

By Representative Albright

1 A bill to be entitled
2 An act relating to civil actions; creating s.
3 790.331, F.S.; providing legislative findings
4 with respect to the lawful manufacture,
5 distribution, and sale of firearms and
6 ammunition; prohibiting civil actions on behalf
7 of the state or other political subdivision
8 against manufacturers, distributors, and
9 dealers of firearms or ammunition and firearms
10 trade associations; providing for actions for
11 breach of contract or warranty; providing for
12 actions for injuries resulting from defects in
13 design or manufacture; providing that the
14 potential of firearms or ammunition to cause
15 serious injury, damage, or death does not
16 constitute a defective condition; providing for
17 the award of expenses in certain civil actions;
18 providing an exception; providing for
19 application of the act; prohibiting civil
20 actions on behalf of the state or other
21 political subdivision against manufacturers,
22 distributors, and dealers of lawful products;
23 providing for actions for breach of contract or
24 warranty; providing for actions for injuries
25 resulting from defects in design or
26 manufacture; providing that the potential of a
27 lawful product to cause serious injury, damage,
28 or death does not constitute a defective
29 condition; providing an effective date.
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31 Be It Enacted by the Legislature of the State of Florida:

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

3 790.331 Prohibition of civil actions against firearms
4 or ammunition manufacturers, firearms trade associations,
5 firearms or ammunition distributors, or firearms or ammunition
6 dealers.--

7 (1) The Legislature finds and declares that the
8 manufacture, distribution, or sale of firearms and ammunition
9 by manufacturers, distributors, or dealers duly licensed by
10 the appropriate federal and state authorities is a lawful
11 activity and is not unreasonably dangerous, and further finds
12 that the unlawful use of firearms and ammunition, rather than
13 their lawful manufacture, distribution, or sale, is the
14 proximate cause of injuries arising from their unlawful use.

15 (2) Except as permitted by this section, a legal
16 action against a firearms or ammunition manufacturer, firearms
17 trade association, firearms or ammunition distributor, or
18 firearms or ammunition dealer on behalf of the state or its
19 agencies and instrumentalities, or on behalf of a county,
20 municipality, special district, or any other political
21 subdivision or agency of the state, for damages, abatement, or
22 injunctive relief resulting from or arising out of the lawful
23 design, marketing, distribution, or sale of firearms or
24 ammunition to the public is prohibited. However, this
25 prohibition does not infringe upon the right of a natural
26 person to sue a firearms or ammunition manufacturer, firearms
27 trade association, firearms or ammunition distributor, or
28 firearms or ammunition dealer in any other capacity.

29 (3) A county, municipality, special district, or other
30 political subdivision or agency of the state may not sue for
31 or recover from a firearms or ammunition manufacturer,

1 firearms trade association, firearms or ammunition
2 distributor, or firearms or ammunition dealer damages,
3 abatement, or injunctive relief in any case that arises out of
4 or results from the lawful design, marketing, distribution, or
5 sale of firearms or ammunition to the public.

6 (4) This section does not prohibit an action against a
7 firearms or ammunition manufacturer, distributor, or dealer
8 for:

9 (a) Breach of contract or warranty in connection with
10 a firearm or ammunition purchased by a county, municipality,
11 special district, or other political subdivision or agency of
12 the state.

13 (b) Injuries resulting from the malfunction of a
14 firearm or ammunition due to a defect in design or
15 manufacture.

16 (5)(a) For the purposes of this section, the potential
17 of a firearm or ammunition to cause serious injury, damage, or
18 death as a result of normal function does not constitute a
19 defective condition of the product.

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

23 (6)(a) If a civil action is brought in violation of
24 this section, the defendant may recover all expenses resulting
25 from such action from the governmental entity bringing such
26 action.

27 (b) In any civil action where the court finds that the
28 defendant is immune as provided in this section, the court
29 shall award the defendant all attorney's fees, costs and
30 compensation for loss of income, and expenses incurred as a
31 result of such action.

1 (c) This subsection does not apply to an action
2 pending on the effective date of this section which is
3 withdrawn within 30 days after the effective date of this
4 section.

5 (7) This section applies to any action pending on, or
6 brought on or after, the effective date of this section.

7 Section 2. (1) The Legislature finds and declares
8 that the manufacture, distribution, and sale of lawful
9 products by persons or entities not prohibited from doing so
10 are lawful activities and are not unreasonably dangerous.

11 (2) Except as permitted by this section, the right and
12 authority to sue any person, including a manufacturer,
13 distributor, dealer, or trade association, on behalf of the
14 state or its agencies and instrumentalities, or on behalf of a
15 county, municipality, special district, or any other political
16 subdivision or agency of the state, for damages, abatement, or
17 injunctive relief resulting from or arising out of the lawful
18 design, marketing, distribution, or sale of lawful products to
19 the public is prohibited.

20 (3) A county, municipality, special district, or other
21 political subdivision or agency of the state may not sue or
22 recover from any person, including a manufacturer,
23 distributor, dealer, or trade association, any damages,
24 abatement, or injunctive relief in cases arising out of or
25 resulting from the lawful design, marketing, distribution, or
26 sale of lawful products to the public.

27 (4) This section does not prohibit an action against
28 any person for:

29 (a) Breach of contract or warranty in connection with
30 a product purchased by the state, or by any county,
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1 municipality, special district, or other political subdivision
2 or agency of the state.

3 (b) Injuries resulting from a malfunction due to a
4 defect in design or manufacture.

5 (5)(a) For the purposes of this section, the potential
6 of a lawful product to cause serious injury, damage, or death
7 as a result of normal function, use, or consumption does not
8 constitute a defective condition of the product.

9 (b) A lawful product may not be deemed defective on
10 the basis of its potential to cause serious injury, damage, or
11 death when used or consumed legally or illegally.

12 Section 3. This act shall take effect upon becoming a
13 law.

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15 SENATE SUMMARY

16 Prohibits any action by, or on behalf of, the state or
17 other political subdivision for damages, abatement, or
18 injunctive relief resulting from the lawful design,
19 marketing, distribution, or sale of firearms or
20 ammunition to the public. Provides certain exceptions.
21 Provides that the potential of firearms or ammunition to
22 cause injury, damage, or death is not a defective
23 condition, whether the firearm or ammunition is
24 discharged legally or illegally. Provides for the award
25 of expenses and attorney's fees. Prohibits any action by,
26 or on behalf of, the state or other political subdivision
27 for damages, abatement, or injunctive relief resulting
28 from the sale of lawful products to the public. Provides
29 that the potential of a lawful product to cause injury,
30 damage, or death is not a defective condition. (See bill
31 for details.)