

By Representatives Bense and Paul

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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