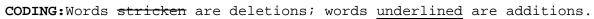
Florida House of Representatives - 1999 By Representative Albright

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 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.



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HB 937

Florida House of Representatives - 1999 66-216A-99

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.
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CODING:Words stricken are deletions; words <u>underlined</u> are additions.

Florida House of Representatives - 1999 66-216A-99

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	<u>,</u>
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 th	le
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 pendir	g
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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2	HOUSE SUMMARY
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4	Provides that the right and authority to sue a firearms manufacturer, or firearms dealer on behalf of the state
5	or its agencies and instrumentalities, or on behalf of a county, municipality, town, special purpose district, or
6	any other subdivision of the state for damages, abatement, or injunctive relief resulting from or arising
7	out of the lawful design, marketing, or sale of firearms to the public is prohibited. Provides exceptions.
8	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
9	he or she is acting in his or her official capacity and within the scope of his or her employment or office, who
10	willfully and knowingly brings or is party to bringing an action in violation of the act commits a felony of the
11	third degree. Provides for the award of expenses and attorney's fees in described civil actions. See bill for
12	details.
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