

Bill No. SB 412

Amendment No. ____ Barcode 755000

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
. .
. .
. .
. .
. .

Senator Holzendorf moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

(1) The Legislature finds and declares that the manufacture, distribution, or sale of firearms concomitant with trigger locks, and ammunition by manufacturers, distributors, or dealers duly licensed by the appropriate federal and state authorities is a lawful activity and is not unreasonably dangerous, and further finds that the unlawful use of firearms and ammunition, rather than their lawful and responsible manufacture, distribution, or sale, is the proximate cause of injuries arising from their unlawful use.

Bill No. SB 412

Amendment No. ____ Barcode 755000

1 (2) Except as permitted by this section, a legal
2 action against a firearms or ammunition manufacturer, firearms
3 trade association, firearms or ammunition distributor, or
4 firearms or ammunition dealer on behalf of the state or its
5 agencies and instrumentalities, or on behalf of a county,
6 municipality, special district, or any other political
7 subdivision or agency of the state, for damages, abatement, or
8 injunctive relief resulting from or arising out of the lawful
9 design, marketing, distribution, or sale of firearms
10 concomitant with trigger locks, or ammunition to the public is
11 prohibited. However, this subsection does not preclude a
12 natural person from bringing an action against a firearms or
13 ammunition manufacturer, firearms trade association, firearms
14 or ammunition distributor, or firearms or ammunition dealer
15 for breach of a written contract, breach of an express
16 warranty, or injuries resulting from a defect in the
17 materials, workmanship in the manufacture of, or failure to
18 supply a trigger lock for a firearm or ammunition. Nothing
19 herein is intended to require the concomitant manufacture,
20 distribution, or sell of trigger locks in conjunction with
21 ammunition, but solely in conjunction with firearms.

22 (3) A county, municipality, special district, or other
23 political subdivision or agency of the state may not sue for
24 or recover from a firearms or ammunition manufacturer,
25 firearms trade association, firearms or ammunition
26 distributor, or firearms or ammunition dealer damages,
27 abatement, or injunctive relief in any case that arises out of
28 or results from the lawful design, marketing, distribution, or
29 sale of firearms concomitant with trigger locks, or ammunition
30 to the public.

31 (4) This section does not prohibit an action against a

Bill No. SB 412

Amendment No. ____ Barcode 755000

1 firearms or ammunition manufacturer, distributor, or dealer
2 for:

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

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

10 (c) The distribution or sale of firearms without a
11 concomitant distribution or sale of a trigger lock mechanism.

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

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

19 (6)(a) If a civil action is brought in violation of
20 this section, the defendant may recover all expenses resulting
21 from such action from the governmental entity bringing such
22 action.

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

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

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

Bill No. SB 412

Amendment No. ____ Barcode 755000

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 5-19, delete those lines

4

5 and insert:

6 distribution, and sale of firearms concomitant
7 with trigger locks, and ammunition; prohibiting
8 civil actions on behalf of the state or other
9 political subdivision against manufacturers,
10 distributors, and dealers of firearms or
11 ammunition and firearms trade associations;
12 specifying that the act does not preclude an
13 action by a person for breach of a contract or
14 warranty or for injuries resulting from a
15 defect in the manufacture of firearms or
16 ammunition; providing for actions by the state
17 or other political subdivision for breach of
18 contract or warranty; providing for actions for
19 injuries resulting from defects in design or
20 manufacture; providing for actions against for
21 failure to supply trigger locks concomitantly
22 with firearms; providing that the potential of

23
24
25
26
27
28
29
30
31