

By the Committee on Governmental Operations and
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; providing an effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 790.331 Prohibition of civil actions against firearms
27 or ammunition manufacturers, firearms trade associations,
28 firearms or ammunition distributors, or firearms or ammunition
29 dealers.--

30 (1) The Legislature finds and declares that the
31 manufacture, distribution, or sale of firearms and ammunition

1 by manufacturers, distributors, or dealers duly licensed by
2 the appropriate federal and state authorities is a lawful
3 activity and is not unreasonably dangerous, and further finds
4 that the unlawful use of firearms and ammunition, rather than
5 their lawful manufacture, distribution, or sale, is the
6 proximate cause of injuries arising from their unlawful use.
7 (2) Except as permitted by this section, a legal
8 action against a firearms or ammunition manufacturer, firearms
9 trade association, firearms or ammunition distributor, or
10 firearms or ammunition dealer on behalf of the state or its
11 agencies and instrumentalities, or on behalf of a county,
12 municipality, special district, or any other political
13 subdivision or agency of the state, for damages, abatement, or
14 injunctive relief resulting from or arising out of the lawful
15 design, marketing, distribution, or sale of firearms or
16 ammunition to the public is prohibited. However, this
17 prohibition does not infringe upon the right of a natural
18 person to sue a firearms or ammunition manufacturer, firearms
19 trade association, firearms or ammunition distributor, or
20 firearms or ammunition dealer in any other capacity.
21 (3) A county, municipality, special district, or other
22 political subdivision or agency of the state may not sue for
23 or recover from a firearms or ammunition manufacturer,
24 firearms trade association, firearms or ammunition
25 distributor, or firearms or ammunition dealer damages,
26 abatement, or injunctive relief in any case that arises out of
27 or results from the lawful design, marketing, distribution, or
28 sale of firearms or ammunition to the public.
29 (4) This section does not prohibit an action against a
30 firearms or ammunition manufacturer, distributor, or dealer
31 for:

1 (a) Breach of contract or warranty in connection with
2 a firearm or ammunition purchased by a county, municipality,
3 special district, or other political subdivision or agency of
4 the state.

5 (b) Injuries resulting from the malfunction of a
6 firearm or ammunition due to a defect in design or
7 manufacture.

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

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

15 (6)(a) If a civil action is brought in violation of
16 this section, the defendant may recover all expenses resulting
17 from such action from the governmental entity bringing such
18 action.

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

24 (c) This subsection does not apply to an action
25 pending on the effective date of this section which is
26 withdrawn within 30 days after the effective date of this
27 section.

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

30 Section 2. This act shall take effect upon becoming a
31 law.