and  
6 knowingly brings or is party to bringing an action in  
7 violation of this section commits a felony of the third  
8 degree, punishable as provided in s. 775.082 and s. 775.083.

9           (b) Any civil action brought in violation of this  
10 section shall entitle the defendant to recover all expenses  
11 resulting from such action from the person, persons, and/or  
12 unit of government bringing such action.

13           (c) In any civil action where the court finds that the  
14 defendant is immune as provided in this section, the court  
15 shall award the defendant all attorney's fees, and costs and  
16 compensation for loss of income, plus any and all expenses  
17 incurred as a result of such action.

18           Section 2. This act shall apply to any action pending  
19 on, or brought on or after, the effective date of this act.

20           Section 3. This act shall take effect upon becoming a  
21 law.

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HOUSE SUMMARY

Provides that the right and authority to sue a firearms manufacturer, or firearms dealer on behalf of the state or its agencies and instrumentalities, or on behalf of a county, municipality, town, special purpose district, or any other subdivision of the state for damages, abatement, or injunctive relief resulting from or arising out of the lawful design, marketing, or sale of firearms to the public is prohibited. Provides exceptions. Provides that any official, agent, or employee of a county, municipality, town, special purpose district, or other political subdivision or agent of the state, while he or she is acting in his or her official capacity and within the scope of his or her employment or office, who willfully and knowingly brings or is party to bringing an action in violation of the act commits a felony of the third degree. Provides for the award of expenses and attorney's fees in described civil actions. See bill for details.