

By Senators Bronson and Garcia

18-344A-01

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; specifying that the act

11          does not preclude an action by a person for

12          breach of a contract or warranty or for

13          injuries resulting from a defect in the

14          manufacture of firearms or ammunition;

15          providing for actions by the state or other

16          political subdivision for breach of contract or

17          warranty; providing for actions for injuries

18          resulting from defects in design or

19          manufacture; providing that the potential of

20          firearms or ammunition to cause serious injury,

21          damage, or death does not constitute a

22          defective condition; providing for the award of

23          expenses in certain civil actions; providing an

24          exception; providing for application of the

25          act; providing an effective date.

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

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29           Section 1.   Section 790.331, Florida Statutes, is

30   created to read:

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1           790.331 Prohibition of civil actions against firearms  
2 or ammunition manufacturers, firearms trade associations,  
3 firearms or ammunition distributors, or firearms or ammunition  
4 dealers.--

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

13           (2) Except as permitted by this section, a legal  
14 action against a firearms or ammunition manufacturer, firearms  
15 trade association, firearms or ammunition distributor, or  
16 firearms or ammunition dealer on behalf of the state or its  
17 agencies and instrumentalities, or on behalf of a county,  
18 municipality, special district, or any other political  
19 subdivision or agency of the state, for damages, abatement, or  
20 injunctive relief resulting from or arising out of the lawful  
21 design, marketing, distribution, or sale of firearms or  
22 ammunition to the public is prohibited. However, this  
23 subsection does not preclude a natural person from bringing an  
24 action against a firearms or ammunition manufacturer, firearms  
25 trade association, firearms or ammunition distributor, or  
26 firearms or ammunition dealer for breach of a written  
27 contract, breach of an express warranty, or injuries resulting  
28 from a defect in the materials or workmanship in the  
29 manufacture of a firearm or ammunition.

30           (3) A county, municipality, special district, or other  
31 political subdivision or agency of the state may not sue for

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

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

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

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

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

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

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

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

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

5 Section 2. This act shall take effect upon becoming a  
6 law.

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9 SENATE SUMMARY

10 Prohibits any action by, or on behalf of, the state or  
11 other political subdivision for damages, abatement, or  
12 injunctive relief resulting from the lawful design,  
13 marketing, distribution, or sale of firearms or  
14 ammunition to the public. Provides certain exceptions.  
15 Provides that the potential of a firearm or ammunition to  
16 cause injury, damage, or death is not a defective  
17 condition, whether the firearm or ammunition is  
18 discharged legally or illegally. Provides for the award  
19 of expenses and attorney's fees. (See bill for details.)  
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