

By Representative Albright

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 an effective date.

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

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

21 790.331 Prohibition of civil actions against
22 manufacturers and dealers of firearms and ammunition.--

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

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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 take effect upon becoming a
19 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.